
CORINNA TOWNSHIP

PLANNING & ZONING COMMISSION

MEETING PACKET FOR THE
September 13, 2011
REGULARLY SCHEDULED MEETING



CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 13, 2011

7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. (Tabled from June 2 meeting) Variance to construct a second story above an existing dwelling approximately 22.5 feet, a 2'6" x 14' second story open deck approximately 20.3 feet, a 6' x 10' second story open deck approximately 33 feet, and a two story dwelling/garage addition approximately 39 feet from Sugar Lake (75 feet required in all cases) and 18.5 feet from the edge of a public road (20 feet required) on an undersized lot. Variance to construct a septic drainfield 5 feet from a side and right-of-way property line (min. 10 feet required).
 - i. Applicant(s): Kevin Blohm and Veda Vargo
 - ii. Property Address: 11708 Hollister Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 2-121-27
 - iv. Parcel Number(s): 206011002070 and 206011000032
 - b. (Tabled from August 9 meeting) Rezoning of two parcels from General Agriculture (AG) to Agricultural/Residential (A/R).
 - i. Applicant(s): Melvin Dykhuizen et. al.
 - ii. Property Address: County Road 7 NW, Annandale
 - iii. Sec/Twp/Range: 1-121-27 and 12-121-27
 - iv. Parcel Number(s): 206000121101 and 206000014400
 - c. Variance to convert an existing one-story storage shed into a 22' x 22' two-story guest house (max. 750 sq ft total floor area allowed) with greater than six feet of headroom on the second level (max. 6 ft allowed) on a 17,358 sq ft lot (min. 20,000 sq ft required) where no primary residence exists.
 - i. Applicant(s): Mike Zieska
 - ii. Property Address: 11804 Gulden Ave NW, Annandale
 - iii. Sec/Twp/Range: 1-121-27
 - iv. Parcel Number(s): 206000012102
 - d. Variance to replace an existing single-story dwelling with a 26' x 42' two-story dwelling with a 10' x 18' covered porch approximately 40-59 ft from Cedar Lake (75 ft required) on an undersized lot.
 - i. Applicant(s): Scott & Christine Nelson
 - ii. Property Address: 7323 Ingram Ave NW, Maple Lake
 - iii. Sec/Twp/Range: 27-121-27
 - iv. Parcel Number(s): 206065000080
5. Approve Previous Meeting Minutes

- a. August 9, 2011
- 6. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
- 7. New Business
 - a. Proposed Wright County Ordinance Changes – Dwelling Entitlements in AG Districts and Variance Criteria
- 8. Old Business
 - a. Discuss interpretation of “expansion” when applying MN Statutes 394.36, Subd. 4 and 462.357, Subd. 1e (Nonconformity statutes)
- 9. Adjournment

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



STAFF REPORT

Application: Variance to construct a second story above an existing dwelling approximately 22.5 feet, a 2'6" x 14' second story open deck approximately 20.3 feet, a 6' x 10' second story open deck approximately 33 feet, and a two story dwelling/garage addition approximately 39 feet from Sugar Lake (75 feet required in all cases) and 18.5 feet from the edge of a public road (20 feet required) on an undersized lot. Variance to construct a septic drainfield 5 feet from a side and right-of-way property line (min. 10 feet required).

Applicant: Kevin Blohm and Veda Vargo

Agenda Item: 4(a)

Background Information:

Location:

- Property Address: 11708 Hollister Ave NW, Maple Lake.
- Sec/Twp/Range: 2-121-27.
- Parcel Number(s): 206011002070 and 206011000032

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

Lot size:

With additional road vacation: 13,730 sq ft (0.32 acres) according to provided survey.

Without additional road vacation: 12,851 sq ft (0.30 acres) according to provided survey.

Existing Impervious Coverage:

- **Buildings:** Approx. 1,309 sq ft
 - With additional road vacation: (9.5%)
 - Without additional road vacation: (10.2%)
- **Total:** Approx. 1,309 sq ft
 - With additional road vacation: (9.5%)
 - Without additional road vacation: (10.2%)

Proposed Impervious Coverage:

- **Buildings:** Approx. 2,050 sq ft
 - With additional road vacation: (14.93%)
 - Without additional road vacation: (15.95%)
- **Total:** Approx. 2,691 sq ft
 - With additional road vacation: (19.6%)
 - Without additional road vacation: (20.9%)

- Septic System Status:** The applicant is proposing the construction of a new, replacement sewer system as part of this request. The new system would be a Type 4

with reduced separation to saturated soil and a Multi-Flo system would be used for primary treatment. The pressure bed will need to be raised and over-excavated.

The proposed floor plan shows a master bedroom and another bedroom on the second floor. No bedrooms are identified on the main floor. The second floor also contains an “family/rec room.”

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain. The ordinance required, in such cases, that the lowest floor of a dwelling be located at least 4 feet above the highest known water level (HKWL). For Sugar Lake, the highest known water level is 990.03 (7/16/2011)¹ and the proposed lowest floor of the dwelling would be 993.4.

Bluff/Steep Slopes: There are no steep slopes of bluffs on the property.

Wetlands: There do not appear to be any wetlands on the property that would impact the proposal. There is a large wetland located across Hollister Avenue.

- **Proposal:** The applicant is proposing to build a 20' x 40' addition to the existing one-story home, and also construct a second story over approximately 2/3 of the first floor.

One issue that has arisen is that the applicant had discussed vacating some additional right-of-way with Township officials that would give him additional lot size and allow for additional building coverage. Staff's conversations with the applicant and the Town Board indicated that the Township could only vacate areas that are outside of the existing road top. When the survey came back showing that some of the road top would be vacated, the Town Board discussed and indicated they would be unlikely to vacate anything in that manner. The result would be that the applicant has less lot space and will need to further reduce the size of the proposed building addition to ensure the property remains under 15% coverage.

□ **Requested Variance(s):**

- Lake setback: Construct a second story above an existing dwelling approximately 22.5 feet, a 2'6" x 14' second story open deck approximately 20.3 feet, a 6' x 10' second story open deck approximately 33 feet, and a two story dwelling/garage addition approximately 39 feet from Sugar Lake (75 feet required in all cases)
- Road setback: Dwelling/garage addition to be approximately 18.5 feet from the edge of a public road (20 feet required).
- Septic system setback: Septic drainfield to be constructed 5 feet from a side and right-of-way property line (min. 10 feet required).
- Impervious coverage limit: Building coverage to be approximately 15.95 percent (max. 15 percent allowed). Current building coverage is 10.8 percent.

¹ The highest known water level at the time the applicant originally applied for this variance was 989.89 (5/11/2008). The difference between that reading and the current highest known water level is 0.14 feet, or 1.68 inches. Staff discussed this matter with the DNR Hydrologist (R. Stradal) and he indicated that the Township should use whatever the HKWL is at the time the permit is issued. The applicant's initial building plans had used the previous, lower HKWL and will need to be amended.

- Building elevation: Lowest floor of building addition to be approximately 3.4 feet above the highest known water level (4 feet required).

Applicable Statutes/Ordinances/Court Decisions:

1.1A bill for an act

1.2relating to local government; providing for variances from city, county, and town

1.3zoning controls and ordinances;amending Minnesota Statutes 2010, sections

1.4394.27, subdivision 7; 462.357, subdivision 6.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.27, subdivision 7, is amended to read:

1.7 Subd. 7. **Variances; hardship practical difficulties.** The board of adjustment shall

1.8have the exclusive power to order the issuance of variances from the ~~terms~~ requirements

1.9of any official control including restrictions placed on nonconformities. Variances shall

1.10only be permitted when they are in harmony with the general purposes and intent of the

1.11official control ~~in cases when there are practical difficulties or particular hardship in~~

1.12~~the way of carrying out the strict letter of any official control, and when the terms of~~

1.13~~the variance~~ variances are consistent with the comprehensive plan. "Hardship" as used

1.14~~in connection with the granting of a variance means the property in question cannot be~~

1.15~~put to a reasonable use if used under the conditions allowed by the official controls; the~~

1.16~~plight of the landowner is due to circumstances unique to the property not created by the~~

1.17~~landowner; and the variance, if granted, will not alter the essential character of the locality.~~

1.18Variances may be granted when the applicant for the variance establishes that there

1.19are practical difficulties in complying with the official control. "Practical difficulties,"

1.20as used in connection with the granting of a variance, means that the property owner

1.21proposes to use the property in a reasonable manner not permitted by an official control;

1.22the plight of the landowner is due to circumstances unique to the property not created by

1.23the landowner; and the variance, if granted, will not alter the essential character of the

1.24locality. Economic considerations alone shall do not constitute a hardship if a reasonable

2.1use for the property exists under the terms of the ordinance practical difficulties. Practical

2.2difficulties include, but are not limited to, inadequate access to direct sunlight for solar

2.3energy systems. Variances shall be granted for earth sheltered construction as defined in

2.4section 216C.06, subdivision 14, when in harmony with the official controls. No variance

2.5may be granted that would allow any use that is ~~prohibited~~ not allowed in the zoning

2.6district in which the subject property is located. The board of adjustment may impose

2.7conditions in the granting of variances to. A condition must be directly related to and must

2.8bear a rough proportionality to the impact created by the variance ~~insure compliance~~

2.9and to protect adjacent properties and the public interest. The board of adjustment may

2.10 ~~consider the inability to use solar energy systems a "hardship" in the granting of variances.~~

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.13 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and

2.14 adjustments may be taken by any affected person upon compliance with any reasonable

2.15 conditions imposed by the zoning ordinance. The board of appeals and adjustments has

2.16 the following powers with respect to the zoning ordinance:

2.17 (1) To hear and decide appeals where it is alleged that there is an error in any

2.18 order, requirement, decision, or determination made by an administrative officer in the

2.19 enforcement of the zoning ordinance.

2.20 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~

2.21 ~~in instances where their strict enforcement would cause undue hardship because of~~

2.22 ~~circumstances unique to the individual property under consideration, and to grant such~~

2.23 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~

2.24 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting of a~~

2.25 ~~variance means the property in question cannot be put to a reasonable use if used under~~

2.26 ~~conditions allowed by the official controls, requirements of the zoning ordinance including~~

2.27 ~~restrictions placed on nonconformities. Variances shall only be permitted when they are in~~

2.28 ~~harmony with the general purposes and intent of the ordinance and when the variances are~~

2.29 ~~consistent with the comprehensive plan. Variances may be granted when the applicant for~~

2.30 ~~the variance establishes that there are practical difficulties in complying with the zoning~~

2.31 ~~ordinance. "Practical difficulties," as used in connection with the granting of a variance,~~

2.32 ~~means that the property owner proposes to use the property in a reasonable manner not~~

2.33 ~~permitted by the zoning ordinance; the plight of the landowner is due to circumstances~~

2.34 ~~unique to the property not created by the landowner; and the variance, if granted, will not~~

2.35 ~~alter the essential character of the locality. Economic considerations alone shall do not~~

3.1 ~~constitute an undue hardship if reasonable use for the property exists under the terms of~~

3.2 ~~the ordinance. Undue hardship also includes practical difficulties. Practical difficulties~~

3.3 ~~include, but is are not limited to, inadequate access to direct sunlight for solar energy~~

3.4 ~~systems. Variances shall be granted for earth sheltered construction as defined in section~~

3.5 ~~216C.06, subdivision 14 , when in harmony with the ordinance. The board of appeals and~~

3.6 ~~adjustments or the governing body as the case may be, may not permit as a variance any~~

3.7 ~~use that is not permitted allowed under the zoning ordinance for property in the zone~~

3.8 ~~where the affected person's land is located. The board or governing body as the case~~

3.9 ~~may be, may permit as a variance the temporary use of a one family dwelling as a two~~

3.10 ~~family dwelling. The board or governing body as the case may be may impose conditions~~

3.11 ~~in the granting of variances to insure compliance and to protect adjacent properties. A~~

- 3.12 condition must be directly related to and must bear a rough proportionality to the impact
3.13 created by the variance.
3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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.

403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

605. URBAN/RURAL TRANSITIONAL R-1

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"

(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.

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

716.3 Site Evaluation and Design Requirements

**Table 3
Minimum Setback Distances (Feet)**

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

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

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

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

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

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:** A stormwater plan has been submitted by the applicant. It would direct rainwater from the roof of the existing/proposed dwelling and garage into a non-perforated draintile that would discharge the water into the wetland across the road. Staff spoke with SWCD staff about whether discharging to a wetland would be a concern and they stated they did not feel it would given the relatively small amount of water involved.

- 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: Given the existing location of the home, there is very little room between the home and the lake to engage in much large scale planting. Some planting of a buffer would be helpful though in preserving lake quality and/or minimizing the visual impact of the home from the lake.
- 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: A stormwater plan has been submitted by the applicant, as discussed 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 major grading or filling of land is expected as part of this application. The only site preparation would be for the garage/dwelling addition and possible new driveway.

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

Lake setback: The applicant is requesting to be about 22.5 feet from the lake with the second story addition (min. required is 75 feet). This is no closer than the current setback. A new lakeside deck is proposed that would be about 20.3 feet from the lake, which is closer than anything that exists today. The deck and house/garage addition would be 33-39 feet from the lake. All of these encroachments on the 75 foot setback are considered substantial in that they are mostly within the shore impact zone. However, given the shallow dimensions of the lot and the required road setbacks, there is really no other choice if an addition is to be constructed.

Road setback: The applicant is requesting that the addition be 18.5 feet from the road surface (20 feet min. required). If the part of the road is not vacated as shown in the applicant's drawing, this would be considered a substantial encroachment in that it does not meet either the 65 ft setback from centerline or the lesser 20 feet from road surface that is allowed for in the ordinance.

Septic system setback: The proposed setback variances to the road right-of-way and side lot line are not uncommon variances as there is often a desire to prioritize effective sewage treatment over maintaining the required 10 ft setbacks. So long as the neighboring property is not negatively affected, Staff does not view this variance request as significant. If the road is not vacated as shown in the drawings, the previous plan indicated the septic system could still meet a 5 ft setback from the road and would be slightly closer to the lake (but still meet the min. required 50 ft setback).

Impervious surface coverage: The proposed construction would take the building coverage on the lot from 10.8 percent to 15.95 percent. Given the significant size

of the addition and the fact that building coverage is limited to just 15 percent, Staff would consider this variance request significant. If the road is vacated as presented, a variance from building coverage would no longer be necessary.

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. The home would increase in size however, could accommodate a larger number of people, and is intended for year-round use if approved. There is some possibility that there would be increased demand for public snow-plowing and road maintenance – if not now sometime in the future as other homes in the area are replaced with year-round homes. Still, the potential impact on government services would not be overly negative or out of the ordinary for the neighborhood.

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 neighborhood where the property is located is a mix of mostly small, seasonal, single-story cabins and a few larger 1.5-2 story dwellings with the potential for year-round use. As with other areas of the Township's shoreland areas, the homes in this neighborhood are likely to steadily be converted over from the small, seasonal cabins to larger year-round dwellings. The proposed home would both change the footprint covered by dwelling area and the height of the building.

Overall, Staff does not feel that the character of the neighborhood will be substantially changed, although there will certainly be a change in how the house would appear from the lake.

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 impervious coverage variance, the proposed addition would need to be downsized by about 123 sq ft. The addition would need to be about 1.5 feet shallower to meet at least a 20 ft right-of-way setback. There does not appear to be any reasonable way to add to the footprint of the existing dwelling without a road and/or lake setback variance. There does not appear to be a reasonable way to place a septic system on this lot that would meet all required setbacks, unless the garage/dwelling additions were significantly downsized.

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

The need for the variances is created primarily by the layout of the lot, as it was originally platted, the location of the township road, and the desire of the applicant for a year-round dwelling.

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 the increased impervious coverage on the lot. While it will still be well under the maximum

allowed total impervious coverage of 25% (20.9%), the proposal would put building coverage above the maximum allowed of 15% (15.95%). Additionally, the year-round nature of the home to be constructed could increase the use of the lake.

The impacts associated with the building coverage exceeding the maximum allowed could be addressed via a stormwater management plan, although it would still be contrary to the ordinance. Recreational use of the lake, even if it is at a higher level than previously, would not be significantly greater than what is typical of other homes around the lake and the near-shore area is not identified as having unique habitat or stands of aquatic vegetation.

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

This criterion 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. Many other homes and buildings within the area do not meet the lake and road setback requirements due to the layout of the lots and the road. It also appears that several lots may have building coverage in excess of 15%, although this would need to be verified with accurate surveys.
2. The lot, with its small size and shallow depth, may not be appropriate for year-round use if such use requires variances from lot coverage requirements.

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 cannot recommend approval of the request as it is currently presented, although the number of variances necessary would be reduced if the road is vacated. In particular, the requested road setback and building coverage variances or eliminated appear that they could be minimized with some adjustments to the proposal. Staff recognizes however, that any improvement to the building on this lot will require a lake setback variance and likely a septic system setback variance given the dimensions of the lot.

If the Board of Adjustment recommends approval of a variance, Staff would recommend the following conditions:

1. The applicant shall reduce the size of the proposed addition so that it stays under the maximum allowed 15% coverage.
2. The applicant shall meet the required 4 ft elevation above the highest known water level (July 2011 version).
3. The applicant shall reduce the depth of the proposed addition so that it maintains at least a 20 ft setback from the road right-of-way.

4. The applicant shall implement the permanent stormwater management plan as submitted with the application. All necessary construction shall be completed at the time of the construction of the additions.
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.

Application # _____	Date Application Rec'd ____/____/____ (for office use only)	Fee Collected \$ _____
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**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant Kevin M Blohm Phone 952-942-7330
 Property Address (E911#) 11708 Hollister Ave NW, Annandale, MN
 Mailing Address 7465 Scot Terrace Eden Prairie Local Phone 952-686-4654
 (if different than above) Cell (if different than above)
 City, State, Zip Eden Prairie, MN 55346

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

Signature of Legal Owner, authorizing application (required) _____
 (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) 206-011-002070
~~206-011-000032~~

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

Lot 7 + 8 Blk 2, Addison Bay
Parcel C + Parcel A See attached Survey Dated 7-2-0
R-1 Urban Rural Transition
 Zoning District R-1, Lake Name (if applicable) Sugar Lake

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

- Undersized Lot Setback Variance Lot Line Adjustment
 1 per 40 Division Appeal of Staff Interpretation Other _____

What are you proposing for the property? State nature of request in detail:
Install high performance septic system & well
designed by Miller's Sewage Treatment Solutions
Add 2 Car Garage Entry, 7 space Room 1st Floor
2 Bedrooms, 2 Bathrooms & Livingroom 2nd Floor

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).
The proposed addition along with the present structure will be similar in size as the other year around homes in the area.
 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?
It limits this property to be seasonal only.
 3. What are the unique circumstances of the parcel size, shape, topography or other characteristics that make meeting the Ordinance requirements impractical?
Lot 7 & 8 Parcel C. Have a total of 200 feet of Lakeshore, and is 80 feet deep. Most lots (lots) have 50-75-100 feet of Lakeshore by 100-1200 feet deep. The only solution is building toward the road, and building a second story.
 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?
There are other year around homes built on undersized lots.

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

All of the existing homes are walkouts. From the lake they all look like two stories which we are proposing. No Cabins or Homes will ever be built behind us blocking the view of the lake.

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 see no environmental impact or change in granting the variance.

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 would be no environmental issues. We would eliminate the holding tank and install a high performance septic system. We would install a new well.

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

We would have sold the Cabin in 2007 and bought a year around home. Please see our letter responding to item 899.

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

See attached letter.

05/06/2011

To: Corinna Township

RE: Items 8 & 9 on the Corinna Township Variance application.

In 2006 we started the process of getting a building permit. We were told in the meeting that we needed a site plan for a septic system. We hired Miller's Sewage Treatment Solutions for this. He informed us that he could install a high performance septic system in the northwest corner of our property. However, he also told us that we did not own it and that it was part of the 33'-0" roadway. We met with Corinna Township and confirmed it. We asked to buy the property we need and were told that Corinna Township could not sell it. However, they could vacate that parcel if we would purchase the property adjacent to the existing road & quit claim that parcel which is Parcel B on our site plan dated 07-02-07, and we would adopt Parcel C on site plan. This would give us the property we need for a septic system.

Before going thru the expense of this, I asked Board members John Dearing, Bill Lieb, and Alan Jude to meet me on the property. At that time I had staked out the addition. The existing property stakes were marked, and we walked the property. They informed me that if I could purchase the property adjacent to the road they would vacate Parcel C and grant me a building permit.

I have spent THOUSANDS of dollars on Land purchase, Attorney fees, Land surveyors, Miller Sewage Treatment site plans, and Architect fees. Please consider the items listed in this letter before making your decision.

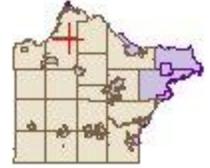
Sincerely,

Kevin Blohm
Veda Vargo

Date Created: 2/11/2011
Map Scale: 1 in = 80 ft



Overview



Legend

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

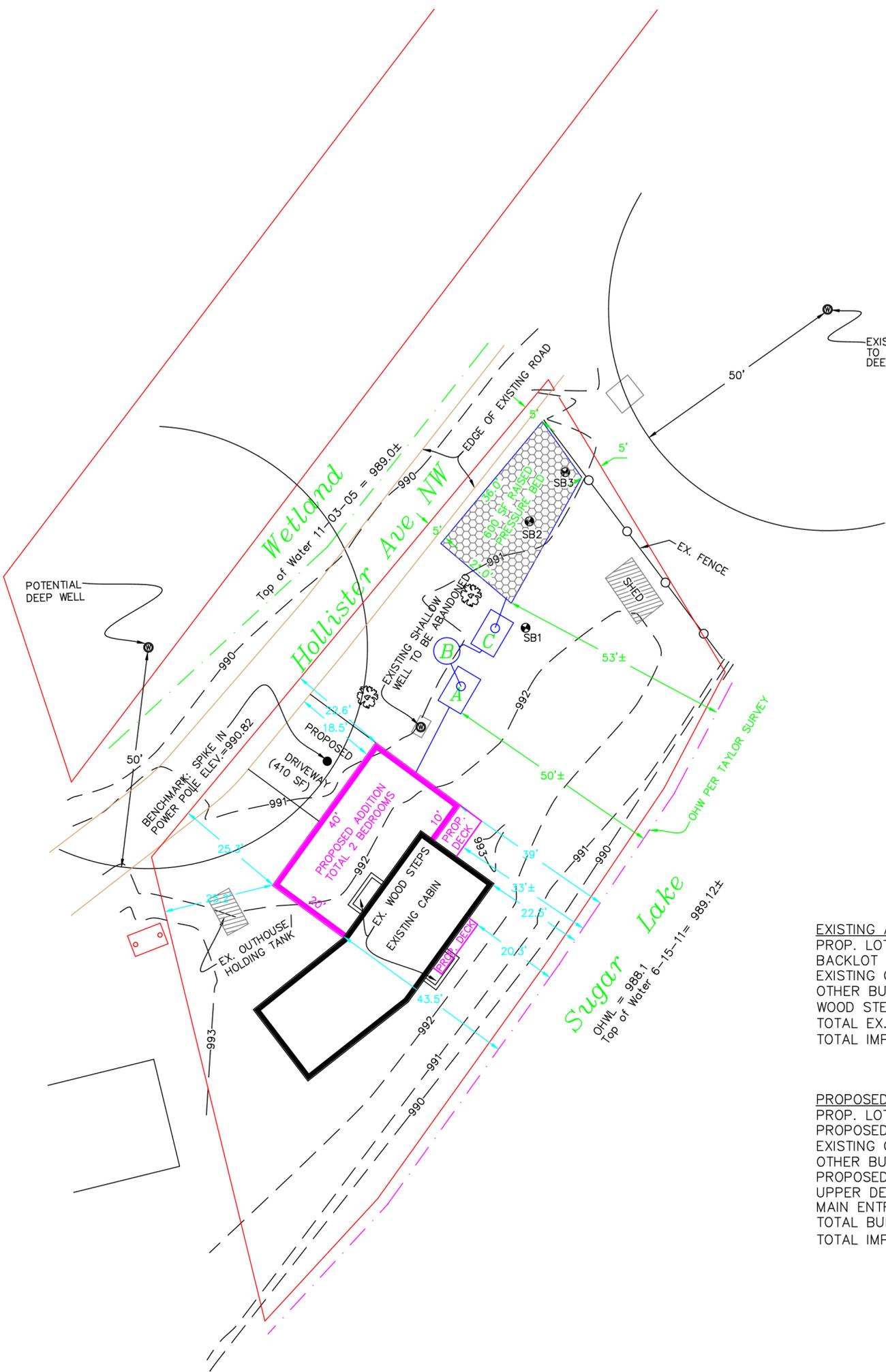
Parcel ID	206011002070	Alternate ID	N/A	Owner Address	KEVIN BLOHM & VEDA VARGO 7465 SCOTT TER EDEN PRAIRIE, MN 55346
Sec/Twp/Rng	2-121-27	Class	151 - SEASONAL RES REC		
Property Address	11708 HOLLISTER AVE NW ANNANDALE	Acreeage	0.00		

District

Brief Tax Description Sect-02 Twp-121 Range-027 ADDISON BAY Lot-007 Block-002 LOTS 7 & 8 BLK 2 ADDISON BAY ALSO TH PRT OF VAC LAKE ST WH LIES NWLY BETWEEN THE EXT OF NELY LN OF LT7 &NWLY COR OF LT8 ADDISON BAY, LY SWLY OF NW EXT OF NELY LN LT6 BLK2 SD ADDISON BAY &LY SE OF LN DRWN NELY FR NWLY COR LT8 BLK2 ADDISON BAY TO PT ON SD NWLY EXT LN OF NELY LN OF LT6 11FT NW OF MST NLY COR OF SD LT6

(Note: Not to be used on legal documents)

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



LEGEND

- ⊙ denotes well location
- denotes perc test location
- denotes soil boring location
- (97*8) denotes proposed elev.
- 97*8 denotes existing elev.
- ← denotes surface drainage

ELEVATIONS

OHW = 988.1
 10YR FLOOD = NONE
 100YR FLOOD = NONE
 HIGHEST KNOWN = 989.89 (5/11/08)
 PROPOSED 1ST FLOOR ELEV. = 993.4

EXISTING AREAS

PROP. LOT AFTER ROW VACATION (ABOVE OHW) = 13,730± SF
 BACKLOT = 10,500 SF
 EXISTING CABIN/GARAGE = 1210± SF
 OTHER BUILDINGS (SHEDS) = 129± SF
 WOOD STEPS = 63± SF
 TOTAL EX. BUILDINGS = 1339± SF (9.75%)
 TOTAL IMPERVIOUS = 1402± SF (10.2%)

PROPOSED AREAS

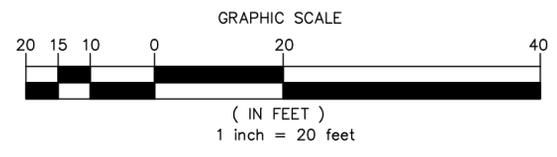
PROP. LOT AFTER ROW VACATION (ABOVE OHW) = 13,730± SF
 PROPOSED ADDITION=840± SF
 EXISTING CABIN/GARAGE = 1210± SF
 OTHER BUILDINGS. = 0± SF
 PROPOSED DRIVEWAY = 506± SF
 UPPER DECKS = 95± SF
 MAIN ENTRY STEPS = 40± SF
 TOTAL BUILDINGS AFTER CONST. = 2050± SF (14.93%)
 TOTAL IMPERVIOUS AFTER CONST. = 2691± SF (19.6%)

TANK LEGEND

A=1000 GALLON TRASH TRAP / MULTI~FLO DOSING TANK
 B=500 GALLON MULTI~FLO TREATMENT PLANT
 C=1000 GALLON DRAINFIELD DOSING TANK

I hereby certify that this site plan was prepared by me or under my direct supervision.

Bernie Miller 8/11/11
 Bernie Miller D.R.P. M. P. C. A. License # 1921



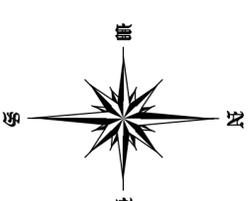
Notes

1. Avoid compaction of drainfield area before, during and after construction.
2. Verify before construction that no wells are within 50 feet of the proposed or existing septic tank.
3. Verify before construction that no shallow wells are within 100 feet, or any deep wells within 50 feet of proposed treatment area.
4. All materials used for construction must meet or exceed the M.P.C.A. Chapter 7080 requirements.
5. Divert surface drainage away or around the septic area.
6. All dimensions, quantities and elevation shown on plan are approximate.

MILLER'S SEWAGE TREATMENT SOLUTIONS A division of WRM Services Inc. 9075 155th St. Kimball, MN 55353 (320) 398-2705 cell (320) 980-1737	PROPERTY LOCATION Lots 7&8, Addison Bay, Wright County, Minnesota. PID#206-011-002070	Septic System Site Plan			PREPARED FOR: <p style="text-align: center;">Kevin Blohm</p>
		DATE	JOB NO.	SCALE	
		8/11/11	2005-128	1=20	

CERTIFICATE OF SURVEY

FOR
KEVIN BLOHM



DENOTES:
● IRON MONUMENT FOUND
○ IRON MONUMENT SET & CAPPED RLS 15233

Lots 7 and 8, Block 2, ADDISON BAY, according to the recorded plat thereof, Wright County, Minnesota and that part of vacated Lake Street of said ADDISON BAY lying southwesterly of the northwest extension of the northeasterly line of said Lot 7, lying northeasterly of the northwest extension of the southwesterly line of said Lot 8 and lying southeast of a line drawn northeast from a point distant 11.00 feet northwest of the northwesterly corner of said Lot 8 as measured along said northwest extension to a point on the northwest extension of the northeasterly line of Lot 6, said Block 2, ADDISON BAY distant 11.00 feet northwest of the most northerly corner of said Lot 6.

PROPERTY AREA TO ORDINARY HIGH WATER ELEVATION = 13,730 SQ. FT MORE OR LESS

ONLY EASEMENTS ON RECORD PLAT ARE SHOWN ON THIS SURVEY UNLESS ADDITIONAL DOCUMENTATION OF OTHER EASEMENTS OF RECORD ARE PROVIDED TO US.

SUBJECT TO PUBLIC RIGHT OF WAYS AND EASEMENTS OF RECORD IF ANY.

BENCHMARK ELEVATION = 990.82 FEET (N.G.V.D 1929)
DOUBLE SPIKES IN SE FACE OF POWER POLE WEST OF NW CORNER OF HOUSE

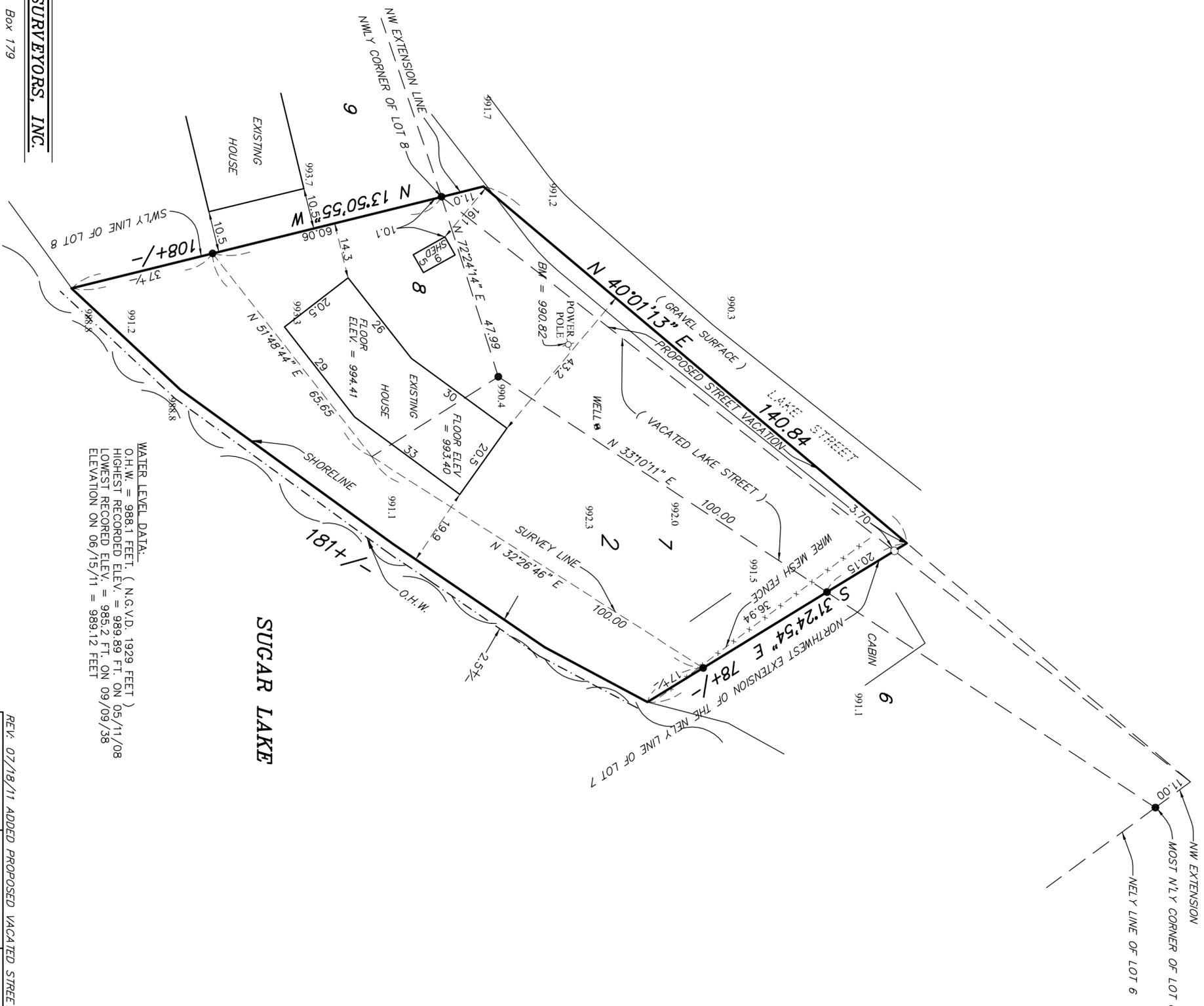
I HEREBY CERTIFY THAT THIS SURVEY PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

REV: 07/18/11 ADDED PROPOSED VACATED STREET

DRAWN BY:	CHECKED BY:	BOOK / PAGE	SHEET OF:	SCALE	DATE DRAWN:	FILE NO.
B. TAYLOR	D. TAYLOR	F-394 / 65	1 / 1	1IN.=20FT.	06/23/11	11066

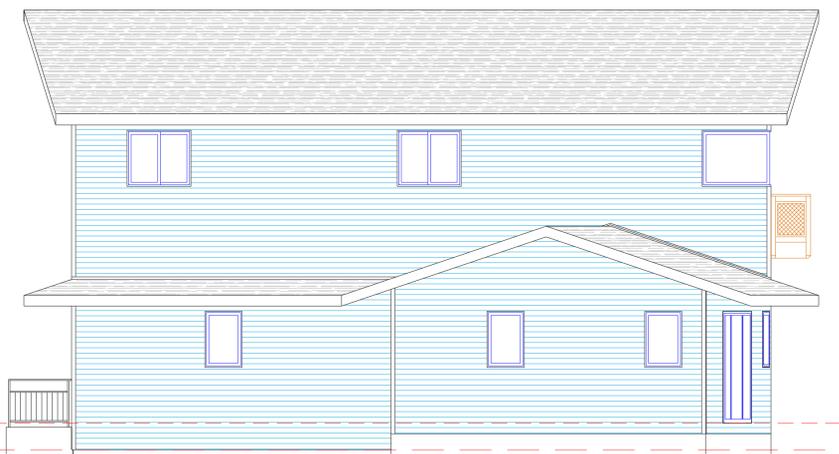
TAYLOR LAND SURVEYORS, INC.

213 W. Broadway P.O. Box 179
Monticello, MN 55362
Phone # 763-295-3388 Fax # 763-295-3408



WATER LEVEL DATA:
O.H.W. = 988.1 FEET (N.G.V.D. 1929 FEET)
HIGHEST RECORDED ELEV. = 989.89 FT. ON 05/11/08
LOWEST RECORDED ELEV. = 985.2 FT. ON 09/09/38
ELEVATION ON 06/15/11 = 989.12 FEET

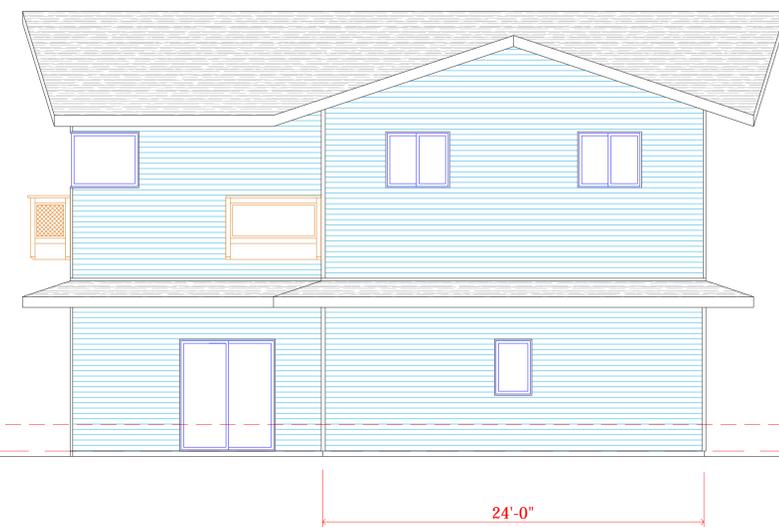
SUGAR LAKE



WEST ELEVATION
3/16" = 1'-0"



SOUTH ELEVATION
3/16" = 1'-0"



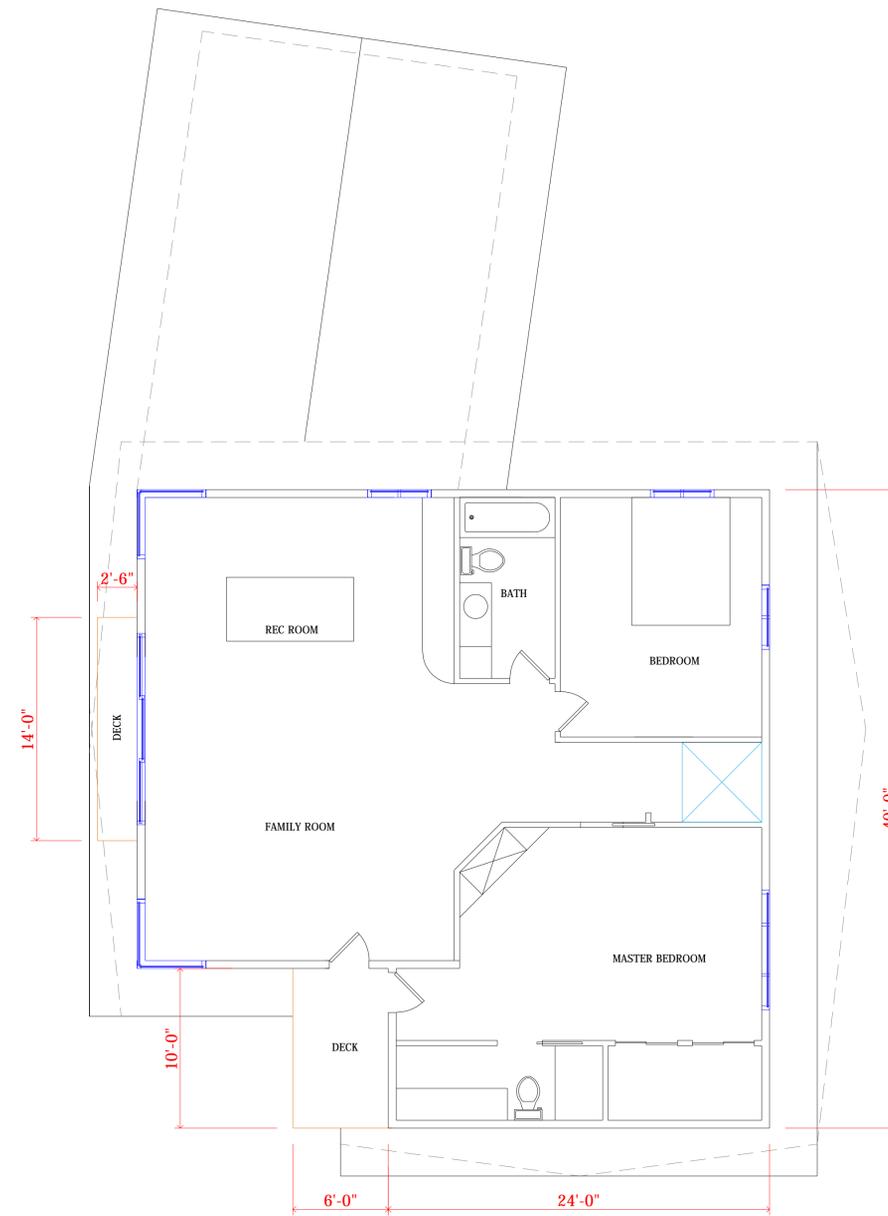
EAST ELEVATION
3/16" = 1'-0"



NORTH ELEVATION
3/16" = 1'-0"



FIRST FLOOR PLAN
 3/16" = 1'-0"

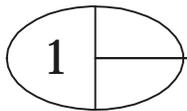
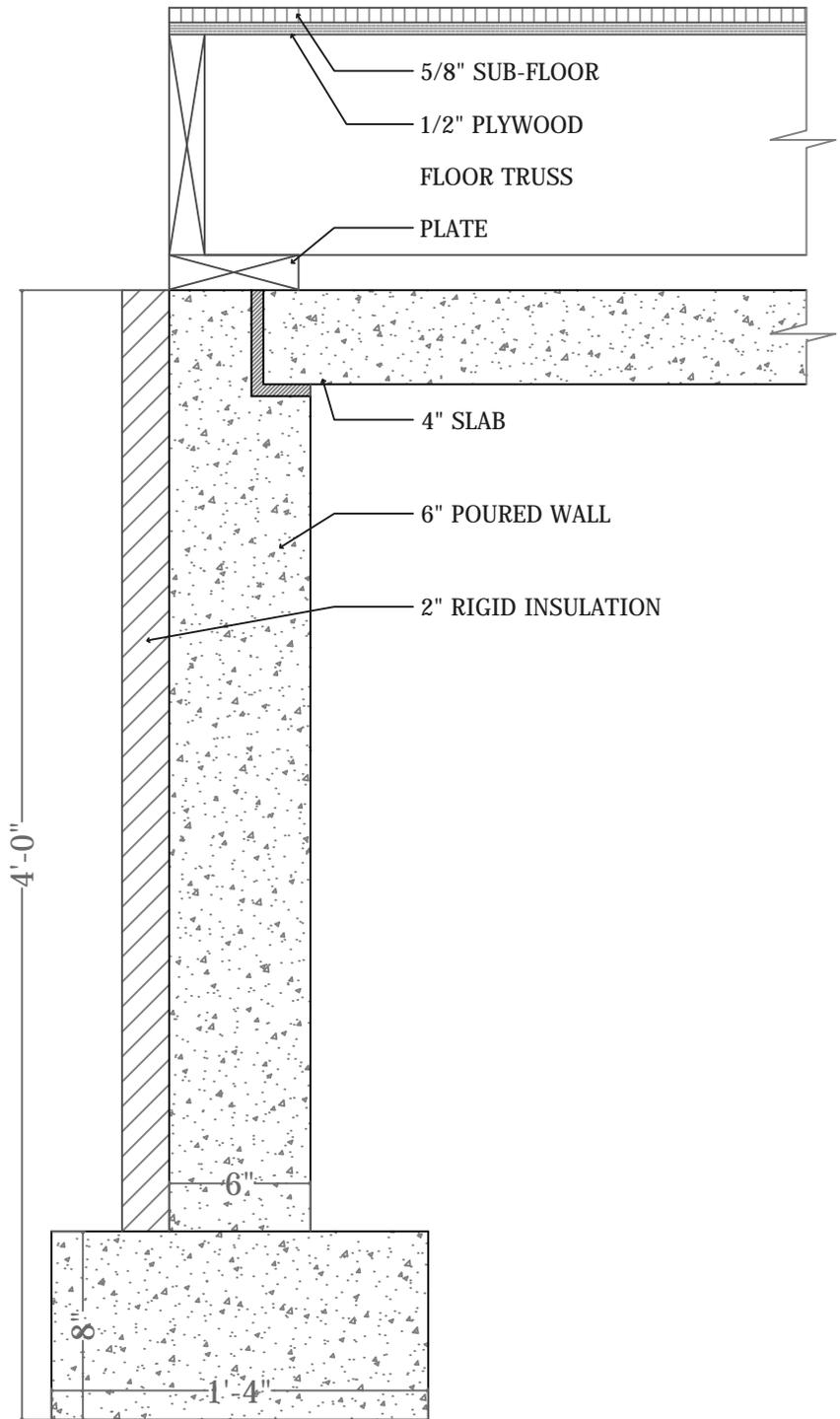


SECOND FLOOR PLAN
 3/16" = 1'-0"

TOTAL HEIGHT OF BUILDING 32'-6"

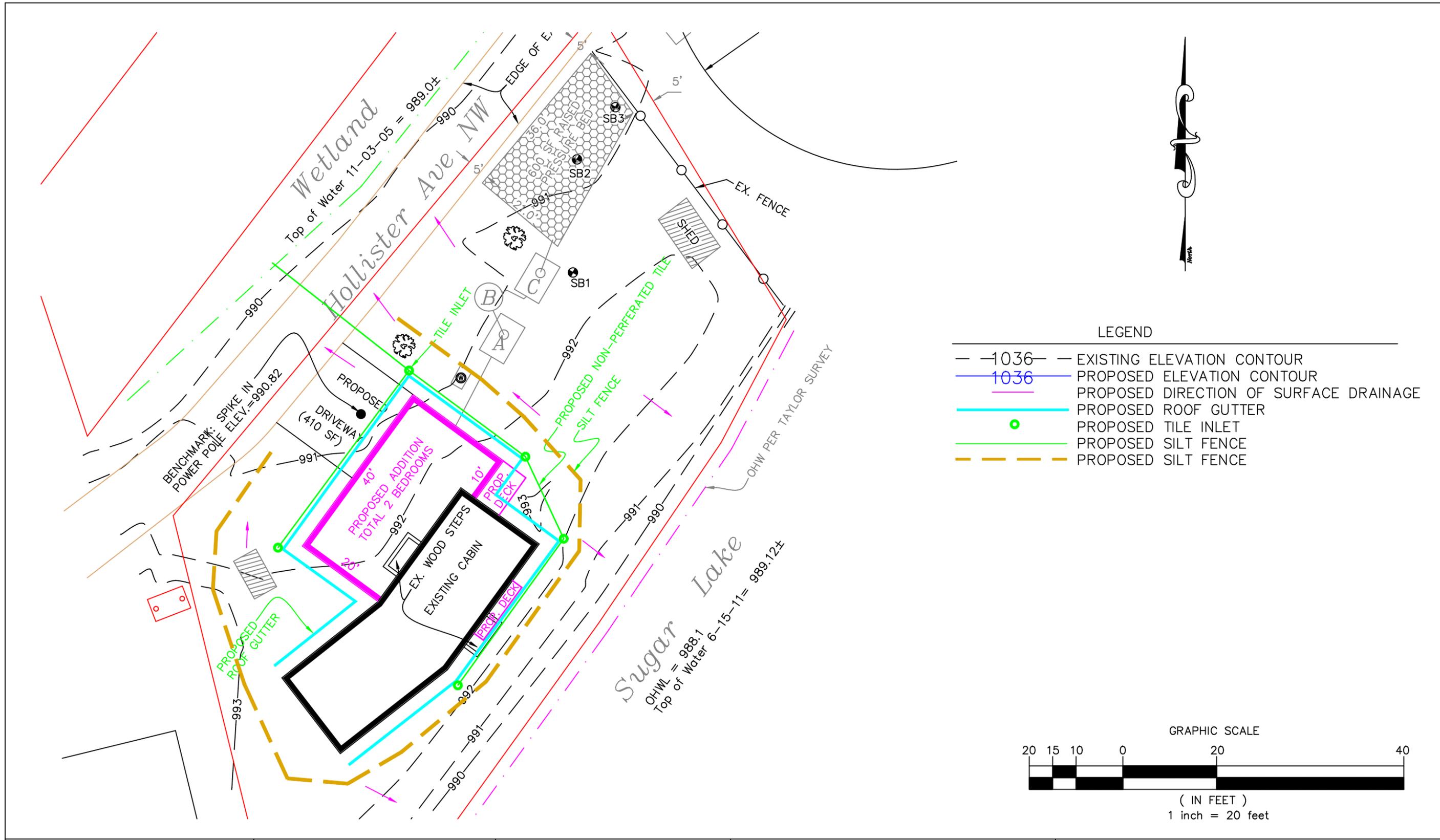
HOUSE FINISH FLOOR
994.41

GARAGE FINISH FLOOR
993.40



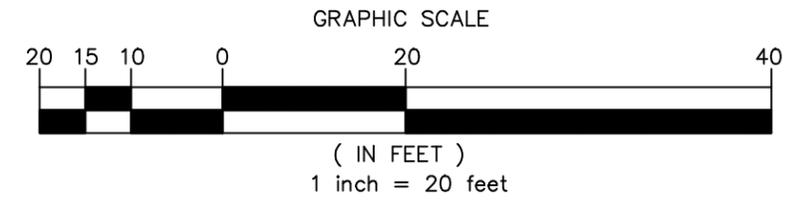
FOOTING DETAIL

1-1/2" = 1'-0"



LEGEND

- -1036- EXISTING ELEVATION CONTOUR
- 1036 PROPOSED ELEVATION CONTOUR
- PROPOSED DIRECTION OF SURFACE DRAINAGE
- PROPOSED ROOF GUTTER
- PROPOSED TILE INLET
- PROPOSED SILT FENCE
- PROPOSED SILT FENCE



MILLER'S SEWAGE TREATMENT SOLUTIONS
 A division of WRM Services Inc.
 9075 155th Street, Kimball, MN 55353
 (320) 398-2705 cell (320) 980-1737

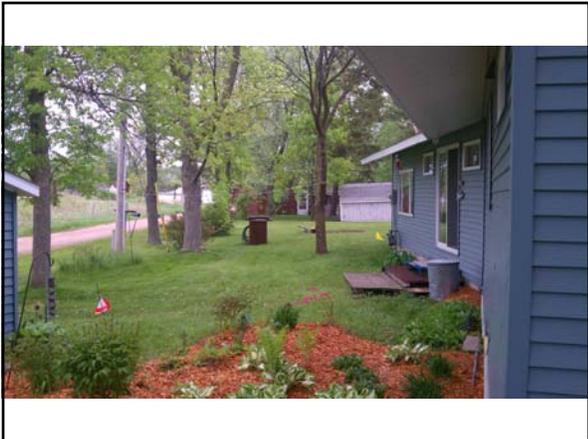
PROPERTY LOCATION
 Lots 7&8, Addison Bay, Wright County,
 Minnesota.
 PID#206-011-002070

Stormwater Management Plan		
DATE	JOB NO.	SCALE
8/19/11	2005-128	1-20

PREPARED FOR:
Kevin Blohm

Kevin Blohm Variance

Photos Taken 5/31/2011









STAFF REPORT

Application: Rezoning of two parcels from General Agriculture (AG) to Agricultural/Residential (A/R)

Applicant: Melvin Dykhuizen et. al.

Agenda Item: 4(b)

Background: The rezoning application involves an approximately 42 acre parcel and a 38.5 acre parcel (total = 80.5 acres) located between Grover Avenue NW on the west and County Road 7 NW on the east. The land is currently actively farmed except for an approximate 3.5 acre wetland area along County Road 7 and about 12-13 acres of wooded land in the NW corner of the two properties. This leaves two separate tillable areas – a 45 acre area on the south portion of the two properties and a 9-10 acre area at the intersection of 112th and County Road 7. It appears that several adjacent properties also have land that is tillable in conjunction with these two parcels.

The parcels to the west – between Indian Lake and Grover Avenue – are zoned Urban/Rural Transition (R-1). One 25 acre parcel to the south is zoned Agricultural Residential (A/R). All other surrounding properties are zoned General Agriculture (AG) and range in size generally from about 9-10 acres to about 25 acres. There are smaller lots in few instances where lots have been split for home construction.

The proposed rezoning would be from General Agriculture (AG), which allows only one home per 40 acres to Agricultural Residential (A/R), which would allow lots to be split down to a minimum of 10 acres. The existing parcels have one remaining dwelling entitlement (the other was already used to split off an existing house).

If the rezoning is approved, the applicant intends to follow with an application for subdivision of the parcel into three (3) separate parcels ranging from 22.83 acres to 28.54 acres as shown in the enclosed sketch from Otto Associates dated 1/29/07.

Applicable Statutes/ Ordinances: This application is subject to the following regulations:

Corinna Township Zoning Ordinance

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

604. GENERAL AGRICULTURE AG

604.1 Purpose

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

The requested zoning classification is "Urban/Rural Transition," whose purpose is described as:

**603. AGRICULTURAL/RESIDENTIAL
A/R 603.1 Purpose**

This district is created to serve as a buffer between commercial agricultural areas and more intensely developed residential areas, to provide for very low density residential development in areas especially unsuited to long term agricultural uses, and to allow limited residential development which will not be provided with an urban level of services.

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

SECTION IX – ZONING AMENDMENTS¹

The language in Section 504 is deleted.

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

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

- A. Preservation of natural sensitive areas.
- B. Present ownership and development.
- C. Soil types and their engineering capabilities.
- D. Topographic characteristics.
- E. Vegetative cover.
- F. Quality of the land for agricultural purposes.
- G. In-water physical characteristics.
- H. Recreational use of surface water.
- I. Road and service center accessibility.
- J. Socio economic development needs of the public.
- K. Availability of public sewer and water utilities.
- L. The necessity to reserve and restore certain areas having significant historical or ecological value.
- M. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- N. Alternatives available for desired land use.
- O. Prevention of spot zoning.
- P. Conformance to the Corinna Township Comprehensive Plan.
- Q. Conformance to the Corinna Township Future Land Use Map and any other official maps of the Township.

¹ Amended 10/21/08

Corinna Township Comprehensive Plan

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

Rural Preservation: A land use designation for properties that are best suited for rural farmsteads and farming. This classification would be most consistent with the Wright County Agricultural zoning classification. The Township believes it prudent to respond to future growth pressure by considering low-density, rural residential development in these areas, utilizing a cluster-style development strategy to maintain the rural character of the community.

The properties adjacent to Indian Lake are identified for a future land use of “Shoreline Residential”:

Shoreline Residential: A designation for shoreline properties already developed, or to be developed, residentially.

Wright County Comprehensive Plan

The Wright County Comprehensive Plan, just adopted in 2009, classifies the property as appropriate for “Rural Residential/Agricultural Residential”, which is described as:

Rural Residential Designates those areas where a combination of agriculture, hobby farms and very large lot residential areas is deemed appropriate. The purpose is to provide a buffer between agricultural and other uses, and also to provide housing opportunities in a rural environment where large lot sizes and the rural atmosphere will be maintained. Existing land types may include large wooded areas, non prime farmland, pasture and other lands in areas not well suited to long term agricultural uses. Appropriate zoning may include Agricultural, Agricultural Residential, or, in unique circumstances, R-2(a). Rezoning from Agricultural to Agricultural Residential will be considered on a case by case basis, and not considered to be automatic, with the need for residential land, effect on nearby agricultural operations, the timing of the proposal in light of land uses in the area, and plan policies being prime considerations. Rezoning to R-1 or R-2 will only be considered for riparian lots on shorelands especially suited to residential development. Rezoning to R-2a may be appropriate in unique circumstances such as: infill for areas that are already developed in a similar manner; adjacent to developed areas with smaller lot sizes to serve as a transition, and; other unique situations which do not establish R-2a as a new zoning district in a previously "undeveloped" area.

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

1. Preservation of natural sensitive areas.

- The subject property does contain an approximate 3.5 acre wetland and an approximate 12-13 acre wooded area. The rest of the parcels are

actively farmed. The rezoning would not be expected to have much impact on the wetland given existing regulations preventing the filling of wetlands. The impact on the wooded area is unknown, but as the area does not provide significant or unique habitat, the impact is not anticipated to be significant.

2. Present ownership and development.

- The property is currently actively farmed with the exception of the wooded area and wetland. Adjacent properties are a mix of farmed land, rural residential and shoreline residential.

3. Soil types and their engineering capabilities.

- The subject property contains several soil types, which are shown and described in the attached map and Soil Survey information. The majority of the soils are considered “prime farmland.” Those soils not considered prime farmland are grouped in the wooded area and along the western quarter of the southern parcel.

4. Topographic characteristics.

- The topography of the site is gently rolling with a few small areas of steep slopes leading down to the wetland and down to Grover Avenue.

5. Vegetative cover.

- As noted previously, the lot has a 12-13 acre wooded area with the rest being actively farmed land or wetland.

6. Quality of the land for agricultural purposes.

- The land has significant agricultural value in terms of the high quality soils and the long-standing use of the parcel for agriculture. The value is, however, somewhat degraded by the close proximity of shoreline residential properties (potential conflict) and the fragmented nature of surrounding properties (difficulty in assembling parcels for adequately sized farming operations).

7. In-water physical characteristics.

- Not directly applicable.

8. Recreational use of surface water.

- Not directly applicable.

9. Road and service center accessibility.

- The property abuts County Road 7, which provides convenient access to Annandale, Maple Lake and Clearwater.

10. Socio economic development needs of the public.

- The area is currently used for agricultural purposes and contributes to food production. The requested allowable density of home could theoretically add up to 8 additional homes on the property, although the layout of the lots and wetlands would likely only allow 5-6 lots and the applicant only anticipates creating three lots. At three additional lots, no

additional need for infrastructure and little additional public services would be anticipated. At eight additional lots, it is likely additional roads and public services would be needed. The Township has expressed concern with the functionality of 10 acre lots in the past (too large to mow/maintain, too small to farm) – which is a significant reason why the Township has a different future land classification than does the County.

11. Availability of public sewer and water utilities.

- The lot would be served by private sewer and water. Electric, phone and other basic utilities are available.

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

- The property does not have any significant historical or ecological value as far as Staff is aware.

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

- The proposed rezoning would create more of a mix between agricultural and residential uses. Whether conflict increases will largely depend on whether the lots continue to be used agriculturally even as other parts convert to residential use. If the land discontinues its agricultural use, conflict may actually decrease.

14. Alternatives available for desired land use.

- The alternative land use for this property is essentially just to remain being used as it currently is for agricultural purposes – with the possibility of one additional residential dwelling site.

15. Prevention of spot zoning.

- The request is to rezoned to A/R (Agricultural Residential)
- One adjacent property (to the south) is zoned A/R. The properties across Grover Ave. to the west are zoned R-1 (Urban/Rural Transition). The remaining properties are zoned General Agriculture (AG).
- Staff does not feel that rezoning to A/R would be considered spot zoning, as the A/R classification is within the realm of zoning classifications anticipated in the Corinna and Wright County Comprehensive Plans.

16. Conformance to the Corinna Township Comprehensive Plan.

- The Comprehensive Plan of Corinna Township identifies this property as Rural Preservation, which could be consistent with a rezoning to A/R. The primary goal for development within the Rural Preservation classification is to prevent the loss of agriculturally productive land and rural character. A significant concern that the Township wanted to avoid were 10+ acre lots that were too large to maintain residentially and too small to farm.

If additional development beyond the two homes already allowed (one of which already exists), the area that would have the least impact on farming would be to have the homes in or near the wooded area. Building homes closer to roads and leaving as much contiguous, farmable land as

possible would also help accomplish this goal.

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

- See answer to #16 above.

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

Staff Comments: Staff's opinion is that the property is generally suitable for being rezoned from its current General Agriculture classification to an Agricultural/Residential classification – but only if any subsequent subdivision of lots is done in such a way to preserve as much contiguous, farmable land as possible.

The only way for the Township to assure that a future subdivision of the land is consistent with the goals of the Comprehensive Plan is to make those requirements at the time of a subdivision application. At this point, Staff would recommend that the Planning Commission discuss whether the existing concept plan (subdivide into three 20+ acre lots) would be consistent with the Township's goals or whether it would like to base a rezoning on a different concept plan.

The challenge is that a rezoning to A/R would require 10 acre minimum lots – a concept which the Township has already stated does not fit with its goals.

This application was tabled at the August 2011 meeting so that Staff could work with the applicant and Wright County staff to explore options that would meet the goals of the Corinna Comprehensive Plan as well as being acceptable to the County (who must ultimately approve any rezoning). Staff has discussed it with both parties and would suggest the following options:

1. Recommend rezoning the property to A/R as requested. A subsequent subdivision application would be reviewed, with the options being either requiring the minimum 10 acre lots or requiring that the property be rezoned with a PUD overlay at the same time. The purpose of the PUD would be to ensure that farmable land is preserved as much as possible. It would also be possible to require lot sizes in excess of 10 acres, although this would require very clear findings of fact based on the criteria outlined in the Zoning and/or Subdivision ordinances – particularly Section 6 of the Corinna Township Subdivision Ordinance.
2. Recommend rezoning the property to A/R with a PUD overlay now. Any subsequent subdivision application would have to be conducted as a PUD. Recommend that a concept of a PUD subdivision be submitted to Wright County at the time they consider the rezoning. It would be possible to allow fewer house sites in a PUD than the maximum allowed by the Zoning Ordinance, although this would require very clear findings of fact based on the criteria outlined in the Zoning and/or Subdivision ordinances – particularly Section 6 of the Corinna Township Subdivision Ordinance.

Staff Recommendation: Based on the findings of fact presented in this report, staff recommends that the Planning Commission recommend rezoning of the property to A/R as requested. While staff has concerns about how the property is ultimately subdivided and whether farmland will actually be preserved, those can be addressed at the time of a subdivision application. While a rezoning to A/R with a PUD overlay could all be conducted now, it can also be done later – at the time of a subdivision.

Property ID # R206-000-014400

Property ID # R206-000-121101





STAFF REPORT

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

Applicant: Mike Zieska

Agenda Item: 4(c)

Background Information:

Location:

- Property Address: 11804 Gulden Ave NW, Maple Lake
- Sec/Twp/Range: 1-121-27
- Parcel Number: 206000012102

Zoning: Urban/Rural Transitional (R-1)/Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake).

Lot size: Approximately 107 x 150 or 17,358 sq ft (0.40 acres) according to aerial photos and provided site plan.

Existing Impervious Coverage:

- Buildings: Approx. 1,007 sq ft (7.0%)
- Total: Approx. 2,207 sq ft (12.7%)

Proposed Impervious Coverage:

- Buildings: Approx. 1,007 sq ft (7.0%)
- Total: Approx. 2,207 sq ft (12.7%)

Septic System Status: The applicant has submitted a preliminary sewer design for a new sewer system (Type III system). The system is sized for two bedrooms, although the proposed guest cabin would only have one bedroom as proposed (no bedrooms on the main floor, one bedroom in the upper level).

Natural Features:

Floodplain: The property is not within an identified floodplain. The ordinance required, in such cases, that the lowest floor of a dwelling be located at least 4 feet above the highest known water level (HKWL). For Sugar Lake, the highest known water level is 990.03 (7/16/2011)¹ – a reading that is higher than what previously had been the highest known water level as recently as early July 2011.

Bluff/Steep Slopes: The property does not contain any steep slopes or bluffs.

Wetlands: There do not appear to be any wetlands on the property.

¹ The highest known water level at the time the applicant originally applied for this variance was 989.89 (5/11/2008). The difference between that reading and the current highest known water level is 0.14 feet, or 1.68 inches. Staff discussed this matter with the DNR Hydrologist (R. Stradal) and he indicated that the Township should use whatever the HKWL is at the time the permit is issued. The applicant's initial building plans had used the previous, lower HKWL and will need to be amended.

- **Proposal:** The applicant is proposing to take what had previously been the upper floor of a garage on a neighboring property, is currently being used as a storage building, and convert it into a two story guest house. The new home would be raised slightly so as to meet the required elevation above highest known water level.
- **Requested Variance(s):**
 - Dwelling size/height: Convert an existing one-story storage shed into a 22' x 22' two-story guest house (max. 750 sq ft total floor area allowed) with greater than six feet of headroom on the second level (max. 6 ft allowed)
 - Lot size: Construct a guest house on a 17,358 sq ft lot (min. 20,000 sq ft required) where no primary residence exists.

Applicable Statutes/Ordinances/Court Decisions:

1.1A bill for an act

1.2relating to local government; providing for variances from city, county, and town

1.3zoning controls and ordinances;amending Minnesota Statutes 2010, sections

1.4394.27, subdivision 7; 462.357, subdivision 6.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.27, subdivision 7, is amended to read:

1.7 Subd. 7. **Variances; ~~hardship~~ practical difficulties.** The board of adjustment shall

1.8have the exclusive power to order the issuance of variances from the ~~terms requirements~~

1.9of any official control including restrictions placed on nonconformities. Variances shall

1.10only be permitted when they are in harmony with the general purposes and intent of the

1.11official control ~~in cases when there are practical difficulties or particular hardship in~~

1.12~~the way of carrying out the strict letter of any official control, and when the terms of~~

1.13~~the variance~~ variances are consistent with the comprehensive plan. "Hardship" as used

1.14~~in connection with the granting of a variance means the property in question cannot be~~

1.15~~put to a reasonable use if used under the conditions allowed by the official controls; the~~

1.16~~plight of the landowner is due to circumstances unique to the property not created by the~~

1.17~~landowner; and the variance, if granted, will not alter the essential character of the locality.~~

1.18Variances may be granted when the applicant for the variance establishes that there

1.19are practical difficulties in complying with the official control. "Practical difficulties,"

1.20as used in connection with the granting of a variance, means that the property owner

1.21proposes to use the property in a reasonable manner not permitted by an official control;

1.22the plight of the landowner is due to circumstances unique to the property not created by

1.23the landowner; and the variance, if granted, will not alter the essential character of the

1.24locality. Economic considerations alone shall do not constitute a hardship if a reasonable

2.1use for the property exists under the terms of the ordinance practical difficulties. Practical

2.2difficulties include, but are not limited to, inadequate access to direct sunlight for solar

2.3 energy systems. Variances shall be granted for earth sheltered construction as defined in
2.4 section 216C.06, subdivision 14, when in harmony with the official controls. No variance
2.5 may be granted that would allow any use that is ~~prohibited~~ not allowed in the zoning
2.6 district in which the subject property is located. The board of adjustment may impose
2.7 conditions in the granting of variances ~~to~~. A condition must be directly related to and must
2.8 bear a rough proportionality to the impact created by the variance ~~insure compliance~~
2.9 ~~and to protect adjacent properties and the public interest. The board of adjustment may~~
2.10 ~~consider the inability to use solar energy systems a "hardship" in the granting of variances.~~
2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.13 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and
2.14 adjustments may be taken by any affected person upon compliance with any reasonable
2.15 conditions imposed by the zoning ordinance. The board of appeals and adjustments has
2.16 the following powers with respect to the zoning ordinance:

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

2.20 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~
2.21 ~~in instances where their strict enforcement would cause undue hardship because of~~
2.22 ~~circumstances unique to the individual property under consideration, and to grant such~~
2.23 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~
2.24 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting of a~~
2.25 ~~variance means the property in question cannot be put to a reasonable use if used under~~
2.26 ~~conditions allowed by the official controls, requirements of the zoning ordinance including~~
2.27 restrictions placed on nonconformities. Variances shall only be permitted when they are in
2.28 harmony with the general purposes and intent of the ordinance and when the variances are
2.29 consistent with the comprehensive plan. Variances may be granted when the applicant for
2.30 the variance establishes that there are practical difficulties in complying with the zoning
2.31 ordinance. "Practical difficulties," as used in connection with the granting of a variance,
2.32 means that the property owner proposes to use the property in a reasonable manner not
2.33 permitted by the zoning ordinance; the plight of the landowner is due to circumstances
2.34 unique to the property not created by the landowner; and the variance, if granted, will not
2.35 alter the essential character of the locality. Economic considerations alone shall do not
3.1 ~~constitute an undue hardship if reasonable use for the property exists under the terms of~~
3.2 ~~the ordinance. Undue hardship also includes practical difficulties. Practical difficulties~~
3.3 include, but is are not limited to, inadequate access to direct sunlight for solar energy
3.4 systems. Variances shall be granted for earth sheltered construction as defined in section

3.5216C.06, subdivision 14 , when in harmony with the ordinance. The board of appeals and
3.6adjustments or the governing body as the case may be, may not permit as a variance any
3.7use that is not ~~permitted~~ allowed under the zoning ordinance for property in the zone
3.8where the affected person's land is located. The board or governing body as the case
3.9may be, may permit as a variance the temporary use of a one family dwelling as a two
3.10family dwelling. The board or governing body as the case may be may impose conditions
3.11in the granting of variances ~~to insure compliance and to protect adjacent properties.~~ A
3.12condition must be directly related to and must bear a rough proportionality to the impact
3.13created by the variance.
3.14**EFFECTIVE DATE.**This section is effective the day following final enactment.

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.

MN Statutes 394.36 NONCONFORMITIES.

Subd. 5. Existing nonconforming lots in shoreland areas.

(a) This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to this subdivision.

(b) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

(f) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

712. GUEST HOUSES

Guest houses, for purpose of this Ordinance, shall be an accessory building detached from the principal building where accommodations for sleeping are provided but no kitchen facility provision is made. The use is for persons visiting the occupants of this principal building. Guest houses shall be permitted in all Residential Districts and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirement for the principal building. Guest houses shall be located on lots at least 20,000 square feet in area, and no guest house shall be used as rental property.

Only one guest house shall be permitted per parcel of land, providing that adequate sanitary facilities can be provided and that no guest house shall exceed 750 square feet in total floor area. The Board of Adjustment shall review requests for guest houses on lots with no principal dwelling.

Staff Comments:

- 1) The applicant's previous application (August 2011) was to make essentially the same building a permanent house. That request was denied due to the home not meeting minimum width requirements and the inability of the lot to accommodate a Type I sewer system.
- 2) This new application is to have the building be considered a guest cabin. A guest cabin has a maximum floor area allowed of 750 sq ft. On gross floor area, the proposal would exceed this amount. However, the applicant is proposing to wall off an area on the lower level that would be only for storage (and would only have access to this room via the outside – not from inside). He is also proposing to wall off the corners of the upper level so that they are unuseable for living space. If these were done, and if the Board of Adjustment concurred that these should not count against the 750 sq ft limit, then the guest house would meet the 750 sq ft limit.
- 3) One of the main reasons for seeking the size guest home that is requested appears to be to make use of an existing storage building on the lot as the 2nd floor of the guest house.

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?****a) Needs discussion.**

Dwelling size: The spirit and intent of the requirement that guest houses be no more than 750 sq ft in total floor area is to limit their suitability for year-round use. This goes hand-in-hand with the requirement that a guest house not having a kitchen. The proposal would essentially meet this intent, as several areas would be walled off and unavailable for dwelling space.

Ceiling height: The restriction for detached accessory buildings to have no more than 6 ft of ceiling height is presumably to limit the suitability of an upper floor for living space and/or to limit the visual impact of a tall accessory building that would be in addition to the main dwelling. In this case, the regulations affecting guest houses do not expressly prohibit a guest house from being on the second level of a accessory building (or being a 2-story guest house). In addition, as per the August/September denial of the applicant's request to have a permanent year-round home on this lot, there would not be the possibility of having both a two-story dwelling and a two-story detached accessory building. In that sense, the proposed two-story guest house will meet the spirit and intent of the restriction on ceiling height.

Lot size: The spirit and intent of the requirements that guest houses be on a 20,000 sq ft lot is presumably to ensure that a neighborhood does not become too densely built with homes and guest homes. By statute, a lot less than 20,000 sq ft could be allowed as a building site without a variance if it could have a Type I sewer system on it, which it has already been shown this lot could not accommodate.

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

Needs discussion. The Corinna Comprehensive Plan does not directly address issues related to guest houses or ceiling height. It does discuss a general goal of “Protect, preserve and enhance lake water quality”.

A two-story guest house, with a smaller footprint than what might otherwise be allowed (up to 750 sq ft) would result in less impervious coverage on the lot and more available space to allow for infiltration of rain water. In this sense, a two-story guest house would be more consistent with the Comprehensive Plan than a one-story, 750-sq ft guest house.

However, one of the specific strategies under this goal is to “Administer, enhance and maintain ongoing regulatory programs consistent with state and county law”. In this sense, limiting the guest house to one-story would be more consistent with the Comprehensive Plan (although “consistent with state and county law” does allow for variances to be granted, when appropriate and consistent with variance criteria).

3) Is the proposed use of the property reasonable?

Needs discussion. Use of the lot for guest house purposes, considering the size of the lot, its unsuitability for a Type I sewer system, and the general development in the area, is reasonable in Staff’s opinion.

Allowing for a two-story guest house is not something directly addressed in the ordinance, although it is clear that detached accessory buildings are to not have a second story with more than 6 ft of headroom. Whether this was intended to apply to situations where a guest cabin would be allowed is unclear.

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

Needs discussion. The applicant would be able to construct a conforming guest house (that does not have a 2nd story with more than 6 ft of headroom) if we here to build an entirely new structure – not making use of the existing storage building as a second story dwelling space. Whether the presence of the existing building and associated footings represents a unique circumstance will have to be discussed by the Board of Adjustment. Another factor to consider is whether the inability to construct a year-round home on this lot is a unique circumstance that would allow for some flexibility on the ceiling height variance request.

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

No. The proposed guest house would be consistent with the relatively small size of many homes in the area (in terms of total square footage of living area) and the fact that a significant number of sewer systems in the area are likely not served by Type I sewer systems (despite not meeting current lot size requirements).

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

No. There are other considerations involved, including the soil and groundwater conditions on the site that led to a permanent year-round home being denied on this lot.

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

Needs discussion. As noted before, the applicant could construct a 750 sq ft, single-level guest house on this lot. This would alleviate the need for the variances related to guest house ceiling height. It would not alleviate the need for the variance from the min. 20,000 sq ft lot size, which could only be eliminated if the applicant were to purchase more adjoining land.

Whether constructing an entirely new 750 sq ft single-level guest house would be feasible depends on how the Board views the fact that the applicant is seeking to make use of their existing investment in the storage building that would become the second level and the footings that support that structure.

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

No. The proposed guest house would likely be better for the environmental quality of the area than a 750 sq ft single-level guest house as it would allow more land to infiltrate rain water.

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 recommend that the Board of Adjustment consider all of the factors outlined in the Findings of Fact section above.

This application is unique in that it involves a number of ordinances that seemingly contradict in their intent/purpose as well as competing arguments regarding whether a variance should be granted.

If an approval is granted, Staff would suggest the following changes and/or conditions to the proposal:

1. Unless the Board of Adjustment determines that areas with headroom less than 6 feet are not counted against the total floor area requirement, the areas within the walls of the building that are not to count against the 750 sq ft limit must be blocked off from any possible use as dwelling space. The blocked off corners in the upper level must not have any doors, windows or other entrances that would allow access to these areas for storage or living space. The walled off area in the lower level must not have any doors, windows or other entrances from within the building; an outside entrance to this area is allowed.
2. The sewage treatment system should be sized to accommodate 2 bedrooms, as is the required minimum in state law for dwellings.
3. The applicant must provide adequate information from a qualified professional indicating that the soils will support the proposed guest house. Such information should be provided and reviewed by the Township's Building Inspector prior to the Town Board's final action on this application.

4. The proposed dwelling must meet the required 4 ft of elevation above the highest known water level (new July 2011 highest known water level).

Application # <u>V11-014</u>	Date Application Rec'd <u>8/17/11</u>	Fee Collected \$ <u>400.00</u>
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(for office use only)

**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant Mike Zieska Phone 320-282-1509

Property Address (E911#) 11804 Gulden Ave NW, Maple Lake, MN

Mailing Address 11803 Gulden Ave NW Local Phone 320/963-6082 / 274-8283
(if different than above) (if different than above)

City, State, Zip Maple Lake, MN 55358

Applicant is:

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

- Legal Owner
- Contract Buyer
- Option Holder
- Agent
- Other _____

 (Name)

 (Address)

 (City, State, Zip)

Signature of Legal Owner(s), authorizing application *(required)* Michael W. Zieska
 (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-XXXXXXX) 206-000-012102

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

Zoning District _____, 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 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 checked="" 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:
guest cabin which is under 750 sq feet
1 floor space

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.

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 (if you are outside a shoreland zone, do not complete these questions. Instead complete the next set of questions below):

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 www.corinnaplanning.info).

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at www.corinnaplanning.info).

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

quality piece of property that is
over 17,000 sq. ft.

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.

Lot size is just under the
20,000 sq. ft.

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.

a lake and cabin area, would fit in
nicely in size and look, but would have
good green space.

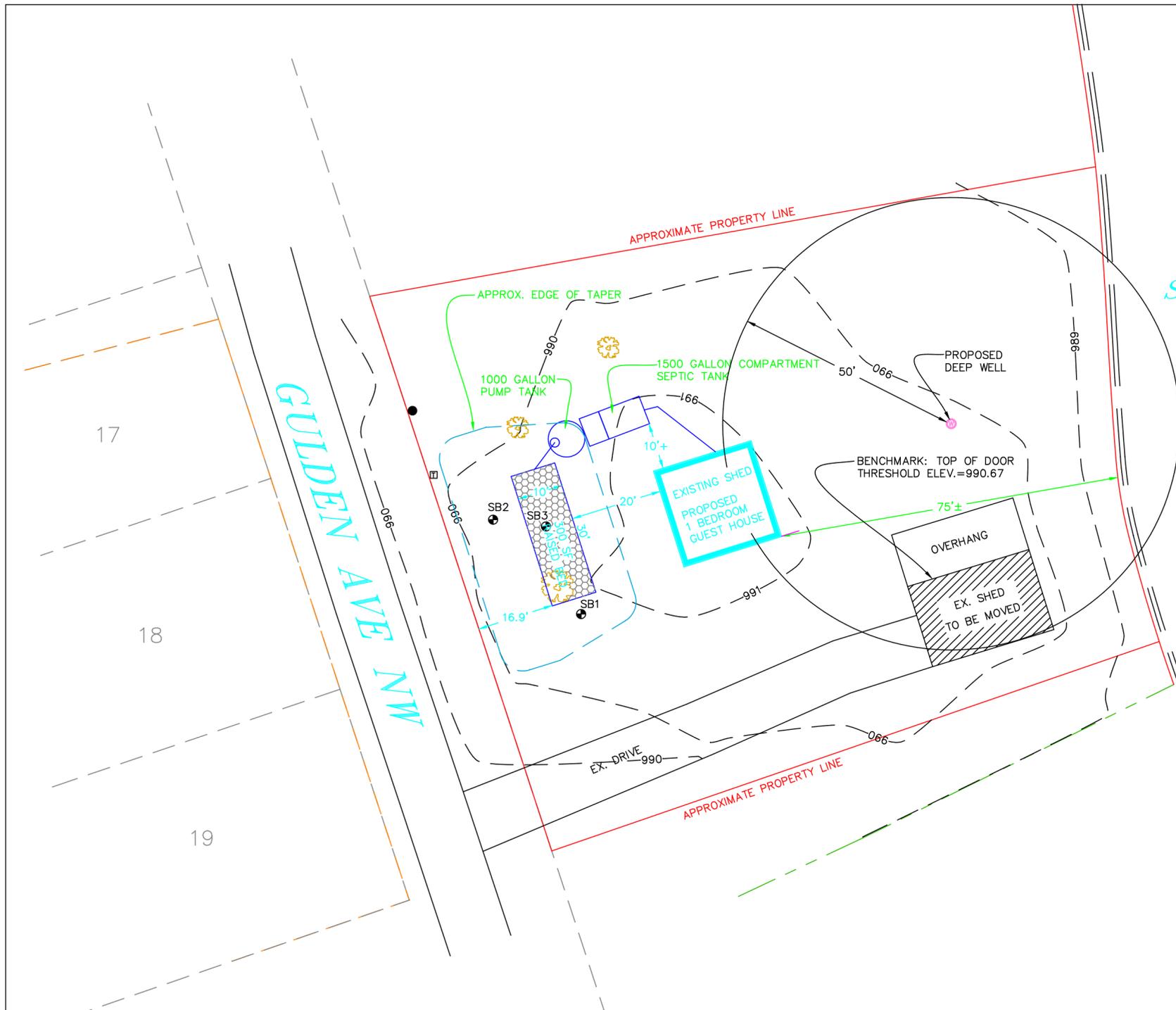
6. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

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?

None, no additional hard surface will be added.

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

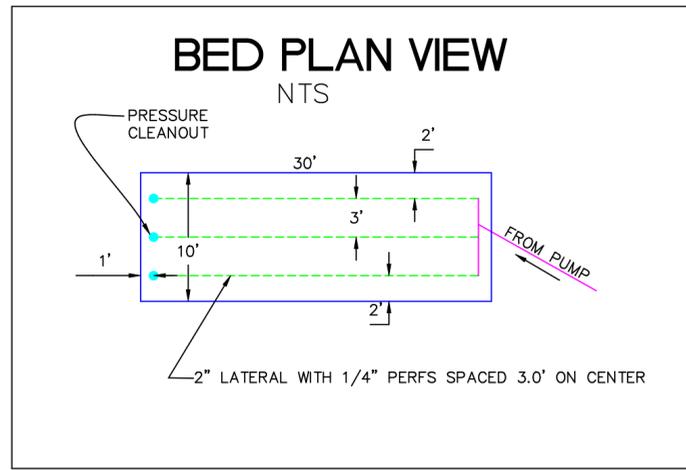
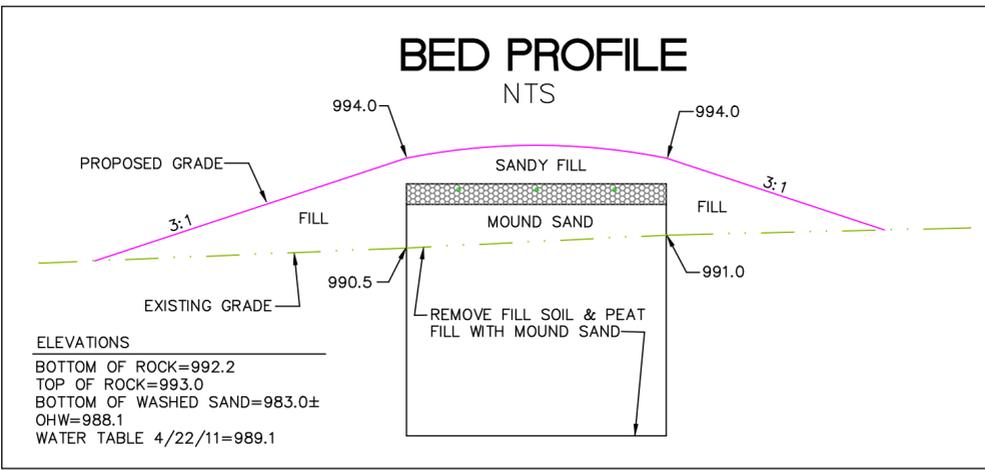
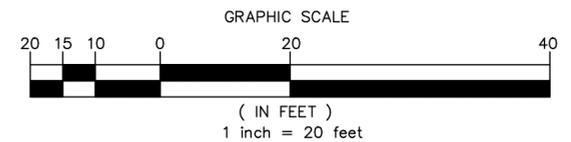
Lot size with guest cabin would not hinder the layout and look of the neighborhood.



- LEGEND**
- ⊙ EXISTING WELL LOCATION
 - ⊙ PROPOSED WELL LOCATION
 - ⊙ SOIL BORING
 - ⊙ POWER POLE
 - ⊙ TELEPHONE PED
 - X-98.2 EXISTING ELEVATION
 - X-(98.2) PROPOSED ELEVATION
 - X-(98.2) PROPOSED PIPE INVERT ELEV.
 - PROPOSED SURFACE DRAINAGE

ELEVATIONS

OHW = 988.1
 10YR FLOOD = NONE
 100YR FLOOD = NONE
 TOP OF WATER 4/22/11 = 988.92



- GENERAL NOTES**
1. PROPERTY LINES ARE BASED ON FOUND MONUMENTS AND THE RECORDED LEGAL DESCRIPTION
 2. THE PRESSURE BED IS TO BE OVER-EXCAVATED TO AN ELEVATION OF 983.0± AND FILLED WITH WASHED SAND TO AND ELEVATION OF 96.6.
 3. TIME DOSING WILL BE REQUIRED ON THE PUMP CONTROLS THAT DOSE THE BED
 4. AN EVENT COUNTER IS RECOMMENDED ON THE BED DOSING CONTROLS
 5. DIVERT SURFACE DRAINAGE AWAY AND AROUND THE BED AND TANKS
 6. AN EFFLUENT SCREEN IS RECOMMENDED

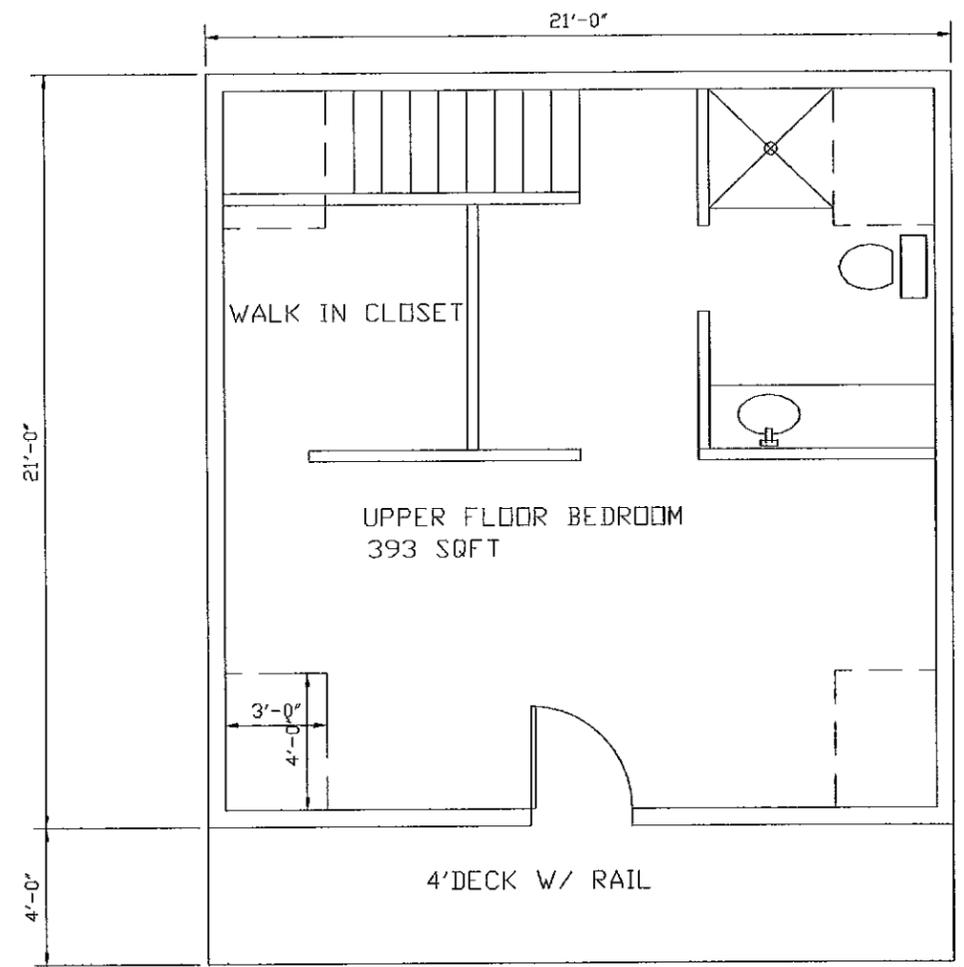
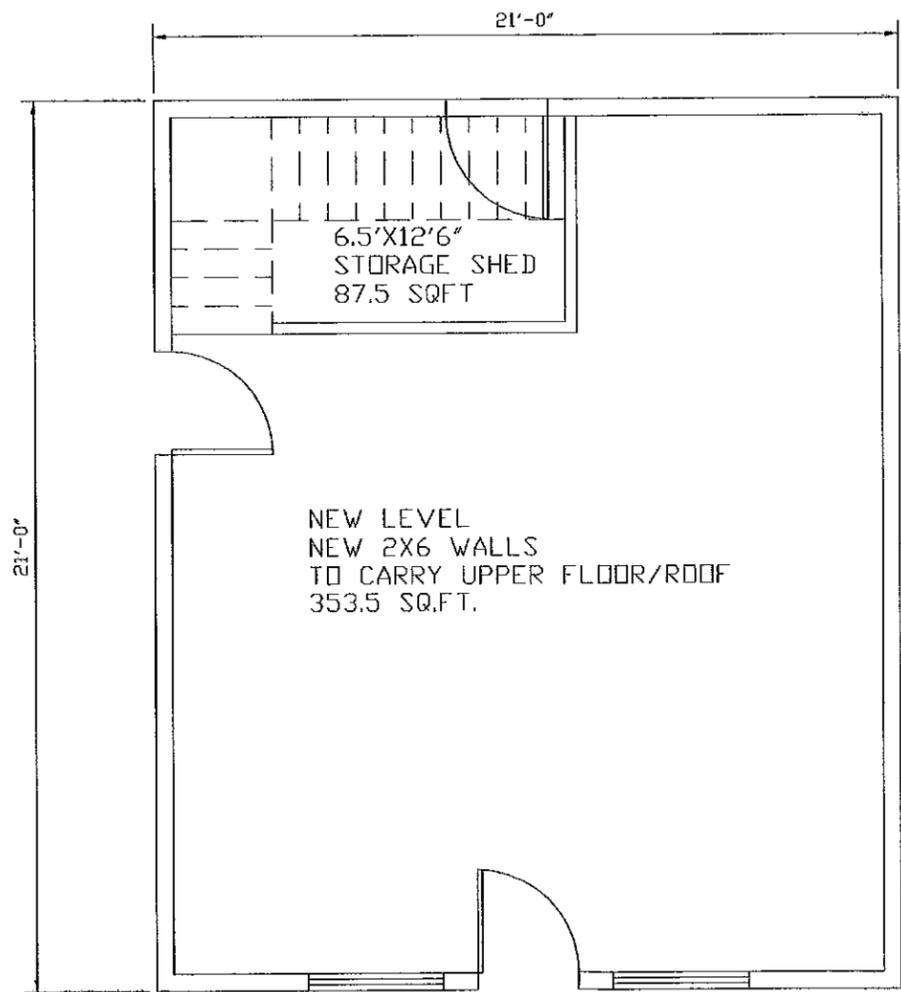
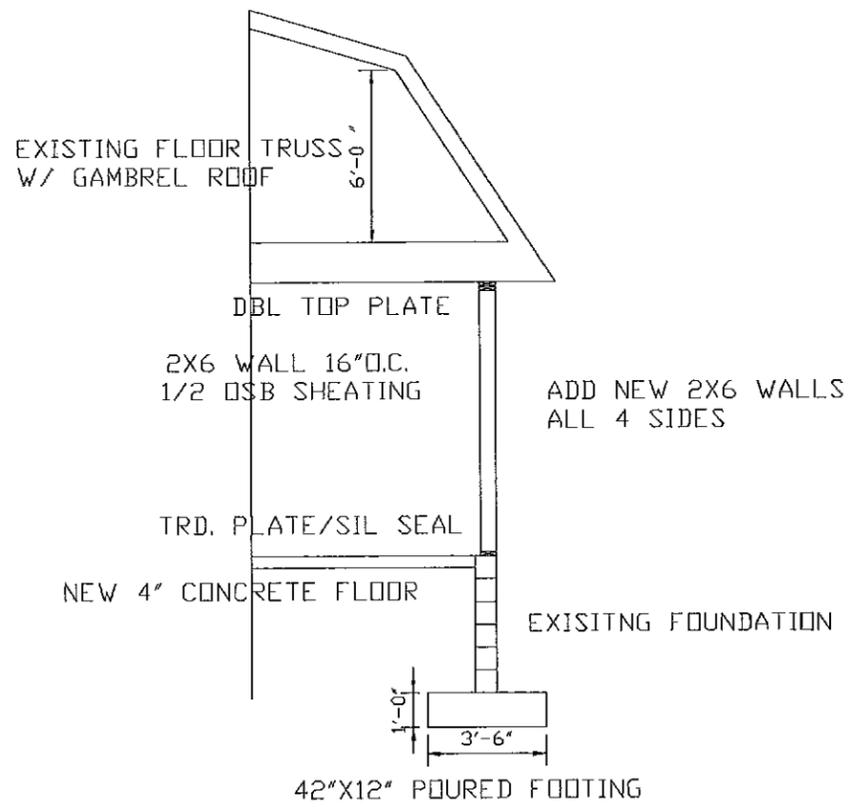
MILLER'S SEWAGE TREATMENT SOLUTIONS
 A division of WRM Services Inc.
 9075 155th Street Kimball, MN 55353
 (320) 398-2705 cell (320) 980-1737

PROPERTY LOCATION
 Part of Gov't Lot 4, Section 1,
 Township 121, Range 27, Wright
 County, Minnesota.
 pid#206-000-012102

Septic System Site Plan		
DATE	JOB NO.	SCALE
4/29/11	2011-59	1=20

PREPARED FOR:
Mike Zieska
 REVISED 6/30/11

I hereby certify that this site plan was prepared by me or under my direct supervision.
Bernie Miller 4/29/11
 Bernie Miller D.R.P. M. P. C. A. License # 1921





STAFF REPORT

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

Applicant: Scott & Christine Nelson

Agenda Item: 4(d)

Background Information:

Location:

- Property Address: 7323 Ingram Ave NW, Maple Lake
- Sec/Twp/Range: 27-121-27
- Parcel Number(s): 206065000080

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

Lot size: Approximately 103 x 230 or 23,898.81 (0.549 acres) according to provided survey.

Existing Impervious Coverage:

- Buildings: Approx. 1,907 sq ft (8.0%)
- Total: Approx. 3,864 sq ft (16.2%)

Proposed Impervious Coverage:

- Buildings: Approx. 2,414 sq ft (10.1%)
- Total: Approx. 4,371 sq ft (18.3%)

Septic System Status: The applicant is proposing the construction of a new, replacement sewer system as part of this request. The existing system is a holding tank. While a Type I system is possible on the property, the applicant's designer has proposed a Type III system to preserve a large tree and push the system further back from the lake. As a Type III system, a monitoring and mitigation plan would be required and has been submitted.

The proposed system is designed for two bedrooms. The proposed floor plan indicates a main floor bedroom and a second floor bedroom. The proposed house would have no basement – only a crawl space.

Natural Features:

Floodplain: The property is not within an identified floodplain. The ordinance required, in such cases, that the lowest floor of a dwelling be located at least 4 feet above the highest known water level (HKWL). For Cedar Lake, the highest known water level is 999.3 (1983) and the proposed lowest floor of the dwelling would be 1003.0.

Bluff/Steep Slopes: There are no steep slopes of 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 replace an existing single-story dwelling with a 26' x 42' two-story dwelling (2nd floor is half vaulted ceiling, half living space) with a 10' x 18' covered porch
- **Requested Variance(s):**
 - Lake setback: Construct a new dwelling/porch approximately 40-59 ft from Cedar Lake (75 ft required) on an undersized lot.
 - Building elevation: Lowest floor of building addition to be approximately 3.7 feet above the highest known water level (4 feet required).

Applicable Statutes/Ordinances/Court Decisions:

1.1A bill for an act

1.2relating to local government; providing for variances from city, county, and town

1.3zoning controls and ordinances;amending Minnesota Statutes 2010, sections

1.4394.27, subdivision 7; 462.357, subdivision 6.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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1.9of any official control including restrictions placed on nonconformities. Variances shall

1.10only be permitted when they are in harmony with the general purposes and intent of the

1.11official control ~~in cases when there are practical difficulties or particular hardship in~~

1.12~~the way of carrying out the strict letter of any official control, and when the terms of~~

1.13~~the variance~~ variances are consistent with the comprehensive plan. "~~Hardship~~" as used

1.14~~in connection with the granting of a variance means the property in question cannot be~~

1.15~~put to a reasonable use if used under the conditions allowed by the official controls; the~~

1.16~~plight of the landowner is due to circumstances unique to the property not created by the~~

1.17~~landowner; and the variance, if granted, will not alter the essential character of the locality.~~

1.18Variances may be granted when the applicant for the variance establishes that there

1.19are practical difficulties in complying with the official control. "Practical difficulties,"

1.20as used in connection with the granting of a variance, means that the property owner

1.21proposes to use the property in a reasonable manner not permitted by an official control;

1.22the plight of the landowner is due to circumstances unique to the property not created by

1.23the landowner; and the variance, if granted, will not alter the essential character of the

1.24locality. Economic considerations alone shall do not constitute a ~~hardship~~ if a reasonable

2.1use for the property exists under the terms of the ordinance practical difficulties. Practical

2.2difficulties include, but are not limited to, inadequate access to direct sunlight for solar

2.3energy systems. Variances shall be granted for earth sheltered construction as defined in

2.4 section 216C.06, subdivision 14, when in harmony with the official controls. No variance
2.5 may be granted that would allow any use that is ~~prohibited~~ not allowed in the zoning
2.6 district in which the subject property is located. The board of adjustment may impose
2.7 conditions in the granting of variances ~~to~~. A condition must be directly related to and must
2.8 bear a rough proportionality to the impact created by the variance insure compliance
2.9 and to protect adjacent properties and the public interest. The board of adjustment may
2.10 consider the inability to use solar energy systems a "hardship" in the granting of variances.
2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.13 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and
2.14 adjustments may be taken by any affected person upon compliance with any reasonable
2.15 conditions imposed by the zoning ordinance. The board of appeals and adjustments has
2.16 the following powers with respect to the zoning ordinance:

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

2.20 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~
2.21 ~~in instances where their strict enforcement would cause undue hardship because of~~
2.22 ~~circumstances unique to the individual property under consideration, and to grant such~~
2.23 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~
2.24 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting of a~~
2.25 ~~variance means the property in question cannot be put to a reasonable use if used under~~
2.26 ~~conditions allowed by the official controls, requirements of the zoning ordinance including~~
2.27 ~~restrictions placed on nonconformities. Variances shall only be permitted when they are in~~
2.28 ~~harmony with the general purposes and intent of the ordinance and when the variances are~~
2.29 ~~consistent with the comprehensive plan. Variances may be granted when the applicant for~~
2.30 ~~the variance establishes that there are practical difficulties in complying with the zoning~~
2.31 ~~ordinance. "Practical difficulties," as used in connection with the granting of a variance,~~
2.32 ~~means that the property owner proposes to use the property in a reasonable manner not~~
2.33 ~~permitted by the zoning ordinance; the plight of the landowner is due to circumstances~~
2.34 ~~unique to the property not created by the landowner; and the variance, if granted, will not~~
2.35 ~~alter the essential character of the locality. Economic considerations alone shall do not~~
3.1 ~~constitute an undue hardship if reasonable use for the property exists under the terms of~~
3.2 ~~the ordinance. Undue hardship also includes practical difficulties. Practical difficulties~~
3.3 ~~include, but is are not limited to, inadequate access to direct sunlight for solar energy~~
3.4 ~~systems. Variances shall be granted for earth sheltered construction as defined in section~~
3.5 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and

3.6 adjustments or the governing body as the case may be, may not permit as a variance any
3.7 use that is not ~~permitted~~ allowed under the zoning ordinance for property in the zone
3.8 where the affected person's land is located. The board or governing body as the case
3.9 may be, may permit as a variance the temporary use of a one family dwelling as a two
3.10 family dwelling. The board or governing body as the case may be may impose conditions
3.11 in the granting of variances ~~to insure compliance and to protect adjacent properties.~~ A
3.12 condition must be directly related to and must bear a rough proportionality to the impact
3.13 created by the variance.
3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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.

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.

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. The spirit and intent of the lake setback ordinance, 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.”

Given that the existing house is already within the lake setback (about 37-38 feet as measured to the nearest point) and the proposed new house would be further back (40 feet at its nearest corner and about 59 feet at its furthest lakeside corner), the existing conditions will not be worsened. Implementation of a stormwater management plan would further ensure that the spirit of the ordinance is met.

The primary question with this variance request is whether it would be more or less consistent with the ordinances to move the house further back in the lot. There is enough room to do so, but due to a decline in land elevation of about 3-4 feet, it would require a significant amount of fill to allow the new home to meet the required 4 ft elevation above the highest known water level. If the new house were shifted further to the south, the elevation is such that less fill would be required, but this is where the sewer drainfield and tanks are proposed.

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

Needs discussion. The Corinna Township Comprehensive Plan does not directly address lake setback issues except to make statements about protecting lake quality in shoreland areas as land is developed. The Wright County Comprehensive Plan states “Development of lakeshore property shall abide by

State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface.”

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.
- 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: The applicant has not submitted any specified stormwater management plan for the lot.
- 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: See comment 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: As proposed, very little change to the existing grade would be necessary. If the house were moved straight back to meet the setback, a significant amount of fill would be necessary. If the house were moved to the south, less fill would be necessary, but it would require a re-design of the sewer system to see if another suitable site exists.

3) Is the proposed use of the property reasonable?

Needs discussion. The proposed use of the property for a larger dwelling is reasonable as the resulting dwelling size are comparable to other homes in the area. The proposed home would be 1,092 sq ft in footprint (2 stories) and the houses on either side of this lot are about 1,000 sq ft in footprint (two stories) and about 1,200 sq ft (one story). There are other two story homes in the immediate neighborhood.

An analysis of “reasonableness” should also include the height of the building in relation to its lake setback. Considering surrounding properties, the proposed setback would be further back than the home immediately to the north (40 ft vs. about 30 feet) and closer than the next home to the north and the two closest properties to the south (all three are about 55-60 feet back).

In terms of a reasonable alternative that more closely conforms to the lake setback requirement, see the discussion in #1 and 2 above regarding the need for additional fill or moving the proposed sewer system if the house were moved back to meet the required 75-foot lake setback.

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

Yes. The need for the variances is created primarily by the existing topography, the existing well location and the location of the proposed sewer system.

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

No. The proposed dwelling would not be out of character from the rest of the neighborhood, which includes many homes within the 75-foot lake setback and a mix of one-story and two-story homes. No change to the character of the neighborhood is expected.

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

No. There are other considerations involved, including the existing topography, the existing well location and the location of the proposed sewer system.

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

Needs discussion. As discussed previously, there is room to meet the lake setback for a new home. These would require additional fill to meet the required elevation requirements for a new dwelling and/or moving the proposed sewer system to a different location.

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

No, if stormwater is properly addressed. The most likely impact on the environment would come from stormwater runoff from the addition. These can be reasonably addressed with some basic stormwater management practices to direct runoff from the roof to the road-side of the property.

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 recommend approval only if sufficient evidence can be shown that would indicate moving the home to meet the 75 foot setback is unfeasible due to a lack of other septic sites or because the Township finds it preferable to allow a lesser setback to avoid the need for greater amounts of fill. Staff discussed moving the septic system to another location on the lot with the sewer designer (Bernie Miller) and he indicated that it may be possible, but would require additional design work and that due to the low nature of the rear of the lot, it would not likely work well there from an environmental standpoint. The existing well location also inhibits the ability to move the system to the north.

If the Board of Adjustment recommends approval of a variance, Staff would recommend the following conditions:

1. The applicant shall ensure that the lowest floor elevation of the proposed home (living area) is at least 4 ft above the highest known water level. This will require raising the house above where it is currently proposed by about 0.3 feet.
2. Given the close proximity of the addition to the lake, the applicant should submit a permanent 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.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on 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.

Davin Cottrell - contact
612 490 1441

Application # <u>VII-013</u>	Date Application Rec'd <u>8/16/11</u> (for office use only)	Fee Collected \$ <u>400.00</u> - paid 8/16/11
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**CORINNA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant Scott + Christin Nelson Phone 763-742-7842 763-742-7742
scott cell *Christin*

Property Address (E911#) 7323 Ingram Avenue NW

Mailing Address _____ Local Phone _____
(if different than above) *(if different than above)*

City, State, Zip Maple Lake, MN 55358

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(s), authorizing application *(required)* Christin A Nelson
(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-XXXXXXX) 206-065-000 080

Full legal description of property involved in this request, including total acreage or square footage (required - attach separate sheet if necessary):
lots G+H Kenos Subdivision of Government Lot 1
Section 27 Township 121 Range 27

Zoning District _____, Lake Name (if applicable) Cedar 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 checked="" 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:
To update a cabin that was built in 1937 and remodeled in 1974. It needs new roof, windows, foundation. Because it was built close to the line, we need a variance for the location. We are keeping it a cabin, not a permanent home. We want to have the cabin be parallel with the lot lines

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?

The current structure needs new foundation + footings. It would ^{or other work} open view for neighbor also.

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?

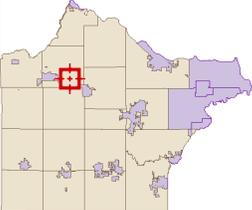
It will help to use the piece of property with a structure that will look nicer and will also update septic system

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

We just want to build a cabin that's ^{parallel} along ~~the~~ the property lines and a place for our family to continue to enjoy for years to come.



Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

City/Township Limits

- c
- t
- Parcels
- Water

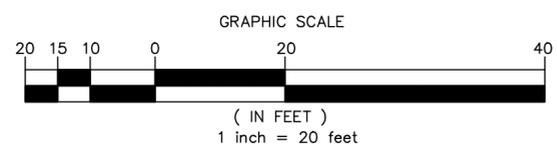
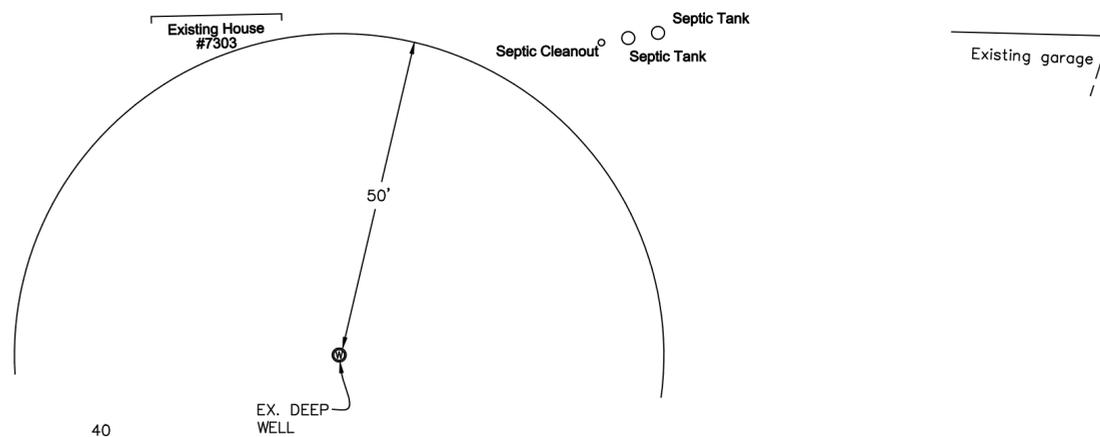
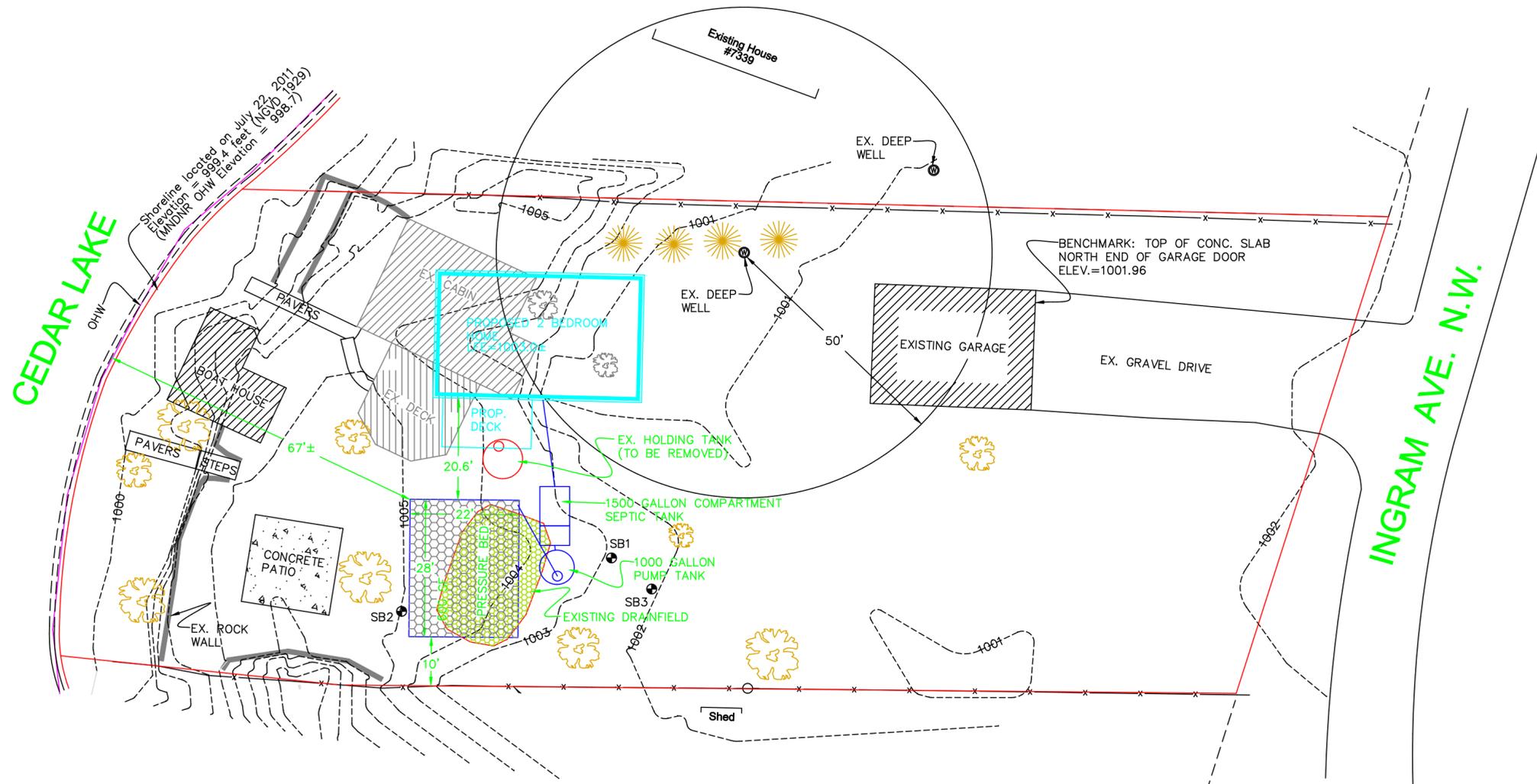
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- LEGEND
- ⊙ EXISTING WELL LOCATION
 - ⊕ SOIL BORING
 - ⊖ TEST PIT
 - ⊗ PERC TEST
 - X-98.2 EXISTING ELEVATION
 - X-(98.2) PROPOSED ELEVATION
 - X-(98.2) PROPOSED PIPE INVERT ELEV.
 - PROPOSED SURFACE DRAINAGE

ELEVATIONS
 OHW = 998.7
 10YR FLOOD = NONE
 100YR FLOOD = NONE
 PROPOSED LOWEST FLOOR ELEV. = 1003.0
 BOTTOM OF DRAINFIELD MEDIA = 1002.5

- CONSTRUCTION NOTES
1. THE EXISTING SEPTIC TANK IS TO BE PROPERLY ABANDONED
 2. THE PRESSURE BED IS TO BE OVER-EXCAVATED TO AN ELEVATION OF 1000.5 AND FILLED WITH WASHED SAND TO AN ELEVATION OF 1002.5.
 3. TIME DOSING WILL BE REQUIRED ON THE PUMP CONTROLS
 4. AN EVENT COUNTER IS RECOMMENDED ON THE BED DOSING CONTROLS
 5. DIVERT SURFACE DRAINAGE AWAY AND AROUND THE PRESSURE BED AND TANKS
 6. ALL MATERIALS USED FOR THE CONSTRUCTION OF THE SYSTEM ARE TO MEET OR EXCEED THE MN RULE CHAPTER 7080.



MILLER'S SEWAGE TREATMENT SOLUTIONS
 A division of WRM Services Inc.
 9075 155th St., Kimball, MN 55353
 (320) 398-2705 cell (320) 980-1737

PROPERTY LOCATION
 Lots G & H, Reno's Subdivision, Wright
 County, Minnesota.
 pid#206-065-000080

Septic System Site Plan		
DATE	JOB NO.	SCALE
8/25/11	2011-99	1=20

PREPARED FOR:
Cottrell Builders

I hereby certify that this site plan was prepared by me or under my direct supervision.
Bernie Miller 8/25/11
 Bernie Miller, Advanced Designer Lic. 1921

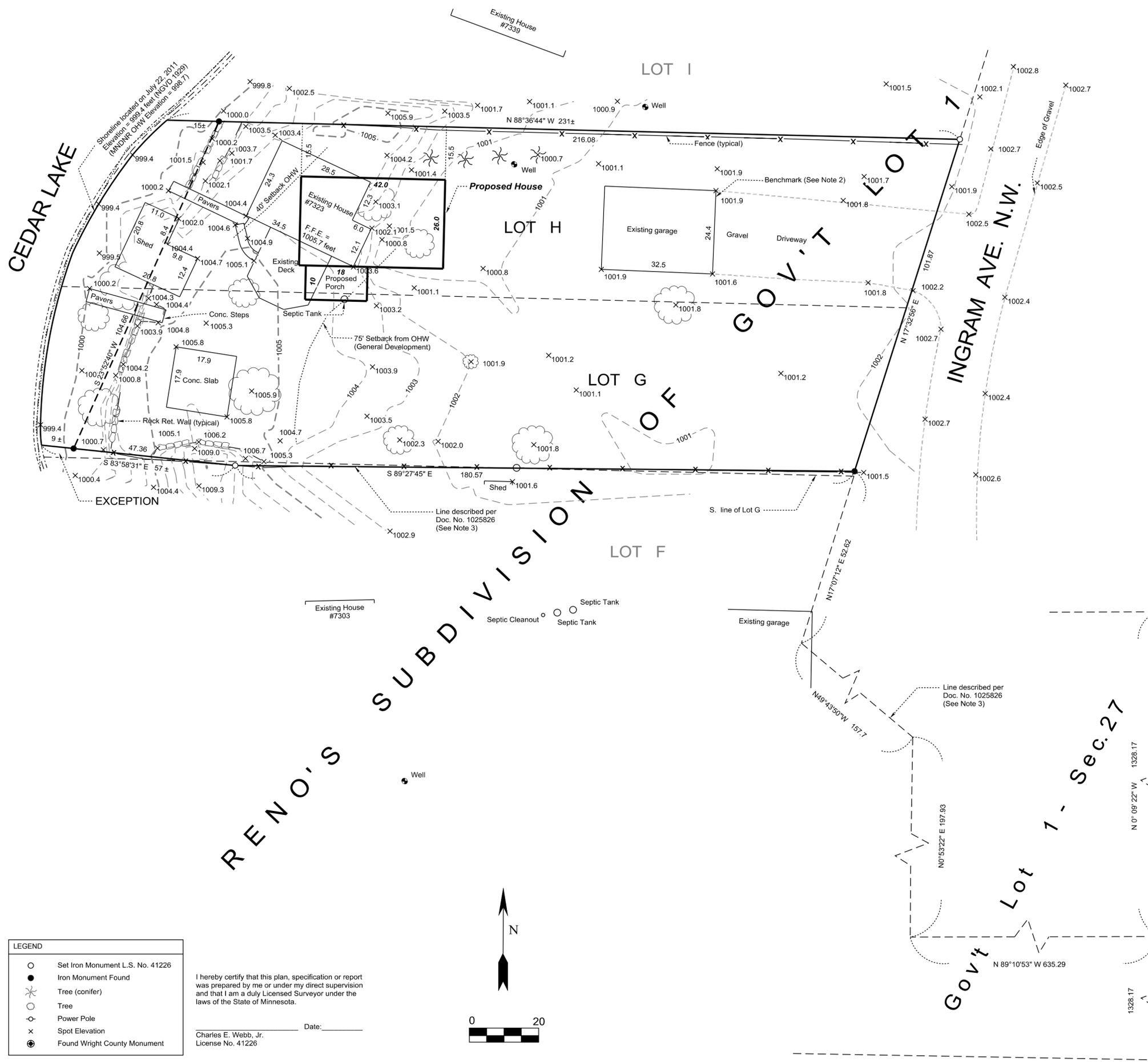
CERTIFICATE OF SURVEY

CLIENT:
Darin Cottrell
723 Elder Avenue S.W.
Buffalo, MN 55313



78 ROSE AVE. S.
MAPLE LAKE, MN 55358
763-898-9999

PROJECT LOCATION:
7323 Ingram Avenue N.W.
Maple Lake, MN



LEGAL DESCRIPTION OF PROPERTY SURVEYED:

Lots G & H, Reno's Subdivision of Government Lot 1, Section 27, Township 121, Range 27 excluding that portion thereof described in document #1025826, Wright County, Minnesota.

NOTES:

- This survey was performed without the benefit of a title commitment. There may or may not be easements encumbering or benefitting the subject property. The legal description as shown hereon was obtained from Document No. 1174056
- Benchmark:
Top of concrete slab at north end of garage door on the east side of garage at House Number 7323 Ingram Avenue N.W.
Elevation= 1001.96 feet (NGVD 1929 datum)
- Please note that the south line of the subject property is based on the legal description per Document No. 1025826. The description commences from the southeast corner of Government Lot 1 which does not match the computed line calls and found monumentation. We have shown the an alternative and intended point of commencement which is the northwest corner of the Southwest Quarter of the Southwest Quarter of Section 26. The delineation of the south line is therefore based on the intention and not the recorded document. We suggest an attorney be consulted to remedy any possible title issue.

4) Areas:

Area to Shoreline: 23898.81 SqFt 0.549 Acres

Buildings
Existing garage & shed = 1142 SqFt
Proposed House/Deck = 1272 SqFt
Total Buildings = 2414 SqFt - 10.1% of total area

Other Improvius:
Existing slab, steps, driveway = 1957 SqFt
Total Improvius = 4371 SqFt -18.3 % of total area

RENO'S SUBDIVISION

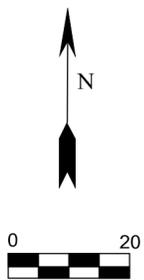
Gov't Lot 1 - Sec. 27

LEGEND

○	Set Iron Monument L.S. No. 41226
●	Iron Monument Found
✱	Tree (conifer)
○	Tree
⊙	Power Pole
x	Spot Elevation
⊕	Found Wright County Monument

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

Charles E. Webb, Jr.
License No. 41226



FILE NAME		
11021-COTTRELL.TRV		
SCALE	DATE	DRAWN BY
20 F/In	8-7-2011	C.E.W. Jr.
JOB	REVISION	SHEET
11021		1/1

P: 07/28/11
R: 08/03/11
R: R:
F: R:

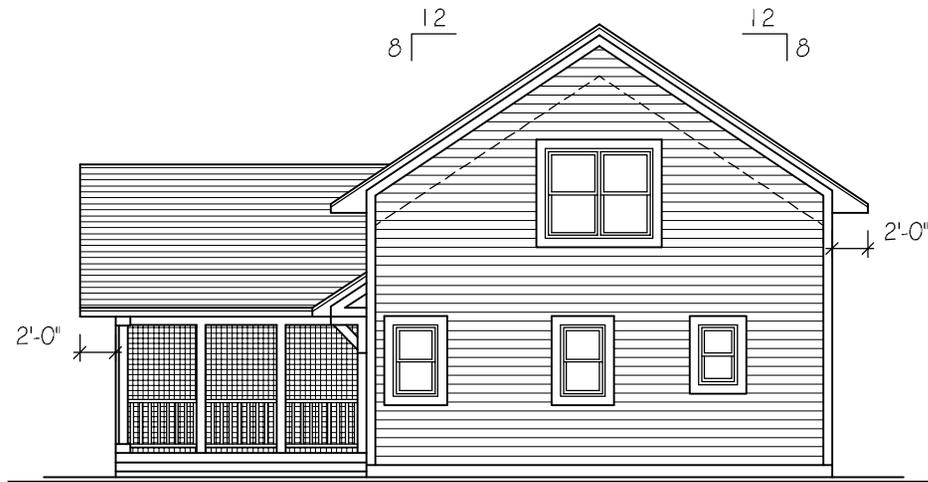


RESIDENCE FOR:
SCOTT & CHRIS NELSON
BUILDER: COTTRELL BUILDERS, INC. CH#2011.011

COUNTRY HOMES by Dennis L. Butler
Custom Home Design and Drafting Service
608 Ash Ave. NE
St. Michael, MN 55376
Office (763) 497-4849 • E-Mail countryhomesbybutler@msn.com

FRONT ELEVATION (LAKE SIDE)

NO SCALE



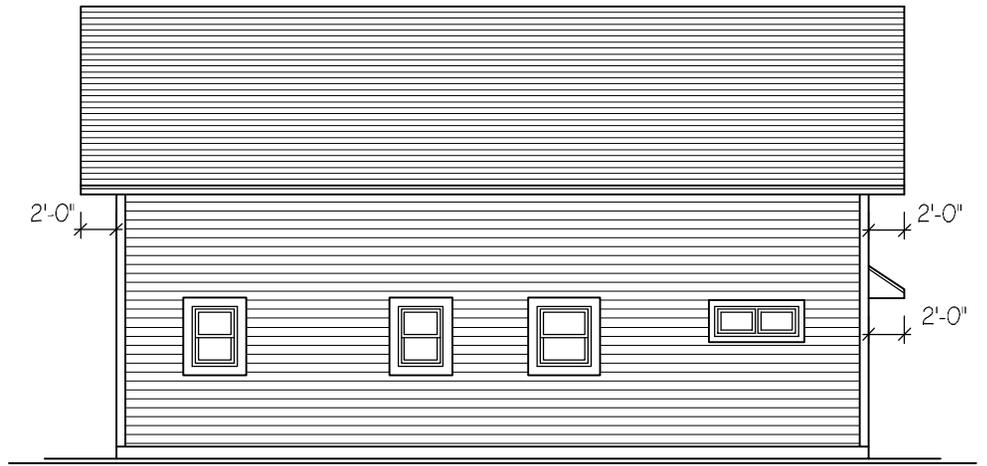
REAR ELEVATION (STREET SIDE)

NO SCALE



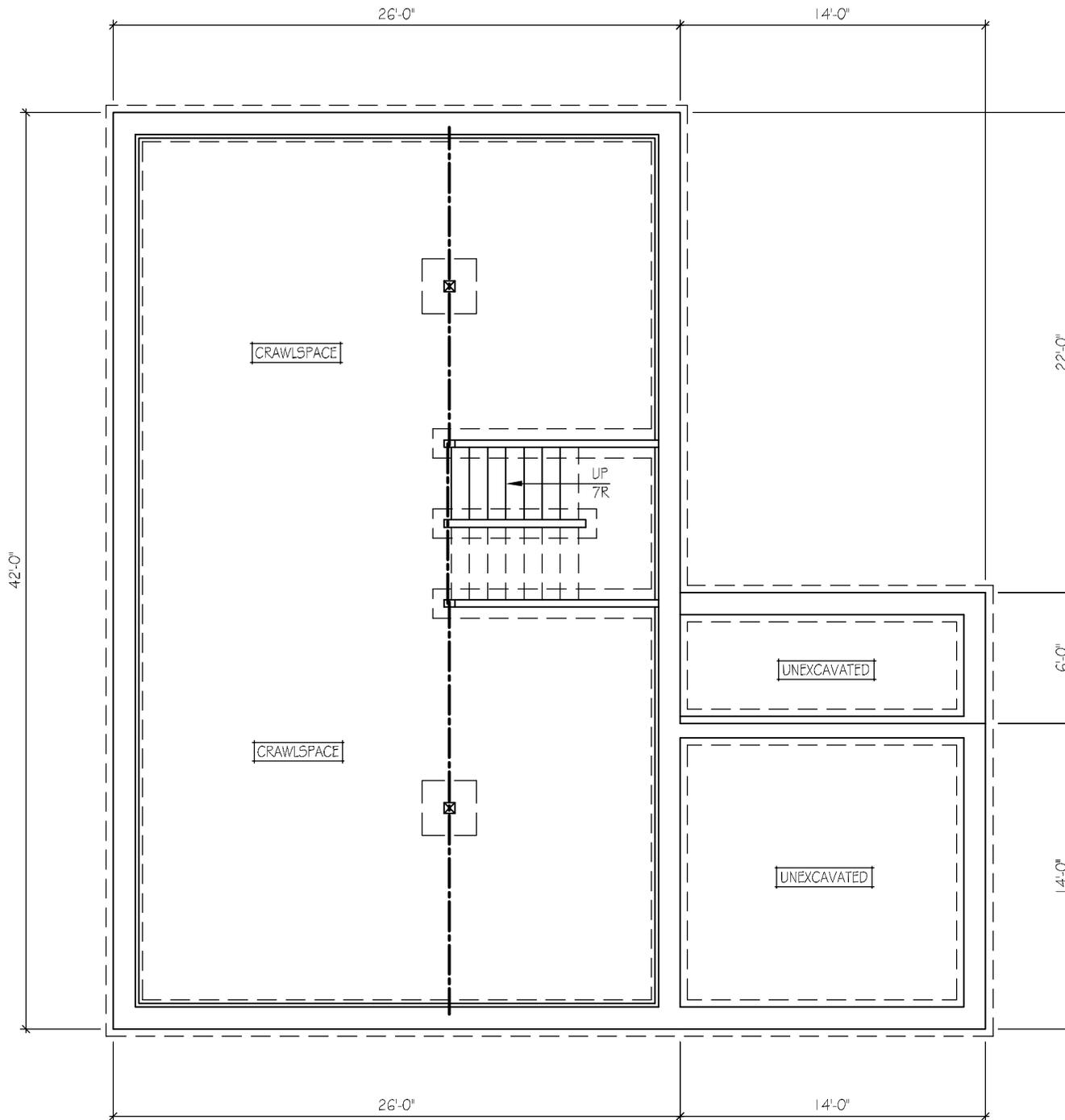
LEFT ELEVATION

NO SCALE



RIGHT ELEVATION

NO SCALE



BASEMENT PLAN
 1092 S.F. (CRAWL SPACE)

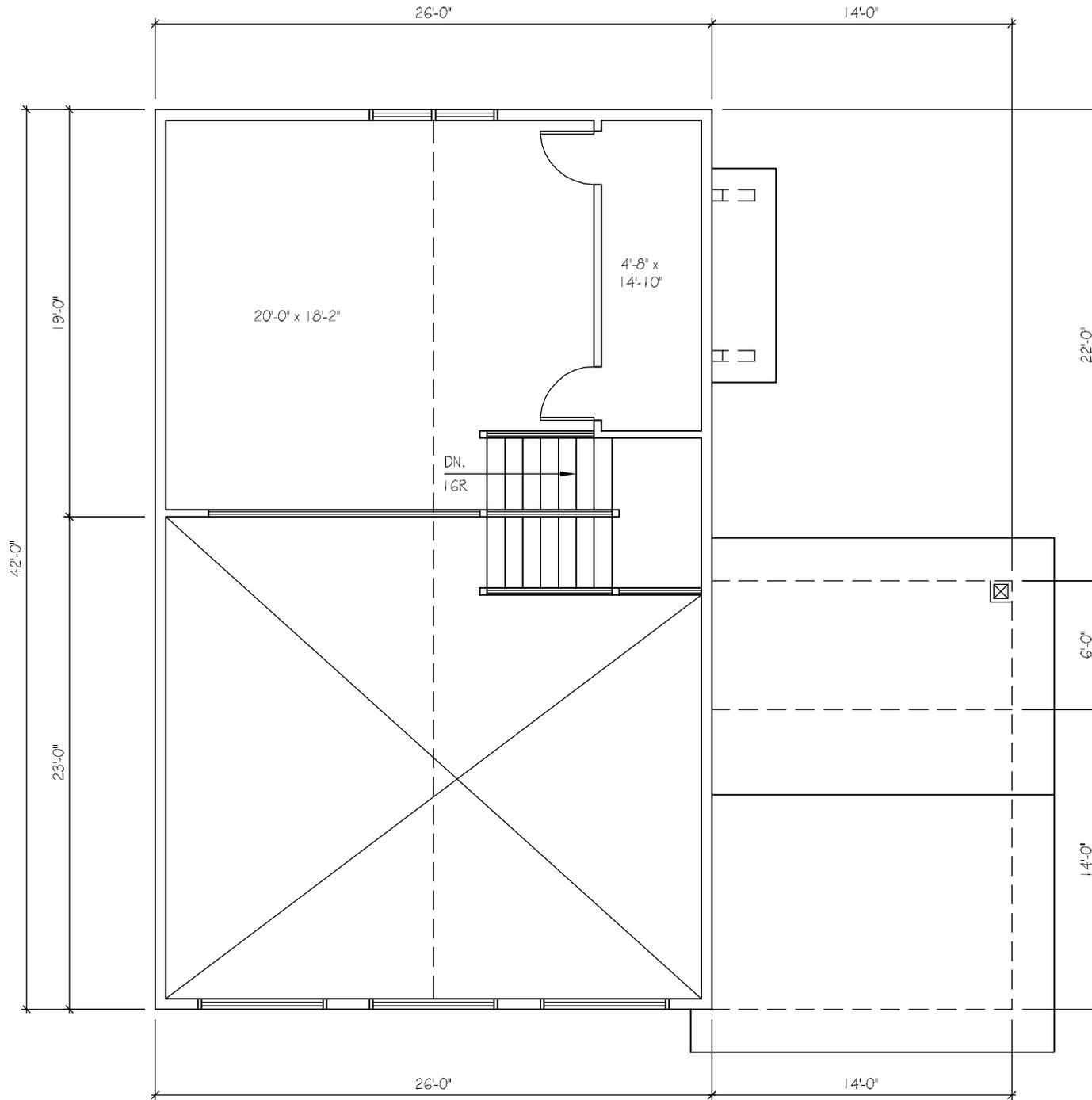
NO SCALE



FIRST FLOOR PLAN

1092 S.F. (HOUSE) 196 S.F. (SCREENED PORCH)

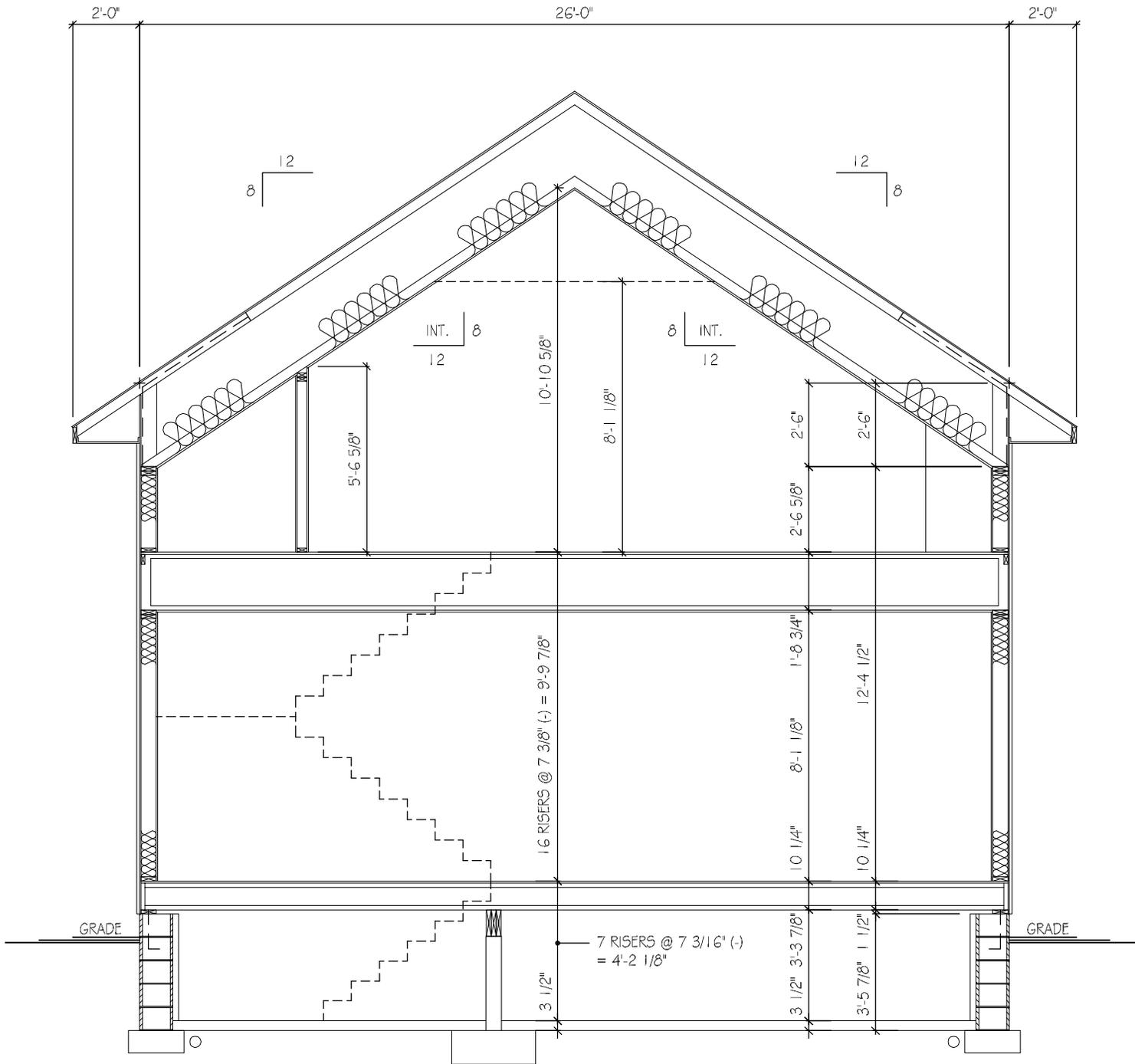
NO SCALE



SECOND FLOOR PLAN

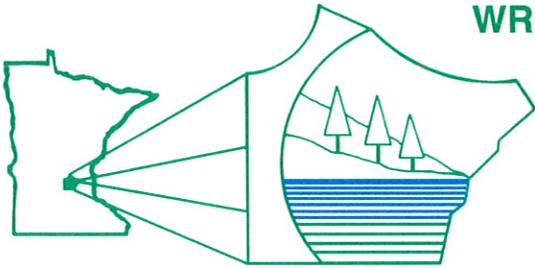
566 S.F. (LOFT) 526 S.F. (OPEN TO BELOW)

NO SCALE



1 BUILDING SECTION
 6 SEE BUILDERS SPECIFICATION FOR BUILDING MATERIALS

NO SCALE



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

August 30, 2011

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

RE: NE ¼ of the SE ¼, Section 27, Township 121, Range 27, Wright County, Minnesota, (Corinna Township). Variance to replace an existing single-story cabin with a 26 feet by 42 feet two-story cabin with attached 10 feet by 18 feet covered porch approximately 40-59 feet from Cedar Lake on an undersized lot (Scott & Christine Nelson).

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 requested variance.

The addition of the proposed cabin and covered porch will increase the overall footprint of the existing structure and impervious surface on the lot. Impervious surfaces are a surface that is incapable of being penetrated by water and thereby restricts percolation of water into the ground or does not maintain a vegetative cover. Impervious surfaces include but are not limited to the footprint of all structures or buildings, decks, stairways, lifts and landings, patios, sidewalks, and all driving and parking areas. The proposed impervious surfaces account for approximately 18.4% of the lot size.

The Ordinary High Water (OHW) elevation is 998.7' and the highest known water level is 999.3' derived from the Minnesota Department of Natural Resources (DNR). According to the grading plan on the certificate of survey the Southeast corner of the proposed house will sit at an approximate elevation of 1001'. The county ordinance requires a separation of 4 feet from the lowest living space to the highest known water level, which would require the lowest living space to be set at an elevation of 1003.3' or greater.

The use of Best Management Practices (BMP) is encouraged to treat stormwater runoff. Given a shallow groundwater separation of approximately 3 feet, infiltration through the use of a raingarden is not encouraged. Rather stormwater runoff from the impervious surfaces should be directed away from the lake per grading plan on survey and allow for natural infiltration to offer some form of pretreatment prior to entering Cedar Lake. Stormwater runoff from the impervious surfaces should not discharge directly towards neighboring property. A proposed drainage plan would be beneficial to ensure all stormwater runoff from impervious surfaces are accounted for to avoid impacts to the neighboring parcel prior to land alteration.

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 Cedar Lake and neighboring parcel prior to any land disturbing activity. If land disturbing activity exposes soil, these areas may require the use of additional temporary sediment control

devices. 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.

Grading should be conducted in a manner that best blends any additional fill with the natural landscape to ensure proper drainage and avoid future erosion issues. Once construction has ceased all exposed soils require sod or grass seed, disk-anchored and mulch within 14 days. The silt fence 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. Thank you for addressing our concerns and if you have any questions or comments please feel free to contact myself or the District.

Kind Regards,

A handwritten signature in black ink, appearing to read "Brian Sanoski", written in a cursive style.

Brian Sanoski
Urban Conservation Specialist

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.

