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# CORINNA TOWNSHIP

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**September 9, 2014**



CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
September 9, 2014

7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. Variance to construct a 10' x 28' lean-to addition to existing garage approximately 41 ft from the center line of a township road (min. 65 ft required).
    - i. Applicant: Karl Leslie
    - ii. Property address: 8783 Ingram Ave NW, Annandale
    - iii. Sec/Twp/Range: 22-121-027
    - iv. Parcel number(s): 206028002010
  - b. Variance to construct a 3,200 sq ft addition on the northeast end of an existing commercial building approximately 127 ft from the centerline of County Road 6 (min. 130 ft required) and 38 feet from a rear property line abutting a residential district (min. 50 ft required) and a 2,484 sq ft addition on the southwest end of an existing commercial building approximately 0.1 feet from a rear property line abutting a residential district (min. 50 ft required).
    - i. Applicant: Fergsba LLC (Marty Ferguson)
    - ii. Property address: 9030 64<sup>th</sup> Street NW, Annandale
    - iii. Sec/Twp/Range: 33-121-027
    - iv. Parcel number(s): 206114002040 and 206106001010
  - c. Conditional Use Permit for the expansion of an existing commercial building to be used for additional cold storage, office, and retail space related to an existing wholesale business.
    - i. Applicant: Fergsba LLC (Marty Ferguson)
    - ii. Property address: 9030 64<sup>th</sup> Street NW, Annandale
    - iii. Sec/Twp/Range: 33-121-027
    - iv. Parcel number(s): 206114002040 and 206106001010
  - d. Variance to construct a ~~27'-30'~~ x 26' dwelling addition ~~and a 7.5' x 10' portico addition~~ to an existing dwelling approximately ~~38-~~33.7 feet from Cedar Lake (min. 75 ft required).
    - i. Applicant: Bruce and Cathleen Campbell
    - ii. Property address: 8433 70<sup>th</sup> Street NW, Annandale
    - iii. Sec/Twp/Range: 34-121-027
    - iv. Parcel number(s): 206024000121
  - e. Variance to remove a condition on a 1999 lot line adjustment that requires the lake lot and the back lot to be treated as one for the purposes of sale and development.

- i. Applicant: Lester and Linda Cantin
- ii. Property address: 10611 Hollister Ave NW, Maple Lake
- iii. Sec/Twp/Range: 11-121-027
- iv. Parcel number(s): 206072000090 and 206072000250

5. Approve Previous Meeting Minutes

- a. August 14, 2014

6. Zoning Administrator's Report

- a. Permits
- b. Correspondence
- c. Enforcement Actions
- d. Findings of Fact - Previous PC/BOA Decisions

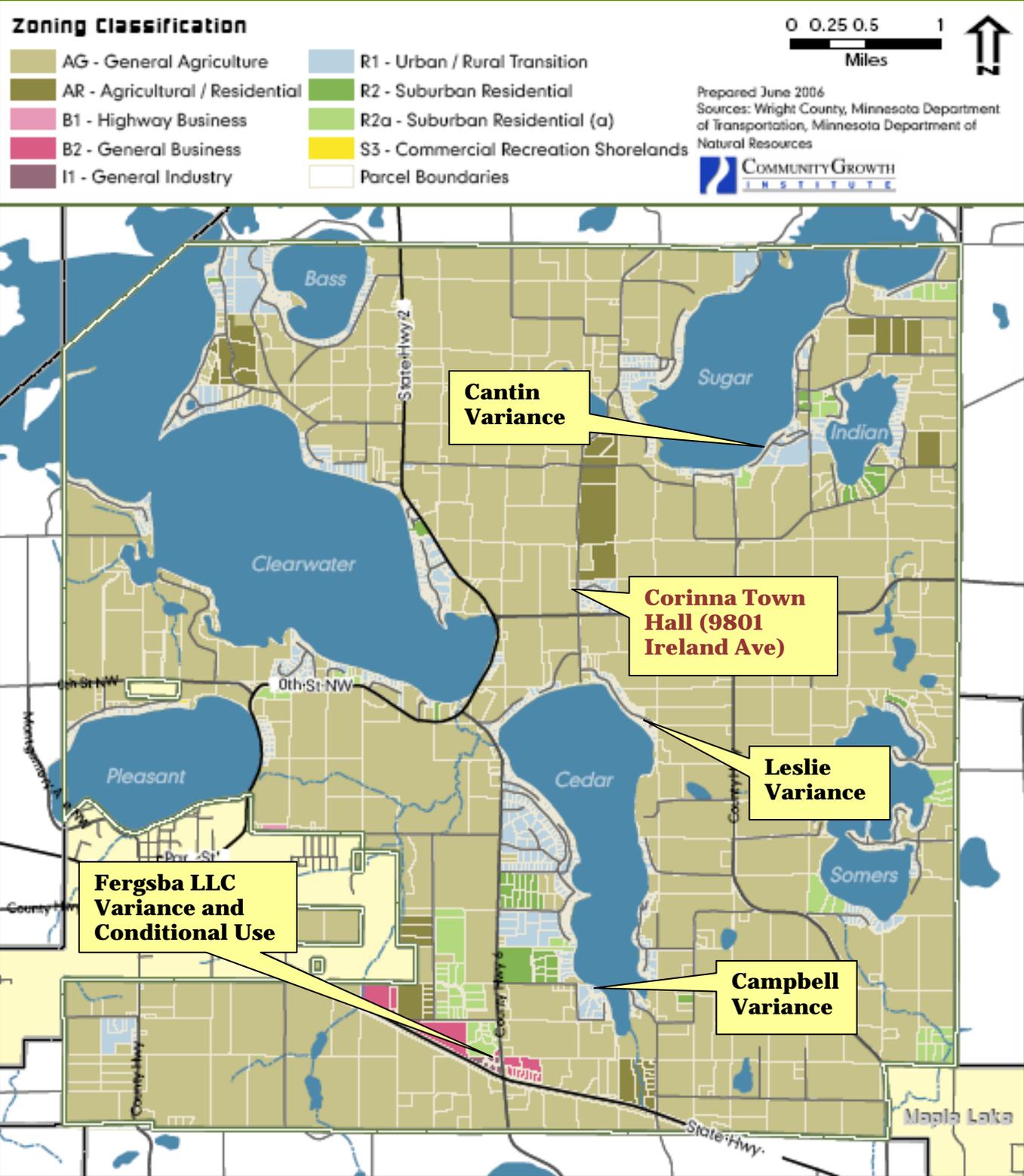
7. Other Business

- a. Comprehensive Plan Update (if time allows)

8. Adjournment

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

# Corinna Township Location Map for September 9, 2014 Public Hearing(s)



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

## STAFF REPORT

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**Application:** Variance to construct a 10' x 28' lean-to addition to existing garage approximately 41 ft from the center line of a township road (min. 65 ft required).

**Applicant:** Karl Leslie

**Agenda Item:** 4(a)

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### Background Information:

- **Proposal:** The applicants are proposing to construct a 10' x 28' open-sided lean-to along the east side of an existing garage that was built in 1998 with a variance to be 45 ft from the centerline of a township road. The proposed lean-to would run alongside the entire length of the garage.

After review of previously submitted surveys of the property, the proposed lean-to would also need a variance to be 9.4 feet from the east property line (min. 10 ft required) unless the design of the addition can be changed to ensure that the side yard setback is met.

- **Location:**
  - Property address: 8783 Ingram Ave NW, Annandale
  - Sec/Twp/Range: 22-121-027
  - Parcel number(s): 206028002010
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake)
- **Lot size:** 31,191 sq ft according to 2013 survey/site plan.

Existing Impervious Coverage:

- Buildings: Approx. 2,905 sq ft (9.3%)
- Total: Approx. 3,391 sq ft (10.9%)

Proposed Impervious Coverage:

- Buildings: Approx. 3,185 sq ft (10.2%)
- Total: Approx. 3,671 sq ft (11.8%)

- **Septic System Status:** The property is served by a septic system that was installed in 2013, which was approved by variance to be 4 ft from a side (west) property line (min. 10 ft required).
- **Natural Features:**
  - Floodplain: The property is not within an identified floodplain.
  - Bluff/Steep Slopes: The property contain steep slopes and a bluff, but not in the area of the proposed lean-to.

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

□ **Permit History:**

- 1997 - 1,500 gallon holding tank (for guest house at bottom of bluff)
- 1998 - Approved variance for detached garage (road setback)
- 1998 - Construct detached garage as approved by variance.
- 2004 - Approved variance to construct a dwelling (later expired)
- 2013 - Approved variance to construct a dwelling 25.3 ft from the top of a bluff (min. 30 ft required), to install a sewer system 4 ft from a side property line (min. 10 ft required) and to maintain use of a 792 sq ft dwelling as a guest house (max. 700 sq ft allowed) on a lot with a width of approximately 110 ft (min. 150 ft required).
- 2013 - Construct dwelling as approved by variance.

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**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

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

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

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

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

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance.

The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### Corinna Township/Wright County Regulations

#### 502. APPEALS AND BOARD OF ADJUSTMENT

##### 502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
  - (a) The granting of the variance will be in harmony with the County Land Use Plan.
  - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
  - (d) The proposal does not alter the essential character of the locality.
  - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
  - (f) The granting of the variance will not adversely affect the environmental quality of the area.

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

#### 605. URBAN/RURAL TRANSITIONAL R-1

##### 605.3 Accessory Uses

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

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

605.5 Performance Standards

(2) Front Yard Regulations:

(a) Required Setback Distance

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

743 DETACHED ACCESSORY STRUCTURES

Detached accessory structures and garages on lots less than one acre shall not have a second story, must have no more than six (6) feet of headroom in a rafter storage area, and have a maximum 6/12 roof pitch.

Accessory buildings and structures, individually and combined (not to include attached garages nor decks), on isolated residential parcels (those that are not adjoining other residential parcels/lots) smaller than 10 acres in size shall not exceed the following maximum size limits:

<u>Parcel size</u>	<u>Max. Building area</u>	<u>Max. Sidewall</u>
Less than 20,000 sq. ft.	1000 square feet	14 feet
20,000 sq. ft.-.99 acres	1600 square feet	14 feet
1-2.49 acres	2400 square feet	14 feet
2.5-4.99 acres	3200 square feet	14 feet
5-9.99 acres	4000 square feet	16 feet

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

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

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

In other zoning districts where development occurs more densely, the ordinance allows for setbacks from the right-of-way of a road as low as 20 feet. This is presumably to allow adequate space for a vehicle to park on the driveway without impinging on the road right-of-way. The proposed lean-to will be about 8-10 feet from the road right-of-way, but is further away than the existing garage to which it is attached. The existing garage was approved by variance in 1998 by Wright County, who noted in their approval that the road dead-ends shortly after this property and that moving the garage further back would require additional fill and removal of trees. The actual road surface of the Township road is about 25-30 feet away from the existing garage and a few feet further from the proposed lean-to. Staff's understanding is that the lean-to is for storage rather than parking of vehicles, but this should be confirmed if it is important to the Board of Adjustment.

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

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

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Staff Comment: The applicant has not provided any specific plans for stormwater retention or erosion control as of the writing of this report. Such plans could be required as a condition of any approval.
- 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: The application will require the removal of some trees and vegetation, but the lot is fairly heavily wooded.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.

- Staff Comment: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Staff Comment: Very minimal changes will take place in relation to the existing ground and grade as a result of this project.

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

**Needs discussion.** The proposed addition is reasonable in that it represents a reasonably sized lean-to given the size of the existing garage. In total, the combined garage/lean-to will not exceed the maximum allowed for any one building in the R-1 zoning district (1,036 sq ft vs. maximum allowed of 1,400 sq ft). The proposed setback is reasonable in that it is proposed to be placed alongside an existing garage, which had been previously granted a variance to be 45 feet from the centerline of the road (min. required 65 feet).

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

**Yes - road setback:** The need for the road setback variance is due largely to the topography of the lot. The 1998 approval of a variance to build the garage to which this lean-to would be attached also plays into the circumstances.

**No - side yard setback:** The need for the side yard setback is a factor that could be avoided with a slight downsizing of the lean-to.

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

**No.** The proposed lean-to, when combined with the existing garage, would remain under the maximum allowed size for a detached accessory structure and would not be out of character with typical development in shoreland areas of the Township on lots of this size.

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

**No.** The need for the variances are due to other factors mentioned in #4 above (road setback) and to allow for a slightly larger lean-to (side yard setback).

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

**No - road setback.** The construction of a lean-to addition on other sides of the garage is less feasible on the west side due to sloping topography and the need for additional fill and alteration of the lot. It cannot be built on the backside of the garage as that is where the house is located. It cannot be moved further back on the lot without impinging on the existing house.

**Yes - side yard setback:** It appears that a slight reduction in the size of the lean-to (about ½ foot) would avoid the need for the variance.

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

No. The proposed lean-to will not pose any significant negative impact on the environmental quality of the area provided that proper erosion control techniques are used for whatever land disturbance occurs. The lot will remain well below its maximum allowed impervious and building coverage.

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

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**Staff Recommendation:** Based on the findings of fact and discussion above, Staff recommends that the Board only approve the request for the road setback variance and deny the request for the side yard setback variance.

If either or both of the variances are approved, Staff recommends consideration of the following conditions of that approval:

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between the area of disturbance and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Application # <u>V14-009</u>	Date Application Rec'd <u>8/4/14</u> (for office use only)	Fee Collected \$ <u>400.00</u> - <u>dk # 1759</u>
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**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant James W Dearing Phone 612-685-5169  
 Property Address (E911#) 878.3 Ingram Ave NW Annandale  
 Mailing Address 8997 Ingram Ave N.W. Local Phone \_\_\_\_\_  
 (if different than above) (if different than above)  
 City, State, Zip Annandale, Minn. 55302

Applicant is: Title Holder of Property (if other than applicant)  
 Legal Owner ( ) Karl Leide  
 Contract Buyer ( ) (Name)  
 Option Holder ( ) 878.3 Ingram Ave N.W.  
 Agent ( ) (Address)  
 Other Contractor Annandale, Minn. 55302  
 (City, State, Zip)

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

Signature of Applicant (if different than owner): James W Dearing  
 (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) 206-028-002010

Full legal description of property involved in this request, including total acreage or square footage (required - attach separate sheet if necessary):  
Lot 1 Blk 2 Cedar Woods Section 22 Township 12 Range 22  
Lot Area 31,415 sqft or 0.72 acres

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

What are you proposing for the property? State nature of request in detail: Request 10'x28'  
lean to on side of garage 41' from center of road

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

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

Please complete all of the following questions:

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

*Lot & building improvements*

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

*It would match other lake lots*

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

*The best layout that could be done*

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

*The topography of the lot*

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.

*Property improvements & match neighbor properties*

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?

*There is not room from top of bluff because bluff is so far back from high water elevation & scope of abeyard*

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?

*Does not have any real impacts on environmental quality of area*

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

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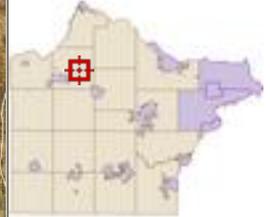
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### Overview



### Legend

#### Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

#### City/Township Limits

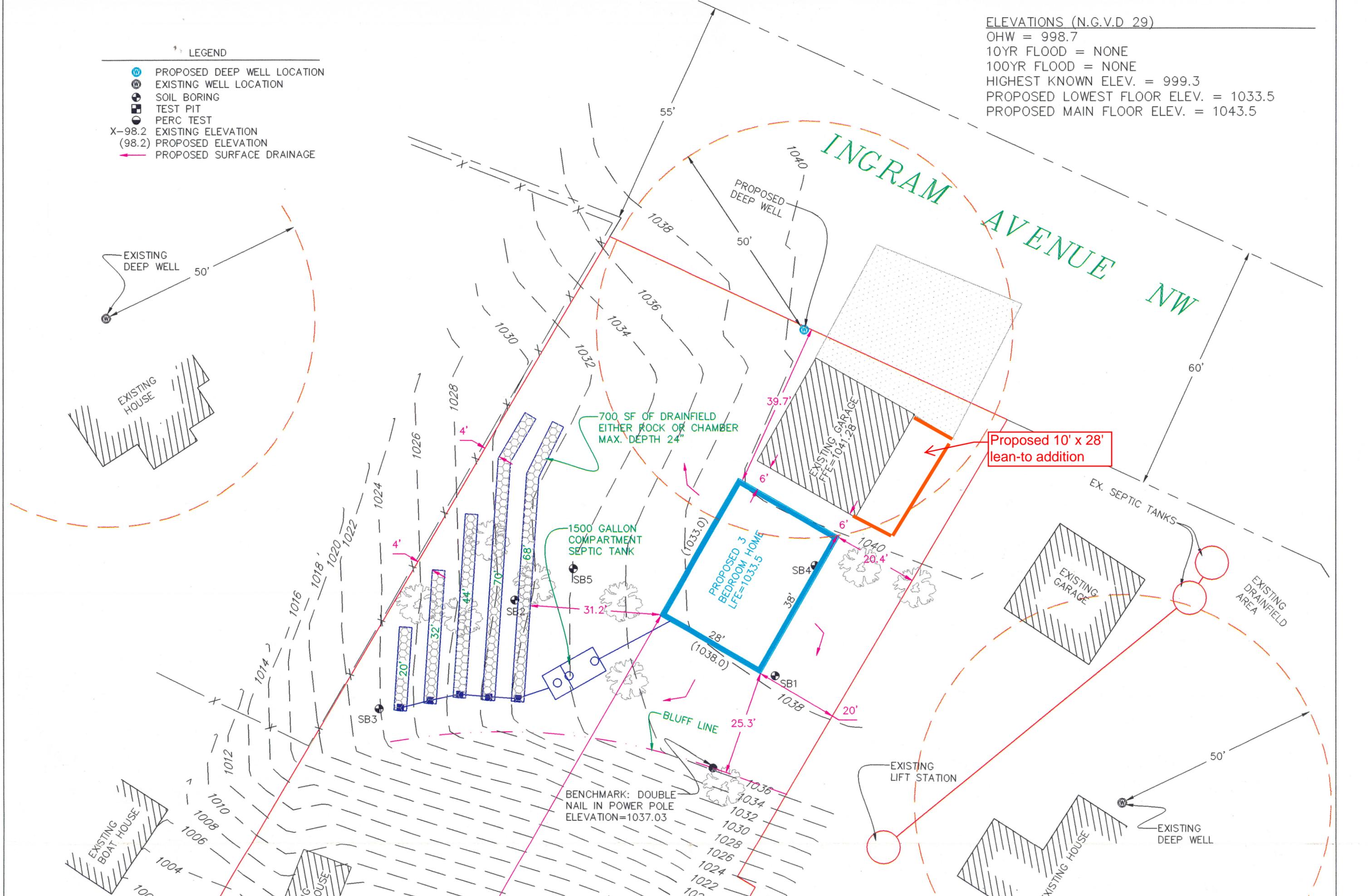
- c
- t
- Subdivisions
- Parcels
- Water

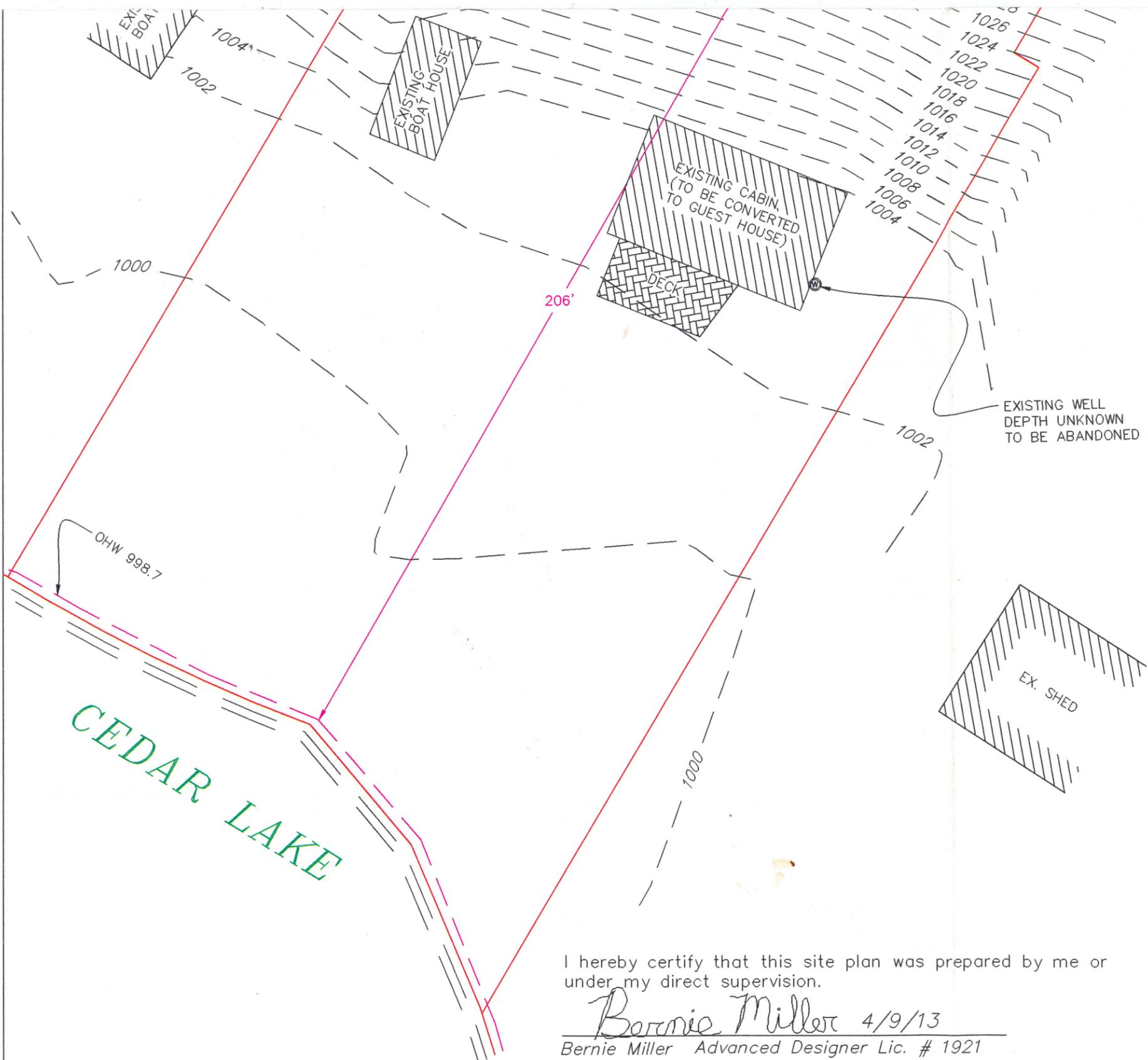
#### 2' Contours

- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;
- 1084; 1086; 1088;
- 1092; 1094; 1096;
- 1098; 1102; 1104;
- 1106; 1108; 1112;
- 1114; 1116; 1118;
- 1122; 1124; 1126;

ELEVATIONS (N.G.V.D 29)  
 OHW = 998.7  
 10YR FLOOD = NONE  
 100YR FLOOD = NONE  
 HIGHEST KNOWN ELEV. = 999.3  
 PROPOSED LOWEST FLOOR ELEV. = 1033.5  
 PROPOSED MAIN FLOOR ELEV. = 1043.5

- LEGEND
- PROPOSED DEEP WELL LOCATION
  - EXISTING WELL LOCATION
  - SOIL BORING
  - TEST PIT
  - PERC TEST
  - X-98.2 EXISTING ELEVATION (98.2)
  - PROPOSED ELEVATION
  - PROPOSED SURFACE DRAINAGE





**EXISTING AREAS**

TOTAL LOT (ABOVE OHW) = 31,191± SF  
 EX. CABIN = 797± SF  
 EX. GARAGE = 775± SF  
 EX. BOAT HOUSE = 269± SF  
 TOTAL EX. BUILDINGS = 1841± SF (5.6%)  
 EX. DECK = 220± SF  
 EX. DRIVEWAYS = 266± SF  
 TOTAL EX. IMPERVIOUS SURFACE = 2327± SF (7.5%)

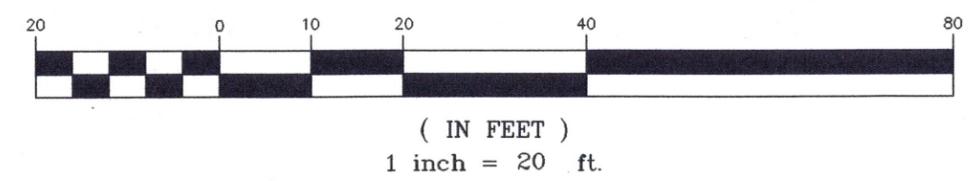
**PROPOSED AREAS**

TOTAL LOT (ABOVE OHW) = 31,191± SF  
 PROP. HOUSE = 1064± SF  
 EX. CABIN = 797± SF  
 EX. GARAGE = 775± SF  
 EX. BOAT HOUSE = 269± SF  
 TOTAL BUILDINGS = 2905± SF (9.3%)  
 EX. DECK = 220± SF  
 EX. DRIVEWAYS = 266± SF  
 TOTAL EX. IMPERVIOUS SURFACE = 3391± SF (10.9%)

**CONSTRUCTION NOTES**

1. THE BOTTOM OF THE DRAINFIELD IS TO BE NO DEEPER THAN 24" BELOW THE EXISTING GROUND.
2. THE DRAINFIELD MEDIA IS TO BE ROCK WITH 6' OF ROCK UNDER THE PIPE, QUICK 4 STANDARD, QUICK 4 PLUS STANDARD OR QUICK 4 PLUS STANDARD LOW PROFILE CHAMBERS.
3. DROP BOXES WITH SERIAL DISTRIBUTION IS TO BE USED AND THE BOTTOM OF THE TRENCH EXCAVATIONS ARE TO BE LEVEL.
4. THE DRAINFIELD IS TO HAVE AT LEAST 12" OF TOPSOIL COVER OVER THE MEDIA.
5. A 4" INSPECTION PIPE IS TO BE INSTALLED AT THE END OF EACH DRAINFIELD LINE.
6. DIVERT SURFACE DRAINAGE AWAY AND AROUND THE DRAINFIELD AND TANKS

**GRAPHIC SCALE**



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

*Bernie Miller* 4/9/13  
 Bernie Miller Advanced Designer Lic. # 1921

**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**  
 Lot 1, Block 2, Cedar Woods, Wright  
 County, Minnesota.  
 pid#206-028-002010

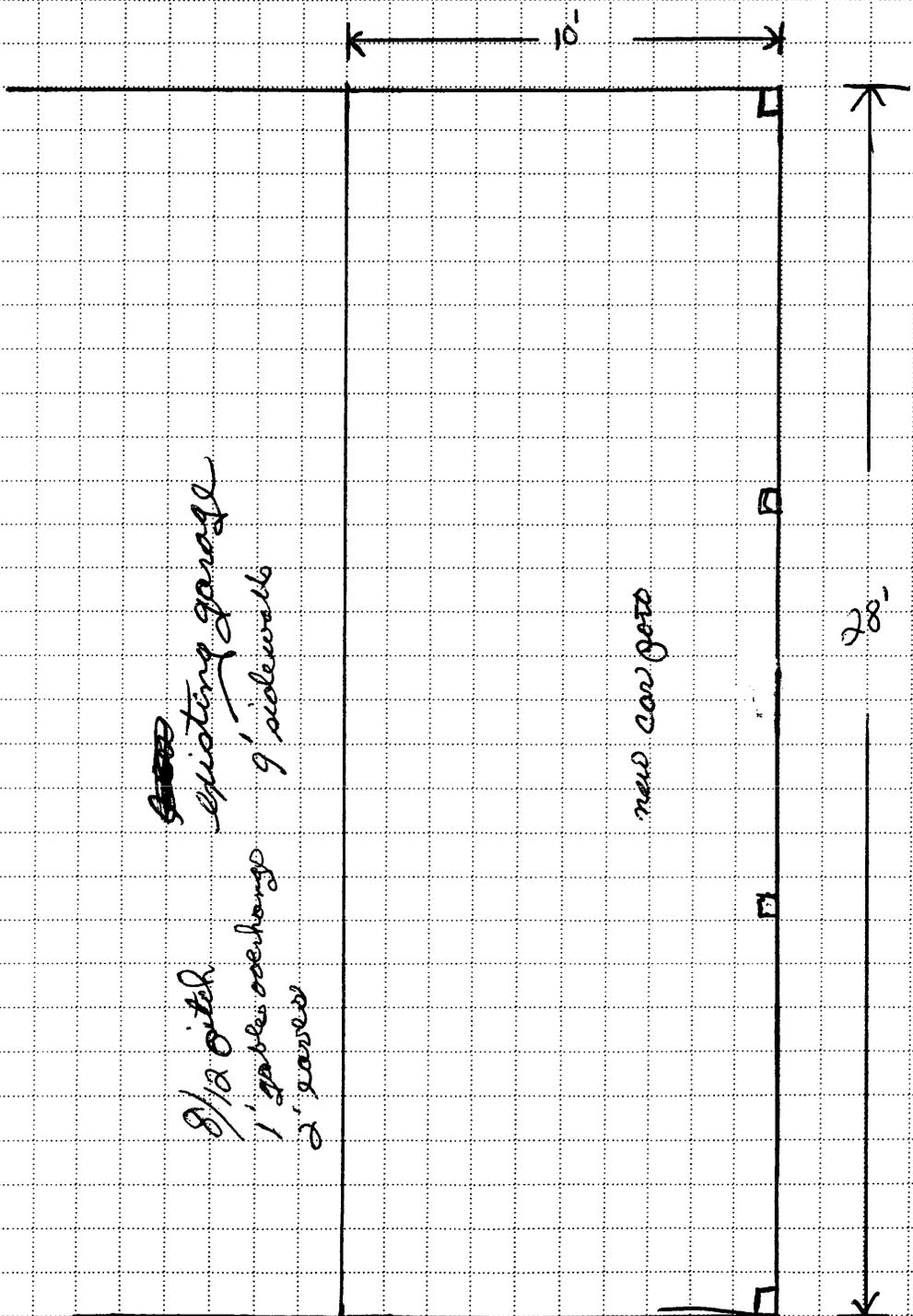
Septic System Site Plan		
DATE	JOB NO.	SCALE
4/9/13	2013-48	1=20

PREPARED FOR:  
**Dearing Construction**  
 (Carl Leslie Property)

ing Const  
Leisle Job



$\frac{1}{4}'' = 1'$   
JOB



~~EXISTING GARAGE~~  
existing garage  
1' p/bles overhangs  
2' cases  
9' sidewalk

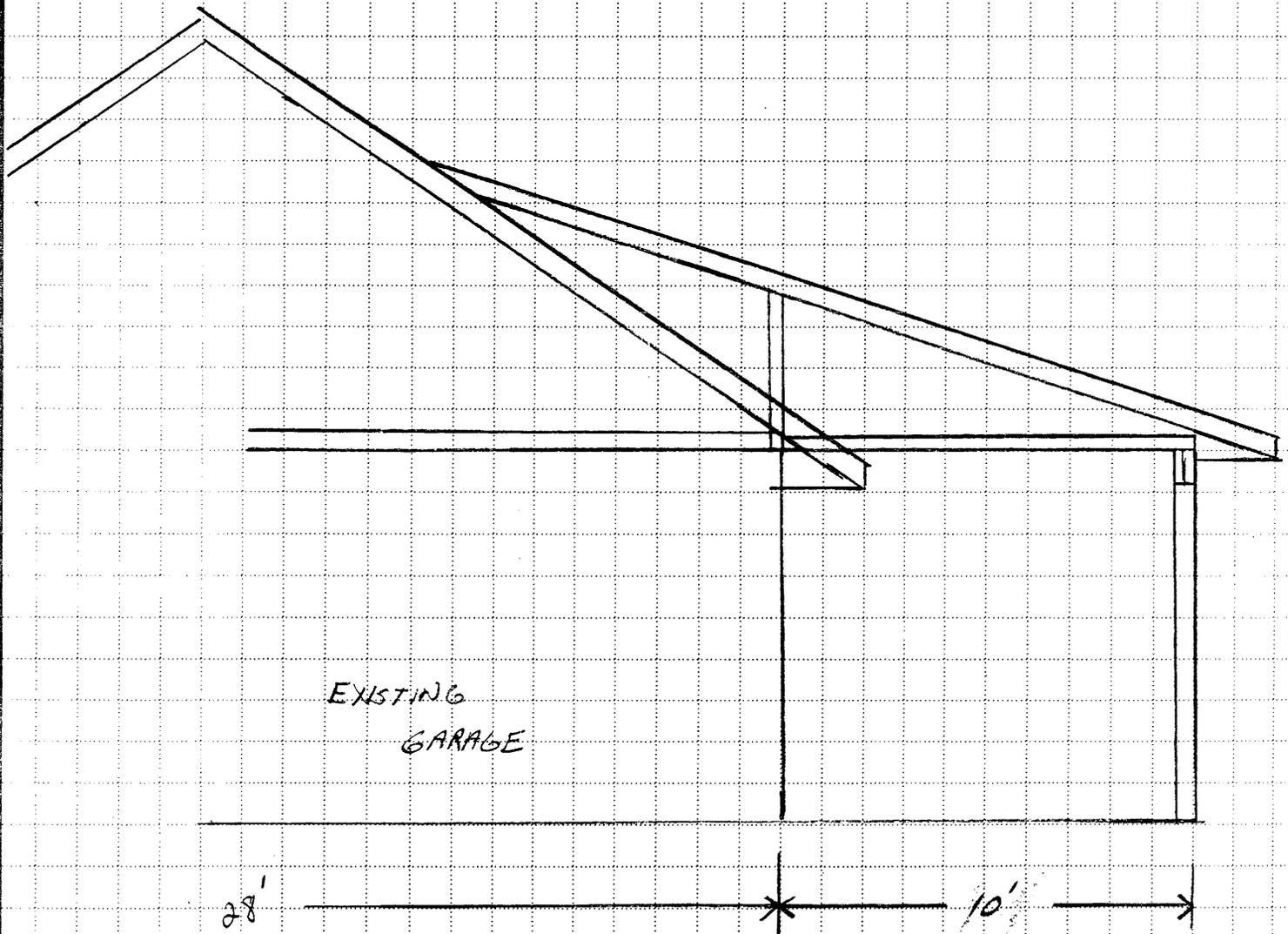
new car port

28'

10'



JOB







## STAFF REPORT

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**Application:** Variance to construct a 3,200 sq ft addition on the northeast end of an existing commercial building approximately 127 ft from the centerline of County Road 6 (min. 130 ft required) and 38 feet from a rear property line abutting a residential district (min. 50 ft required) and a 2,484 sq ft addition on the southwest end of an existing commercial building approximately 0.1 feet from a rear property line abutting a residential district (min. 50 ft required).

Conditional Use Permit for the expansion of an existing commercial building to be used for additional cold storage, office, and retail space related to an existing wholesale business.

**Applicant:** Fergsba LLC (Marty Ferguson)

**Agenda Item:** 4(b) and 4(c)

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### Background Information:

- **Proposal:** The applicant is proposing to add on to the existing building, which is currently being used for a wholesale business and limited retail sales (equipment and materials related to the installation of utilities along public right-of-ways). The use of the property would remain the same and would not be expected to significantly intensify the use as the additional space would primarily allow the owner to enclose some of the materials and equipment that are currently being stored out of doors. The proposed additions would be fully enclosed additions with an overhead door at each end to allow the occupants to drive through (for the storage areas) and an additional space to allow for moving the small retail and customer area away from the office area.

The application requires a new CUP for the expansion of the existing structure housing a commercial use. The application also requires a variance as two sections of the proposed building additions will not meet the required 50 foot setback to the adjacent (northwest) residentially-zoned property<sup>1</sup> (0.1 ft and 38 feet) and one of these will also not meet the required 130 ft setback from the centerline of County Road 6 (127 ft).

This property has been approved in the past for two separate business uses. In 1993, the property was approved for a plumbing business and related storage when the building was first constructed. Later, in 1999, the property was approved separately for a real-estate business and storage. In both cases, no outdoor storage was allowed as a condition of the CUP.

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<sup>1</sup> When the building was originally constructed on this property in 1993, it was part of the larger property which has since been subdivided into the “Cedar Ponds” residential subdivision. As such, there was no property line at that time anywhere near 50 feet of the building. Upon platting of the lot that surrounds the building, it was platted as a residential lot and the required setback for that zoning classification was only 30 feet, which the building appears to meet. Sometime between 1998 and 1999, the property was again rezoned to B-2, which was when the 50 foot setback was first required.

In 2010, an application was approved for a conditional use and a variance related to an addition that would have gone to the northeast of the existing building and been within 25 feet of the northwest property line (50 ft required). This variance and conditional use permit was never acted upon by the applicant as they ran into problems locating a septic system that would have met the required setbacks to the addition and otherwise decided not to follow-through. As that conditional use expired, they re-applied in 2013 for a different expansion to the west that was allowed by variance to be located within 4 and 11 ft of the west property line. That addition was used for storage. The current proposal would allow for additional storage on the north side of the building similar to what was proposed and approved back in 2010 and also add storage space to the south and office/limited retail space to the south.

Conditions of the 2013 CUP and Variance approval were as follows:

1. The applicant shall install necessary materials to ensure that rainwater running off of the roof of the building is directed to the wetland and grass area to the southeast of the building (on the applicant's own property). No water shall be directed to the hillside or wetland to the west of the building.
  - a. As per a follow up request from Mr. Ferguson in March 2013 that was discussed by the Board of Adjustment/Planning Commission, draitiles were installed to drain water from the west side of the building down the hillside into the large wetland to the west. Another draitile was installed on the east side of the building to direct water to the east.
2. The soffit width of the proposed addition shall be reduced to a maximum of two (2) feet.
  - a. This condition has been met.
3. Outdoor storage shall be allowed on the property and all existing vegetative screening along County Road 6, to the north, and along the hillside leading to the wetland on the west shall be maintained or enhanced. Additional screening to the southeast or southwest of the building is not required.
  - a. The vegetative screening along County Road 6 and to the west appears to be substantially the same as existed in 2013.
4. The applicant shall adequately mark and protect the area of the septic drainfield and tanks so that no equipment or materials or vehicles are stored or parked on top of them.
  - a. This condition has been met.
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.
  - a. This condition was met at the time of construction of the last addition.

The applicant states that the additions will allow for materials that are currently being stored outdoors to be placed indoors, although some material will remain outside.

**Location:**

- Property Address: 9030 - 64<sup>th</sup> Street NW, Annandale
- Sec/Twp/Range: 33-121-27
- Parcel Number(s): 206114002040 and 206106001010

**Zoning:** General Business District (B-2) / General Industry District (I-1)

**Lot size:** Approx. 1.34 acres (B-2 lot) and 1.16 acres (I-1 lot). Total combined lot size of about 2.5 acres.

Existing Impervious Coverage: - includes only the B-2 lot on which the building additions would sit.

- Buildings: Approx. 5,910 sq ft (10.1%)
- Total: Approx. 27,300 sq ft (46.8%)

Proposed Impervious Coverage: - includes only the B-2 lot on which the building would sit

- Buildings: Approx. 11,594 sq ft (19.9%) - max. allowed in B-2 is 50%
- Total: Approx. 27,300 sq ft (46.8%) - max. allowed in B-2 is 100%

**Septic System Status:** A new septic system was installed in 2012 to replace the one constructed in 1994. It appears that the proposed addition on the northeast side of the existing building would not meet the required 10 ft setback from the tank or the 20 ft setback from the drainfield. Staff has discussed this with the applicant and he indicates that the building will be at least 10 ft from the septic tanks.

**Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain a bluff, but does contain a steep slope to a wetland on the northwest side of the property. No construction would impinge on the existing distance of the building to this steep slope.

Wetlands: There is a large wetland to the northwest of the building lot and a smaller pond/wetland to the southeast that straddles the two lots used by the applicant.

**Permit History:**

- 1993 - CUP approved for plumbing business (no outdoor storage)
- 1993 - Building permit for existing building
- 1997 - Rezoning from AG to B-2 (Lot 4, Block Two of Cedar Ponds - lot on which proposed addition sits)
- 1997 - Conditional use permit for waiver of platting requirements and contractors' shop.

- 1999 - CUP approved for real-estate business and storage (no outdoor storage)
- 2010 - CUP and variance approved for a building addition 25 feet from the northwest property line (50 ft required). *These approvals were not acted upon by the landowner. Both approvals have since expired.*
- 2013 - CUP and variance approved for a building addition 2-9 ft from the northwest property line (50 ft required).
- 2013 - Permit to construct the addition approved in the 2013 CUP and variance.

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**Applicable Statutes/Ordinances:**

**Conditional use**

505. CONDITIONAL USE PERMITS

505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wright County Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,
- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and

requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

## 609. GENERAL BUSINESS DISTRICT B-2

### 609.1 Purpose

The General Business District is intended to provide a district that will allow general retail and commercial uses to serve existing population.

### 609.2 Conditional Uses

Commercial Recreation.  
Hospitals.  
Hotel and Motel.  
Offices and Medical Centers.  
Retail Trade.  
Government Buildings.  
Wholesale Business.  
Indoor Recreation, such as Movie Theater.  
Restaurants, Cafes and Supper Clubs.  
Passenger Transportation Terminal.  
Drive-In Business.  
Clubs, Lodges.

Automobile Service Stations.

Subdivisions - minimum lot size of one acre.

Landscaping.

Parking Facilities.

Fences.

Any incidental repair, processing and storage necessary to conduct a principal use but not exceeding thirty percent (30) of the floor space of the principal building.

Essential Services -Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.

On-Off Sale Liquor Establishment.

Freight Transportation Terminals.

Industry, such as a printing company, that requires direct contact with the public for sales.

Single dwelling units.

Commercial Day Care Centers.

### 609.3 Performance Standards

(1) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

(7) Screening and Fencing

The County may require the screening and fencing of commercial uses especially on side and rear yards facing Residential and Agricultural uses.

(8) General Regulations

Requirements for signs, parking, shopping centers, and other regulations are set forth in Section 7.

(9) No more than fifty (50) percent of the lot ground area shall be covered by buildings.

## SECTION 7. PERFORMANCE STANDARDS

### 702. EXTERIOR STORAGE

In all districts, the County Board may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

#### 704. SCREENING and FENCES

Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Zoning Administrator).

All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment presently being used for construction on the premises; (3) merchandise located on service station pump islands.

The screening required in this section may consist of a fence, trees, shrubs and berms not less than five (5) feet high but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and pavement. The screening shall not block direction vision. Planting of a type approved by the Planning Commission may also be required in addition to or in lieu of fencing.

#### 707. PARKING

##### 707.1 Surfacing and Drainage

Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water without damage to adjoining property. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to one, two, three, and four-unit residential structures; all other uses shall utilize asphalt, concrete, or other surface (water sealed) as approved by the Zoning Administrator.

##### 707.2 Location

All accessory off-street parking facilities required herein shall be located as follows:

- (3) Spaces accessory to uses located in a Business, within eight hundred (800) feet of a main entrance to the principal building served.
- (4) There shall be no off-street parking space within five (5) feet of any street right-of-way.

- (5) No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

### 707.3 General Provisions

- (2) Parking spaces. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives.
- (3) Control of off-street parking facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Wright County requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- (4) Use of parking area. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

### 707.4 Design and Maintenance of Off-Street Parking Areas

- (1) Parking Areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed twenty-two (22) feet in width and shall be so located as to cause the least interference with traffic movement.
- (2) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
- (3) Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than three (3) feet from the side property line or a guard of normal bumper height not less than one (1) foot from the side property line. When said area is for six (6) spaces or more, a curb or fence not over five (5) feet in height shall be erected along the front yard set-back line and grass or planting shall occupy the space between the sidewalk and curb or fence.
- (4) Parking space for six (6) or more cars. When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a fence of adequate design, not over five (5) feet in height nor less than four

- (4) feet in height shall be erected along the Residential District property line.
- (5) Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences.
- (6) Determination of areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

**707.6 Off-Street Spaces Required (One space equals 300 square feet)**

- |      |                                   |   |
|------|-----------------------------------|---|
| (4)  | Business and Professional Offices | One (1) space for each 400 square feet of gross floor space   |
| (12) | Retail Store                      | At least one (1) off-street parking space for each one hundred fifty (150) square feet of gross floor area. |
| (14) | Uses not specifically             | As determined by the governing body noted specifically noted following review by the Planning Commission.   |

**Variance**

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

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

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

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

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

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

### 502.3 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.

## 609. GENERAL BUSINESS DISTRICT B-2

### 609.3 Performance Standards

- (3) Side Yard Regulations:
  - (a) Minimum side yard shall be twenty (20) feet.

(b) No building shall be located within fifty (50) feet of any side lot line abutting a lot in any Residential or Agricultural District.

(4) Rear Yard Regulations:

(a) There shall be a minimum rear yard of thirty-five (35) feet.

(b) No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

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

1. **Will the Conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?**
  - a) **No.** The property will continue to be used as it has been for the last 10-12 years. Staff is not aware of any complaints of neighboring property owners. The additional building space should help to enclose much of the outdoor storage and improve the appearance of the property from adjacent properties. Further, the property is accessed from a road which is zoned for business and/or industrial uses and accommodates traffic consistent with those uses.
2. **Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?**
  - a) **No.** The adjacent properties to the south and west are zoned B-2 or I-1 and the continuation of the wholesale business with limited retail sales should not impede additional development of these properties. To the north, the land is zoned R-2a and all of these lots have been developed with residential homes.
3. **Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**
  - a) **Yes, with possible conditions.** The site is already served by utilities and access roads. This particular property drains to the small pond/wetland to the south and to the large wetland to the northwest. The additional building space should not change the runoff as the areas where it will be constructed are already impervious (compacted gravel). However, it will likely create a more direct route for rainwater coming off the roof down the hill toward the wetland in a way that could increase the potential for erosion of the hillside. This could be addressed through conditions on how that rainwater is directed – such as by directing to a downspout that connects to a draitile or PVC pipe that outlets to the bottom of the hillside (as was allowed under the 2013 CUP and variance approval).
4. **Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**

- a) **Yes.** The ordinance does not specifically list a required number of spaces for a wholesale business such as this. It does mention retail and office space, but these are a minor portion of the proposed building. Staff would recommend the Commission discuss with the applicant the anticipated parking needs and determine what an appropriate number of spaces required would be.
- 5. Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?**
- a) **Needs discussion.** Both the Township and County long-term land use plans identify the B-2 zoned property on which this lot sits for future residential use. However, the property has been zoned for commercial use since at least 1997 when a rezoning request was approved by Wright County.
- 6. Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?**
- a) **Yes.** The proposed use's primary potential nuisance would be related to glare from any outdoor lighting and noise related to the traffic. Both are not significant concerns with the current use and would not be expected to increase significantly as a result of the proposed additions.
- 7. Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**
- a) Staff would recommend that the Commission discuss with the applicant areas of anticipated outdoor storage. The areas to the rear (north and northeast) of the lot are well screened by existing wooded areas. These wooded areas should remain as they are and any outdoor storage allowed should be placed in these areas as much as possible (as opposed to the south and west portion of the lot, which are adjacent to residentially-zoned properties and/or are visible from public roads and highways).
- b) Staff would recommend that the issue of stormwater management be discussed so as to prevent erosion of the hillside leading down to the large wetland to the northwest.

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

- 1. Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**
- a) **Yes.** The intent of the larger side/rear yard setback when a commercial property abuts a residentially-zoned property is to provide a greater buffer between a commercial use and a residential use. In this case, the adjacent residentially-zoned property is a large wetland that is unbuildable for residential purposes

and adequately provides such a buffer to the next adjacent residentially-zoned properties.

The intent of the road setback is to ensure adequate space for future potential road expansion and to protect vehicles and property from accidents. The proposed setback of 127 ft very nearly meets the 130 ft minimum setback required and there are numerous trees between the road and the proposed building.

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

- a) **Yes.** The Comprehensive Plan does not directly address situations such as these, except to discuss generally a desire to minimize conflicts between adjacent landowners. The proposed additions to the existing building will not further impinge on the lot line that the building already does. The adjacent residential lot is an unbuildable outlot and provides much more buffer to residentially developed properties than is required by the 50 ft setback in the ordinance. As such, the application is not inconsistent with the Comprehensive Plan. As noted before, while the Comprehensive Plan identifies this parcel for future residential use, the County approved a rezoning to commercial use in 1997 and it has been used that way ever since.

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

**Yes.** The applicant's request is reasonable considering that the only nonconforming aspect is the setback to the northwest property line and a slight variance from the road setback. As stated above, the fact that the adjacent property to the west is an unbuildable outlot and serves as the intended buffer would make a denial of the variance request unreasonable in Staff's opinion. The same could apply to the road setback variance, given that there are so many trees between the road and the proposed building addition and that the variance would only be 3 ft closer than the minimum required.

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

**Yes.** The building was constructed before the setback requirement was an issue, since there was no lot line to the northwest as it exists today. Further, when the land on which the building currently sits was platted, the building met the required 30 ft setback. It was only when the property was rezoned to B-2 that the setback of the building became a nonconformity. The owner also has no control over the road location.

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

**No.** The proposed building additions will have result in very little, if any, change to the character of the area. The property is already being used for a wholesale business and has been for at least 10-12 years. Before that, the property was used for businesses back to 1993. The proposed building additions will not change the use or significantly intensify the use.

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

**No.** The previous zoning history of the lot and the existing location of the buildings are factors in the request.

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

**Needs discussion.** An addition to the building on a different portion of the lot or a smaller addition would be possible – to avoid going closer to the road centerline and the west property line. However, this would not significantly improve the situation as the intent of the ordinances is already being met.

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

**No.** The proposed dwelling will not add any impervious surfaces to the property beyond what already exists since the construction area is impervious driving/storage area. With proper stormwater management, the runoff from the roof of the expanded building should not pose a significant erosion problem to the hillside leading to the wetland or any other area of the property.

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

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff recommends approval of both the variance and the conditional use requests, with the following conditions of approval:

1. The applicant shall install necessary materials to ensure that rainwater running off of the roof does not create an erosion problem on the hillside leading to the wetlands on the west or the east– or on any other part of the property or adjacent properties.
2. Any outdoor storage areas shall be screened consistent with the requirements of Section 7 of Appendix A of the Township Zoning Ordinance.
3. The applicant shall adequately mark and protect the area of the septic drainfield and tanks so that no equipment or materials or vehicles are stored or parked on top of them.
4. (For discussion) Retail use shall be limited to the area contained within the new office/retail section and shall not be advertised via signage on the property as being a retail business.

V14-010

Application # <u>V14-010</u>	Date Application Rec'd <u>8/11/14</u>	Fee Collected \$ <u>400.00</u>
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(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant: FSS Inc

Property Address: 9030 - 64<sup>TH</sup> STREET NW

Mailing Address (if different): PO BOX 989

City: ANNANDALE State: MINN Zip: 55302

Phone (home/work): 320-274-7223 Phone (cell/other): ~~320-274~~ 612-325-7794

E-mail (optional): MARTY@FSSINC.DIZ

**Applicant is:**  Legal Owner  Contract Buyer  Option Holder  Agent  Other

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

Name: FERGSBA, LLC

Address: PO BOX 509

City, State, Zip: ANNANDALE MN 55302

Please specify: LEASE/RENTER

Property ID #: (12 digit # on tax statement) 206-114-002040 Lake Name (if applicable) \_\_\_\_\_  
+206-106-001010

Legal Description: \_\_\_\_\_  
 (attach if necessary)

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

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

- What type of variance are you requesting (check as many as apply)?
- 1 per 40 Division
  - Road Setback
  - Building/Impervious Coverage
  - Lot Line Adjustment
  - Lake or River Setback
  - Height of Structure
  - Undersized Lot
  - Side or Rear Line Setback
  - Septic System Setback
  - Appeal of Staff Interpretation
  - Bluff Setback
  - Other \_\_\_\_\_

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

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

Please complete all of the following questions:

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

WE PROPOSE TO ADD ON TO EXISTING STRUCTURE. THIS WILL ALLOW US TO BRING MORE PRODUCT INSIDE AND LET US CREATE A NEW ENTRY WAY.

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

THIS IS A HARD PIECE OF PROPERTY TO WORK WITH DUE TO MANY ANGLES AND BOUNDARIES. WE DO NOT HARM OUR NEIGHBORS OR THE RIGHT OF WAY.

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

THE PLAN IS TO TRY AND ELIMINATE UNSIGHTLY OR UNSAFE BUILDINGS OR PROPERTY. WE ARE VERY AWARE OF OUR SURROUNDINGS.

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

IT SIMPLY EXPANDS WHAT WE ARE DOING. AND WE HAVE BEEN HERE SINCE 2003.

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

QUESTION # 2 HAS THESE ANSWERS ALREADY.

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

WE HAVE NOT CHANGED THE CHARACTER OF THE AREA SINCE WE MOVED IN AND WE ARE NOT ASKING TO NOW.

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

WHILE TRYING TO MAINTAIN CURRENT BUILDING LINES, IT WILL BE VERY DIFFICULT TO DO SO WITHOUT VARIANCES

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

NO ENVIRONMENTAL IMPACT IS FORESEEN

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

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

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

WE LOOK FORWARD TO CONTINUING TO DO BUSINESS IN CORINNA TOWNSHIP AND SINCERELY APPRECIATE YOUR CONSIDERATION OF THESE CIRCUMSTANCES

Application # <u>C14-006</u>	Date Application Rec'd <u>8/11/14</u>	Fee Collected \$ <u>350.00</u>
(for office use only)		

**CORINNA TOWNSHIP  
CONDITIONAL USE APPLICATION**

Name of Applicant: FS3 INC

Property Address: 9030 - 64<sup>TH</sup> STREET NW

Mailing Address (if different): PO BOX 989

City: ANNANDALE State: MM Zip: 55302

Phone (home/work): 320-274-7223 Phone (cell/other): 612-325-7794

E-mail (optional): marty@fs3inc.biz

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

Legal Owner  Name: FERGSBA LLC

Contract Buyer  Address: PO BOX 509

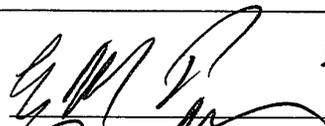
Option Holder  City, State, Zip: ANNANDALE MM 55302

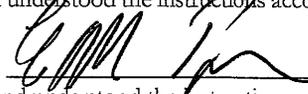
Agent

Other  Please specify: LEASE / RENTER

Property ID #: 206-114-002040 Lake Name \_\_\_\_\_  
 (12 digit # on tax statement) 206-106-001010 (if applicable)

Legal Description: \_\_\_\_\_  
 (attach if necessary)

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

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

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

TO ADD ADDITIONAL STORAGE AREA AND A NEW  
ENTRANCE TO EXISTING STRUCTURE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Building: \_\_\_\_\_

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

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

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

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

WILL NOT BE HARMFUL, BETTER TO GET MORE INVENTORY  
UNDER COVER. NO IT WILL NOT REDUCE PROPERTY  
VALUES BECAUSE IT WILL BE AESTHETICALLY PLEASING

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

NO, WE DO NOT LIMIT ACCESS TO ADJOINING  
PROPERTY

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

NO NEW PUBLIC UTILITIES WILL BE REQUIRED  
THEY ALREADY EXIST

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

WE CURRENTLY HAVE (SINCE 2003) OFF STREET  
PARKING AND LOADING SPACE AND WE WILL  
CONTINUE.

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

WE ARE NOT ASKING FOR ANY ZONING  
CHANGE.

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

WE DO NOT FORESEE ANY ISSUES THAT WILL  
CREATE A NUISANCE AND DO NOT BELIEVE THERE  
HAVE EVER BEEN COMPLAINTS WITH REGARD TO  
OUR USE OF THE PROPERTY

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

YES WE HAVE AND WILL CONTINUE TO USE  
OUTDOOR STORAGE, BUT AGAIN THIS DOES NOT  
AFFECT OUR NEIGHBORS

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

NO, THIS PROPOSED ADDITION WILL NOT REQUIRE  
TIMBER CLEARING. WE WILL TAKE ALL NECESSARY  
PRECAUTIONS FOR POTENTIAL SOIL EROSION BY USING  
CURRENT PRACTICES

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

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

LOW LAND ON NORTH + SOUTH SIDE OF BUILDING  
NEITHER HAVE BEEN ADVERSELY AFFECTED FROM  
OUR BUSINESS

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

NOT A SHORELAND AREA

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

NO

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

NO

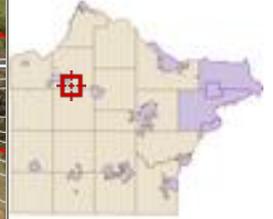
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Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

City/Township Limits

- c
- t
- Subdivisions

- Parcels
- Water

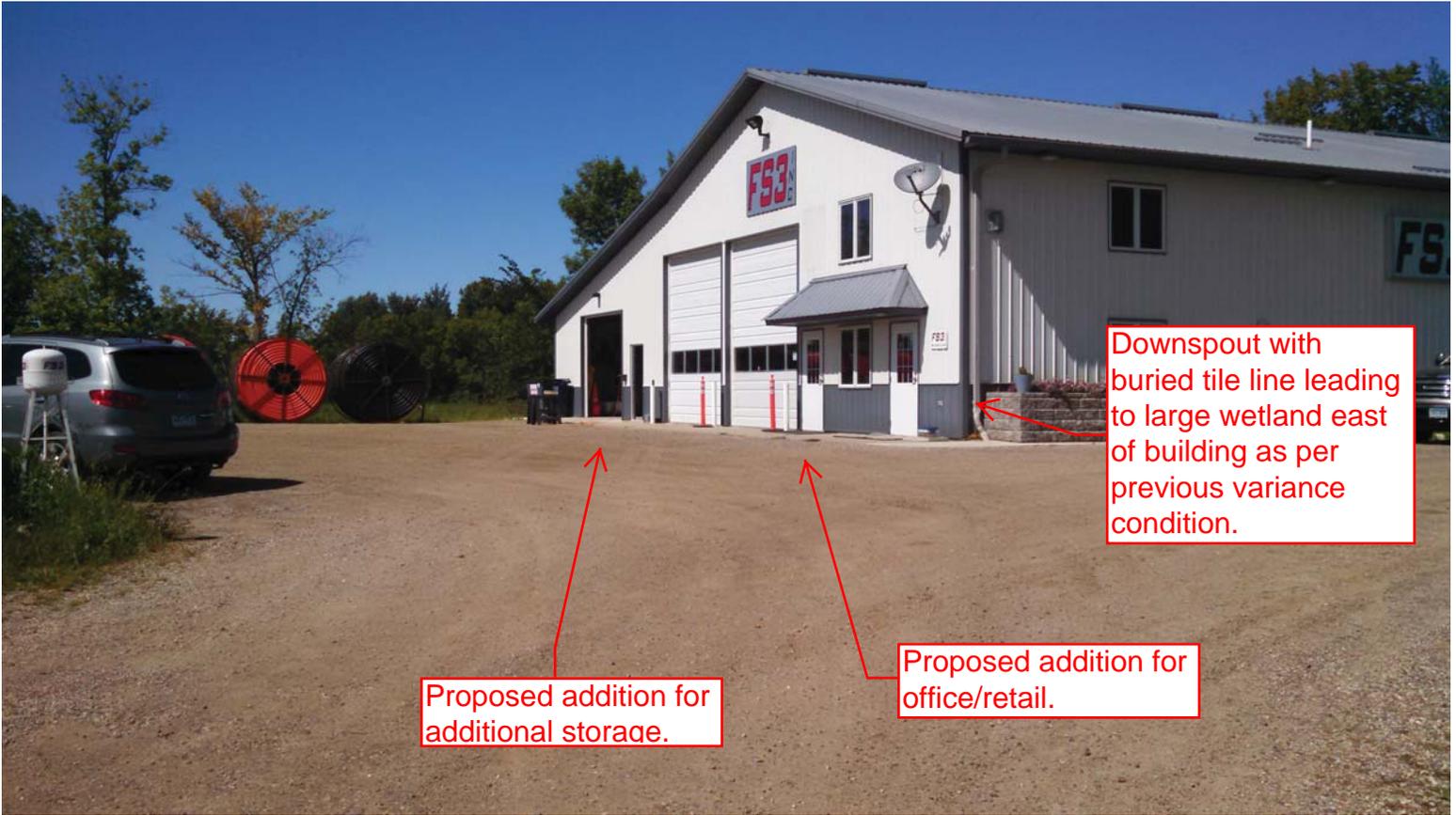
2' Contours

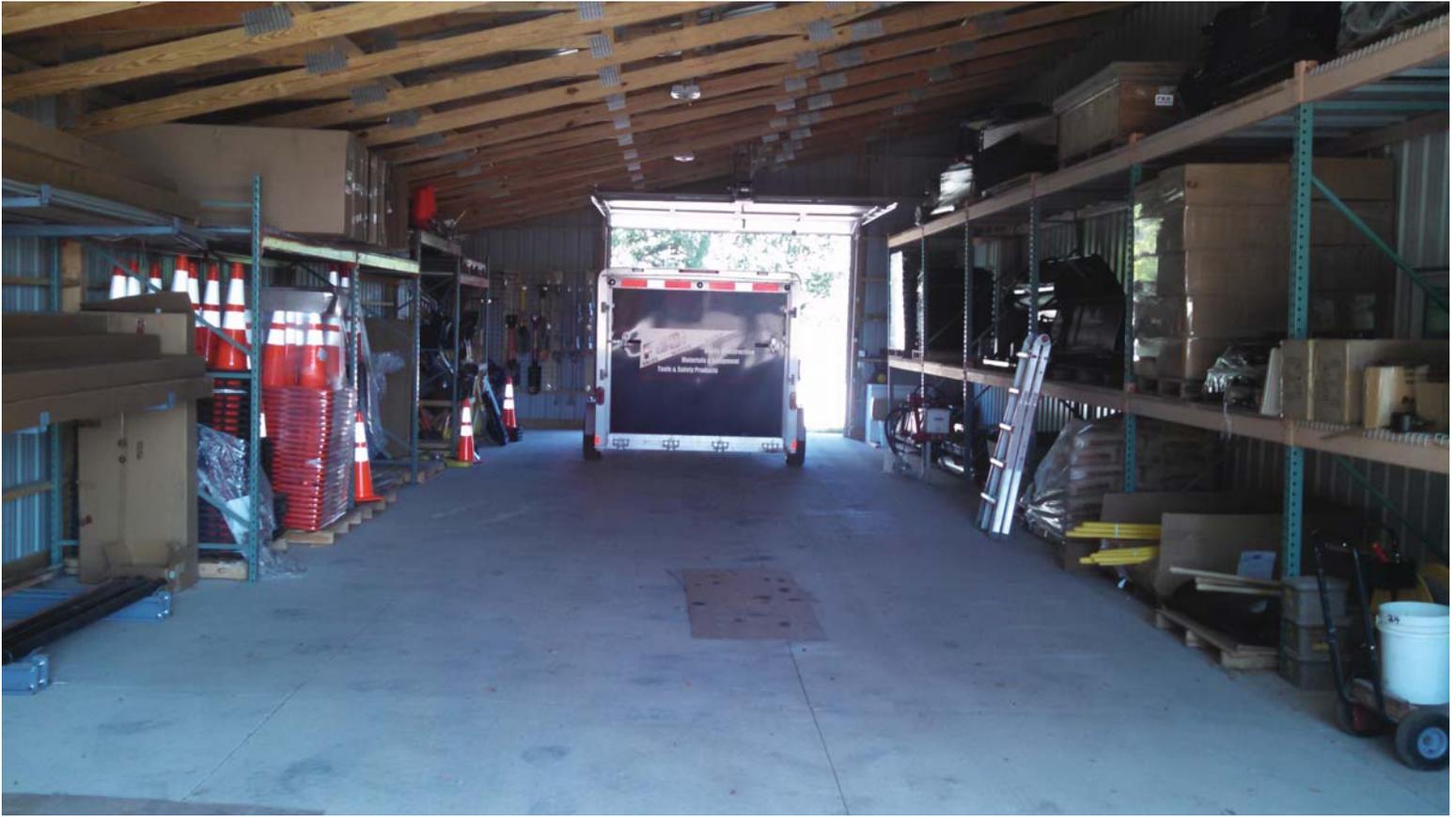
- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;
- 1084; 1086; 1088;
- 1092; 1094; 1096;
- 1098; 1102; 1104;
- 1106; 1108; 1112;
- 1114; 1116; 1118;
- 1122; 1124; 1126;





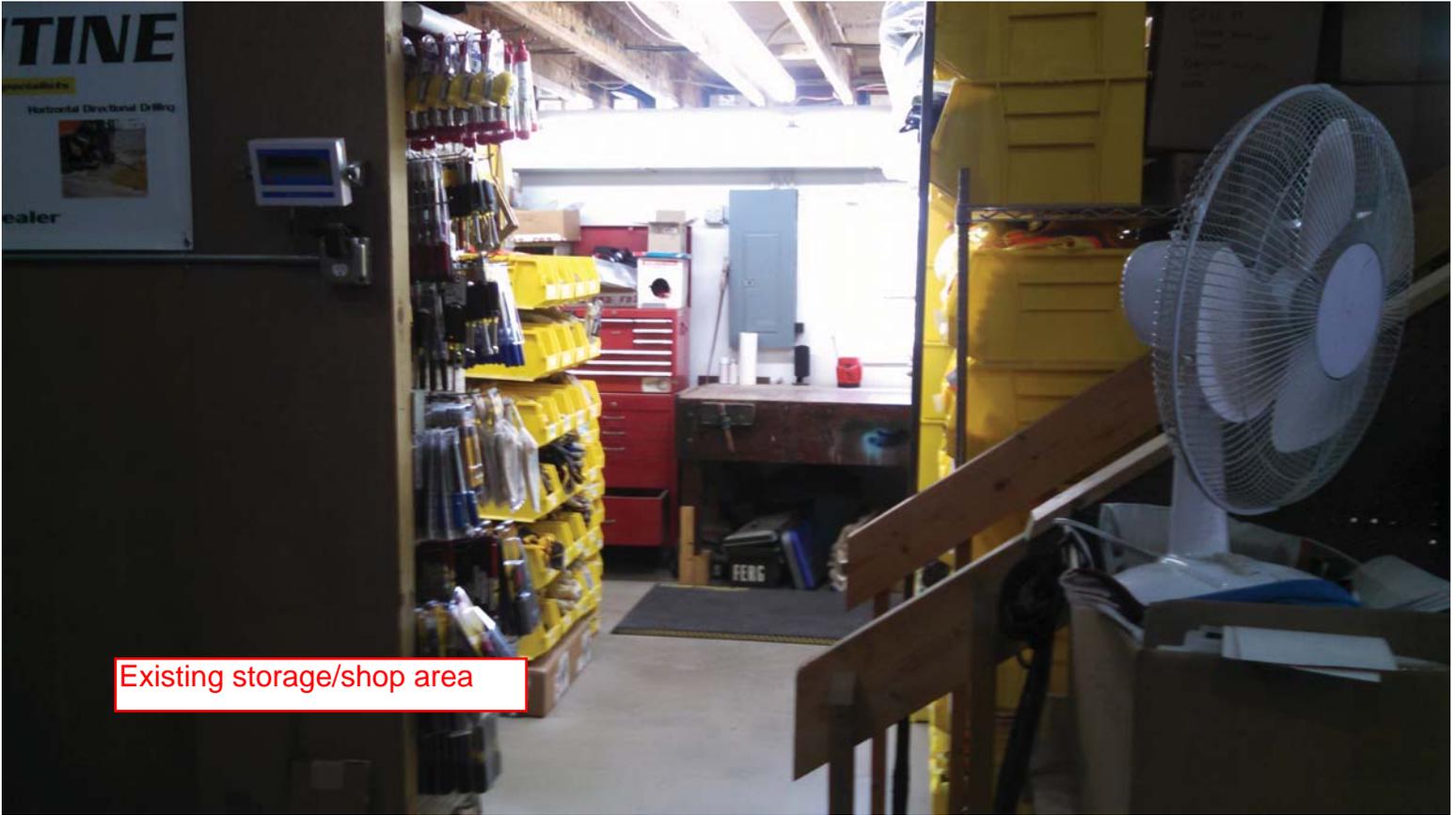




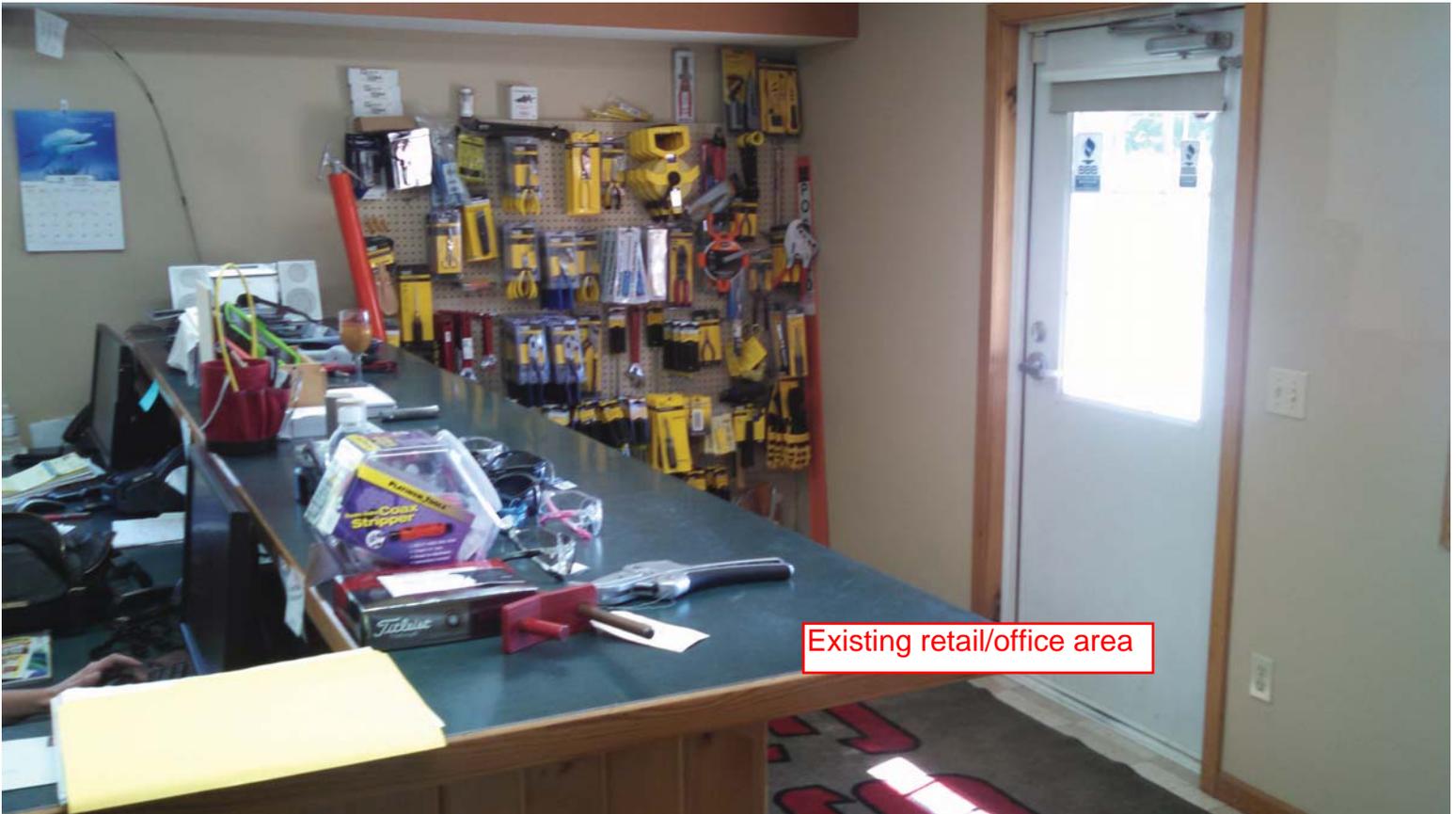


Existing Storage Areas





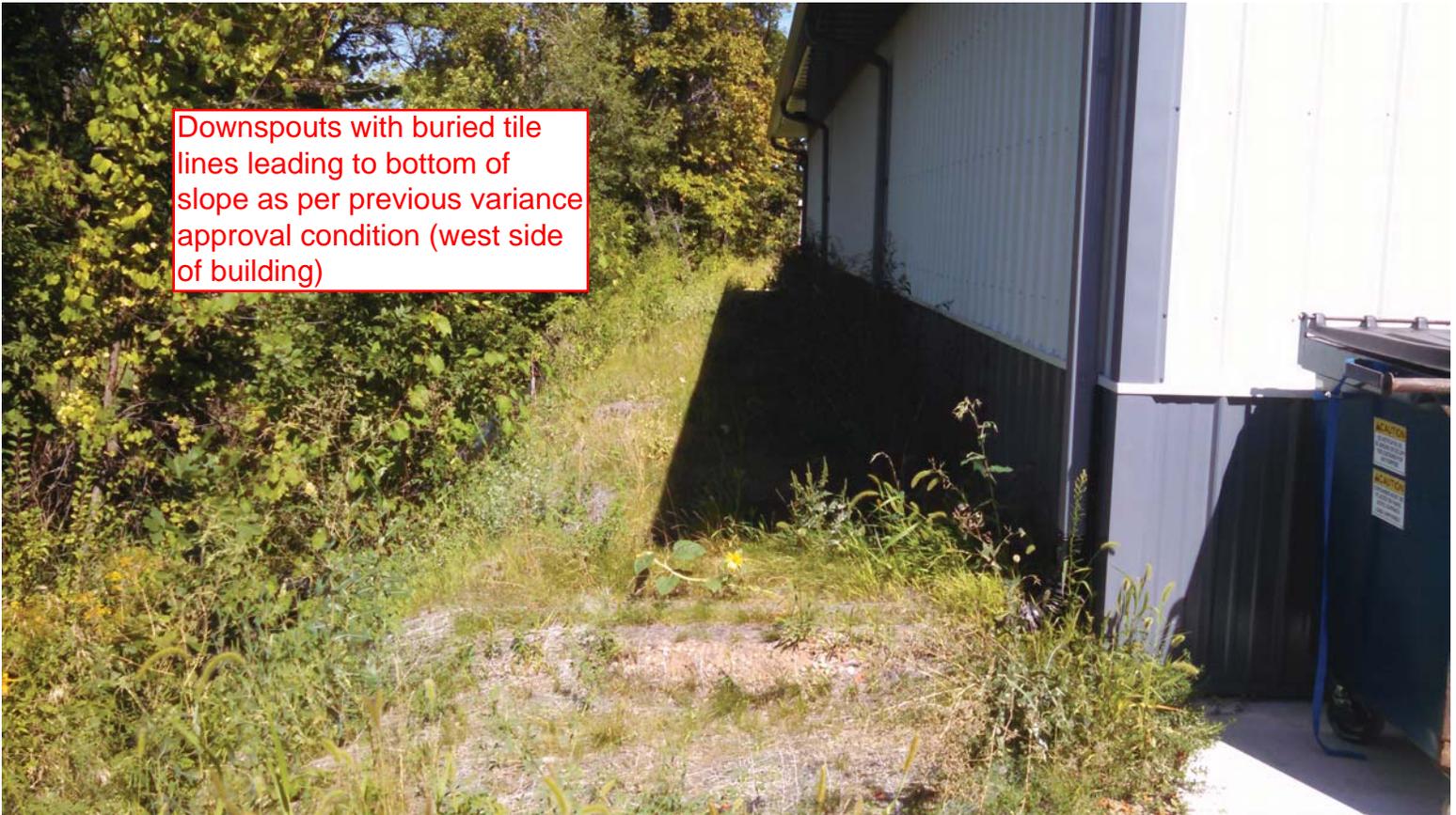
Existing storage/shop area



Existing retail/office area



Existing retail/office area



Downspouts with buried tile lines leading to bottom of slope as per previous variance approval condition (west side of building)



Drain inlet  
(possible location  
for downspouts of  
proposed addition)

## Ben Oleson

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**From:** Adam Backes  
**Sent:** Wednesday, August 27, 2014 8:17 AM  
**To:** oleson@hometownplanning.com  
**Subject:** Corinna Twp - Fergsba LLC variance

Ben,

The Wright County Hwy. Dept. has no concerns or comments for the Fergsba variance.

Thanks.

Adam Backes  
Permit Technician  
Wright County Highway Department  
1901 Hwy. 25 N.  
Buffalo, MN 55313  
Office: 763-682-7706  
Cell: 763-291-7706  
[adam.backes@co.wright.mn.us](mailto:adam.backes@co.wright.mn.us)