CORINNA TOWNSHIP

BOARD OF ADJUSTMENT / PLANNING COMMISSION

MEETING PACKET FOR
December 13, 2016

Hometown | Planning

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
December 13, 2016

7:00 PM

1. Call to Order

2. Roll Call

3. Additions or Deletions to the Agenda

4. Public Hearings
    a. TABLED FROM NOVEMBER 2016 MEETING. Variance to enlarge footprint and add second story to an existing dwelling approximately 31 feet from Bass Lake (min. 75 ft required). Expanded home to be served by a holding tank (drainfield required for expansions).
        i. Applicant: Brent Scheideman
        ii. Property address: 10615 120TH ST NW, Annandale
        iii. Sec/Twp/Range: 5-121-27
        iv. Parcel number(s): 206000052101
    ~~b.~~ WITHDRAWN BY APPLICANT. ~~Variance to construct an approx. 1,188 sq ft second story addition above an existing split level home approx. 67 from Cedar Lake (min. 75 ft required) and approx. 7.9 feet from a side lot line (min. 15 ft required).~~
        ~~i. Applicant: James and Lynne Kuhn~~
        ~~ii. Property address: 8010 IRVINE AVE NW, Annandale~~
        ~~iii. Sec/Twp/Range: 22-121-27~~
        ~~iv. Parcel number(s): 206075000020~~
    c. Request to rezone an approx. 3.9 acre portion of the property from AG (General Agricultural) to B1 (Highway Business).
        i. Applicant: Charlene Donnelly
        ii. Property address: 9656 105TH ST NW, Annandale
        iii. Sec/Twp/Range: 9-121-27
        iv. Parcel number(s): 206000092400
    d. Variance to place a used garage approx. 34 feet from the centerline of a township road (min. 65 ft required). Conditional use permit to place a used garage on a residential lot.
        i. Applicant: Rex A. Osterbauer
        ii. Property address: None
        iii. Sec/Twp/Range: 25-121-27
        iv. Parcel number(s): 206017003010

5. Approve Previous Meeting Minutes
    a. November 9, 2016

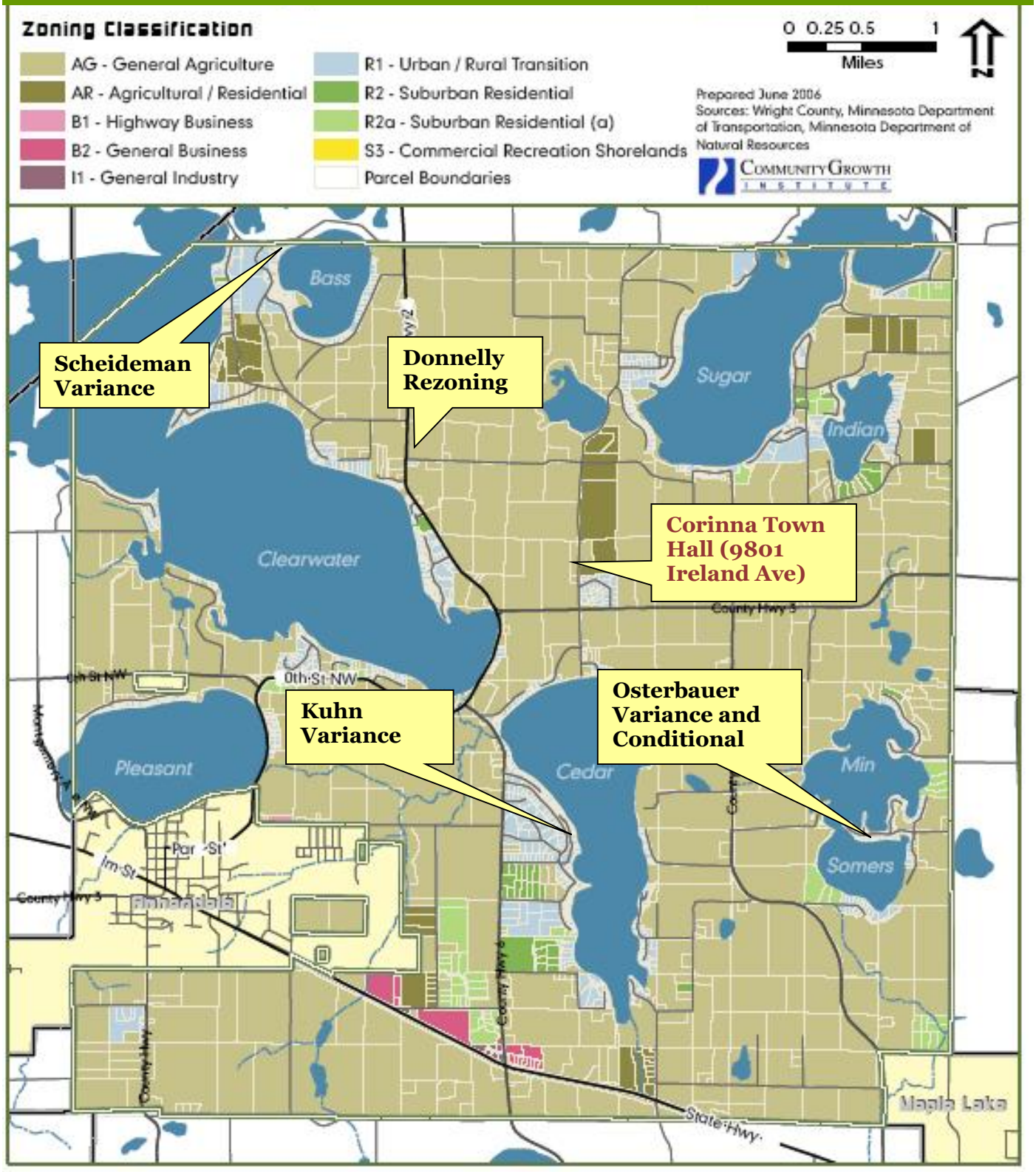
6. Zoning Administrator's Report
    a. Permits
    b. Correspondence
    c. Enforcement Actions
    d. Findings of Fact – Previous PC/BOA Decisions

7. Other Business
    a. Discussion - Erosion protection requirements and enforcement
    b. Review of previously granted variance requests (if time allows)

8. Adjournment

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

Corinna Township
Location Map for December 13, 2016 Public Hearing(s)



The parcels identified on this map are subject to public hearing.
The public hearing will be held at Corinna Town Hall
at 7:00 pm.

STAFF REPORT

Application: Variance to enlarge footprint and add second story to an existing dwelling approximately 31 feet from Bass Lake (min. 75 ft required). Expanded home to be served by a holding tank (drainfield required for expansions).

Applicant: Brent Scheideman

Agenda Item: 4(a)

Background Information:

- **Proposal:** *This application was tabled at the November 2016 meeting of the Board of Adjustment so that the applicant could seek out additional opinions on the installation of a drainfield on the property and/or to downsize the proposed enlargement of the home. The applicant has since obtained additional opinions from sewer designers (that a drainfield on the property is not feasible). No immediate changes have been proposed to the proposed house enlargement, although the applicant has discussed with Staff options for downsizing either the footprint or the scale of the second story loft.*

- The applicants are proposing to enlarge the existing 24' x 28' (672 sq ft) single story dwelling by enlarging the footprint to 24' x 41' (984 sq ft) and adding a lofted 16' x 22'6" second story living space (remainder of the upper level would not have any floor space). The proposed home would not be located any closer to the lake – the entire additional footprint would be to the opposite side of the existing dwelling.

  The proposal is to continue serving the enlarged dwelling with the existing 1,500 gallon holding tank. Enlargement of dwellings that are served by holding tanks is prohibited by ordinance and, in addition to the lake setback requirements, is the reason for the variance request. The owner has submitted a letter from a licensed sewer designer indicating that a drainfield on the property is not feasible.

- **Location:**
  - Property address: 10615 120TH ST NW
  - Sec/Twp/Range: 5-121-27
  - Parcel number(s): 206000052101

- **Zoning:** R1 - Urban/Rural Transition/S2 - Residential-Recreational Shorelands, Bass Lake 86-234 (General Development lake)

- **Lot size:** Approx. 44,262 sq ft (1.02 acres) according to Beacon GIS estimate

  Existing Impervious Coverage:

  - Buildings: About 1,374 sq ft (3.1%)
  - Total: About 3,854 sq ft (8.7%)

  Proposed Impervious Coverage:

  - Buildings: About 1,830 sq ft (4.1%)
  - Total: About 4,310 sq ft (9.7%)

- **Septic System Status:** The property is served by an existing holding tank that was installed in 2015.

- **Natural Features:**
    - Floodplain: The existing and proposed structures are not within an identified floodplain. The ordinance, however, requires that the lowest floor of a dwelling be constructed at least four (4) feet above the highest known water level. That would require an elevation of 999.7 for the lowest floor of the new portion of the dwelling, at a minimum.
    - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat.
    - Wetlands: There is a wetland on the property between the existing storage building and the road. It would not appear to be impacted by the proposed dwelling addition, although Staff is checking to make sure on wetland boundaries with SWCD.

- **Permit History:**
    - 1920 – apparent date the existing home was constructed on the lot (from Assessor's records)
    - 1987 – permit for 26' x 27' pole shed
    - 2015 – holding tank

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. **Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to

circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

(1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

(a) The granting of the variance will be in harmony with the County Land Use Plan.
(b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
(c) The plight of the owner is due to circumstances unique to the property not created by the owner.
(d) The proposal does not alter the essential character of the locality.
(e) The practical difficulty cannot be alleviated by a method other than a variance; and.
(f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

404. LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

(2) They have at least 20,000 square feet of area.

Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation shall not constitute proof of an adequate site for sanitary facilities.

The Board of Adjustment shall decide if lots smaller than 20,000 square feet may be used for dwelling sites in accord with Section 502.2. The expansion of the floor area of nonconforming residential uses on lots smaller than 20,000 square feet shall also be reviewed by the Board of Adjustment. Such expansion may be denied or limited by the Board when there is limited space for sewage treatment and/or no alternative sewage treatment site on the lot. The Board of Adjustment may note in its review that a nonconforming residential use should be used for seasonal use only, if adequate sanitary facilities for year-round occupancy cannot be provided. Holding tanks need not be considered as adequate sanitary facilities for year-round use. In no case shall the expansion of a nonconforming residential use exceed 50% of the assessed value of the original structure if a holding tank is the only available method for sewage treatment.

In determining if adequate sanitary facilities can be provided, the Board of Adjustment shall require that all standards in Section 716. Sewage Treatment and Disposal Standards be shown to be met. Due to the small lot size, and in areas where community water and sewer systems are not planned to be installed, the Board of Adjustment may require that proposals include a second location for a sewage treatment system. Proposals which can provide for only one site, and require a mound system or other alternative sewage treatment system shall not be considered as adequate sanitary facilities on lots which are predominantly low (less than 6 feet) in elevation above the Ordinary High Water Mark or water table. The total square footage of any proposed residence shall be limited by the Board on any lot where there is no alternative sewage treatment site available.

612. SHORELAND ZONING REGULATIONS

612.5 Shoreland Performance Standards

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

Structure setback from OWHL	75 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 ft.

716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

716.2 General Provisions

(12) Holding Tanks

(a) Holding tanks shall not be used as a sanitary system for a new residential dwelling. For conforming lots and structures, a holding tank may be used for expansions, alterations, additions, and improvements to existing dwellings so long as it does not exceed fifty (50) percent of the value of the existing structure as indicated in the records of the County Assessor, or fifty (50) percent of the footprint, whichever is more restrictive. Holding tanks may also be used for the exact replacement of an existing dwelling where no expansion in livable space occurs.

(b) Holding tanks shall only be used as a corrective action for sewage disposal for pre-existing uses where a full treatment system cannot be installed.

(c) Undeveloped lots of record on which a holding tank is the only practical means of sewage disposal are unsuitable for residential use.

(d) Holding tanks shall not be installed on undeveloped lots of record for recreational uses unless the lot has been found to be suitable for a dwelling and can support a full septic system.

(e) Holding tanks must have an alarm device for the prevention of overflow.

(f) An owner must have a current pumping contract signed by the owner and a licensed maintenance business. Records shall be kept to validate required pumping.

(g) A septic tank that is converted to a holding tank must be pumped and certified.

716.3 Site Evaluation and Design Requirements

Table 3
Minimum Setback Distances (Feet)

	Sewage or Holding Tank	Soil Treatment or Absorption Area	Building Sewer or Supply Pipes
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.

** The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.

*** For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.

**** The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment in the Wright County Zoning Ordinance.

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

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

   Needs discussion (lake setback): The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

   > "In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of

non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution."

The proposed lake setback for the house would not change from the existing setback and the height of the proposed dwelling would not exceed that allowed by ordinance, but the additional height would be a greater visual barrier (potentially) for neighboring properties and a greater visual impact from the lake. Meeting the required 75 ft lake setback would appear to be possible, but would either require variances from side yard setbacks or setbacks to the holding tank, or both.

No (expansion of dwelling on a holding tank): The spirit and intent of the ordinance (holding tank only for exact replacement of dwelling) is to help ensure that adequate sewage treatment is taking place on a lot when the home is likely to receive heavier use than it had previously (i.e. year-round vs. seasonal, additional space to allow additional persons to live in the dwelling than before and more space for guests than previously existed. While very small increases in a buildings footprint may at times be justifiable, the proposed dwelling would have twice the floor space as the existing dwelling.

2. **Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?**

   Needs discussion: The Comprehensive Plan states the following as strategies to "protect, preserve, and enhance lake water quality":

   - Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
     - Comment: If the additions are allowed, a stormwater plan to ensure protection of the lake and to manage stormwater in general is essential. The applicant has mentioned in their application that water drainage would be improved so as to keep water away from neighboring properties, but has not submitted specific plans as to how it would do so (presumably, directing roof water via gutters would be the primary method, although the lot being so low and flat would limit the options for stormwater management practices.
   - Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
     - Comment: The application would not appear to require the removal of any trees.
   - Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate

agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.

- Comment: See comments above.

- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

  - Comment: It does not appear that any significant grading will be necessary to construct the proposed house if it is done in the location of the current house. Fill may be needed to raise the foundation to the required elevation above the highest known water level of the lake. The area of fill would be close to the lake and proper erosion and sediment control measures would be essential to protect the lake until the area is stabilized as well as care to not create drainage issues for neighboring properties.

3. **Is the proposed use of the property reasonable?**

   Needs discussion (all requested variances): The desire to have a larger house is reasonable in that the existing dwelling is very small (although slightly larger than the minimum sized hours required by ordinance). However, given the limitations of the lot in terms of the lake setback and the ability to provide a full sewer system, an expansion of the existing house by two times the existing floor space (and almost 1.5 times in terms of footprint) is less reasonable.

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

   Yes: The need for the variances is due largely to the location of the existing house (built around 1920) and the small size of the lot. The depth to groundwater and suitability (or lack thereof) for a sewer drainfield is also a consideration.

5. **Will the variance, if granted, alter the essential character of the locality?**

   Needs discussion: The homes on either side of the proposed home are both small one story homes and in that sense the character of the area would change given the taller and larger nature of the proposed home. There are, however, other two-story homes in the immediate area.

6. **Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

   No: The need for the variance is due to other factors mentioned in #4 above.

7. **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

   Needs discussion: Unless the existing home is torn down completely, any addition to that home would need the variances requested. A sewer system may be possible on the lot, but given the very high water table it would require a Type IV sewer system with some form of pre-treatment. A small house addition

would also be feasible, given that the proposal is to more than double the existing floor space.

8. **Will the granting of the variance adversely affect the environmental quality of the area?**

   Needs discussion: The proposal would place more building coverage in close proximity to the lake and options for treating stormwater before entering the lake appear limited due to a high water table. Still, there are some options for water treatment (e.g. rain barrels and grading of the land) to allow for as much infiltration or treatment as possible before entering the lake.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact noted above, and the professional opinions submitted thus far indicating that a drainfield is not feasible, Staff notes that the primary issue seems to be whether the Township will allow any kind of enlargement of a dwelling in such situations or if it prefers that dwellings on such lots be limited to replacement only.

On the one hand, the applicant appears to legitimately not have the option of installing a drainfield due to the very high water table and the location of wells around them. As such, the question would seem to become what is the minimum sized dwelling that should be allowed in such situations. The ordinance requires at least a 24' x 24' dwelling and the existing dwelling is 24' x 28'.

On the other hand, the lot is clearly limited to a holding tank and as such it has been long-standing County and Township policy to only allow very minor additions to a dwelling in such situations.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. That the applicant reduce the "second story" addition to that that would be allowed without being considered an enlargement as per Township policy (no more than a 6/12 roof pitch, a one foot increase in sidewall height, no more than 6 ft ceiling height in the upper level except for a 120 sq ft area).

OR

2. That the footprint be limited to what it is now and the second story lofted area be allowed as requested.

AND/OR

3. That the number of bedrooms in the home be limited to what it is now (2 bedrooms).

4. That the applicant has a pumping agreement and submits the required records of pumping activity on at least an annual basis.
5. 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 any areas of disturbance (if there will be any) 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, hydroseed or other forms of temporary cover until vegetation is re-established.
6. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to ensure no new negative impacts on neighboring properties are created as a result of this or related projects. 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 and maintained indefinitely.

Application # V16-022	Date Application Rec'd 9/29/16	Fee Collected $ _____

(for office use only)

CORINNA TOWNSHIP
VARIANCE APPLICATION

Name of Applicant: Brent Scheideman

Property Address: 10615 120th Ave Annandale, MN 55302

Mailing Address (if different): 13624 Susan Circle

City: Becker State: MN Zip: 55308

Phone (home/work): 763-262-9811 Phone (cell/other): 763-244-4036

E-mail (optional): btscheideman@tds.net

Applicant is:		**Title Holder of Property** (*if other than applicant*)	
Legal Owner	☒	Name:	
Contract Buyer	☐	Address:	
Option Holder	☐	City, State, Zip:	
Agent	☐		
Other	☐	Please specify:	

Property ID #: (12 digit # on tax statement) 206-000052101 Lake Name (if applicable) Bass

Legal Description: (attach if necessary) attached

Signature of Legal Owner, authorizing application (required): Brent Sch
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

What type of variance are you requesting (check as many as apply)?

☐ 1 per 40 Division	☐ Road Setback	☐ Building/Impervious Coverage
☐ Lot Line Adjustment	☒ Lake or River Setback	☐ Height of Structure
☐ Undersized Lot	☐ Side or Rear Line Setback	☐ Septic System Setback
☐ Appeal of Staff Interpretation	☐ Bluff Setback	☒ Other expand on holding tank

REVISED: DECEMBER 2013

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at www.hometownplanning.com/corinna-township.html.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

1. What are you proposing for the property? State nature of request in detail:

   See drawing

2. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at www.hometownplanning.com/corinna-township.html).

   It would improve the quality of the property without setting any precedent.

3. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.hometownplanning.com/corinna-township.html).

   I see no challenges this project would pose for the Comprehensive plan.

4. Describe why you feel that your proposal is a reasonable use of the property.

   The project does not ask to go closer to Bass Lake. It improves the quality and presentation of the property. It is not threatening to the environment.

5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

The variance is needed to create more living space. The current cabin is 600 ft^2, a little cozy for a family of four hosting guests.

6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

The adjacent cabins (neighbors) on each side are, or recently have, improving their properties. One neighbor raised and updated their cabin height. The other knocked down a structure, with plans to build new.

7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

We could not have more liveable space w/out expanding.

8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

There will be no environmental effects that are negative. If any, we may help with better water drainage away from neighbors.

9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as $25 for $100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice: _____

10. Please include any other comments pertinent to this request.

10/4/16

Enclosed is check for variance application for Brent Scheideman at 10615 120th Ave NW Annandale.

As well, I enclosed the results of a sewer designer from Maple Lake to analyze the possibility of sewer designs.

Thank you,

Brent Scheideman

Minnesota Geotechnical Services, LLC

Comprehensive Earth Science Consulting

October 3, 2016

To Whom It May Concern:

This letter explains why the property at 10615 120TH ST NW, ANNANDALE MN is only capable of a TYPE II (Holding Tank) System.

Attached are maps and soils descriptions. These clearly show that the land that is the northwest half of the lot has either open water or a water table at 0", effectively the water is in the grass.

Chapter 7080, the state septic code is quite specific about not installing systems in an open water regime and discourages systems to be installed on soils that has the water table at grade. The holding tanks that were installed in the area and on this property in 2015 all have dirt bermed on top of the tank for the sole purpose of deflecting the buoyancy of the empty tank. In simple terms, without the extra soil the tank would pop out of the ground when pumped. These tanks are set in a water table that is at or very near grade.

The other obstacle in designing a full system, is the number of shallow wells. Any mound or other full system would have to be 100 feet from these wells. The problem with drilling deep wells are a 50-foot lake setback and a 50-ft setback from all existing septic systems and a well cannot be drilled in open water. Even then, the deep well has a setback to septic systems of 50 feet.

It is my professional opinion, as a septic designer, that this lot has no other option than a Type II system (Holding Tank).

Thank you for choosing Minnesota Geotechnical Services for your environmental needs.

Sincerely,

Mark Hayes

Mark Hayes
MPCA #L3203

POB 771 ◦ Maple Lake, MN 55358
Phone: 320-980-6218 ◦ www.mngeos.com

"BLACKWATER SYSTEMS"
BRENT D. MATTER
646 ROUNDHOUSE STREET
SHAKOPEE, MN 55379
bdmatter@outlook.com
(952) 250-1649

December 2, 2016

Brent Scheideman
13625 Susan Cir
Becker MN, 55308

RE: 10615 120th Street,
Annandale MN, 55302

Dear Mr Scheideman:

On Tuesday November 29th 2016 you spoke with me regarding the possibility of placing a Subsurface Sewage Treatment System (SSTS) at your cabin located at 10615 120th Street near Annandale Mn. I have reviewed your property records and adjacent properties. I also spoke with the Wright County Planning and Zoning Inspector Scott Deckert who inspected your holding tank installation on this property in 2015.

Scott informed me that there is no space available for a standard Type I SSTS system nor is there feasible space for a Type IV pretreatment device "and" a drainfield sized large enough to disperse your waste water for a two bedroom cabin. He also informed me that the water table is at or near the soil surface which is why he required your holding tank to be insulated and installed partially above ground to reduce the hydraulic pressure to prevent the tank from floating. Any pretreatment device would also have be installed and be placed partially above ground to prevent it from floating as well.

Based on this information above it is my professional opinion that you do not have enough space on this property for a pretreatment device and a drainfield. Additionally, all pretreatment devices require nearly continuous activity/usage to work properly. An aerobic tank for instance requires nearly daily nutrients (sewage) to maintain the living organisms that keep the system functioning properly. Filter devices such as peat or fabric have a high risk for freezing during the cold seasons therefore you would not be able to use the system during cold conditions.

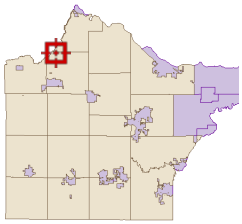
If you have any questions regarding anything that I have stated above please call me at 952-250-1649,

Sincerely,

Brent D. Matter
BlackWater Systems & Inspections Lic# 2003

Beacon™ Wright County, MN

Overview



Legend

Roads
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

Highways
- Interstate
- State Hwy
- US Hwy

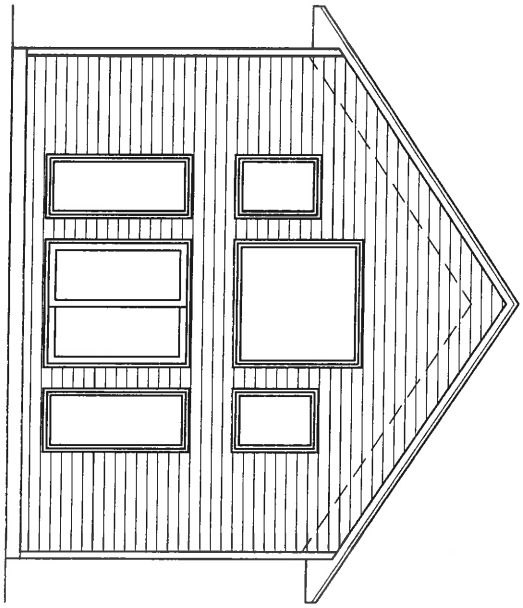
City/Township Limits
- c
- t

Parcels

Parcel ID	206000052101	**Alternate ID**	n/a	**Owner Address**	SCHEIDEMAN,BRENT A & TRICIA K
Sec/Twp/Rng	05-121-027	**Class**	151 - SEASONAL RES REC		13624 SUSAN CIR
Property Address	10615 120TH ST NW ANNANDALE	**Acreage**	n/a		BECKER, MN 55308
District	n/a				
Brief Tax Description	Sect-05 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP REV DESC NO 134 IN 160-287 (Note: Not to be used on legal documents)				

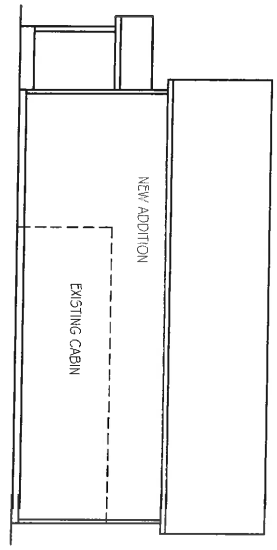
Date created: 10/27/2016
Last Data Uploaded: 10/27/2016 2:49:05 AM

Developed by
The Schneider Corporation



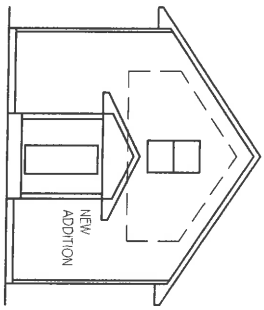
LAKE FRONT ELEVATION

1/4" = 1'-0"



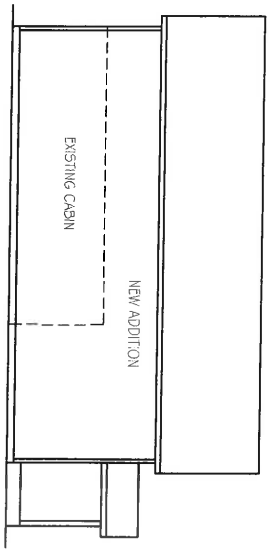
LEFT ELEVATION

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"



RIGHT ELEVATION

1/8" = 1'-0"

DISCLAIMER

IN PREPARATION OF THIS PLAN EVERY ATTEMPT HAS BEEN MADE TO AVOID MISTAKES. DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS AND BE RESPONSIBLE FOR THE SAME. THESE DESIGNS, CONCEPTS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND AS SUCH REMAIN THE EXCLUSIVE PROPERTY OF COUNTRY LUMBER AND ARE NOT TO BE COPIED WITHOUT THE WRITTEN CONSENT OF COUNTRY LUMBER.

COUNTRY LUMBER
DESIGN CENTER
12575 OAK VIEW AVE. BECKER, MN. 55308
PHONE: (763) 262-4750
FAX: (763) 262-4445
1-800-247-0295

DESIGN FOR:
HYTTSTEN HOMES
SHEIDEMAN CABIN

DRAWN BY: RK

CL#2016.256

P: 09/28/16
R:
R:
F:

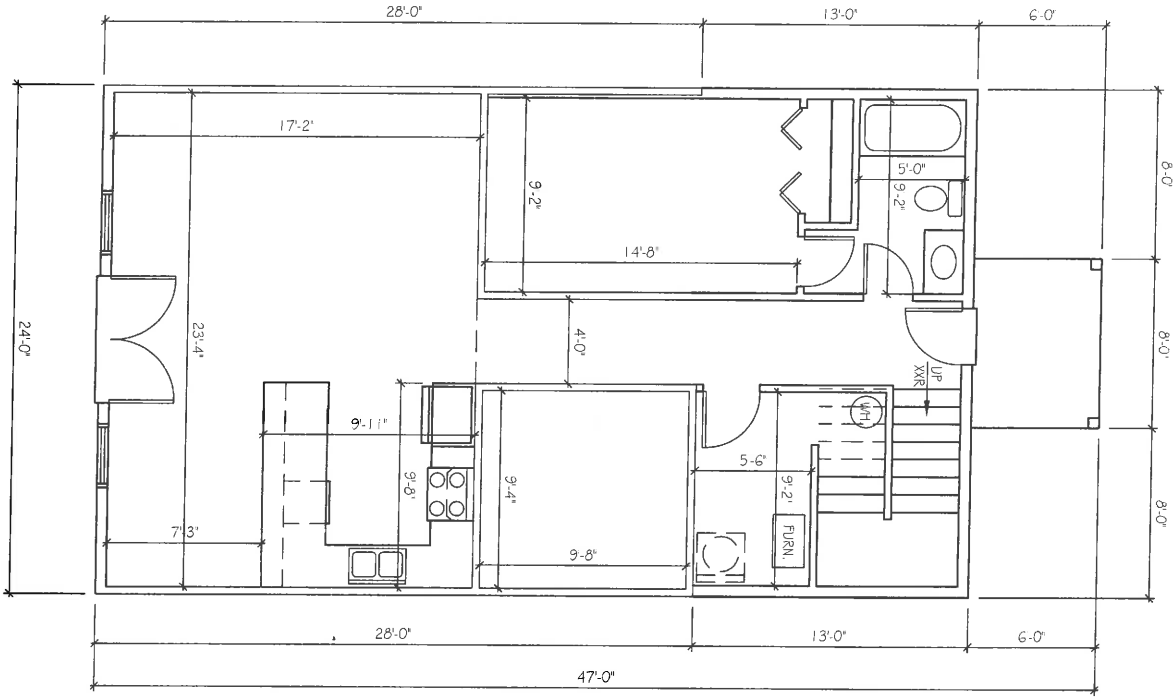
OF X

C:\Users\Roy\Desktop\Drawings\2016 Drawings\16.256 SCHIEDEMAN\ADDITION 4.dwg, 9/28/2016 8:33:04 AM, DWG To PDF.pc3

FIRST FLOOR PLAN

312 SFT. (NEW ADDITION)

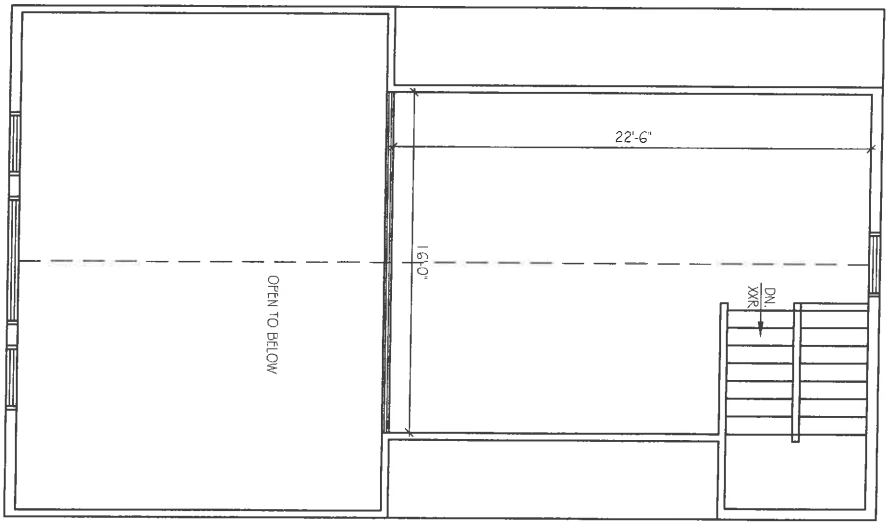
1/4" = 1'-0"



SECOND FLOOR PLAN

368 SFT. (HOUSE)

1/4" = 1'-0"



OF X

STAFF REPORT

Application: Request to rezone an approx. 3.9 acre portion of the property from AG (General Agricultural) to B1 (Highway Business).

Applicant: Charlene Donnelly

Agenda Item: 4(c)

Background Information:

- **Proposal:** The applicant is proposing to rezone an approximate 3.9 acre parcel out of an approximate 42 acre parcel from General Agricultural (AG) to Highway Business (B1). The parcel to be rezoned contains greenhouse/garden store that has been operating via a conditional use permit since 1990 and the owner wishes to split it off onto its own lot – separate from her home – pending approval of a rezoning by Corinna Township and Wright County.
- **Location:**
  - Property address: 9656 105TH ST NW
  - Sec/Twp/Range: 9-121-27
  - Parcel number(s): 206000092400
- **Existing Zoning:** AG - General Agriculture
- **Proposed Zoning:** B1 – Highway Business for 3.9 acres. The remainder would remain zoned AG.
- **Lot size:** Approx. 3.9 acres (after subtracting area that would be dedicated for township road purposes) to be rezoned. Total acreage from which it would be split is approximately 42 acres.
- **Septic System Status:** The greenhouse/garden store is served by a septic system installed in 1998. The home is served by a system installed in 1996/1997.
- **Natural Features:**
  - Floodplain: The property is not located within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
  - 1990 – Agricultural building
  - 1990 – CUP for nursery/retail supply business
  - 1996 – Single family dwelling
  - 1996 – Septic system
  - 1997 – 30′ x 96′ greenhouse

- 2000 – 30′ x 90′ greenhouse
- 2001 – 32′ x 48′ pole barn
- 2002 – 40′ x 48′ Ag building
- 2004 – 30′ x 64′ pole building
- 2004 – 16′ x 40′ inground pool

Applicable Statutes/Ordinances:

Corinna Township Zoning Ordinance

The subject property is current zoned "General Agriculture" (AG), which is given the following purpose in the Zoning Ordinance:

> 604. GENERAL AGRICULTURE AG
>
> 604.1 Purpose
>
> General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

The requested zoning classification is the following:

> 608. HIGHWAY BUSINESS DISTRICT B-1
>
> **608.1 Purpose**
>
> A B-1 District is established to accommodate those types of businesses that require an accessibility to highways to successfully function. To minimize unmanageable strip development, B-1 should only allow the type of businesses that absolutely require highway accessibility

Requests for Zoning Amendments, including amendments to the zoning map, are subject to Section 504 of the Corinna Township Zoning Ordinance:

504. ZONING AMENDMENTS[1]

County Control. All requests for rezoning within Corinna Township shall be made to Wright County and follow the procedures adopted by Wright County. The final decision to establish a zoning classification within Corinna Township shall belong to the Wright County Board of Commissioners.

Township Evaluation. If Wright County requests input from Corinna Township as part of a process to establish or modify zoning classifications within Corinna Township, the Township shall make a recommendation to the County only after consideration of the following criteria:

---

[1] Amended 10/21/08

A. Preservation of natural sensitive areas.

B. Present ownership and development.

C. Soil types and their engineering capabilities.

D. Topographic characteristics.

E. Vegetative cover.

F. Quality of the land for agricultural purposes.

G. In-water physical characteristics

H. Recreational use of surface water.

I. Road and service center accessibility.

J. Socio economic development needs of the public.

K. Availability of public sewer and water utilities.

L. The necessity to reserve and restore certain areas having significant historical or ecological value.

M. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.

N. Alternatives available for desired land use.

O. Prevention of spot zoning.

P. Conformance to the Corinna Township Comprehensive Plan.

Q. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.

Corinna Township Comprehensive Plan

The Corinna Township Comprehensive Plan (adopted in 2007) classifies the property and the surrounding properties in private ownership as appropriate for a future land use of "Rural Preservation", which is described as:

> **Commercial:** A land use designation to memorialize existing, low-intensity commercial development and to identify potential future low-intensity commercial growth areas along major growth corridors.

Surrounding lands are identified as "Commercial" (to the north, south and west) and "Rural Preservation" (on the east).

Wright County Comprehensive Plan

The Wright County Comprehensive Plan, just adopted in 2009, classifies the property as appropriate for "Agricultural", which is described as:

> **Commercial** Designates existing commercial areas and undeveloped land well suited to commercial development that does not require a significant level of

urban services. The purpose is to provide for limited commercial development in areas that are especially well suited to such use. Existing land types may include areas near major highway interchanges, existing service centers (unincorporated communities) or adjacent to urban commercial areas. Appropriate zoning may include the B-l or B-2 district.

Surrounding lands are identified as either "Commercial", "Limited Industrial", "Agricultural" or "Residential – Large Lot".

Staff Findings: Staff proposes the following findings for consideration by the Planning Commission, based on the criteria for making zoning amendments in Section 504 of the Corinna Township Zoning Ordinance:

1. **Preservation of natural sensitive areas.**
   - The subject property does not appear to contain any significant sensitive natural areas.
2. **Present ownership and development.**
   - The lot requested for rezoning (containing the greenhouse/garden store) is owned in common with the remainder of the land, which has the applicant's home on it.
3. **Soil types and their engineering capabilities.**

   The Wright County Soil Survey identifies the area to be rezoned as having soils suitable for development, including basements.
4. **Topographic characteristics.**
   - The site is relatively flat.
5. **Vegetative cover.**
   - The site has a few stands of trees that appear to have been planted.
6. **Quality of the land for agricultural purposes.**
   - The entirety of the land to be rezoned is identified as "Farmland of statewide importance" according to the Wright County Soil Survey. However, the site has been developed as a greenhouse/garden store since around 1990.
7. **In-water physical characteristics.**
   - N/A
9. **Recreational use of surface water.**
   - N/A
10. **Road and service center accessibility.**
    - The property is served adequately with roadways (a gravel township road located directly off of State Highway 24.

11. **Socio economic development needs of the public.**

    - The area is currently being used for a commercial greenhouse/garden store and the rezoning would allow for this use to continue.

12. **Availability of public sewer and water utilities.**

    - The area does not have public sewer or water utilities. Properties are served by private sewer and water.

13. **The necessity to reserve and restore certain areas having significant historical or ecological value.**

    - The property does not appear to have any particular unique historical or ecological value.

14. **Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.**

    - The property to be rezoned has been used commercially since at least 1990/1991 and the property directly to the south has also been used commercially as a bar/restaurant for many years. Land to the east is used agriculturally.

15. **Alternatives available for desired land use.**

    - The alternative land use for this property is essentially just to remain being used as it currently is – as a large residential lot with a commercial business permitted by conditional use.

16. **Prevention of spot zoning.**

    - Both the Corinna Township and Wright County future Land Use Plans identify this area as appropriate for commercial uses. In addition, the site proposed for rezoning and the property across the Township road to the south have both had commercial uses for many years.

16. **Conformance to the Corinna Township Comprehensive Plan.**

    - The Comprehensive Plan of Corinna Township identifies this property as appropriate for commercial use.

17. **Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.**

    - See answers to #15 and 16 above.

Planning Commission Direction: The Planning Commission can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the findings of fact identified above, Staff recommends approval of the requested rezoning.

CORINNA TOWNSHIP
ORDINANCE/ZONING MAP AMENDMENT APPLICATION

Name of Applicant Charlene Donnelly Phone 612-518-3468

Property Address (E911#) 9706-105th St NW

Mailing Address 9656-105th St NW (if different than above) Local Phone _____ (if different than above)

City, State, Zip Annandale, MN 55302

Applicant is:
Legal Owner (X)
Contract Buyer ( )
Option Holder ( )
Agent ( )
Other _____

Title Holder of Property *(if other than applicant)*
_____
(Name)
_____
(Address)
_____
(City, State, Zip)

Signature of Legal Owner, authorizing application (required): Charlene F. Donnelly
By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Legal description of property involved in this request, including total acreage:

4acres/gardencenter Nosurvey as yet

Property ID # 000092400 Zoning District Corinna
(12 digit # beginning with 206)

Nature of request (select only one):

- ☐ Zoning Ordinance Amendment
- ☒ Subdivision Ordinance Amendment
- ☐ Zoning Map Amendment
- ☐ Comprehensive Plan Amendment

List section(s) to be amended: Garden Center

Current Zoning C Proposed Zoning _____

Note: Applications for ordinance/zoning map amendments must be approved by Wright County if the zoning would be less restrictive than current zoning (i.e. would allow a higher density of homes or would change from residential to commercial or industrial). For these applications, Corinna Township provides a recommendation to Wright County. Applicants are responsible for contacting Wright County to be placed on their agenda.

Please describe the proposed amendment, stating the exact language change proposed or the current and proposed zoning districts (attach separate page, if needed):

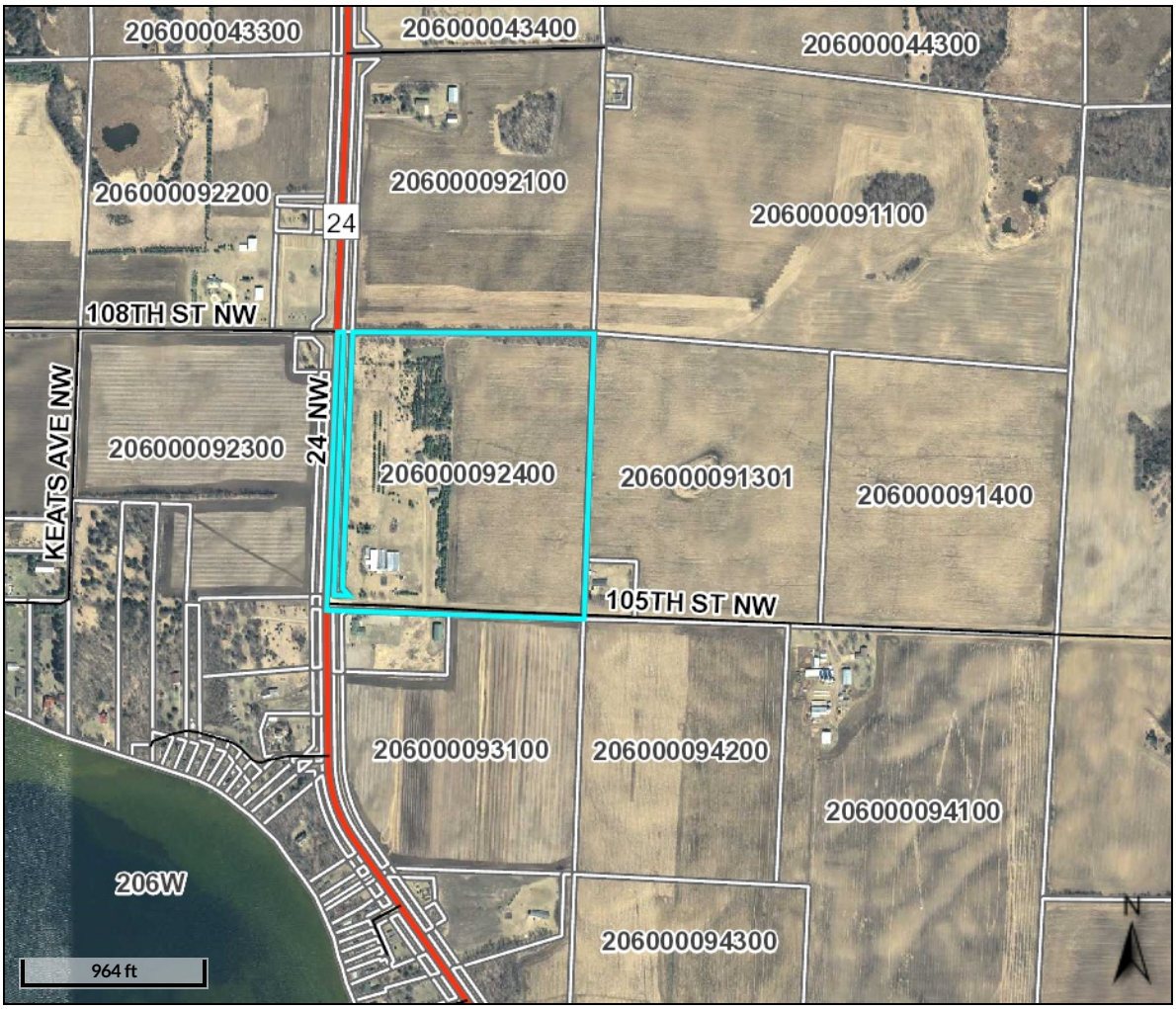
I am proposing that 4 acres, which includes Gardendale Garden Center, rezoned and separated from my existing property. My goal is to separate and sell the garden center.

Please outline why you consider the proposed amendment to be consistent with the goals and policies of the Corinna Township and Wright County Comprehensive Plans (copies of the Comprehensive Plan are available at the Township Office and at www.hometownplanning.com/corinna-township.html).

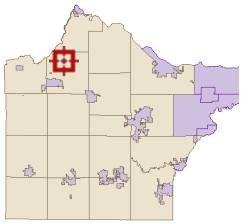
Since the use of the land will not change and will remain as a garden center, it will continue to meet the goals of the Comprehensive Plan. There will not be any environmental changes to the land, and the rural character of the land will be preserved.

Please state any other relevant information and/or attach any supporting information:

Beacon™ Wright County, MN



Overview



Legend

Roads
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

Highways
- Interstate
- State Hwy
- US Hwy

City/Township Limits
- c
- t

Parcels

Parcel ID	206000092400	**Alternate ID**	n/a	**Owner Address**	n/a
Sec/Twp/Rng	09-121-027	**Class**	101 - AGRICULTURAL		
Property Address	9656 105TH ST NW ANNANDALE	**Acreage**	41.97		
District	n/a				
Brief Tax Description	Sect-09 Twp-121 Range-027 UNPLATTED LAND CORINNA TWP 41.97 AC SE1/4 OF NW1/4 EX TH PRT SHWN AS PARCEL 8 ON MNDOT R/W PLAT NO.86-90 (206124-000080) (Note: Not to be used on legal documents)		

Date created: 12/6/2016
Last Data Uploaded: 12/6/2016 2:40:32 AM

Developed by
The Schneider Corporation

I will be providing a description to Wright County to rezone the area highlighted with green. I will also note that the area is to be platted as Lot 1, Block 1, in the future. Lot 1, Block 1 is noted in pink. You will dedicate the road ROW and the area I pink ended up being 3.9 acres. I left approx. 100 ft east of the buildings which accounts for the 60 foot future building (I couldn't see the pad on the GIS aerial) and the 20 ft building setback for that future lot line. I am headed out of the office for meetings at 1PM today. I will be in the office tomorrow to draft the description so let me know if this works for you.
Thanks

Shannon Bollman, PS
Project Manager
sbollman@bogart-pederson.com

Bogart, Pederson & Associates
13076 First Street
Becker MN 55308

Office (763) 262-6822
Cell (320) 241-9452

Bogart, Pederson
& Associates, Inc.
(AND SURVEYING
CIVIL ENGINEERING
MAPPING)

YOUR PROPERTY LINES
TO BE PLATTED ~~(EXCL~~ (APPROX 3.9 ACRES)
TO BE REZONED

Ben Oleson

From: Mason, Jonathon (DOT)
Sent: Friday, December 2, 2016 10:58 AM
To: Jean Just
Cc: Ben Oleson; Corinna Township Clerk; Schmidt, Kevin (DOT); Renn, Mark (DOT); Voss, Steven (DOT)
Subject: RE: 9706 105th St NW Annandale- Public Hearing Notice

Jean,

Thank you for providing this information. MnDOT has access control along this stretch of Hwy 24 and would not permit new access to the property. The Township and property owner(s) should consider dedicating a frontage road easement if plans are to add commercial businesses between 105th Street and 108th Street NW.

It appears that the approximate 4 acres of the Garden Center will be platted. When available, please send a copy of the Preliminary Plat for a review of the survey work and other items.

Thank you,

Jon Mason
MnDOT District 3
Senior Planner
7694 Industrial Park Road
Baxter, Mn 56425
(218) 828-5780
Jon.mason@state.mn.us

From: Jean Just [mailto:jean@CorinnaTownship.com]
Sent: Friday, December 02, 2016 8:12 AM
To: Mason, Jonathon (DOT) <jon.mason@state.mn.us>
Cc: Ben Oleson <oleson@hometownplanning.com>; Corinna Township Clerk <clerk@corinnatownship.com>
Subject: RE: 9706 105th St NW Annandale- Public Hearing Notice

Attached is a drawing of the area to be rezoned. It is currently a Garden Center. She is looking at splitting the garden center off from her residential property.

If you have any additional questions you can contact our Zoning Administrator Ben Oleson

Thanks,
Jean Just
Deputy Clerk/Treasurer
Corinna Township
9801 Ireland Ave NW
Annandale MN 55302
320-274-8049 phone
320-274-3792 fax

STAFF REPORT

Application: Variance to place a used garage approx. 34 feet from the centerline of a township road (min. 65 ft required). Conditional use permit to place a used garage on a residential lot.

Applicant: Rex A. Osterbauer

Agenda Item: 4(d)

Background Information:

- **Proposal:** The applicants are proposing to place a 22' x 32' detached garage on their property located approximately 34 feet from the centerline of the Township road (min. 65 ft required). The setback to the lake would also be met at approximately 110-112 feet from Somers Lake (min. 100 ft required). The placement of the garage also requires a conditional use permit as it is an existing "used" garage that had been located on a nearby property until it was recently removed to make room for a replacement garage.

  The applicant has mentioned to Staff that they would also like the ability to construct a 10 ft lean-to addition to the lake side of the proposed garage, still to meet the required lake setback.

- **Location:**
  - Property address: None (east of 6519 80th Street NW)
  - Sec/Twp/Range: 25-121-27
  - Parcel number(s): 206017003010

- **Zoning:** R1 - Urban/Rural Transition/S2 - Residential-Recreational Shorelands, Somers Lake 86-230 (Recreational Development lake)

- **Lot size:** Approx. 14,811 sq ft (0.34 acres) according to Beacon GIS estimate. The applicant also owns two adjacent/nearby lots totally another approximately 31,000 sq ft.

  Existing Impervious Coverage: minimal – one small shed

  Proposed Impervious Coverage: (does not include any parking area)

  - Buildings: About 700-1000 sq ft (4.7-6.7%)
  - Total: About 700-1000 sq ft (4.7-6.7%)

- **Septic System Status:** The property does not currently contain a sewer system.

- **Natural Features:**
  - Floodplain: The property is not located in an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a very steep slope at the shoreline of Somers Lake, but the area where the garage would be placed is flat.

- Wetlands: There do not appear to be any wetlands that would impact this proposal.
- Current Shoreline Conditions: Wooded, steep slope.

Permit History:

- None

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. **Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

(1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

(a) The granting of the variance will be in harmony with the County Land Use Plan.
(b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
(c) The plight of the owner is due to circumstances unique to the property not created by the owner.
(d) The proposal does not alter the essential character of the locality.
(e) The practical difficulty cannot be alleviated by a method other than a variance; and.
(f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

605. URBAN/RURAL TRANSITIONAL R-1

605.5 Performance Standards

(2) Front Yard Regulations:

(a) Required Setback Distance

Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline for Livestock Buildings	Road Class
65	100	Local Street (Twp. Rd.)

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from the right-of-way line. The calculation of the average setback shall not count lots without a permanent

building on the lot. All measurements shall be to the building location even where such buildings exceed the required setback.

718. RELOCATION OF STRUCTURES

A conditional use permit shall be required for all permanent relocation of residence and for the relocation of any building requiring a permit in residential areas. Relocated sheds, farm buildings, cribs and other farm structures onto farms do not require a conditional use permit.

Relocation of construction sheds to be located on a lot for less than eighteen (18) months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure to be moved and proposed site plan of the lot on which the structure is to be located. The Planning Commission shall also require a map indicating location of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with structures and uses on surrounding lots. If the Planning Commission decides that relocation of the structure would depreciate the value of structures or lots surrounding the lot upon which it is to be moved, then the permit shall be denied. The relocation of railroad cars and cabooses onto lots shall be prohibited in all districts.

A conditional use permit shall be required to locate a mobile home on any property for use as a storage shed or other non-residential use.

Findings of Fact (Variance): The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

   Yes: The spirit and intent of the ordinance (road setback) for buildings is to help ensure adequate space for road maintenance activities (i.e. snowplowing, road grading, ditch spraying, etc…), to prevent damage to property and promote public safety should a vehicle drive off the road and to allow adequate space for parking of vehicles on driveways without endangering public safety.

   In other zoning districts where development occurs more densely, the ordinance allows for setbacks from the right-of-way of a road as low as 20 feet. This is presumably to allow adequate space for a vehicle to park on the driveway without impinging on the road right-of-way.

   The proposed setback for the garage would be reasonably consistent with other accessory buildings in the neighborhood and would maintain at least a 20 ft setback from the property line to allow for adequate off-street parking area. In addition, the way the garage is proposed to be placed means that there should be little need for off-street parking on the road side of the garage.

2. **Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?**

   Needs discussion: The Comprehensive Plan states the following as strategies to "protect, preserve, and enhance lake water quality":

   - Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
     - Comment: The proposed garage would meet the required lake setback and is relatively flat. While temporary erosion control should be installed, the potential for creating long-term erosion issues is relatively low.
   - Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
     - Comment: The proposed garage is being located so as to minimize the need to eliminate trees and to protect an existing large tree.
   - Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
     - Comment: See comments above.
   - Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
     - Comment: It does not appear that any significant grading will be necessary to place the proposed garage.

3. **Is the proposed use of the property reasonable?**

   Needs discussion: The need for a garage on the property – even taking into consideration that the owner owns adjacent land – is reasonable and the size and shape of the lots makes it difficult to meet both the lake and road setbacks. The applicant is proposing to meet the lake setback and be closer to the road than is allowed, but still far enough away to allow for off-street parking.

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

   Yes: The need for the variances is due largely to the size and shape of the lots, which were platted in 1961.

5. **Will the variance, if granted, alter the essential character of the locality?**

No: Other properties in the area have detached garages located within the required road setback and a residential garage would not be out of character with the neighborhood.

6. **Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

   No: The need for the variance is due to other factors mentioned in #4 above.

7. **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

   Needs discussion: It appears the applicant could shift the garage further toward the lake and still meet the required lake setback. It would not fully meet the required road setback however, even if they were to do that (would still be approximately 20-21 feet into the road setback.

8. **Will the granting of the variance adversely affect the environmental quality of the area?**

   No: Provided stormwater is reasonably managed, the environmental quality of the area should not be impacted.

Findings of Fact (Conditional use): The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?**

   No. Any impact on neighboring properties would be most likely from the appearance or condition of the garage. The garage appears to be in decent condition and not out of character with the neighborhood (the garage was previously located in the same general area).

2) **Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?**

   No. The installation of the garage should not impact the development of adjacent or nearby properties in any significant way as it will meet all side yard setbacks.

3) **Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**

   Yes. The area is already served by utilities and a township road.

4) **Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**

   Yes. The garage is being placed in a way that would allow for adequate off-street parking areas.

5) **Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?**

No. Neither the Comprehensive Plan of Corinna Township nor Wright County directly addresses the moving of existing buildings to other lots. See also response to the similar question in the variance criteria above.

6) **Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?**

Yes. The proposed project should not create any lasting nuisance characteristics.

7) **Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**

The roof shingles appear to be in need of replacement in the relatively near future.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact noted above, Staff recommends approval of the requested variance and conditional use.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

1. That the setback of the garage to the road right-of-way be at least 20 feet OR that parking of vehicles not be allowed between the garage and the road if a lesser setback is allowed.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) 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, hydroseed or other forms of temporary cover until vegetation is re-established.

Application #	Date Application Rec'd 11/22/16	Fee Collected $ 350

(for office use only)

CORINNA TOWNSHIP
CONDITIONAL USE APPLICATION

Name of Applicant: Rex A Osterbauer

Property Address: 6519 80th St NW

Mailing Address (if different):

City: Maple Lake State: MN Zip: 55358

Phone (home/work): —— Phone (cell/other): 651-334-7802

E-mail (optional): rexosterbauer@Gmail.Com

Applicant is:

Legal Owner ☒

Contract Buyer ☐

Option Holder ☐

Agent ☐

Other ☐ Please specify:

Title Holder of Property ***(if other than applicant)***

Name:

Address:

City: State: MN Zip Code:

Property ID #:
(12 digit # on tax statement) 206-

Lake Name
(if applicable)

Legal Description:
(attach if necessary)

Signature of Legal Owner, authorizing application (required): Rex A. Osterbauer
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

What are you proposing for the property? State nature of request in detail:

Install USED Garage on Bare Lot to the East of cabin 24 ft from Edge of gravel Road

What changes (if any) are you proposing to make to this site?

Building: add garage where it is temporarily

Landscaping:

Parking/Signs:

Pursuant to the Corinna Township Zoning Ordinance, Appendix A, Section 505.1, the Planning Commission will consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission shall make the following findings where applicable:

Please complete all of the following questions to the best of your ability (some questions may not apply, depending on the nature of your request):

1. Would the proposed use would be harmful to the use and enjoyment of other property in the immediate area (for uses that are permitted)? Why or why not? Would the property reduce or otherwise diminish property values in the immediate area? Why or why not?

I have NO Close Neibers No one in Area

2. Will the proposed use prevent other landowners in the area from developing their property in a normal and orderly way? Why or why not?

No Close Neibers

3. Will the proposed use require any utilities, access roads, drainage or other public or semi-public facilities? If so, are these already provided in the area? If not, how will they be provided?

theres a ditch and a colvert going under Road that runs on My Land on other Side So No

4. Will the proposed use require off-street parking or loading space? If so, what actions will you take to provide sufficient space and where?

No Garage Door is on the Side Not Facing Road

5. Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township and Wright County.

For boat Storage/Parking

6. Will the proposed use create any odors, fumes, dust, noise, vibration, or involve any lighted signs or other lights? If so, how do you intend to control these so that they do not create a nuisance for neighboring properties? Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township.

No

7. Will the proposed use involve any exterior storage of materials? If so, how will the storage prevent reducing nearby property values, impair scenic views or threaten habitat or other living amenities?

No

8. Will the proposed use involve any harvesting of timber or other clearing of forest land? If so, how will exposed soil be stabilized or prevented from eroding? Please attach an erosion and sediment control plan developed and approved by the local soil and water conservation district.

No

If in Shoreland Areas, please complete all of the following questions:

1. Describe any aspects of the proposed use that could harm the lake or stream. Discuss how you will reduce or prevent any impacts.

No

2. Discuss why the proposed use is suited to a shoreland area.

Boat will Be Stored inside Same as Many Homes in area

3. Will the proposed use involve any grading or filling of the natural or existing topography? If so, how will you minimize earthmoving, erosion, tree clearing and the destruction of natural amenities.

No Very Level Area of Property No trees Removed

4. Will the proposed use involve any connections to public waters, such as boat slips, canals, lagoons, or harbors? If so, has the MN Department of Natural Resources approved the connection?

No

Application # _____	Date Application Rec'd 11/22/10	Fee Collected $ 400.00

(for office use only)

CORINNA TOWNSHIP
VARIANCE APPLICATION

Name of Applicant: Rex Osterbauer

Property Address: 6519 80th St. NW. Maple Lake, Mn. 55358

Mailing Address (if different): _____

City: _____ State: _____ Zip: _____

Phone (home/work): _____ Phone (cell/other): 651-334-7802

E-mail (optional): Rexosterbauer@gmail.com

Applicant is:

Legal Owner ☒

Contract Buyer ☐

Option Holder ☐

Agent ☐

Other ☐

Title Holder of Property ***(if other than applicant)***

Name: Rex Osterbauer

Address: _____

City, State, Zip: _____

Please specify: _____

Property ID #: (12 digit # on tax statement) 206-01700301O

Lake Name (if applicable) Lake Somers

Legal Description: (attach if necessary) _____

Signature of Legal Owner, authorizing application (required): Rex A. Osterbauer

(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____

(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

What type of variance are you requesting (check as many as apply)?

☐ 1 per 40 Division	☒ Road Setback	☐ Building/Impervious Coverage
☐ Lot Line Adjustment	☐ Lake or River Setback	☐ Height of Structure
☐ Undersized Lot	☐ Side or Rear Line Setback	☐ Septic System Setback
☐ Appeal of Staff Interpretation	☐ Bluff Setback	☒ Other _____

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at www.hometownplanning.com/corinna-township.html.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

1. What are you proposing for the property? State nature of request in detail:

   Installing used garage 24' from edge of road.

2. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at www.hometownplanning.com/corinna-township.html).

   will not effect road, traffic, or maintenance

3. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.hometownplanning.com/corinna-township.html).

   Similiar to what the neighborhood has.

4. Describe why you feel that your proposal is a reasonable use of the property.

   So we have storage for car + boat.

5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

Distance from road to Lake. Lot is not deep enough.

6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

no close neighbors.

7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

is already far enough from Lake but needs to be closer to road.

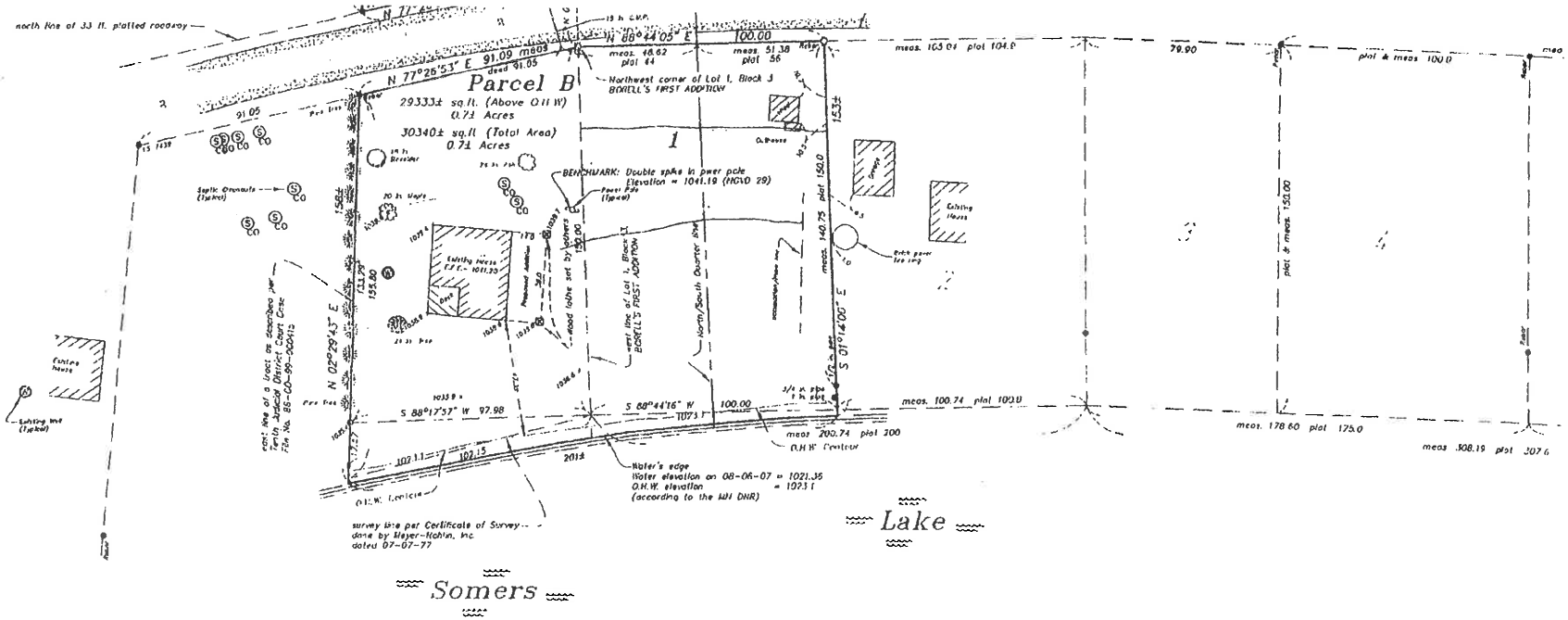
8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

ground Level, drainage already in.

9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as $25 for $100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice: _____

10. Please include any other comments pertinent to this request.



LEGAL DESCRIPTION SUPPLIED BY CLIEN FOR PARCEL A

All that part of Government Lot 1 and the NW 1/4 of NE 1/4, all in Section 25, Township 121, Range 27, Wright County, Minnesota described as follow: Commencing at the northwest corner of Lot 1, Block 3 of Borell's First Addition, plat of recrd thence N 1° 14' W, 66 feet to the northwest corner of platted roadway in said Borell's Firt Addition for the point of beginning of tract to be described; thence easterly along the north ine of said road, 114.95 feet; thence N 5° 49' W, 32.1 feet to the shoreline of Mink Lake; thece southwesterly along said shoreline, 199.25 feet thence S 0° 27' W 48.4 feet to the northline of 33 foot roadway; thence northeasterly along said north line of road 87.5 feet more or less to the west end of platted roadway; thence northerly 32.35 feet to the point of baginning. Containing 0.10 acres more or less. Also all that part lying between the east and wet lines of the above described property, extended to the water shoreline of Mink Lake.

LEGAL DESCRIPTION SUPPLIED BY CLIENT FOR PARCEL B

All that part of Government Lot 1, in Section 25, Township 121, Range 27, Wright County, Minnesota described as follows: Beginning at the southwest corner of Lot 1, Block 3, Borell's 1st Addition according to plat of record; thence S 74° 44' W, along shoreline of Sommers Lake, 102.15 feet; thence N 0° 27' E, 155.8 feet; thence N 74° 44' E, 91.05 feet to northwest corner of said Lot 1 of said Borell's 1st Addition; thence S 1° 14' E along west line of said Lot 1, 150 feet to point of beginning.

Also

Lot 1, Block 3, BORELL'S FIRST ADDITION, according to the recorded plat thereof, Wright County, Minnesota.

Part of Gov't Lot 1 and BORELLS' FIRST ADD.
Section 25, Township 121, Range 27
Corinna Township
Wright County, MN

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
311 Division Street, Waite Lake, MN 55356
TEL: 320-963-6900 FAX: 320-963-6040

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

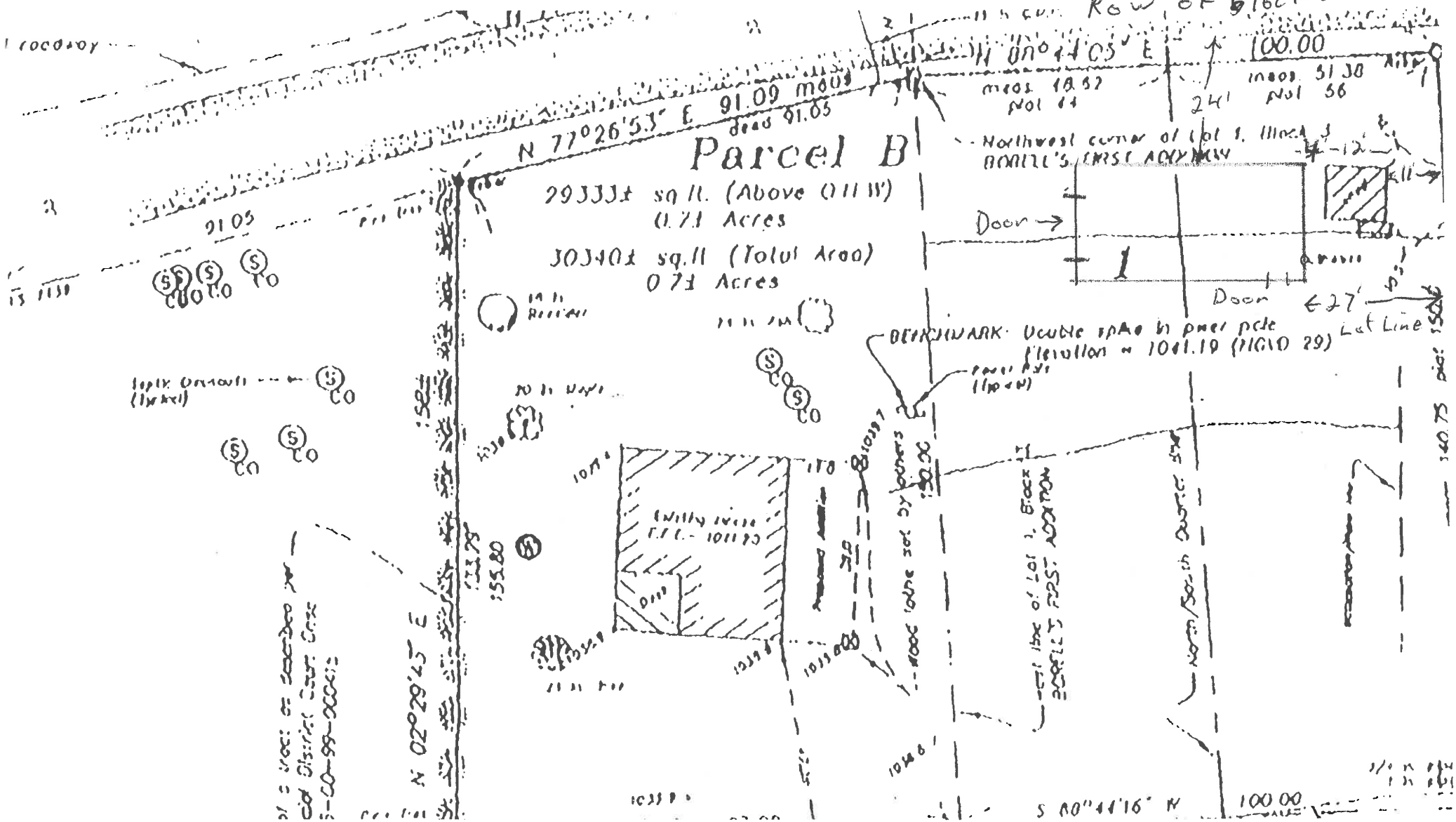
Signed: Lee A. Brown
Lee A. Brown
Date: 8-10-07 Lic. No. 41386

SURVEY DATE: 07-31-07
FB/PG: 60/56-57
DRAWN BY: RKR
CHECKED BY: LAB
DWG FILE: 07-0238.dwg
FILE NO.: 07-0238.00

Requested by:
Smith Far

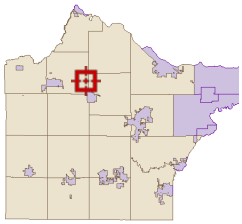
6' of Sand
4' Concreat

22'X 32'X 10 Side wall +
2 Cement Blocks under =
12' ft Side walls
4-12 ~~Roof~~ pitch Trusses
Aprox 16 ft High after 2
Row of blocks



Beacon™ Wright County, MN

Overview



Legend

Roads
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

Highways
- Interstate
- State Hwy
- US Hwy

City/Township Limits
- c
- t

Parcels

Parcel ID	206017003010	**Alternate ID**	n/a	**Owner Address**	OSTERBAUER,REX A & KAREN L
Sec/Twp/Rng	25-121-027	**Class**	201 - RESIDENTIAL		6519 80TH ST NW
Property Address		**Acreage**	n/a		MAPLE LAKE, MN 55358
District	n/a				
Brief Tax Description	Sect-25 Twp-121 Range-027 BORELL'S 1ST ADDN Lot-001 Block-003				
	(Note: Not to be used on legal documents)				

Date created: 12/6/2016
Last Data Uploaded: 12/6/2016 2:40:32 AM

Developed by
The Schneider Corporation

DO
NOT
ENTER