
CORINNA TOWNSHIP

PLANNING & ZONING COMMISSION

MEETING PACKET FOR THE
March 3, 2011
REGULARLY SCHEDULED MEETING



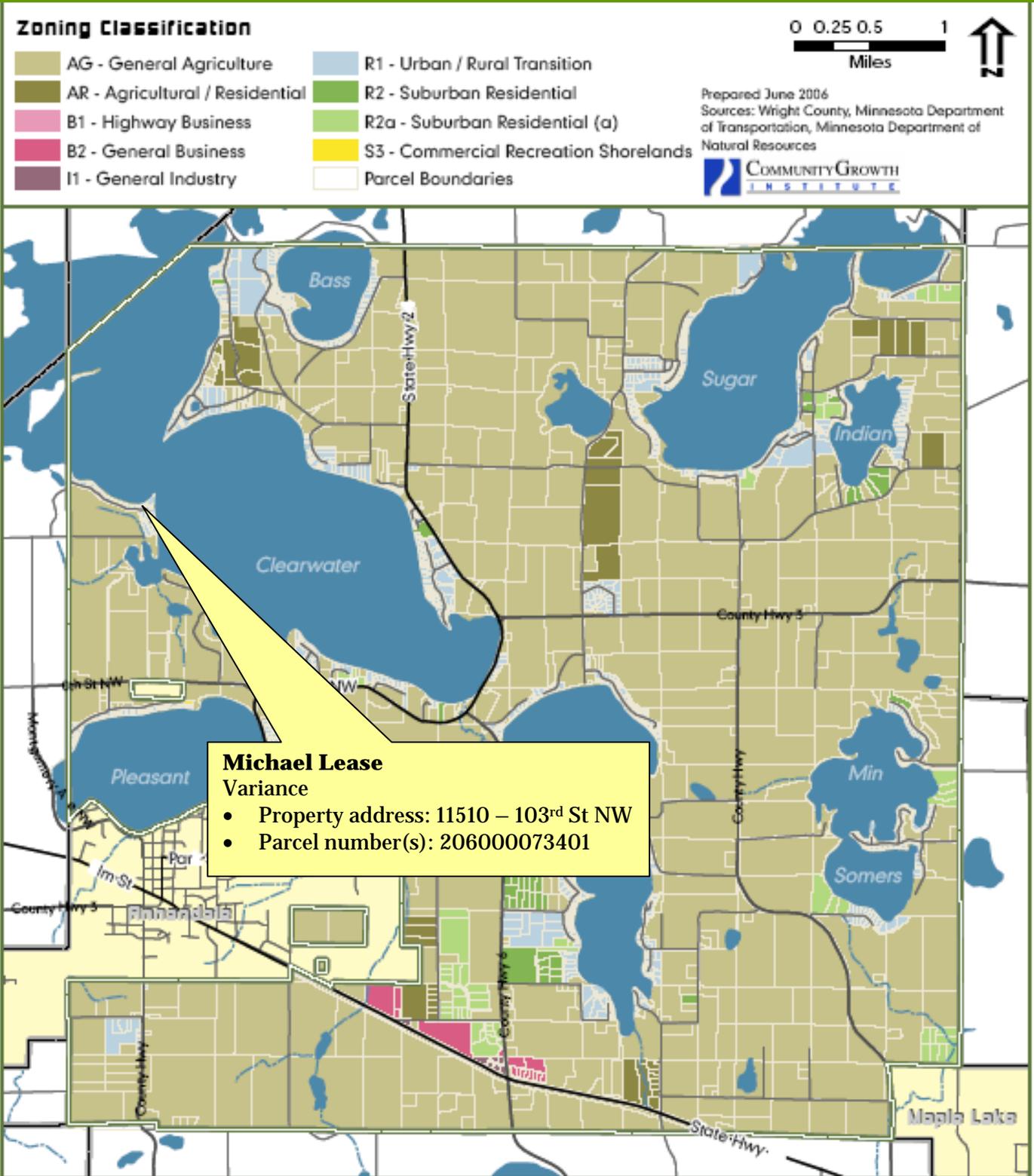
CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 3, 2011

7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Variance to enlarge an existing cabin approximately 46 feet from Clearwater Lake (75 feet required) on an undersized lot. Home length will be increased by about 5 feet and roof to be replaced with a higher pitch. Home will also be raised approximately 1 ft to meet floodplain requirement with a new foundation
 - i. Applicant(s): Michael Lease
 - ii. Property Address: 11510 – 103rd St NW, South Haven
 - iii. Sec/Twp/Range: 7-121-27
 - iv. Parcel Number(s): 206000073401
5. Approve Previous Meeting Minutes
 - a. February 3, 2011
6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
7. New Business
8. Old Business
 - a. Continued discussion of Conservation Overlay District concept
 - i. Proposed DNR regulations for "Conservation Subdivision"
9. Adjournment

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

Corinna Township Location Map for March 3, 2011 Public Hearings



**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 an existing cabin approximately 46 feet from Clearwater Lake (75 feet required) on an undersized lot. Home length will be increased by about 5 feet and roof to be replaced with a higher pitch. Home will also be raised approximately 1 ft to meet floodplain requirement with a new foundation.

Applicant: Michael and Mark Lease

Agenda Item: 4(a)

Background Information:

Location:

- Property Address: 11510 – 103rd Street NW, South Haven
- Sec/Twp/Range: 7-121-27
- Parcel Number: 206000073401

Zoning: Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake (General Development lake).

Lot size: Approximately 112.5 x 162.7 or 18,307 sq ft (0.42 acres) according to provided survey (using “measured” dimensions rather than slightly larger “record” dimensions).

Existing Impervious Coverage:

- Buildings: Approx. 1,276 sq ft (7.0%)
- Total: Approx. 1,524 sq ft (8.3%)

Proposed Impervious Coverage:

- Buildings: Approx. 1,406 sq ft (7.7%)
- Total: Approx. 1,654 sq ft (9.0%)

Septic System Status: The existing sewer system was replaced in late 2010 and found to be compliant. The system is a series of two holding tanks. There is no drainfield. The tanks were designed to exceed the size requirements for 2 bedrooms. The house plans submitted show two bedrooms would be in the rebuilt dwelling.

Natural Features:

Floodplain: The property is within an identified floodplain. The lowest floor of the proposed home is required to be at an elevation of 997.7 (NGVD). The existing cabin’s first floor is at about 996.0 feet. The applicant is proposing to place a foundation under the rebuilt dwelling at an elevation sufficient to meet these requirements. Fill around the home would need to be at an elevation of 996.7 for a distance of at least 15 feet beyond the foundation of the home.

Bluff/Steep Slopes: The property is relatively flat. There are no steep slopes or bluffs on the property.

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

- **Proposal:** The applicant is proposing to tear down the existing 988 sq ft house and build a new 1,118 sq ft home. The new home would be raised in elevation about 1-2 feet to meet floodplain elevation requirements. The new roof would have a 6/12 pitch to it, while the existing cabin has a nearly flat roof.
- **Requested Variance(s):**
 - Lake setback: New dwelling to be about 46 feet from the lake (min. required 75 feet)

Applicable Statutes/Ordinances/Court Decisions:

MN Supreme Court – Stadvold vs. Otter Tail County (2008)

“Given that we have recognized the different effects of use and area variances, *see In re Appeal of Kenney*, 374 N.W.2d at 274, we hold that area variances shall be permitted by a county zoning authority when the applicant makes a showing only of “practical difficulties” under Minn. Stat. § 394.27, subd. 7, whereas an applicant for a use variance must establish particular hardship as set forth in the statute. We further hold that the factors for consideration under the “practical difficulties” standard include:

- (1) how substantial the variation is in relation to the requirement;
- (2) the effect the variance would have on government services;
- (3) whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties;
- (4) whether the practical difficulty can be alleviated by a feasible method other than a variance [economic considerations play a role in the analysis under this factor];
- (5) how the practical difficulty occurred, including whether the landowner created the need for the variance; and
- (6) whether, in light of all of the above factors, allowing the variance will serve the interests of justice.”

Noting that the legislature has limited the authority to grant variances to “exceptional circumstances,” Minn. Stat. § 394.22, subd. 10, we caution, as did the Wisconsin Supreme Court, that our adoption of a less rigorous standard for area variances “is not to say that area variances should be, or are, automatic or easy to obtain.” *Outagamie County Bd. of Adjustment*, 628 N.W.2d at 389.

(County Statute) MN Statutes 394.27, Subd. 7.

Variances; hardship. The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of

a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; 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 shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.

MN Rules 6120.3900, Subp 3 (Variances)

Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

502.3 Findings

The Board of Adjustment shall not grant a Variance unless it finds the following facts at the hearing where the applicant shall present a statement of evidence proving the following:

- (1) The granting of the Variance will not be in conflict with the Comprehensive Plan;
- (2) The property will not yield a reasonable return if used in compliance with this Ordinance;
- (3) The conditions causing the hardship are unique and are not shared by neighboring property in the same zone;
- (4) The granting of the Variance will not essentially alter the character of the neighborhood; and,
- (5) The granting of the Variance will not adversely affect the environmental quality of the area.

If the appellant fails to prove only one of the conditions, the Board of Adjustment cannot legally grant the Variance. The burden of proof of these matters rests on

the applicant. He is requesting a special privilege, and it is incumbent upon him to prove that the conditions necessary for granting of the privilege are satisfied.

605. URBAN/RURAL TRANSITIONAL R-1

605.5 Performance Standards

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

611. FLOOD PLAIN OVERLAY DISTRICT - FP

611.4 FLOOD FRINGE AREA

(2) Permitted Uses Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning district(s). All Permitted Uses shall comply with the standards for all Flood Fringe "Permitted and Conditional Uses" listed in Section 611.4(4).

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

Staff Comment: The Regulatory Flood Protection Elevation for Clearwater lake is 997.7 ft (NGVD)

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.

(a) General Development Minimum Standards:

Structure setback from NOHW	75 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.

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.

(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.

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 conflict with the Comprehensive Plan?

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: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal. The Commission could consider requiring this as a condition of any variance approval given the proposed house would be so close to the lake.
- 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: One of the stated reasons for not moving the house back closer to the setback is to preserve existing mature oak 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.
 - Staff Comment: No specific storm water retention or erosion-control plan has been submitted as part of the variance proposal. The Commission could consider requiring this as a condition of any variance approval given the proposed house would be so close to the lake.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.

- Staff Comment: If the home were moved further back in the lot, it appears slightly more fill would be needed to meet floodplain elevation requirements.

2) How substantial is the variation requested in relation to the minimum requirement of the Zoning Ordinance?

The applicant is requesting to be about 29 feet closer to the lake than is required by the minimum setback of 75 feet. Staff considers this to be a substantial variation in that part of the building would be located within the shore impact zone (37.5 feet from the lake) and the entire building would be located within the required setback.

3) Will the granting of the variance have a negative effect on government services?

The proposed variance would not appear to create any significant additional or negative impact on government services as the use of the property would remain single-family residential in nature and the size of the home would not substantially increase so as to allow for a greater number of people living in the home. Further, the proposal is to raise the dwelling so that it will be less likely to flood, and therefore less likely to require the additional public safety or other services that may be necessary in the event of a flood. While the proposed rebuilding of the home will make it more suitable for year-round use, there are many year-round homes in this neighborhood and it should not increase the need for government services significantly beyond what is already provided.

4) Will the granting of the variance effect a substantial change in the character of the neighborhood or be a substantial detriment to neighboring properties?

The proposed home would not be significantly larger or otherwise out of character with the other dwellings in the immediate area. As viewed from the lake, the visual impact would likely be greater than it is now, but not substantially – especially when considering the rest of the neighborhood contains multi-story homes. The variance would not result in a substantial detriment to neighboring properties as it will be of sound construction, meet floodplain elevation requirements and of customary design for a residential dwelling.

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

To avoid the need for the requested variances, the home would either 1) need to be reconstructed to exactly the same footprint and height, or 2) be moved to an alternate location that would meet the required 75 foot setback.

The applicant has not stated, and Staff is unaware of, the difficulty with reconstructing the home to the same footprint. The Commission may want to ask the application what the practical difficulty is in this respect.

The primary difficulty with maintaining the same height of the existing structure is twofold: First, to meet floodplain elevation requirements, the home would have to be increased in height 1-2 feet even if no changes were made to the roof. Second, the existing roof is relatively flat and would not shed water or snow as well as a more typical 4/12 or 6/12 pitch roof. The applicant is proposing a 6/12 pitch roof.

The primary difficulty with shifting further back into the lot would be the location of the recently installed holding tanks. They were installed approximately 10 feet from the existing cabin (the minimum setback from a dwelling is 10 feet) and to move the house back would require relocating those tanks. Moving the home back would also require removal of “numerous native oak trees”, according to the applicant.

Staff did speak with the original designer of the holding tanks. He noted that relocating septic tanks has been feasible on other properties and that these particular tanks are one of two manufacturers that he feels are particularly feasible for being relocated without being damaged.

He also noted that a septic drainfield was considered for this property, although the drainfield would have had to be a non-standard system (either Type III or Type IV). These were rejected because they were not required by the ordinance, a drainfield would have prevented cars from being parked on the property and the irregular use of the property would not allow for a Type IV (i.e. a pre-treatment system such as Multi-Flo) to operate properly.

6) How did the practical difficulty occur (including whether the owner created the need for the variance)?

The need for the lake setback variance is primarily due to the fact that the existing holding tanks, installed in 2010, were installed between the existing home and the road – in the location where a home would need to be constructed if it were to meet the required setbacks from the lake and the road centerline. It appears possible that the tanks could have been installed elsewhere on the lot, or could be relocated elsewhere, so that it would be possible to shift the home back further – even if not to the full 75 feet.

Additionally, the need for the variance is partially created by the desire to preserve mature oak trees on the lot and a desire to maintain the existing setback of the current home.

7) Will the granting of the variance adversely affect the environmental quality of the area?

The most likely impact on the environment would come from an increase in impervious surfaces and/or an increase in the use of the shoreland areas. Given that the increase in impervious surfaces is relatively small and remains under the allowable ordinance limits, the proposed structure would not likely degrade water quality simply due to the larger home. Given that the proposed replacement house will have the same number of bedrooms as the previous home and that the primary impact on lake quality occurs in summer months, when the existing cabin is used anyways, there is not likely to be a significant increase in use of the lake over what already occurs.

In terms of impacts on the environmental quality of the area during a possible flood, the impact of the proposed building would likely be less than what currently exists given that the dwelling does not meet floodplain elevation requirements and a flood would likely carry pollutants inside the home (i.e. cleaning products, heating fuel, etc..) and into the environment.

8) In light of the above factors, will allowing the variance serve the “interest of justice”?

This criteria comes from the 2008 MN Supreme Court decision addressing the criteria for variances. Unfortunately, the Court did not seem to provide much direction as to what it means by “interest of justice”. As such, it is left to the local government to interpret “interest of justice” as it sees fit.

Staff would offer the following as issues relating to “the interests of justice”:

1. At the time of their install (September 2010), the holding tanks were allowed by ordinance because there was no expansion, alteration, addition or improvement to the existing dwelling in excess of 50 percent of the assessed value of the home and because there was not a proposal for exact replacement of the dwelling. Now that a complete tear-down and enlargement of the home is proposed, the ordinance would require that a holding tank be used only as a “corrective action for sewage disposal for pre-existing uses where a full treatment system cannot be installed.” In Staff’s conversation with the original designer of the holding tanks, it appears that a drainfield could theoretically have been installed, although it would have limited the ability for on-site parking and would have been a non-standard (Type III or IV) system.
2. Nearly every home along 103rd Street NW within 1000 feet of the Lease property is located within 50 feet of the lake. Many are closer than the proposed Lease home. The adjacent home to the east is located 68 feet from the lake, as allowed by a 2005 variance.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request, or table the request 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 and discussion listed above, Staff would suggest that the Commission address at least the following questions with the applicant at the hearing:

1. What is the practical difficulty associated with maintaining the same footprint of the dwelling?
2. What would be the cost of relocating the holding tanks? The Board should consider whether this cost is substantial enough to make in unfeasible to do so (see Finding of Fact #5 above).
3. Why would a full sewer system (with drainfield) be unsuitable for this lot, given that the ordinance requires a full system for expansions to existing dwellings when it is possible?

Unless the answers to the above questions indicate otherwise, Staff would recommend that the variance be granted only upon the following conditions:

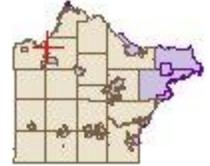
1. That if the property is to remain on holding tanks, the footprint of the dwelling not be expanded beyond its current coverage. If the applicant is able to put in a complaint drainfield, the expansion could then be considered.

2. That the roof pitch be no higher than 6/12, so as to allow for drainage of rainwater and snow off the roof.
3. That the dwelling be moved as far back as possible, while still meeting the required 10 foot setback to the nearest holding tank.
4. The applicant should 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.
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 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.

Date Created: 2/11/2011
Map Scale: 1 in = 83 ft



Overview



Legend

- Water
- Parcels
- City/Township Limits
- Roads
 - t
 - c
- CSAHCL
- CTYCL
- MUNICL
- TWPCCL
- Interstate
- State Hwy
- US Hwy

Parcel ID	206000073401	Alternate ID	N/A	Owner Address	MARK W LEASE & MICHAEL W LEASE PO BOX 189 LITCHFIELD, MN 55355
Sec/Twp/Rng	7-121-27	Class	151 - SEASONAL RES REC		
Property Address	11510 103RD ST NW SOUTH HAVEN	Acreage	0.00		

District

Brief Tax Description Sect-07 Twp-121 Range-027 UNPLATTED LAND CORRINA TWP REV DESC NO 132 IN BK 146-548

(Note: Not to be used on legal documents)

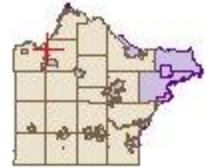
Last Data Upload: 2/11/2011 6:58:42 AM



developed by
The Schneider Corporation
www.schneidercorp.com



Overview



Legend

- Zoning**
- (AG) General Agricultural
 - (A/R) Agricultural/Residential
 - BAZ
 - (B-1) Highway Business
 - (B-2) General Business
 - (I-1) Limited Industrial
 - (R-1) Urban/Rural Transition
 - (R-2) Suburban Residential (2.5 acres)
 - (R-2a) Suburban Residential (a)(5 acres)
 - (S-3) Commercial Shoreland
 - (W) Wild and Scenic River
 - Water
 - Parcels
 - City/Township Limits
- Roads**
- t
 - c
 - CSAHCL
 - CTYCL
 - MUNICL
 - PRIVATECL
 - TWPCCL
 - Interstate
 - State Hwy
 - US Hwy

Parcel ID 206000073401
 Sec/Twp/Rng 7-121-27
 Property Address 11510 103RD ST NW
 SOUTH HAVEN

Alternate ID N/A
 Class 151 - SEASONAL RES REC
 Acreage 0.00

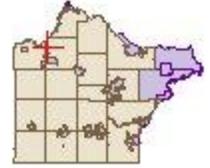
Owner Address MARK W LEASE &
 MICHAEL W LEASE
 PO BOX 189
 LITCHFIELD, MN 55355

District
 Brief Tax Description Sect-07 Twp-121 Range-027 UNPLATTED LAND CORRINA TWP REV DESC NO 132 IN BK 146-548

Date Created: 2/11/2011
Map Scale: 1 in = 83 ft



Overview



Legend

- Soils
- Water
- Parcels
- City/Township Limits
- t
- c
- Roads**
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL
- Interstate
- State Hwy
- US Hwy

Parcel ID	206000073401	Alternate ID	N/A	Owner Address	MARK W LEASE & MICHAEL W LEASE PO BOX 189 LITCHFIELD, MN 55355
Sec/Twp/Rng	7-121-27	Class	151 - SEASONAL RES REC		
Property Address	11510 103RD ST NW SOUTH HAVEN	Acreage	0.00		

District

Brief Tax Description Sect-07 Twp-121 Range-027 UNPLATTED LAND CORRINA TWP REV DESC NO 132 IN BK 146-548
(Note: Not to be used on legal documents)

Last Data Upload: 2/11/2011 6:58:42 AM

Available water capacity to a depth of 60 inches: 2.8 inches

Content of organic matter in the upper 10 inches: 2 percent

Typical profile:

Ap,AB—0 to 10 inches; gravelly sandy loam

C—10 to 60 inches; gravelly coarse sand

Additional Components

Estherville soils

Extent: 10 percent of the unit

Tomall soils

Extent: 5 percent of the unit

708—Rushlake coarse sand, 1 to 4 percent slopes

Component Description

Rushlake and similar soils

Extent: 85 percent of the unit

Geomorphic setting: Beaches

Position on the landform: Flats and slight rises

Slope range: 1 to 4 percent

Texture of the surface layer: Coarse sand

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Moderately well drained

Parent material: Outwash

Flooding: None

Wet soil moisture status is highest (depth, months): 2 feet (April)

Wet soil moisture status is lowest (depth, months): 4 feet (February, August, September)

Ponding: None

Available water capacity to a depth of 60 inches: 3.6 inches

Content of organic matter in the upper 10 inches: 2.1 percent

Typical profile:

A—0 to 9 inches; coarse sand

C—9 to 80 inches; coarse sand

Additional Components

Isan soils

Extent: 13 percent of the unit

Hubbard soils

Extent: 2 percent of the unit

740—Hamel-Glencoe, depressional, complex, 0 to 3 percent slopes

Component Description

Hamel and similar soils

Extent: 70 percent of the unit

Geomorphic setting: Moraines

Position on the landform: Drainageways

Slope range: 0 to 3 percent

Texture of the surface layer: Loam

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Poorly drained

Parent material: Colluvium over till

Flooding: None

Wet soil moisture status is highest (depth, months): 0.5 foot (April)

Wet soil moisture status is lowest (depth, months): 3.3 feet (February, August)

Ponding: None

Available water capacity to a depth of 60 inches: 11.6 inches

Content of organic matter in the upper 10 inches: 6 percent

Typical profile:

Ap,A,AB—0 to 24 inches; loam

Btg—24 to 46 inches; clay loam

Cg—46 to 80 inches; loam

Glencoe, depressional, and similar soils

Extent: 20 percent of the unit

Geomorphic setting: Moraines

Position on the landform: Depressions

Slope range: 0 to 1 percent

Texture of the surface layer: Clay loam

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Very poorly drained

Parent material: Till

Flooding: None

Wet soil moisture status is highest (depth, months): At the surface (March, April)

Wet soil moisture status is lowest (depth, months): 2 feet (February, August)

Ponding is shallowest (depth, months): 0.5 foot (March)

Ponding is deepest (depth, months): 1 foot (April)

Available water capacity to a depth of 60 inches: 11.2 inches

Content of organic matter in the upper 10 inches: 7.5 percent

1377D—Dorset-Two Inlets complex, 12 to 20 percent slopes

Component Description

Dorset and similar soils

Extent: 45 percent of the unit

Geomorphic setting: Hills on outwash plains; hills on stream terraces

Position on the landform: Summits and backslopes

Slope range: 12 to 20 percent

Texture of the surface layer: Sandy loam

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Well drained

Parent material: Outwash

Flooding: None

Depth to wet soil moisture status: More than 5 feet all year

Ponding: None

Available water capacity to a depth of 60 inches: 4 inches

Content of organic matter in the upper 10 inches: 1.9 percent

Typical profile:

Ap—0 to 9 inches; sandy loam

Bt—9 to 14 inches; sandy loam

2Bt,2BC—14 to 25 inches; gravelly loamy sand

2C—25 to 80 inches; gravelly sand

Two Inlets and similar soils

Extent: 40 percent of the unit

Geomorphic setting: Hills on outwash plains; hills on stream terraces

Position on the landform: Shoulders

Slope range: 12 to 20 percent

Texture of the surface layer: Loamy sand

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Excessively drained

Parent material: Outwash

Flooding: None

Depth to wet soil moisture status: More than 6.7 feet all year

Ponding: None

Available water capacity to a depth of 60 inches: 3.2 inches

Content of organic matter in the upper 10 inches: 0.7 percent

Typical profile:

Ap—0 to 9 inches; loamy sand

Bt—9 to 19 inches; gravelly loamy sand

C—19 to 80 inches; gravelly sand

Additional Components

Southhaven soils

Extent: 10 percent of the unit

Verndale, acid substratum, soils

Extent: 5 percent of the unit

1377E—Dorset-Two Inlets complex, 20 to 35 percent slopes

Component Description

Dorset and similar soils

Extent: 45 percent of the unit

Geomorphic setting: Hills on outwash plains; hills on stream terraces

Position on the landform: Summits and backslopes

Slope range: 20 to 35 percent

Texture of the surface layer: Sandy loam

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Well drained

Parent material: Outwash

Flooding: None

Depth to wet soil moisture status: More than 5 feet all year

Ponding: None

Available water capacity to a depth of 60 inches: 4.1 inches

Content of organic matter in the upper 10 inches: 1.9 percent

Typical profile:

A—0 to 9 inches; sandy loam

Bt—9 to 14 inches; coarse sandy loam

2BC—14 to 27 inches; loamy sand

2C—27 to 80 inches; gravelly sand

Two Inlets and similar soils

Extent: 45 percent of the unit

Geomorphic setting: Hills on outwash plains; hills on stream terraces

Position on the landform: Shoulders

Slope range: 20 to 35 percent

Texture of the surface layer: Loamy sand

Depth to restrictive feature: Very deep (more than 60 inches)

Drainage class: Excessively drained

Parent material: Outwash

Flooding: None

Depth to wet soil moisture status: More than 6.7 feet all year

Application # <u>V11-001</u>	Date Application Rec'd <u>2/3/2011</u>	Fee Collected \$ <u>400⁰⁰ on 1/4/11</u>
------------------------------	--	--

(for office use only)

**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant MICHAEL LEASE Phone 320-693-8129

Property Address (E911#) 11510 103rd St. N.W., South Haven, MI. 55382

Mailing Address Box 189 Litchfield, 55355 Local Phone _____
(if different than above) (if different than above)

City, State, Zip _____

Applicant is: _____ Title Holder of Property *(if other than applicant)*

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, authorizing application *(required)* Michael Lease
 (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) 206-000-073401

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

Lot 2 in sect 7, Twp-121, Range-027, Block 146-548
Approx. 1/2 of 1 ACRE

Zoning District CORINNA, Lake Name (if applicable) CLEARWATER LAKE

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Undersized Lot | <input type="checkbox"/> Setback Variance | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> 1 per 40 Division | <input type="checkbox"/> Appeal of Staff Interpretation | <input checked="" type="checkbox"/> Other _____ |

What are you proposing for the property? State nature of request in detail: WE would like to install New foundation + raise the Floor approx 1 foot to get above the floodplain, Add 5' to the length of home AS PER ENCLOSED PLANS. Also have a vaulted ceiling AS PER PLANS.

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.corinnaplanning.info.

Please complete all of the following questions:

1. The granting of the Variance will not be in conflict with the Comprehensive Plan;
2. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
3. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
4. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area.
5. The variance, if granted, will not alter the essential character of the locality.
6. The variance will not allow any use that is prohibited in the zoning-district in which the subject property is located.
7. The granting of the variance will not adversely affect the environmental quality of the area.
8. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.

1. Describe why the granting of the variance request would not conflict with the goals and policies in the Corinna Township Comprehensive Plan (Plan available at www.corinnaplanning.info).

BECAUSE WE ARE REQUESTING TO RAISE THE FOUNDATION ABOVE THE FLOOD PLAIN. WE ARE NOT CHANGING SHORELINE, AND ARE LEAVING THE NATIVE TREES.

2. How will reasonable use of the parcel be taken from you if the variance is not granted? If the variance request were denied, how would you be able to use your property?

THE EXISTING CABIN IS BELOW THE FLOOD MARK, WE CAN NOT MAKE THE IMPROVEMENTS NEEDED DUE TO THE 50% RULE. BY NOT REPAIRING THE CABIN IT WILL BE UNINHABITABLE. WE HAVE UPDATED THE SEPTIC & CAN NOT MOVE THE CABIN BACK DUE TO THE TREES & NUMEROUS NATIVE OAK TREES THAT WOULD HAVE TO BE DESTROYED.

3. What are the unique circumstances of the parcel size, shape, topography or other characteristics that make meeting the Ordinance requirements impractical?

NUMEROUS NATIVE OAKS & SEPTIC SYSTEM. WE ARE JUST LOOKING TO REPLACE WHAT WE HAVE AND BRING THE ELEVATION OF THE CABIN INTO COMPLIANCE.

4. Discuss whether you would be denied a right enjoyed by other landowners in the area if your variance request were denied. What right or rights would be lost?

THE LANDOWNER TO THE EAST BUILT HIS HOME 30' TALL (APPROX.) WE ARE JUST LOOKING TO REBUILD A MORE EFFICIENT CABIN & MEET ELEVATION REQUIREMENTS, WITHOUT DISTURBING THE ENVIRONMENTAL INTEGRITY OF THE PROPERTY.

5. Describe the character of the area and whether the variance, if granted, would change the character of the area.

The character of the area would not change. If not granted, native trees would be lost and due to the proximity of wells to septic, we would have septic issues. The soil is mostly sand + the native oaks help avoid erosion.

6. Discuss whether the variance, if granted, would allow for a use that is prohibited in the zoning district in which the subject property is located (see Appendix A, Section 6 of the Corinna Township Zoning Ordinance for uses allowed and prohibited in your Zoning District).

We have a seasonal cabin, by allowing a variance we would not be challenging the prohibited use provision of the zoning district.

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?

There will be no environmental quality issues. We have already improved environmental issues by replacing old drained field with a state of the art holding tank with alarm system.

8. What considerations other than financial cost make this variance necessary? What other options have been considered and why were those options not chosen?

Other option is to remodel + repair existing cabin, which is on a floating slab + is below the flood plain requirements. To move back to lot would mean the loss of numerous native oaks + cause septic issues.

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

By granting a variance, we are being allowed to improve not only our property, but preserve the integrity + natural environment that the comprehensive plan calls for.

said point being located on the shore line of Clearwater Lake, thence running along said shore line of said lake and North 82 degrees 45 minutes East for 121 feet, thence continuing along said lake and North 70 degrees 05 minutes East 80 feet to the point of beginning of the tract to be conveyed: thence continue along said lake shore North 59 degrees 55 minutes East 100 feet, thence South 30 degrees 05 minutes East 142 feet, thence South 38 degrees 33 minutes West 124.80 feet, thence North 24 degrees 45 minutes West 187.30 feet to the point of beginning and there terminating.

SCOPE OF WORK:

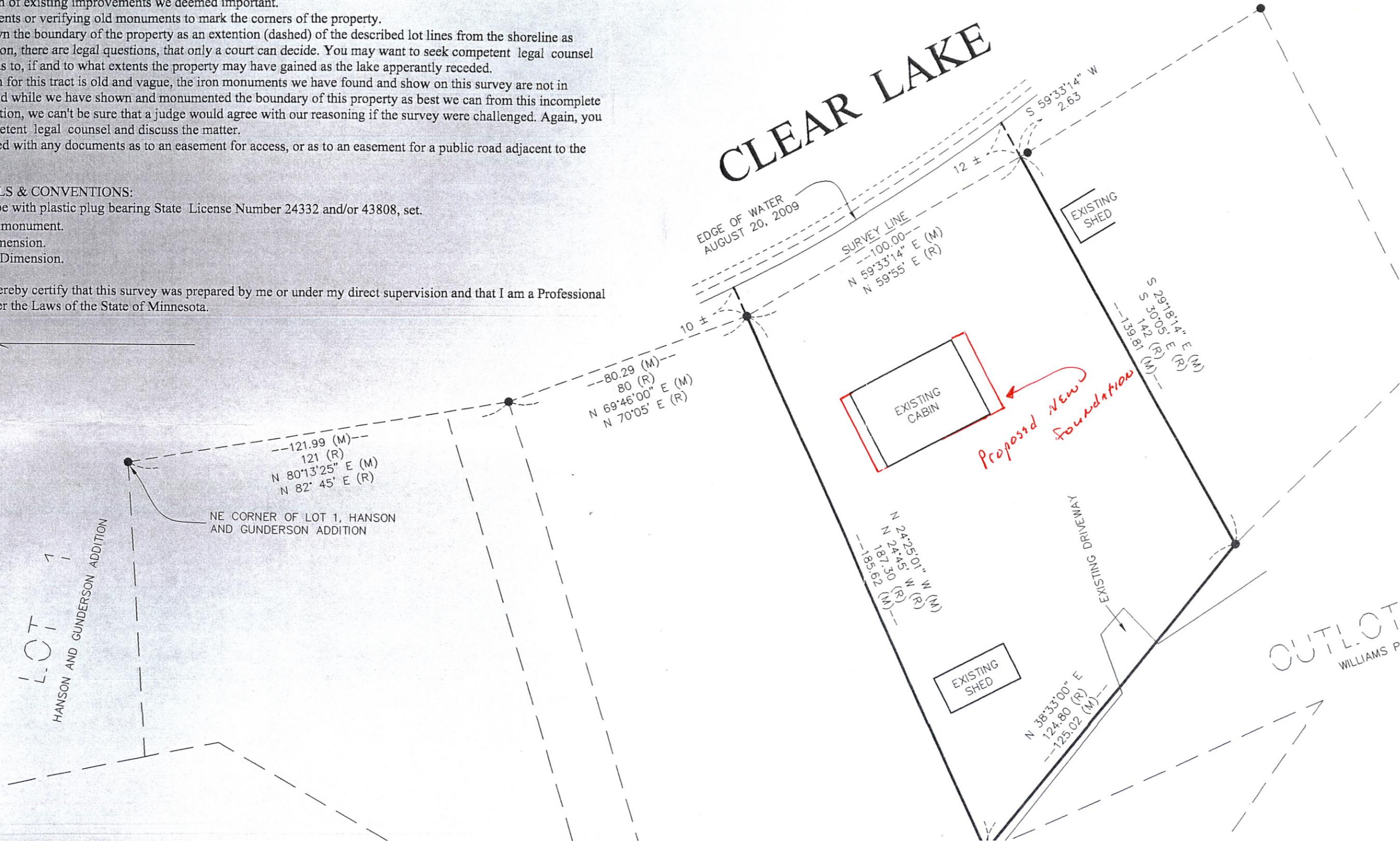
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. While we have shown the boundary of the property as an extension (dashed) of the described lot lines from the shoreline as located and shown hereon, there are legal questions, that only a court can decide. You may want to seek competent legal counsel and discuss the matter as to, if and to what extents the property may have gained as the lake apparently receded.
5. The legal description for this tract is old and vague, the iron monuments we have found and show on this survey are not in complete agreement, and while we have shown and monumented the boundary of this property as best we can from this incomplete and conflicting information, we can't be sure that a judge would agree with our reasoning if the survey were challenged. Again, you may want to seek competent legal counsel and discuss the matter.
6. We were not provided with any documents as to an easement for access, or as to an easement for a public road adjacent to the property.

STANDARD SYMBOLS & CONVENTIONS:

- "O" Denotes 1/2" ID pipe with plastic plug bearing State License Number 24332 and/or 43808, set.
- "●" Denotes found iron monument.
- (R) Denotes Record Dimension.
- (M) Denotes Measured Dimension.

CERTIFICATION: I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Licensed Surveyor under the Laws of the State of Minnesota.

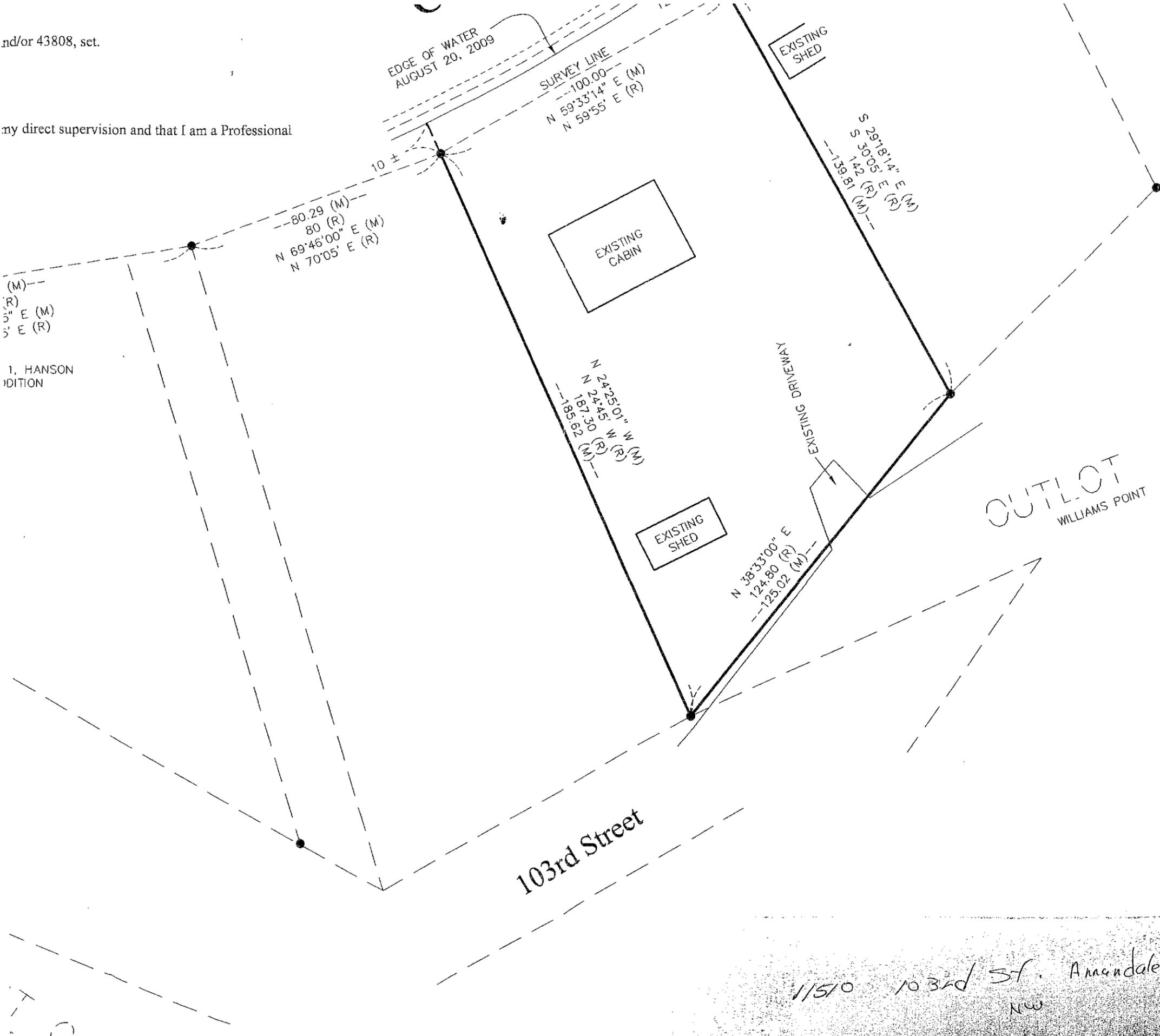
[Signature]
 Larry Huhn PLS 24332
 Doug Huhn PLS 43808



nd/or 43808, set.

my direct supervision and that I am a Professional

1, HANSON
DITION

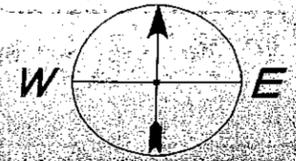


GRAPHIC SCALE



(IN FEET)

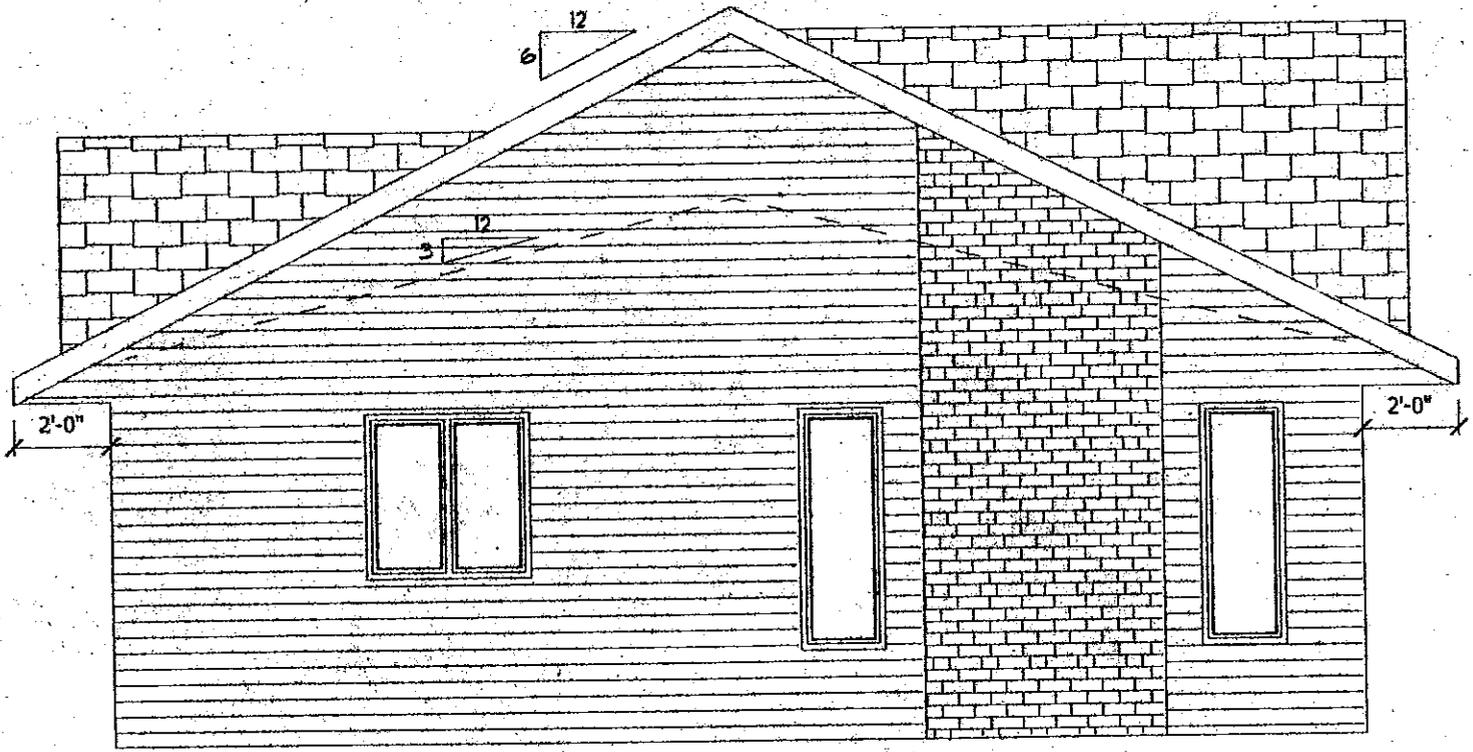
Northstar



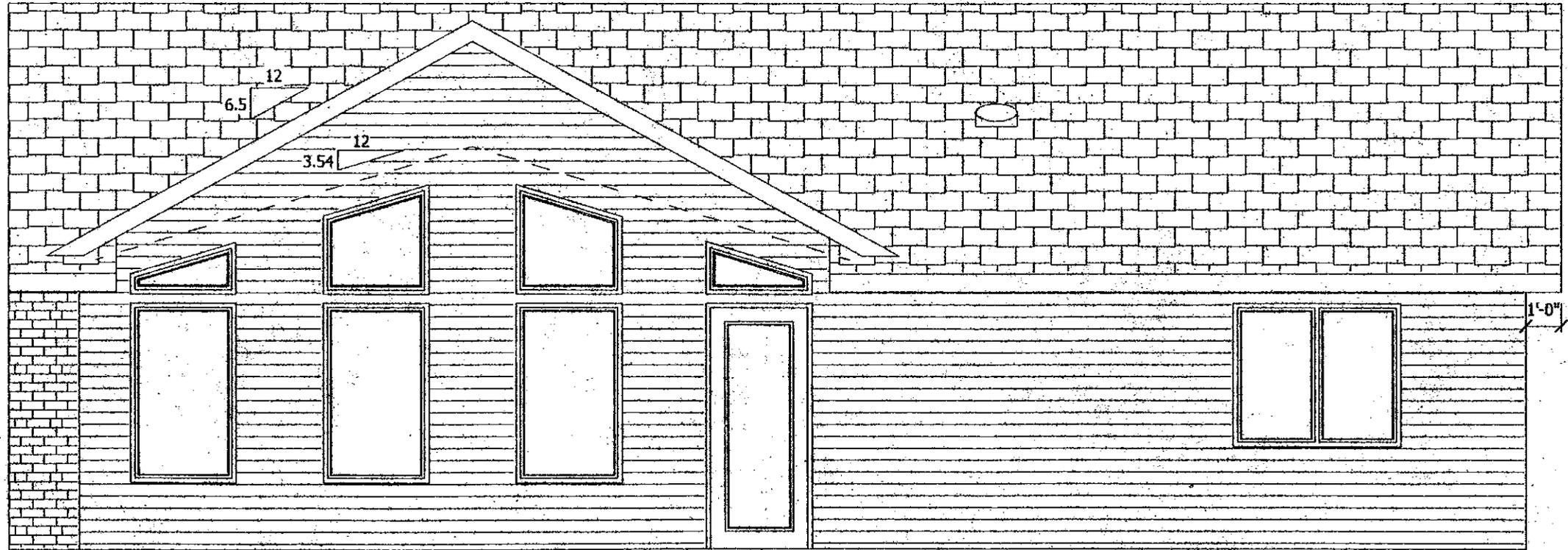
Surveying

(320)693-3710
310 East Depot Street
Litchfield, MN 55355

11510 103rd St. Amandale
NW

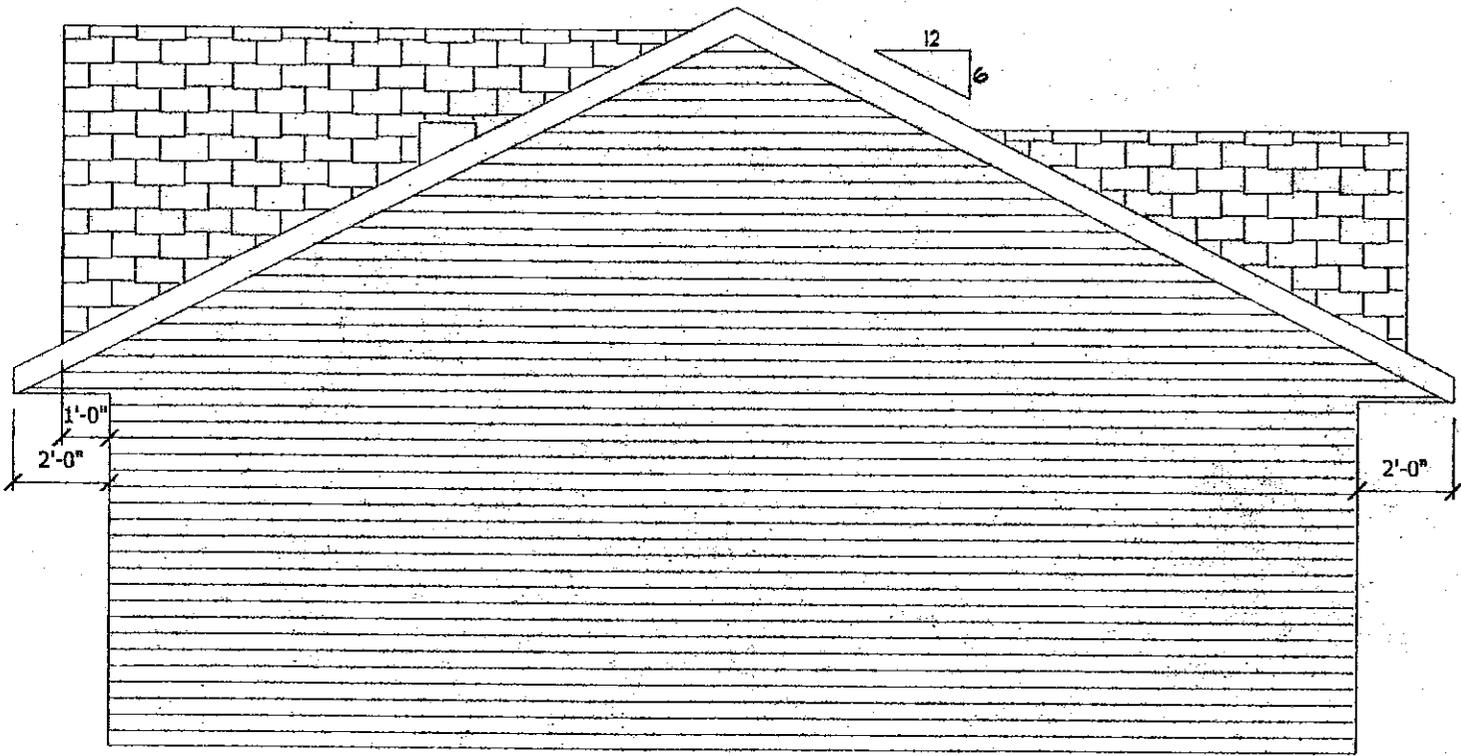


LEFT ELEVATION



LAKE SIDE/FRONT ELEVATION

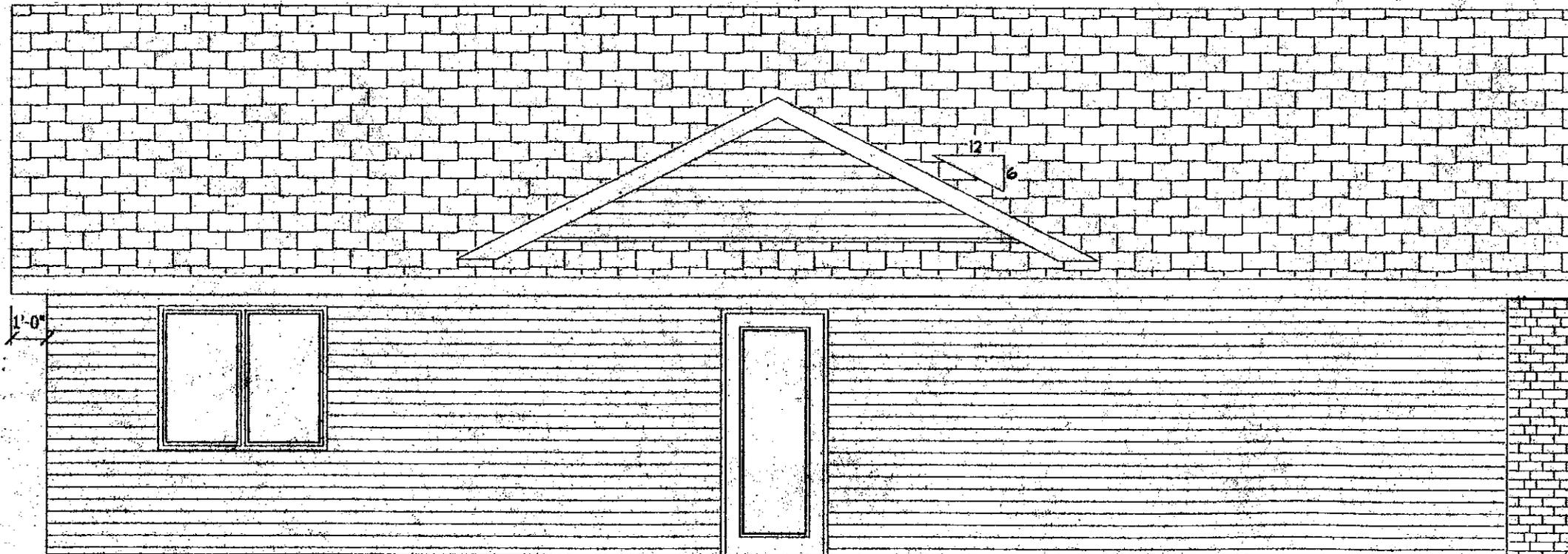
ELEVATION PLAN
SCALE: 1/4" = 1'-0"
1-26-11



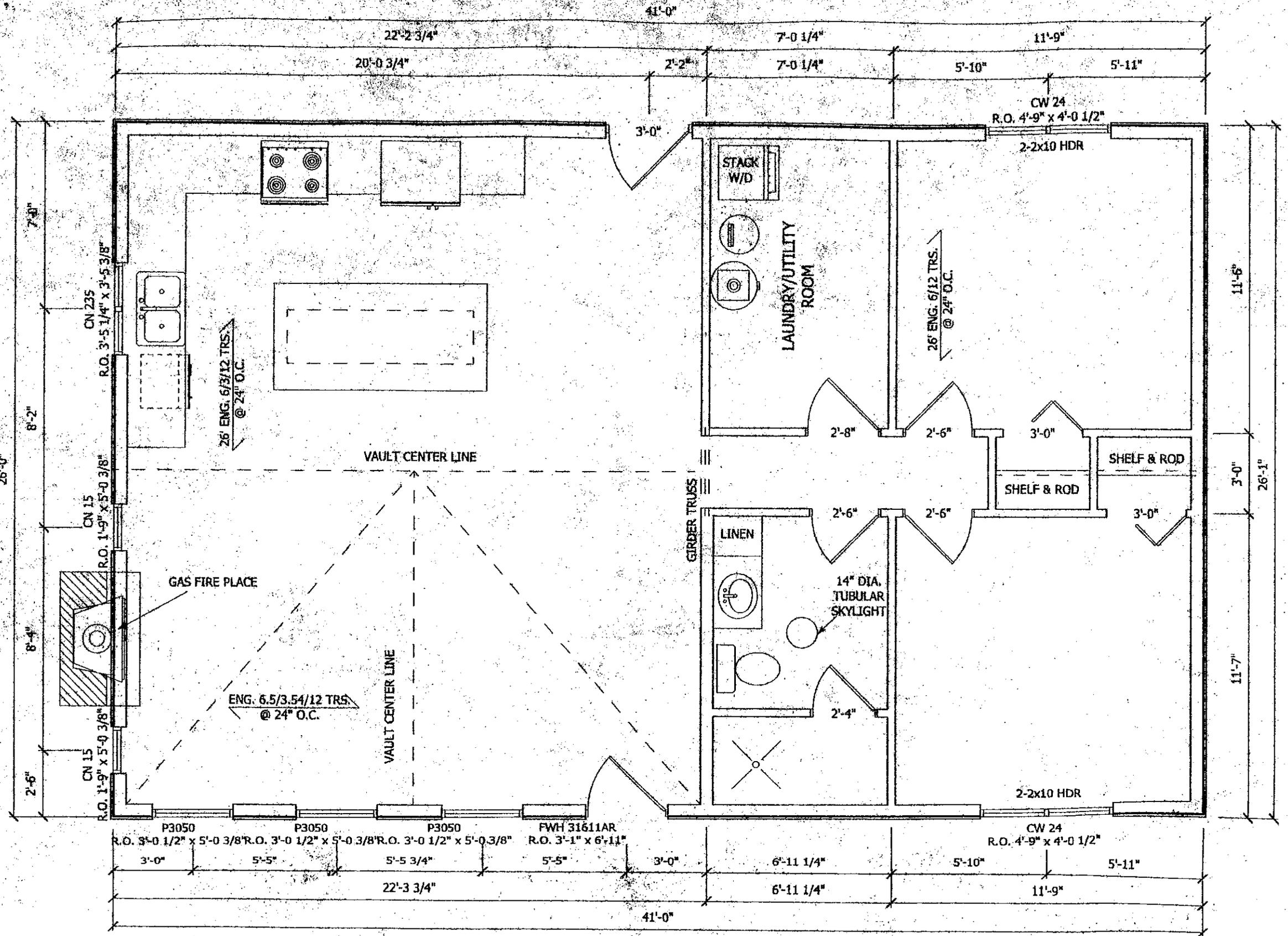
LEFT ELEVATION

MIKE & CHICK LEASE

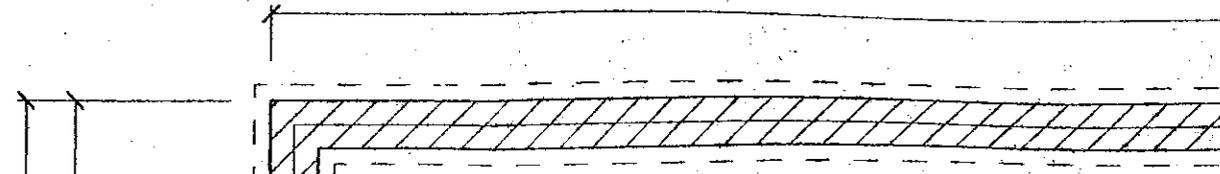
ELEVATION PLAN
SCALE: 1/4" = 1'-0"
1-26-11



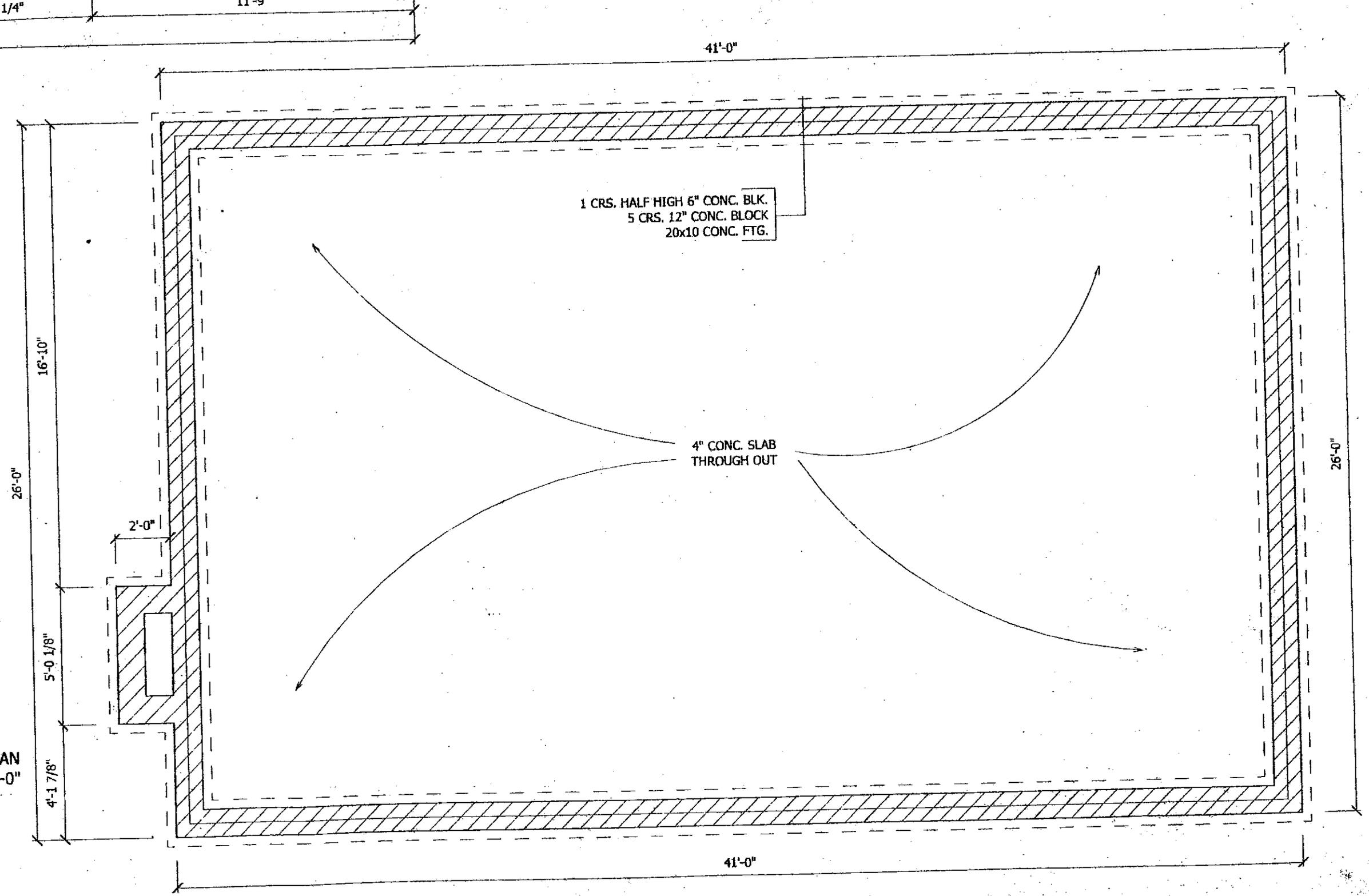
LAKE SIDE/FRONT ELEVATION



FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1-26-11



FLOOR PLAN
SCALE: 1/4" = 1'-0"
1-26-11



1 CRS. HALF HIGH 6" CONC. BLK.
5 CRS. 12" CONC. BLOCK
20x10 CONC. FTG.

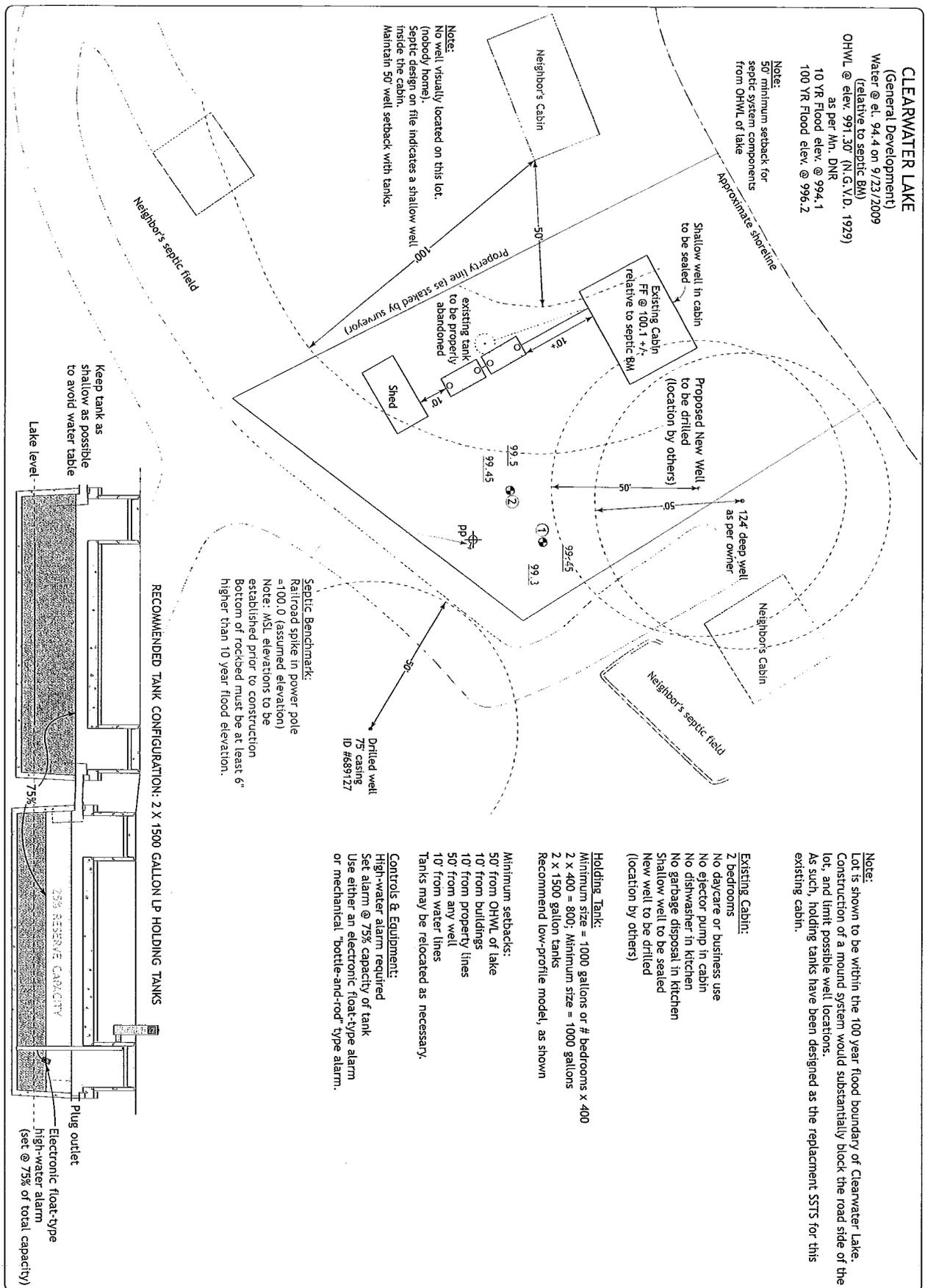
4" CONC. SLAB
THROUGH OUT

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"
1-26-11

CLEARWATER LAKE
(General Development)

Water @ el. 94.4 on 9/23/2009
 (relative to septic BM)
 OHWL @ elev. 991.30' (N.G.V.D. 1929)
 as per Mn. DNR
 10 YR Flood elev. @ 994.1
 100 YR Flood elev. @ 996.2

Note:
 50' minimum setback for septic system components from OHWL of lake



Note:
 Lot is shown to be within the 100 year flood boundary of Clearwater Lake. Construction of a mound system would substantially block the road side of the lot, and limit possible well locations. As such, holding tanks have been designed as the replacement SSTS for this existing cabin.

Existing Cabin:
 2 Bedrooms
 No daycare or business use
 No ejector pump in cabin
 No dishwasher in kitchen
 No garbage disposal in kitchen
 Shallow well to be sealed
 New well to be drilled (location by others)

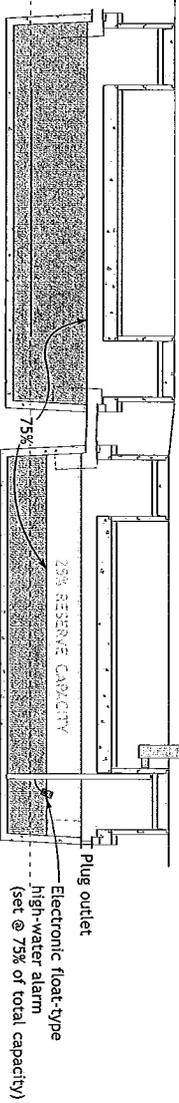
Holding Tank:
 Minimum size = 1000 gallons or # bedrooms x 400
 2 x 400 = 800; Minimum size = 1000 gallons
 2 x 1500 gallon tanks
 Recommend low-profile model, as shown

Minimum setbacks:
 50' from OHWL of lake
 10' from buildings
 10' from property lines
 50' from any well
 10' from water lines
 Tanks may be relocated as necessary.

Controls & Equipment:
 High-water alarm required
 Set alarm @ 75% capacity of tank
 Use either an electronic float-type alarm or mechanical "bottle-and-rod" type alarm.

Septic Benchmark:
 Railroad spike in power pole = 100.0 (assumed elevation)
 Note: MSL elevations to be established prior to construction
 Bottom of rockbed must be at least 6' higher than 10 year flood elevation.

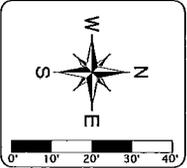
Keep tank as shallow as possible to avoid water table



RECOMMENDED TANK CONFIGURATION: 2 X 1500 GALLON LP HOLDING TANKS

Watab Inc.
 Project: Mike & Chick Lease
 Location: 11510 103rd St. NW, South Haven
 Watab Job #: 2532

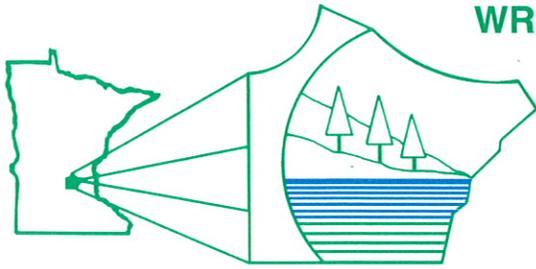
14234 Fruit Farm Road
 St. Joseph, MN 56374
 (320) 363-1300
 (320) 363-7398 (fax)
 www.watab.net



CERTIFIED STATEMENT: The proposed sewage treatment system has been designed in accordance with Mn. Rules, Ch. 7080 and local codes. The soil treatment area must be protected from disturbance and compaction before and after construction. Non-sewage wastes (drain tile, water softener discharge, etc.) shall not be discharged into this system. No warranty is made that this system will continue to function indefinitely. System must be properly maintained. For instructions on proper septic system operation & maintenance, go to <http://septic.umn.edu>, the University of Minnesota Extension Agency, or local regulating agency.

T. H. H. H.
 Watab Inc., MPCA Designer 1 license #2116

REVISED 8/12/2010
 Date



WRIGHT SOIL AND WATER CONSERVATION DISTRICT

311 Brighton Ave. S., Suite C
Buffalo, Minnesota 55313
Telephone (763) 682-1933
(763) 682-1970
Fax (763) 682-0262

February 23, 2011

Corinna Township Zoning Administrator
Ben Oleson
9801 Ireland Avenue NW
Annandale, MN 55302

**RE: SE ¼ of the SW ¼, Section 7, Township 121, Range 27, Wright County, Minnesota,
(Corinna Township). Variance to raise existing cabin 1 foot to meet floodplain requirement with a
new foundation and enlarge an existing cabin length by about 5 feet located approximately 46 feet
from Clearwater Lake on an undersized lot.**

Dear Mr. Oleson,

The Wright Soil and Water Conservation District (SWCD) has reviewed and inspected the above mentioned property and considered the proposal for the variance.

Upon inspection the District noticed the mature oak trees on the property as mentioned in the variance application and understand the outcome from requiring the cabin being moved back from the lake to meet shoreline setbacks. Increasing the original building footprint is proposed and an undue hardship should be required as to why increasing the footprint from the existing size should be allowed.

The property is located entirely in the flood plain along Clearwater Lake. The existing cabin is located on an approximate elevation of 996 feet. The Ordinary High Water (OHW) level of Clearwater Lake rests at 991.3 feet. Raising the existing elevation of the cabin might be necessary as a precaution to prevent against future flooding.

Final grading should not produce additional runoff from existing conditions towards neighboring property. The Minnesota County Well Index identified neighboring wells with a groundwater level of 993 feet and 994 feet respectively. Requiring pretreatment of stormwater runoff in the form of a bioretention device should not be considered due to the shallow groundwater level.

Please refer to the attached map as a general reference to locations and suggestions on placement of temporary sediment control devices. Given the undersized lot and close proximity to the neighboring parcel temporary sediment control devices should be used to ensure sediment remains on-site. The use of silt fence should be installed to contain potential sediment erosion into Clearwater Lake and neighboring parcels prior to any land disturbing activity.

A barrier (Ex. silt fence) should be placed around the 20 foot septic setback to ensure disturbance or soil compaction does not occur from equipment during construction.

Please note during final grading if soil is spread around the base of the mature trees at too great of a quantity it has the potential to harm or even kill the mature trees. Once construction has ceased all exposed soils require stabilization. The silt fences installed should be removed once the vegetation has reached 70% cover over the entire disturbed areas.

The Wright SWCD appreciates the opportunity to comment on the variance of the proposed project. Thank you for addressing our comments and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,



Brian Sanoski
Resource Conservationist

Erosion & Sediment Control Site Plan



NOTES:

- Silt fence should be installed to protect sediment from entering neighboring properties and Clearwater Lake
- As a precaution additional fill around the base of trees has the potential to harm or kill the trees
- Permanent erosion control should be established on all disturbed areas after construction is complete
- Silt fence should be removed once vegetation has reached 70% cover over all disturbed areas











Our promise to you is that we will:

1. Without prejudice, reflect the vision of the community as represented in the community's planning documents.
2. Respect the will of the community as enacted in land use policies and regulations.
3. Serve the elected and appointed officials of the community, understanding they are the decision-makers elected by the people they represent.
4. Always seek the truth through an exchange of ideas that is open, honest and without bias.
5. Continually improve community access to planning information and processes.
6. Provide service that is friendly, responsive and professional.

