

## STAFF REPORT

**Application:** Variance to add a second story and a 10' x 16' entry addition to the existing dwelling approximately 81 ft from Indian Lake (min. 100 ft required).

**Applicant:** Stephen and Barbara Berg

**Agenda Item:** 4(d)

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### Background Information:

- Proposal:** The applicant is proposing to expand the existing dwelling by adding a second story and adding a 10' x 16' entryway addition. A variance is needed because a portion of the existing house and the 2<sup>nd</sup> story addition are within the required 100 ft setback from the ordinary high water level of Indian Lake. The entryway addition will meet all required setbacks.
- Location:**
  - Property Address: 10929 Grover Ave NW, Maple Lake
  - Sec/Twp/Range: 12-121-27
  - Parcel Number(s): 206029001070
- Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Indian Lake (Recreational Development lake)
- Lot size** (according to provided survey):
  - 60,706 sq ft (1.39 acres)
- Impervious/Building Coverage:**
  - **Existing:**
    - Buildings: Approx. 3,340 sq ft (5.5%)
    - Total: Approx. 6,110 sq ft (10.0%)
  - **Proposed:**
    - Buildings: Approx. 3,500 sq ft (5.8%)
    - Total: Approx. 6,270 sq ft (10.3%)
- Septic System Status:** The system was installed in 2012 and is sized for four bedrooms. The proposed house would have four bedrooms.
- Natural Features:**
  - Floodplain: The property is not within an identified floodplain.
  - Bluff/Steep Slopes: There are no bluffs on the property that impact the proposal. The entire lot is on a slope to the lake, although it is not overly steep.
  - Wetlands: There do not appear to be any wetlands on this property that would impact the proposal.
- Permit History:**
  - 1973 - Septic system

- 1977 - Single Family Dwelling
- 2011 - Septic Certification (non-compliant)
- 2012 - Septic system

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**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

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**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.

**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.

### 612.5 Shoreland Performance Standards

#### 612.5 (1) General Performance Standard for Lakes

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

(b) Recreational Development Standards:

Structure setback from NOHW	100 ft.
Structure setback from Bluff	30 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.
Water Oriented Accessory Structure Setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

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

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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 (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 bluffs 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 proposal meets the spirit and intent of the ordinance in that the proposed conversion will not represent any further encroachment on the lake setback than what already exists and the proposed second story will be consistent with what is allowed by ordinance and is similar to other homes around the lake.

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

**No.** 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.
  - Staff Comment: The applicant has not submitted an erosion control and stormwater management plan, although the proposed conversion would not disturb much additional soil.
- 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.
  - Staff Comment: Some trimming and possible removal of 1-2 trees may be part of this project. The remainder of the lot contains numerous trees that will remain.
- 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.
  - Staff 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.

- Staff Comment: No grading or filling is expected as a result of the project.

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

**Yes.** The use of the property for a two-story home is reasonable for a residential setting and there are numerous other two-story homes around the lake (some of which meet the required 100 ft setback and some of which do not).

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

**Yes.** The lot was developed with a home prior to the current owners purchasing it. The location of the existing home was out of the control of the current owner.

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

**No.** While a second story will be added to the existing home, it is well screened from view from the lake and the road by trees and there are other two story homes in the 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 caused by other factors, including the current location of the house and the sloping hill that would make other additions more difficult.

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

**No.** The only way to avoid the need for the variance would be to move the existing home or tear it down and rebuild further back. Given that the home is in relatively good condition, this would not be a feasible or cost-effective alternative.

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

**No.** The 2<sup>nd</sup> story addition will not add any additional impervious surfaces or have any other significant environmental impact. The small entryway addition on the opposite side of the home would increase impervious coverage, but the lot will remain well below its limit.

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**Board of Adjustment Direction:** The Board of Adjustment may approve the variance and conditional use 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.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff recommends approval of the variance request as it meets the variance criteria.

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If the variance is approved, Staff would recommend the following conditions:

1. Erosion and sedimentation control measures must be installed if any soil is exposed during the construction of the porch, where practical, and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

Application # <u>V-13-016</u>	Date Application Rec'd <u>6, 10, 13</u>	Fee Collected \$ <u>400.00</u>
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(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Chip Bauer Construction Inc Phone 763-295-5970

Property Address (E911#) 10929 Grover Ave NW Maple Lake, MN

Mailing Address 9113 Leadler Ave NE Local Phone \_\_\_\_\_  
(if different than above) (if different than above)

City, State, Zip Monticello, MN 55362

Applicant is:

Title Holder of Property (if other than applicant)

- Legal Owner
- Contract Buyer
- Option Holder
- Agent
- Other Contractor \_\_\_\_\_

Stephan and Barbara Berg  
 Stephan  
10929 Grover Ave  
 (Address) Maple Lake, MN  
 (City, State, Zip)

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

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

Property ID # (12 digit # beginning with 206-XXX-XXXXXXX) R 206-029-001070

Full legal description of property involved in this request, including total acreage or square footage (required - attach separate sheet if necessary):

Sec 12 Twp 121 Range 027 Cherokee Acres  
Lot 007 Blk - 001 Lots 6,7

Zoning District \_\_\_\_\_, Lake Name (if applicable) Indian Lake

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division              | <input type="checkbox"/> Road Setback              | <input type="checkbox"/> Building/Impervious Coverage |
| <input type="checkbox"/> Lot Line Adjustment            | <input type="checkbox"/> Lake or River Setback     | <input type="checkbox"/> Height of Structure          |
| <input type="checkbox"/> Undersized Lot                 | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback        |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback             | <input type="checkbox"/> Other _____                  |

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

We are proposing to add a second story and a 10x16 addition to the home. The entry addition is located away from the lake.

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

**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. 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 \_\_\_\_\_).  
In helping the Bergs with home design we continually strived to minimize the impact of both lot coverage and its impact on the environment of Indian Lake. By designing a home with a net lot coverage increase of only 5% of the project we have not cut trees, created erosion issues or impacted the enjoyment of the lake by any surrounding neighbors.

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at \_\_\_\_\_).  
Our request is consistent with the Comprehensive plan in that attempts in every instance to ensure the environmental assets are protected such as the trees and water, the rural character is preserved by not overbuilding the lot as it over 2 acres, and by increasing our value, we insure the neighbors adjoining us will also see an increase in value

3. Describe why you feel that your proposal is a reasonable use of the property.  
The property is zoned residential and will continue to be residential.

4. 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 home currently sits within a lake setback line which is beyond the owner's control having been established after the home was built.  
Mature oak trees populate the lot and should not be cut down, the septic systems and well are established and permitted in specific areas. Our attempt with a two story proposal is to minimize any additional lot coverage.

5. 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.  
With this submittal we have attached statements from adjoining property owners in support of this project. We are consistent with the type and appearance of homes in the neighborhood

6. 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?

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The lake setback line has changed as has the OHW mark has been altered from time to time. The home is no longer

sits Back of that line. Ramblers were originally designed but the impact was too great on the lot and looked to big.

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7. 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?

The construction period will last approximately 4 months but have a mitigated effect with silt fence and erosion control. A net impact of zero after construction is expected.

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

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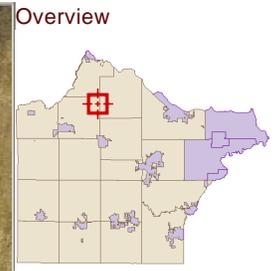
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We have septic and well limitations to the south and east. We are limited by a 100 year old oak to the southeast that we do not want to destroy and mature maples to the north that the neighbors would object to removal for expansion. Also, the foundation slab cannot support digging a basement underneath. We are asking for the design to be approved as it is built over the existing foundation with little or no impact on the neighborhood or lakeshore.



- Legend**
- Roads**
- CSAHCL
  - CTYCL
  - MUNICL
  - PRIVATECL
  - TWPCCL
- City/Township Limits**
- c
  - t
  - Parcels
  - Water

Parcel ID	206029001070	Alternate ID	n/a	Owner Address	BERG,STEPHEN J & BARBARA J
Sec/Twp/Rng	12-121-27	Class	201 - RESIDENTIAL		10929 GROVER AVE NW
Property Address	10929 GROVER AVE NW MAPLE LAKE	Acreage	n/a		MAPLE LAKE, MN 55358

District n/a

Brief Tax Description Sect-12 Twp-121 Range-027 CHEROKEE ACRES Lot-007 Block-001 LTS 6 & 7  
 (Note: Not to be used on legal documents)

Last Data Upload: 6/25/2013 6:27:00 AM



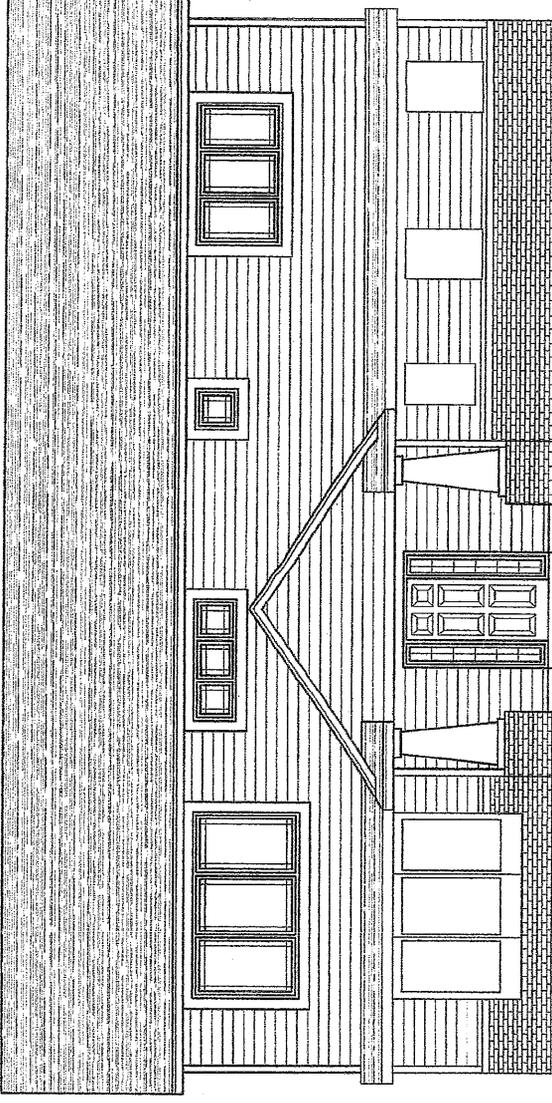
*Proposed*

DISCLAIMER  
IN PREPARATION OF THE  
ATTENPT HAS BEEN MADE  
MISTAKES, DESIGNER C  
AGAINST HUMAN ERROR  
VERIFY ALL DIMENSIONS  
AND BE RESPONSIBLE FOR  
THESE DESIGNING, CONCE  
SPECIFICATIONS ARE THE  
SERVICE AND AS SUCH I  
EXCLUSIVE PROPERTY OF  
AND ARE NOT TO BE CO  
WRITTEN CONSENT OF C

*New Peak  
@ 23'-2"*

*Existing Peak  
@ 112'-11"*

*@ 100'-0"*

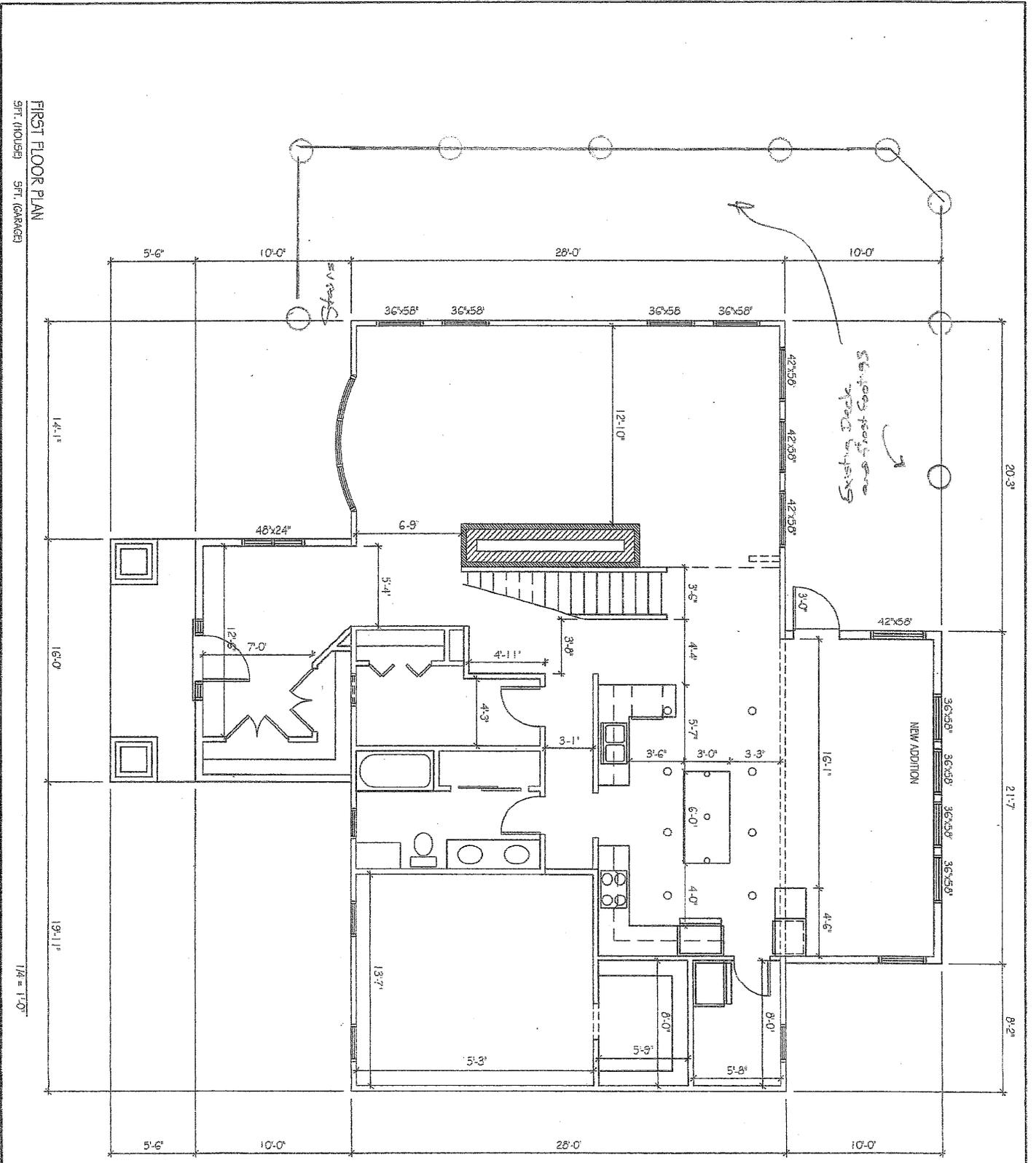


*New*

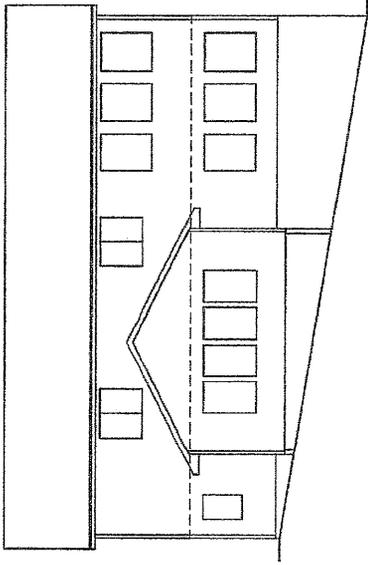
*Existing 8'-0"*

FRONT ELEVATION

1/4" = 1'-0"



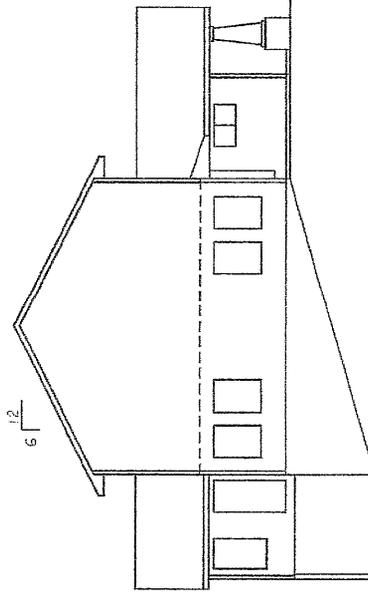




Deck not shown  
but existing

REAR ELEVATION

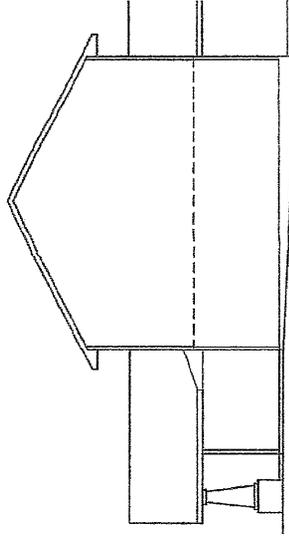
1/8" = 1'-0"



6' 1/2"

LEFT ELEVATION

1/8" = 1'-0"



RIGHT ELEVATION

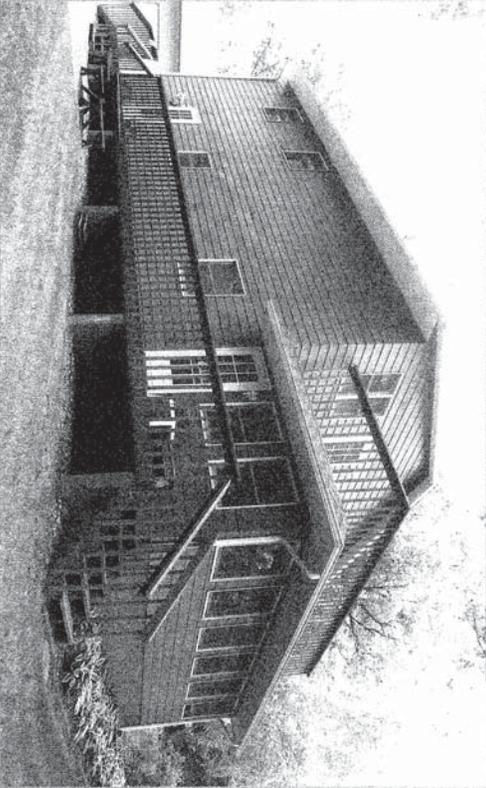
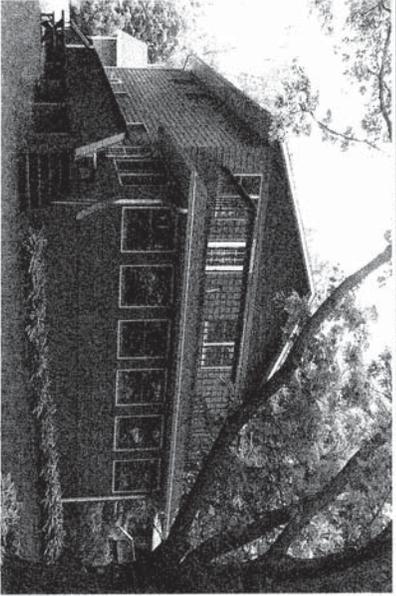
**Berg Home—10929 Grover Ave NW**



**Seeking to add a second story**

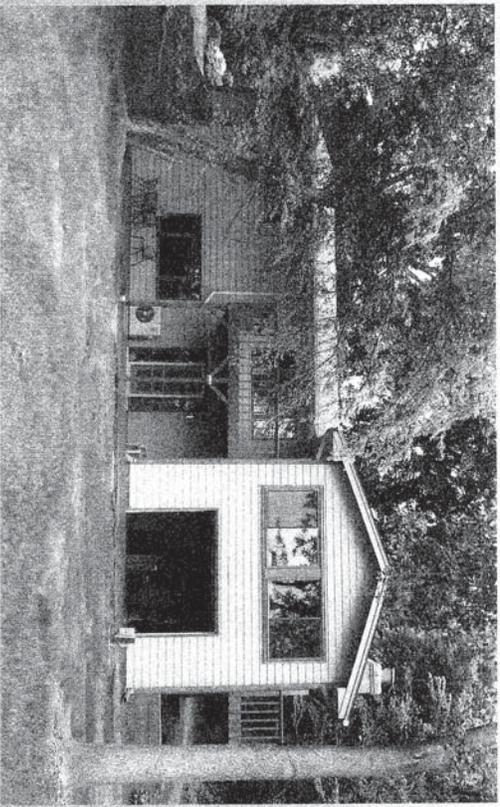


**Two-Story Homes—Indian Lake**



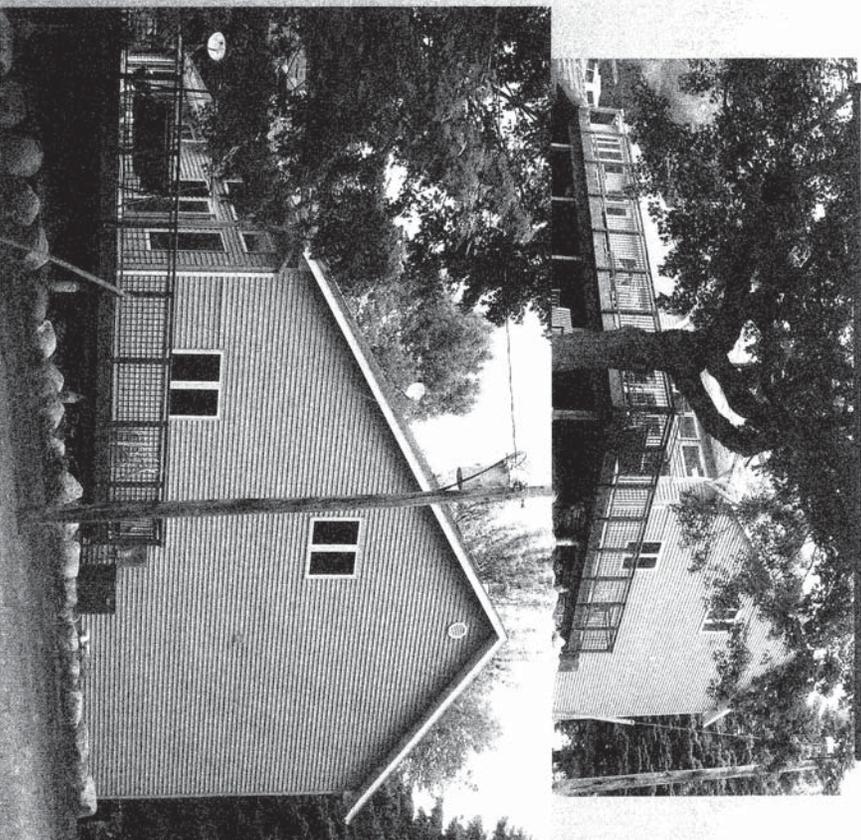
**Linguist home—Second lot north of Bergs  
10985 Grover Ave NW**

**Two-Story Homes—Indian Lake**



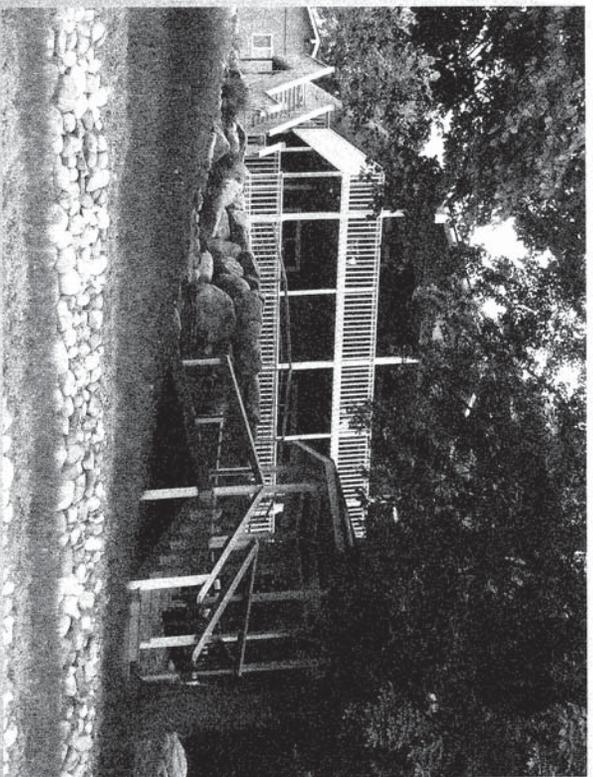
**Foss home—Lot immediately south of Bergs  
1887 Grover Ave NW**

**Two-Story Homes—Indian Lake**



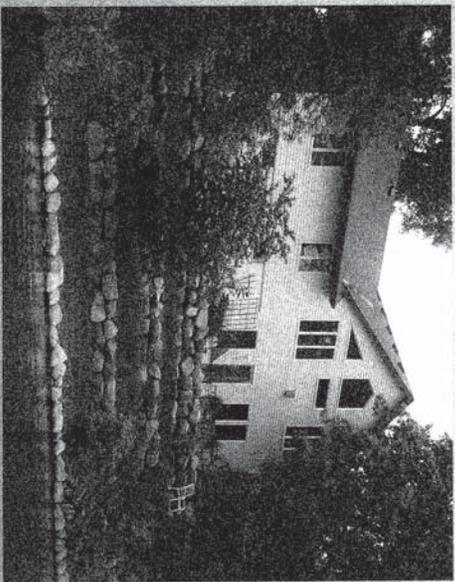
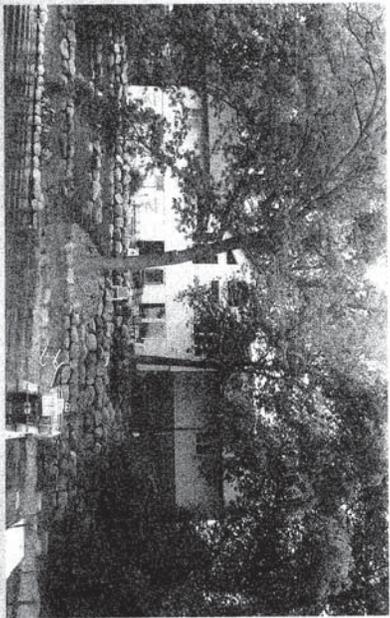
**Lorsong home—second home south of Bergs  
10815 Grover Ave NW**

**Two-Story Homes—Indian Lake**



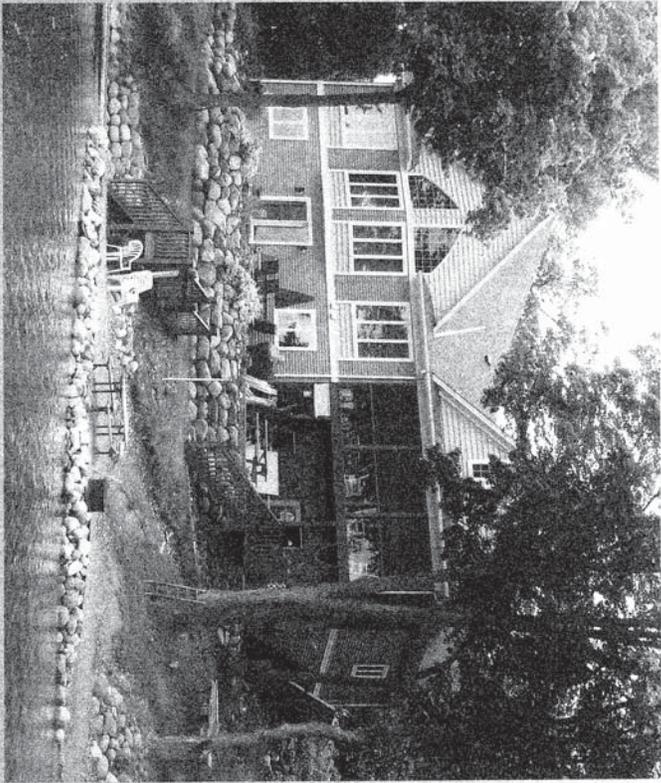
**Pettit home—10758 Grover Ave NW**

**Two-Story Homes—Indian Lake**



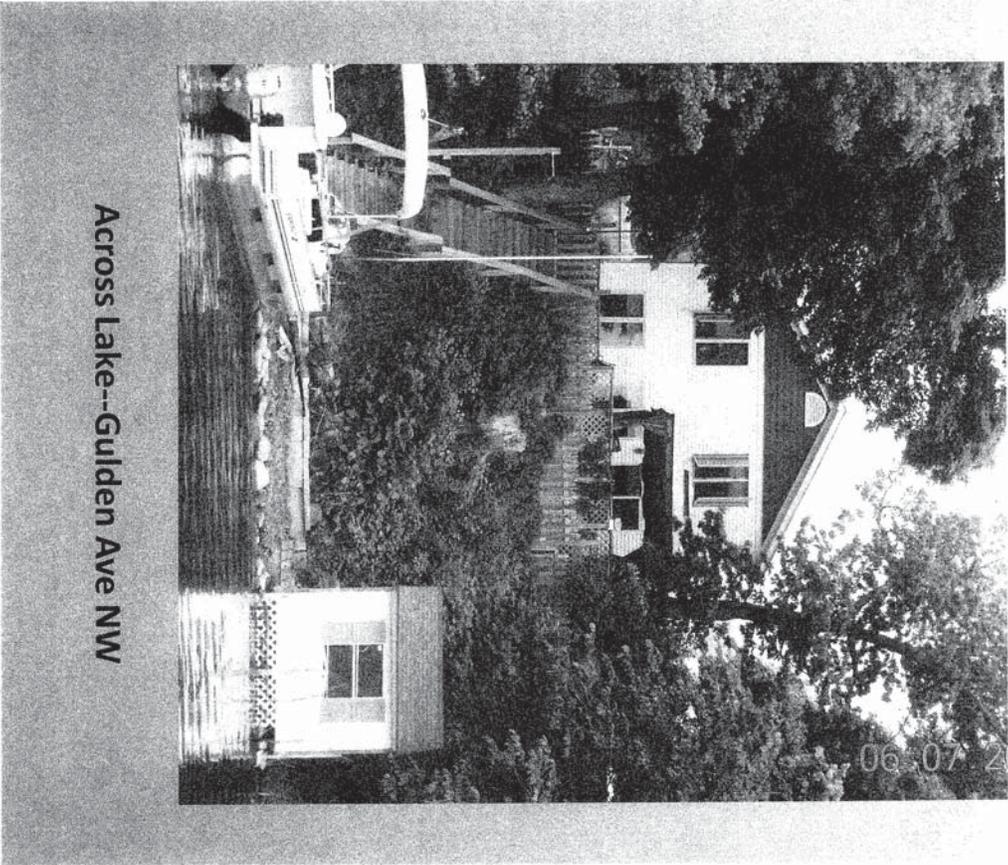
**Otto Home—10966 Gulden Ave NW**

**Two-Story Homes—Indian Lake**



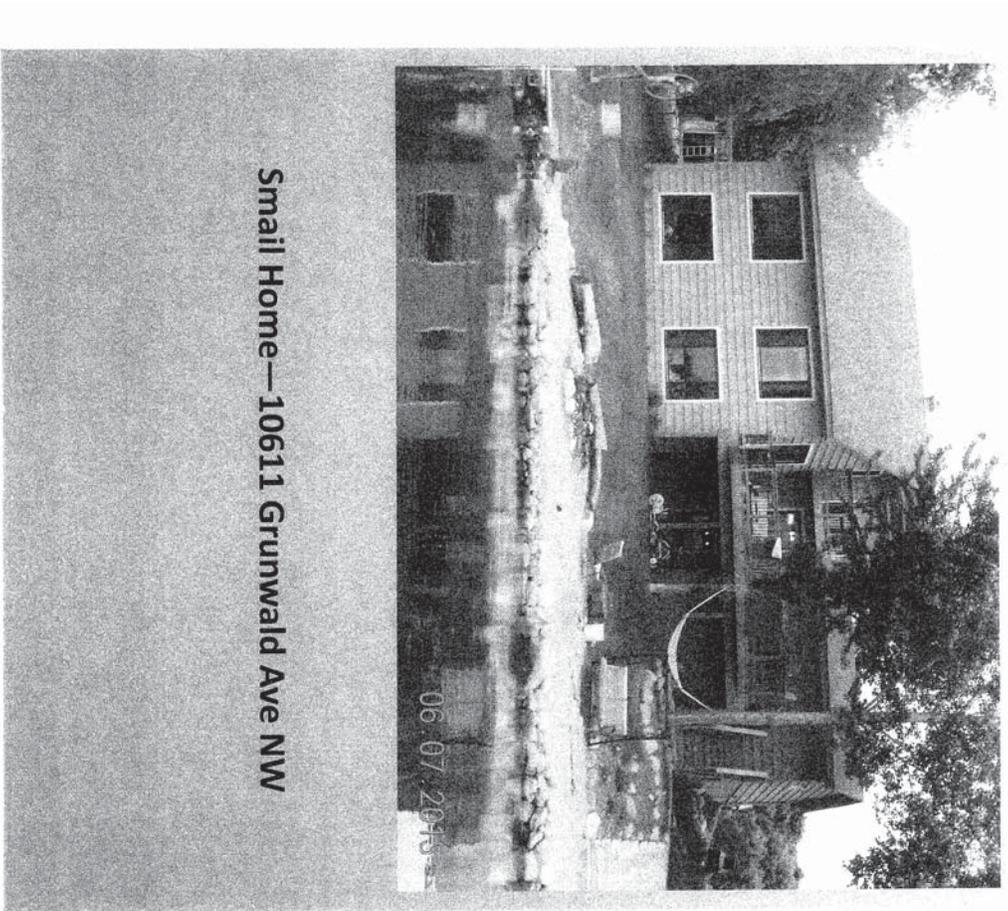
**Across Lake--Gulden Ave NW**

**Two-Story Homes—Indian Lake**



**Across Lake--Gulden Ave NW**

**Two-Story Homes—Indian Lake**



**Small Home—10611 Grunwald Ave NW**

**Ryan and Catherine Hallett**  
**10959 Grover Avenue NW**  
**Maple Lake, MN 55358**  
**612-968-1972**

Corinna Township  
Planning Commission/Board of Adjustment  
9801 Ireland Ave NW  
Annandale, MN 55302

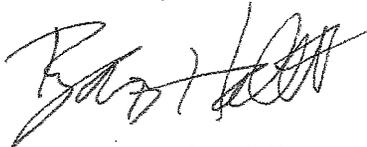
Re: The Berg's Building Variance Request

Dear Board:

I am the owner of the property located at 10959 Grover Ave NW on Indian Lake. We are the closest neighbors to Steve and Barbie Berg located at 10929 Grover Ave NW. We are well aware of their plans to expand and renovate their home because they have been talking to us and showing us various proposals throughout the process.

We have no objections to their plans to add a second story to their home. Of the several plans they have shown us, this would be the least disruptive to the environment and the neighborhood. It would in no way obstruct our view of the lake, the surrounding area and our enjoyment of our property.

Thank you for your consideration.



Ryan and Catherine Hallett

**Linnea Lindquist**  
**10985 Grover Avenue NW**  
**Maple Lake, MN 55358**  
**612-306-5888**

Corinna Township  
Planning Commission/Board of Adjustment  
9801 Ireland Ave NW  
Annandale, MN 55302

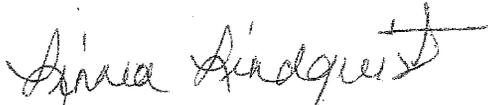
Re: The Berg's Building Variance Request (10929 Grover Ave NW)

Dear Board:

I am the owner of the property located at 10985 Grover Ave NW on Indian Lake. I own the second lot north of the Bergs. I am a year round resident that lives in a two story house that is closer to the lake than the Berg's home. I am aware of their plans to expand their home by adding a second floor.

I have no objections to their plans to add a second story to their home. It would in no way obstruct my view of the lake or the surrounding area and in no way would it hinder the enjoyment of my property.

Thank you for your consideration.

  
Linnea Lindquist

Roger and Marian Foss  
10887 Grover Avenue NW  
Maple Lake, MN 55358  
320-963-3005

Corinna Township  
Planning Commission/Board of Adjustment  
9801 Ireland Ave NW  
Annandale, MN 55302

Re: The Berg's Building Variance Request (10929 Grover Ave NW)

Dear Board:

We are the owners of the property located at 10887 Grover Ave NW on Indian Lake. We own the lot immediately south of the Bergs and are one of their closest neighbors. We are year round residents that live in a two story house next to the Bergs. We are aware of their plans to expand their home by adding a second floor.

We have no objections to their plans to add a second story to their home. It would in no way obstruct our view of the lake or the surrounding area and in no way would it hinder the enjoyment of our property.

Thank you for your consideration.

Roger and Marion Foss

## STAFF REPORT

**Application:** Variance to construct a new 2,992 sq ft single-story dwelling with attached garage approximately 55 feet from the centerline of a township road (min. 65 ft required). Variance to construct a new 32' x 40' detached garage approximately 50 ft and 64 ft from the centerline of two township roads (min. 65 ft required).

**Applicant:** Russell and Patricia Mittelstaedt

**Agenda Item:** 4(e)

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### Background Information:

- **Proposal:** The applicant is proposing to remove the two existing dwellings that are currently located on these three parcels (one has already been removed) and construct a new 2,992 sq ft dwelling in the center of the three lots. They have also requested that the three lots be combined into one for tax purposes. The existing detached garage on the north end of the property would also be removed and replaced with a new, larger garage in the same location, except that it would be wider along the road.

The lots on which the house would be constructed is surrounded on three sides by public roadway. As such, they have requested variances from one road for the house and two roads for the garage.

- **Location:**
  - Property Address: 11187 Hoyer Ave NW, Annandale
  - Sec/Twp/Range: 2-121-27
  - Parcel Number(s): 206066000491, 206066000492 and 206066000510
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake)
- **Lot size** (according to Beacon GIS estimate - all three lots combined):
  - 28,329 sq ft (0.65 acres)
- **Impervious/Building Coverage:**
  - **Existing:**
    - Buildings: Approx. 1,352 sq ft (4.8%)
    - Total: Approx. 1,672 sq ft (5.9%)
  - **Proposed:**
    - Buildings: Approx. 4,272 sq ft (15.1%)
    - Total: Approx. 5,426 sq ft (19.2%)
- **Septic System Status:** A new sewer system would be installed to serve this home. The applicant has stated they intend to have preliminary design information by the date of the public hearing.

- **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: There are no bluffs or steep slopes on the property that impact the proposal.

Wetlands: There do not appear to be any wetlands on this property that would impact the proposal.

□ **Permit History (all three lots):**

- 1981 - Septic System
- 1986 - Septic System
- 1990 - Mobile home
- 1991 - Variance declaring lot buildable
- 1999 - Septic System Certification

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**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.

## 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**

### 605.3 Accessory Uses

Garages and Non-Commercial pole structures subject to the following size restrictions:

- (a) Lot area under 20,000 square feet - maximum 800 square feet structure with maximum side wall height of 12 feet.
- (b) Lot area over 20,000 square feet but less than 80,000 square feet - maximum 1400 square feet structure with maximum side wall height of 14 feet.
- (c) Lot area over 80,000 square feet - maximum 2000 square feet structure with maximum side wall height of 14 feet.

605.5 Performance Standards

(2) Front Yard Regulations:

(a) Required Setback Distance

<u>Required Setback Distance From Road Centerline</u>	<u>Road Class</u>
130	State Highway
130	County Road State Aid
65	Local Street (Twp. Rd.)
25	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(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.

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**Staff Findings:** 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/more information:** 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.

The proposed home and garage would appear to be able to meet setbacks to all three roads if constructed in the middle of the lot (or at least to reduce the amount of setback variance needed). However, the location of the sewer system could reduce the available area so that a road setback variance would still be necessary. Further, moving the home and garages further back from the road would increase the impervious coverage due to the need for longer driveways.

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

**No.** 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.
  - Staff Comment: The applicant has not submitted an erosion control and stormwater management plan. At a minimum, silt fences should be used during construction and mulch or other such material should be used to cover disturbed areas until vegetation has been re-established or the soil has otherwise been stabilized.
- 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.
  - Staff Comment: Some limited tree removal would be necessary for this proposal (some of which were damaged or blew down in recent storms).
- 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.
  - Staff 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.
  - Staff Comment: The site is relatively flat, although the applicant stated they do intend to bring in fill around the home to raise it up somewhat. If the amount of fill exceeds 50 cubic yards, it may need a separate conditional use/land alteration permit.

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

**Needs discussion.** The proposed use of the property for a single-family dwelling, attached garage and detached garage is reasonable in that these are typical buildings constructed on residential properties. It appears that the proposed buildings would be very close to, or slightly over, the 15% building coverage limits allowed by ordinance. If the coverage were to exceed 15%, an additional variance would be required.

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

**Needs discussion.** The situation is unique mostly in that there are roads on three sides of the subject property. This was a situation not created by the property owner as the land was platted in 1921. However, it does appear that a reasonably sized home could be built on the property without need for road setback

variances pending additional information on where a sewer system would need to go.

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

**No.** The site will remain in residential use and the presence of new home will not significantly change the residential character.

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

**No.** The need for the variance is caused by other factors, including the roads on all three sides and the relatively small lot sizes.

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

**Needs discussion.** Depending on where a sewer system would need to be placed, it appears feasible that the home/attached garage and possibly the detached garage could be moved further to the east to either eliminate or reduce the need for a setback variance. This would require re-designing the layout of the home and attached garage. Impervious figures would need to be re-calculated due to the longer driveway this would entail.

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

**No.** So long as the building coverage remains under 15% of the lot and total impervious coverage remains under 25%, there would not be any significant environmental impact expected from this project. Any significant amounts of fill used to raise the home would have the potential for environmental impact if not properly managed during construction and until vegetation is re-established.

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**Board of Adjustment Direction:** The Board of Adjustment may approve the variance and conditional use 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.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff cannot make a recommendation on this request until additional information is received regarding the sewer system location. The applicant has stated they will have at least preliminary design information in time for the public hearing.

If the variance is approved, Staff would recommend the following conditions:

1. The applicant shall provide a survey of the lot, or other sufficient evidence, to show that the building coverage will not exceed 15 percent of the lot.
2. That applicant shall sign a statement indicating that they will remove the existing dwelling upon completion of the new dwelling.

3. Erosion and sedimentation control measures must be installed, where practical, and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.
4. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed.

Application # <u>V13-018</u>	Date Application Rec'd <u>6/14/13</u>	Fee Collected \$ <u>400<sup>00</sup></u>
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(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Russell Mittelstaedt Phone 612-961-4416

Property Address (E911#) \_\_\_\_\_  
11187 HOYER AVENUE ~~612-961-4416~~ 612-961-4416  
Mailing Address 6300 Zealand Ave N Local Phone 763-531-9414  
*(if different than above)* *(if different than above)*

City, State, Zip ~~Brooklyn Park, MN 55428~~ Annandale Minn 55304

Applicant is:	Title Holder of Property <i>(if other than applicant)</i>
Legal Owner <input checked="" type="checkbox"/>	_____
Contract Buyer <input type="checkbox"/>	(Name) _____
Option Holder <input type="checkbox"/>	_____
Agent <input type="checkbox"/>	(Address) _____
Other _____	_____
	(City, State, Zip) _____

Signature of Legal Owner(s), authorizing application *(required)* Russell Mittelstaedt Patricia Mittelstaedt  
 (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.)

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-0106-000510  
~~206-0106-000492~~  
~~206-0106-000491~~

Full legal description of property involved in this request, including total acreage or square footage (required – attach separate sheet if necessary):  
Sect-02 Twp-121 Range-027 Rutledge Sugar Lake Park  
Lots 049, 050, 051 + 052 approx 29000 sqft  
Old survey of 051+052 available new survey will be done upon request of entire property

Zoning District R1, Lake Name (if applicable) Sugar Lake

- What type of variance are you requesting (check as many as apply)?
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> 1 per 40 Division              | <input checked="" type="checkbox"/> Road Setback   | <input checked="" type="checkbox"/> Building/Impervious Coverage |
| <input type="checkbox"/> Lot Line Adjustment            | <input type="checkbox"/> Lake or River Setback     | <input type="checkbox"/> Height of Structure                     |
| <input type="checkbox"/> Undersized Lot                 | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback                   |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback             | <input type="checkbox"/> Other _____                             |

What are you proposing for the property? State nature of request in detail: REMOVING  
EXISTING GARAGE AND REPLACING WITH LARGER STRUCTURES  
ON THE SAME LOCATION.

- 
6. 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?

*Because of Roads on three sides*

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7. 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?

*By Keeping the new structure located on the same place as the old one*

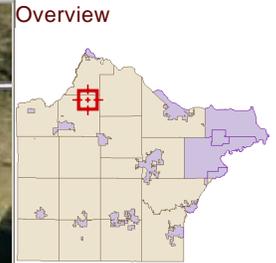
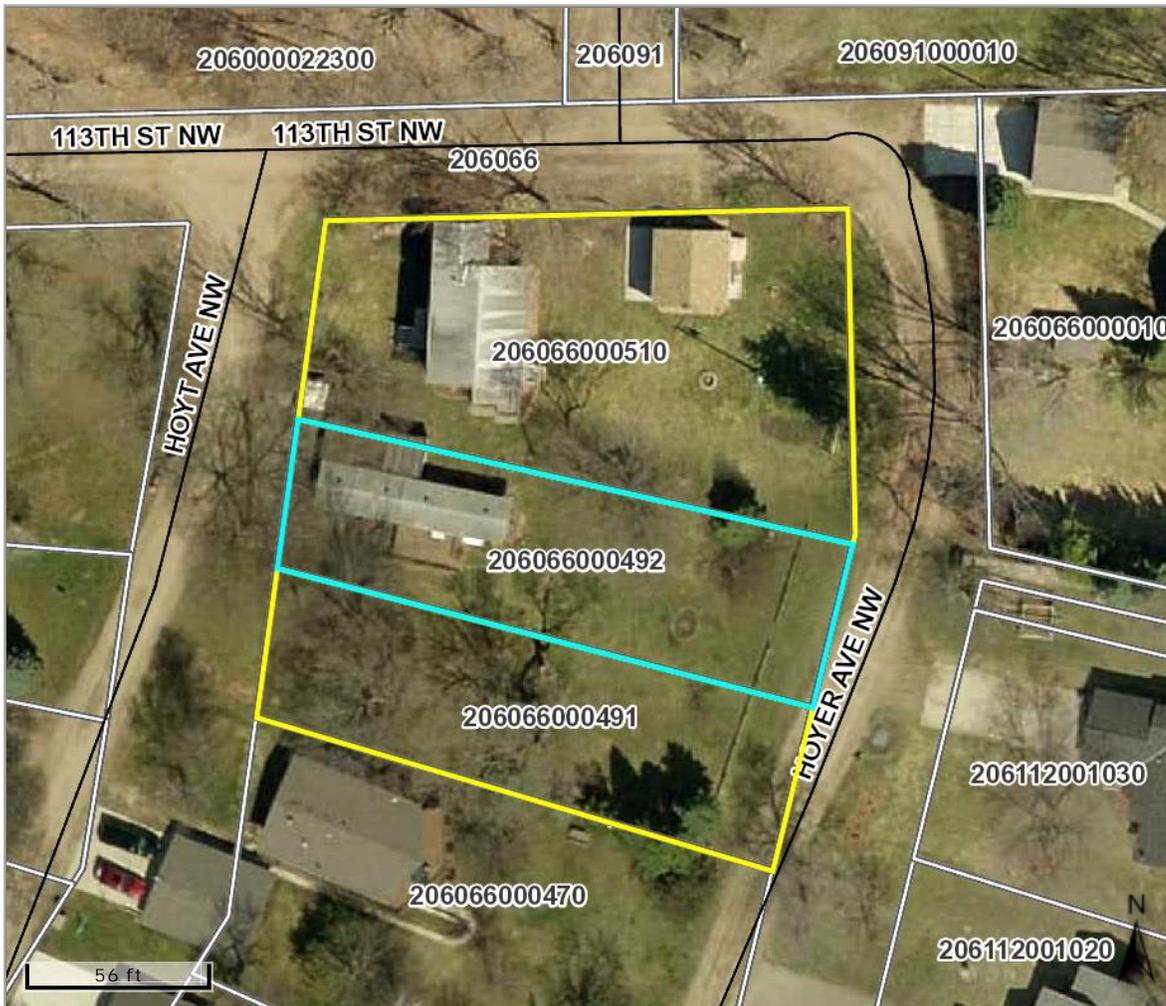
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8. Please include any other comments pertinent to this request.
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Date Created: 6/24/2013



- Legend**
- Roads**
- CSAHCL
  - CTYCL
  - MUNICL
  - PRIVATECL
  - TWPCL
- City/Township Limits**
- c
  - t
  - Parcels

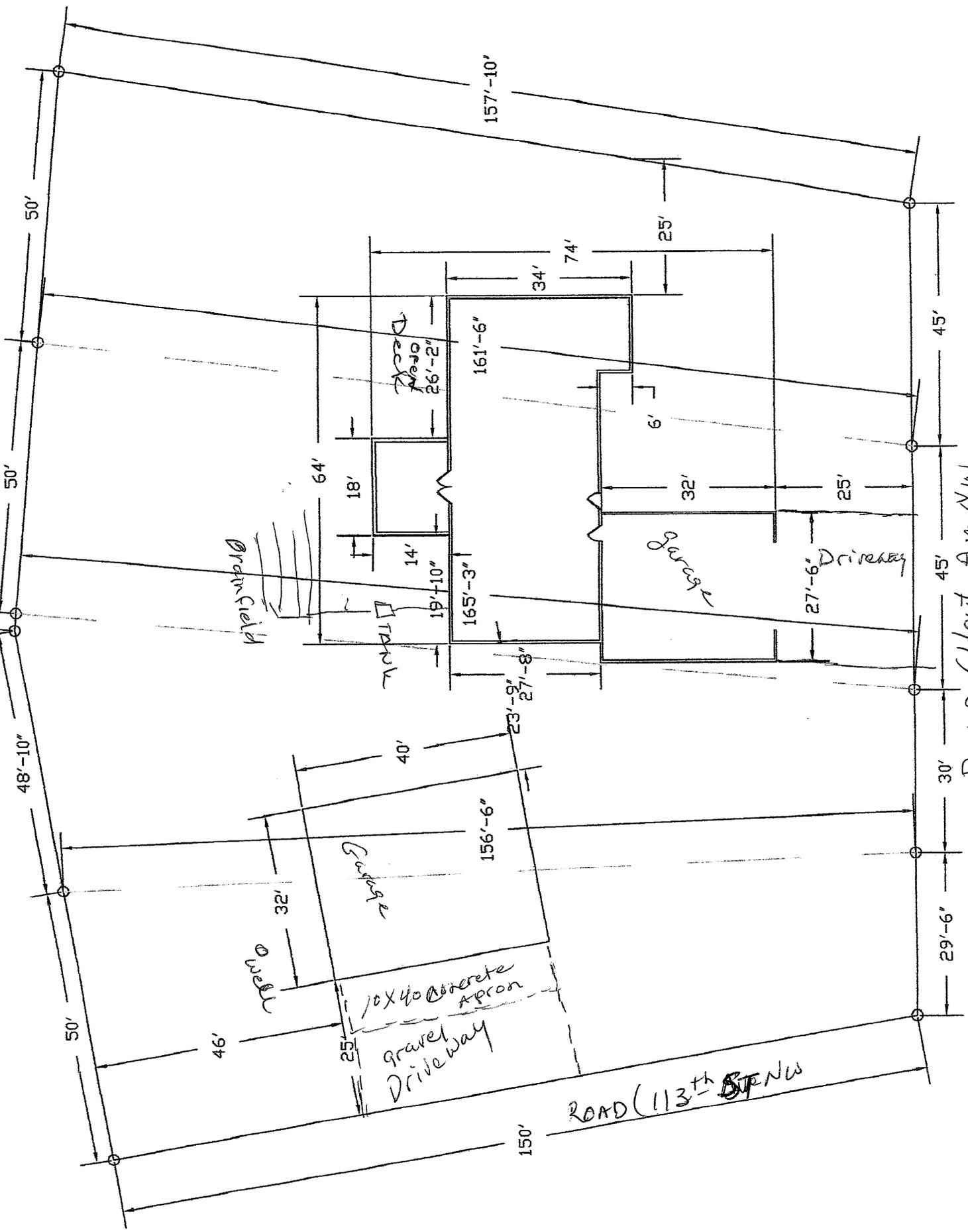
Parcel ID	206066000492	Alternate ID	n/a	Owner Address	MITTELSTAEDT,PATRICIA K
Sec/Twp/Rng	2-121-27	Class	151 - SEASONAL RES REC		6300 ZEALAND AVE N
Property Address	11187 HOYER AVE NW	Acreage	n/a		BROOKLYN PARK, MN 55428
	ANNANDALE				

District n/a

Brief Tax Description Sect-02 Twp-121 Range-027 RUTLEDGE'S SUGAR LAKE PARK Lot-050  
 (Note: Not to be used on legal documents)

Last Data Upload: 6/24/2013 6:27:04 AM

ROAD (Hoyt Ave NW)



ROAD (Hoyt Ave NW)

ROAD (113<sup>th</sup> St NW)

