

## STAFF REPORT

**Application:** 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).

**Applicant:** Bruce and Cathleen Campbell

**Agenda Item:** 4(d)

---

### Background Information:

- Proposal:** The applicants are proposing to construct an addition to their existing dwelling that would be located approximately 33-34 feet from Cedar Lake (min. 75 ft required). The proposed addition would be used for a master bedroom, a bathroom for an existing bedroom, possible other rooms (i.e. a study) and possibly a covered porch. Whatever the final layout of rooms, the applicant states that the footprint will remain 30' x 26'.

The exact dimensions of the proposed addition vary somewhat in the application materials submitted, but when asked for clarification the applicant stated "My best estimate of perimeter size is 30' (north/south) x 26' (east/west)." In all submitted drawings however, the proposed addition would be in-line with the existing house on the lake side and would not be going any closer than that building line. The portico addition mentioned in the public notice is not part of the current proposal. That was included by Staff due to a misreading of the submitted building plans, which included information from the previous variance hearings (1998/1999).

- Location:**
  - Property address: 8433 70<sup>th</sup> Street NW, Annandale
  - Sec/Twp/Range: 34-121-027
  - Parcel number(s): 206024000121
- Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake)
- Lot size:** 3.3 acres according to 2014 survey.
  - Existing Impervious Coverage: Well below allowed maximums.
  - Proposed Impervious Coverage: Well below allowed maximums.
- Septic System Status:** The property is served by a septic system that was inspected and found compliant on August 11, 2014. That system was originally installed in 1995 and was designed for three bedrooms. The proposal to add a new bedroom in the proposed addition would not be an increase in the number of bedrooms, according to the applicant, because an existing bedroom would become a sitting room/den.
- Natural Features:**
  - Floodplain: The property is not within an identified floodplain.

- Bluff/Steep Slopes: The property is relatively flat, with most some sloping area at the lake near the area of the proposed addition (the addition would site near the top of the small ridge that comes up from the lake and then slopes back down toward the middle of the lot).
- Wetlands: There do not appear to be any wetlands that would impact this proposal.

□ **Permit History:**

- 1967 - 10' x 24' lean-to addition onto barn
- 1970 - 26' x 42' dwelling with full basement
- 1975 - Septic system
- 1989 - CUP/Land Alteration to place spoil on lot from dredging existing channel (700 cu yds approved)
- 1995 - Septic system
- 1995 - Septic certification
- 1998 - Variance for 24' x 25' 3-season porch addition approximately 40' from the lake and a 12' x 9' dwelling addition 34' from lake. 24' x 25' porch addition approved; 12' x 9' dwelling addition withdrawn.
- 1998 - 26' x 26' 3 season porch addition as per 1998 variance (Wright County BOA reviewed the request for a larger addition than what had been presented/approved at the hearing and approved issuance of the permit by County staff)
- 1999 - Variance to enlarge the 6' x 9' porch to 11' x 14' approximately 29' from the lake (variance denied, but Board did allow for up to an 5' expansion of the porch to the side)
- 2010 - Reroof
- 2014 - Septic certification

---

**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.

**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 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.

---

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

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

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

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution.”

Comment (lake setback): The proposed deck enlargement will clearly put more structure within the lake setback and even within the “shore impact zone” which is equivalent to ½ of the required setback (37.5 feet). The shore impact zone is generally regulated as an area that is not to have any structures (except for

an approved water-oriented accessory structure which may be within 10 feet of the lake). While the addition is proposed to extend out to the west in-line with the existing dwelling, it would be closer to the lake due to the angle of the home and the shoreline (the existing house is 36.2 ft from the lake at its closest point, but the primary part of the dwelling is about another 4 ft back (~40 ft lake setback). Whether the addition were 33 or 40 ft from the lake, it would appear possible to direct any rainwater falling on the roof to the middle of the lot (away from the lake) with gutters due to the topography of the lot in the area of the proposed addition.

In the 1998 and 1999 variance requests made to Wright County, there were two additions proposed that were not approved by the County. In 1998, there was a last minute request to add a small 12' x 9' addition to square out the NW side of the house. This was later withdrawn by the applicant. In 1999, there was a request to expand the 6' x 9' lakeside porch to 11' x 14' that was denied with concerns expressed about allowing any construction closer to the lake than what already existed (although the Board did allow for a 5' expansion to the side of the 6' x 9' porch, which at its closest point might have been slightly closer).

**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. It would appear that the rainwater falling on the roof of the addition could easily be directed away from the lake.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
  - Staff Comment: The application would require the removal of 2-3 trees.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually

reaches area lakes and wetlands through ditches, direct runoff, or other means.

- Staff Comment: 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 the resulting house would not be excessively large given the lot size (the existing home appears to be about 2,000 sq ft in size and it sits on a 3+ acre lot and the proposed addition would make this 780 sq ft larger). However, the addition would be located within the shore impact zone which is generally regulated as a “no-impact” zone in regards to clear-cutting of vegetation and construction of anything more than a water-oriented accessory structure.

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

**Needs discussion.** The need for the variance is due largely to the applicant’s desire to extend the house out to the west as it is currently laid out, rather than in some other direction. The existing home was constructed in 1970. This is likely due to the existing layout of the existing home. However, it should be discussed whether alternative designs which would allow for the addition to at least be located outside of the shore impact zone (37.5 ft from the lake) if not at least as far back as the current house. A variance was granted in 1998 by Wright County to construct a 26’ x 26’ three-season porch addition on the opposite end of the home than what is proposed now. A proposal to enlarge the 6’ x 9’ porch projecting out toward the lake to 11’ x 14’ was denied, with an approval instead for extending the porch out to the side rather than toward the lake. That approval was never acted upon.

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

**Needs discussion.** The addition itself is not likely to change the character of the area as this lot is set apart from most other development and is unique in size and shape. However, the closeness of the addition to the lake would enlarge the amount of structure visible from the lake than what exists now by about another 50%.

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

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

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

**Needs discussion.** A variance would appear to be necessary no matter where a house addition was constructed, although an addition off of the backside of the home would very nearly meet the required 75 ft setback. There also may be ways to increase the setback for the addition to at least stay out of the shore impact zone.

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

**Needs discussion.** The proposed addition will be located very close to the lake (within the shore impact zone) if constructed as proposed and as such could have an adverse impact on environmental quality. However, much of the potential impact could likely be reduced by simply directing rainwater from the roof to the middle of the lot (away from the lake) and/or by requiring that shoreline vegetation remain largely in place from what exists now.

---

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

---

**Staff Recommendation:** Based on the findings of fact and discussion above, Staff recommends that the Board discuss with the applicant whether there are ways in which to increase the setback of the proposed addition to at least 37.5 feet and/or whether an addition off of the backside of the home would be feasible.

If a variance is approved, Staff recommends consideration of the following conditions of that approval:

1. (For discussion) That the setback of the addition be increased to at least 37.5 feet and more where feasible.
2. (For discussion) That the applicant must maintain a vegetative buffer at least 15 ft back from the lake directly in front of the proposed addition. This buffer must include at least three trees 6 ft in height and be maintained in perpetuity. The purpose of the buffer would be to maintain vegetative screening, reduce the visual impact of the addition as viewed from the lake, and provide an opportunity for filtration of any stormwater runoff in this area.
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 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.
4. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow

adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Application # <u>V14-011</u>	Date Application Rec'd <u>8/12/14</u>	Fee Collected \$ <u>400.00</u>
------------------------------	--	--------------------------------

(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant: Bruce F. + Cathleen L. Campbell  
 Property Address: 8433 70th St NW Annandale Mn 55302  
 Mailing Address (if different): 7201 Bristol Circle Edina, Mn 55435  
 City: Edina State: Mn Zip: 55435

Phone (home/work): 952-831-3257 Phone (cell/other): 612-804-6951

E-mail (optional): Cathylee.mac.com

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

- Legal Owner  Name: \_\_\_\_\_  
 Contract Buyer  Address: \_\_\_\_\_  
 Option Holder  City, State, Zip: \_\_\_\_\_  
 Agent   
 Other  Please specify: \_\_\_\_\_

Property ID #: \_\_\_\_\_ Lake Name Cedar  
 (12 digit # on tax statement) R206-024-000121 (if applicable)

Legal Description: Property Description: Sect-34 Twp-121 Range-027 CEDAR LAKE HEIGHTS TH PRT OF LT M DES TH PRT OF GOV LT2DES COM NW COR OF GOV LT2TH E ALG N LN408.34FT TO POB TH S11D44°0'E249.33FT TH S83D22°0'E 16FT M/L TO WTRS EDG OF A CHANNEL TO CEDAR LK

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

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

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

- |   |   |   |
|---|---|---|
| <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 _____                  |

**VARIANCE APPLICATION CHECKLIST**

The following information shall be provided as part of an application for a variance

**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.**

✓ Completed application, including signature of property owner

Application Fee

No outstanding violations

✓ Sewer Certificate of Compliance (if not served by public sewer and the property in question has a dwelling). If the sewer has been found failing, documentation from a licensed sewer designer indicating the type, size and location of a replacement sewer system. In some cases, a full design for a replacement sewer may be required. (If possible, please have your sewer contractor send a digital copy (PDF format) of the sewer design or site plan drawings to

See included report

Proposed method for managing stormwater and preventing erosion/sedimentation during construction (temporary stormwater management). Discuss/show type of erosion control practices (i.e. silt fence, biologs, etc...) to be used and location of installation. **Silt sock**

Proposed method for managing stormwater and preventing erosion/sedimentation after construction (permanent stormwater management – what type of vegetation are you planting, are there retaining walls involved, rainwater gardens, rainwater barrels, directing roof runoff via gutters away from a lake or waterbody, etc...) **grading slopes to area around plantings** **I am planning to add gutters to roof w/ drains to sistern** **pumpable**

Preliminary Building Plans of your project, if applicable. (If possible, please have your builder send a digital copy (PDF format) of the building plans or site plan drawings to

The plans must include:

- Floor plans for all levels, including basements. All rooms should be labeled (i.e. bedroom, kitchen, etc...). **foundation size 1092 sq.ft. total sqft 2450**
- Elevation (side view) drawings of the exterior **drawing**
- Accurate depictions of how the building will fit in with the landscape. Where land will be re-graded or excavated, show how the building and adjacent land would look before and after completion of the proposed project. **Drawing several photos**
- Note the height of the building, as measured to the highest peak. For walkout basements or other situations where heights vary from one part of the building to another, please contact us for how to calculate height. **16' porch room at south**
- Length, width and other outside dimensions **see new add ht approx. 18' ht.**
- Total square feet of inside floor area **900 sq ft new for addition 30' x 30'**
- Total square foot of ground covered by the building **3156 sq ft includes addition**
- Width of roof overhangs/eaves **3' + 4'**
- In cases where a building is being remodeled or added on to, clearly note what portions are existing and which are proposed. **drawing labeled**

✓ Topographic contours at 2 foot intervals and source of contour interval, unless approved otherwise by the Zoning Administrator or Board of Adjustment. A contour map of the surrounding properties may also be required. 2-foot contour maps can be obtained for a small fee from the Wright County Surveyor's Office (763-682-7690) which may be sufficient for some applications. Detailed topographic surveys may

property no homes

with Survey

be required by the Zoning Administrator if necessary to determine compliance with bluff setbacks or other relevant requirements of the Zoning Ordinance. You may request that the Surveyor's office e-mail a PDF copy of the contour map (with aerial photo) to [clerk@corinnatownship.com](mailto:clerk@corinnatownship.com).

Place stakes on your property to show the location of your project and any other relevant locations, such as bluff setbacks, the ordinary high water level, well locations, sewer location, etc... These will assist the Township during the site visit prior to the hearing.

A current Certificate of Survey is required for most variance applications, including on all lots smaller than 20,000 square feet in size. Surveys will be required whenever the requested variance relates to a lake or property line setback or when measurements are essential to the application. The survey must show the same information as outlined below for site plans, unless one or more items are waived by the Zoning Administrator as being irrelevant to the application. *(If possible, please have your surveyor send a digital copy (PDF format) of the survey to [clerk@corinnatownship.com](mailto:clerk@corinnatownship.com).)*

A site plan with the following information, at a minimum\*:

- ✓ Legal Description of Site (can be located on most property tax statements)
- ✓ Location of the subject property (a copy of the tax map can be used)
- ✓ Name of record owner/title holder of property *Bruce + Cathleen Campbell page 1*
- ✓ Size of parcel and dimensions *3.4 acres 477 feet of Lakeshore*
- ✓ North point *on drawing made by owner - Elevations labeled*
- ✓ All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake Ordinary High Water (OHW) level) and each other

All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other *drawing, 32-40 feet from OHW*

- ✓ Location on the parcel of existing and proposed sewage treatment systems (SSTS), if present, and wells *for House* and their distance from property lines, structures and each other. If served by public sewer, note this.

Existing and/or proposed square footage of any driveway (gravel and paved), access roads, parking, sidewalks, decks, stairways, retaining walls, patios or other impervious (hard) surfaces that sheds rainwater. Any overhangs or cantilevers that extend more than 24 inches from the foundation shall be included in this calculation. Landscaping underlain with a fabric or barrier designed to allow water to pass through is not considered impervious.

Proposed landscaping and screening plans, if applicable, showing location and type of grasses, shrubs, trees or landscaping material to be used.

- ✓ Proposed grading plan, showing any areas to be graded or otherwise disturbed so that bare soil is exposed. Note the dimensions and overall size of the area to be disturbed (if greater than one acre, a separate stormwater permit will be required) and the amount of material to be moved as part of the project (brought in, removed or moved around) in cubic yards. Show how the land will look before and after the proposed project. *30x30*
- ✓ Approximate location of existing and proposed water courses, wooded areas, wetlands, and other significant physical features *Probably will not have full basmt*  
*const area slopes away from lake*

A description of the expected timeline for any work related to the proposed use. *late Sept, Oct Nov*

\* Under certain circumstances, the Board of Adjustment may require photos of the site or buildings on the site, stormwater management plan, landscaping plan, architectural drawings, engineering or architectural certifications/professional opinions, construction plans or other detailed information when determined necessary to make an informed decision. In order to expedite your application and avoid delays, the Zoning Administrator may recommend the submittal of this information as part of the initial application or at least two weeks prior to the meeting.

*outdoor work: excavate foundation grade then Nov for framing*

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

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

Please complete all of the following questions:

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

Enlarging the north end of the house to give ourselves, the owners a private bath with an adjoining bedroom with more space than previous owners bedroom, that bedroom would become our den.

This is a plan we would like to put in place to insure that we still have "our place" at the lake at the same time that our 2 sons may have their own families. They dearly love the lake as they have grown up here - as I have. This would allow them to keep coming and still afford us privacy

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
- We are not adding additional bedrooms.

Our septic system is adequate and in good condition. SEE Report. This began in 1970 as a very small house 900 s.f. main floor. The changes have been carefully planned. it does not have the look of a large house from the lake

3. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at 1970

). This brings a house built in "the energy crunch" produced homes with small rooms, small windows - poor ventilation. We now have products + technology to heat/cool - insulate and bring light into our homes with greater economy + ecology. Bringing this house up to date makes it desirable for this century. It will not be a house to tear down - rather a house that is liveable + attractive in the township

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

Two or three generations will be able to share the country/lake life under one roof.

It will still be a 3 BR Home for future owners

We do not block anyone view or detract anything from neighbors. We are alone on this stretch of shore. We are good stewards of the Property!

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

The house was built by Andy + Lorretta Person on an old farm property; much is low lying meadow to wet to build on. So the house was located on the highest rise on the property - like the farmhouse before it.

I was also built as a split entry only five steps down to the "basement" level the water table is only 5 or 6 feet below that floor!

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 are alone on this little prominence of land. We are nestled in the trees and the shoreland natural brush. I hope to spend the next 20 yrs planting, natural grasses, trees and coaxing the natural growth around us. The first 20 years were spent on landscaping + shrubbery + flowers.

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?

The only option is to set it a bit more to the west but not so far that we are on the flat land where the water table is high. If we do that Plan B we probably will not have a lower level for Mechanicals → Heat water heater etc.

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?

I don't think there will be much. I will move the butterfly garden to the N of addition and re-landscape. We will carefully grade away from the lake + house creating a "natural wet land" for shrubs + foundation garden.

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.

I have include some photos on separate pages.

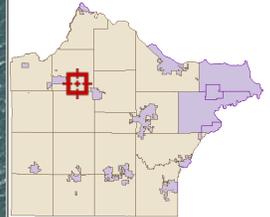
Thanks for your consideration

Cathy Campbell

We are very active in the Cedar Lake Cons. Club REVISED: DECEMBER 2013 and take care + time to keep our lake water quality up and teach the public about invasive species.



### Overview



### Legend

#### Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCL

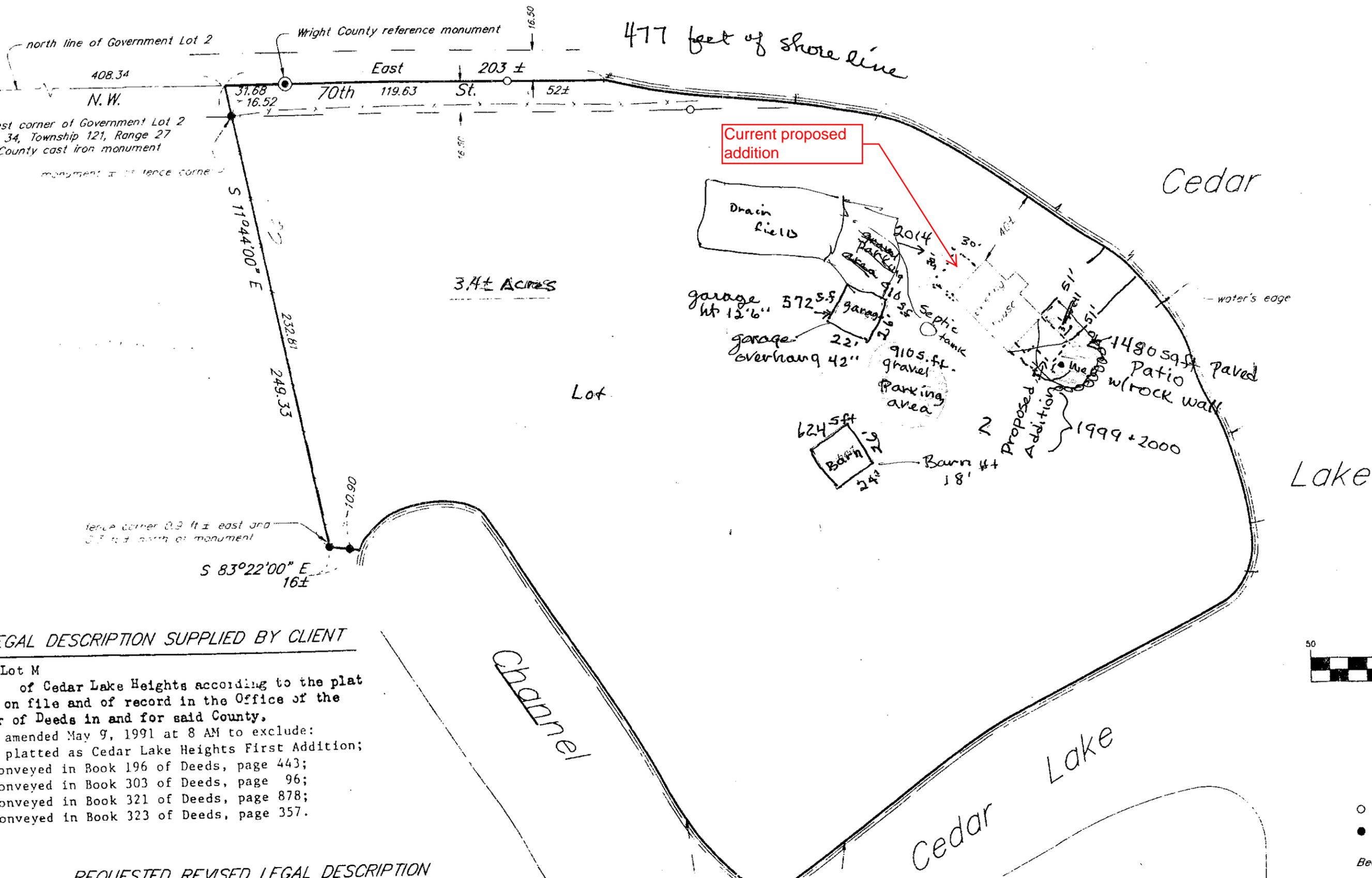
#### City/Township Limits

- 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;

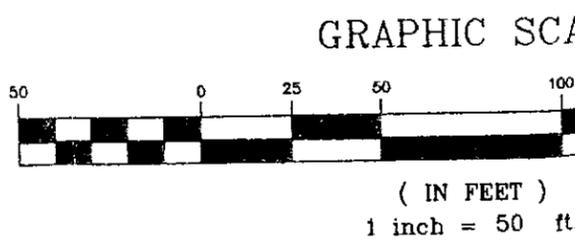
# Certificate of Survey



**LEGAL DESCRIPTION SUPPLIED BY CLIENT**

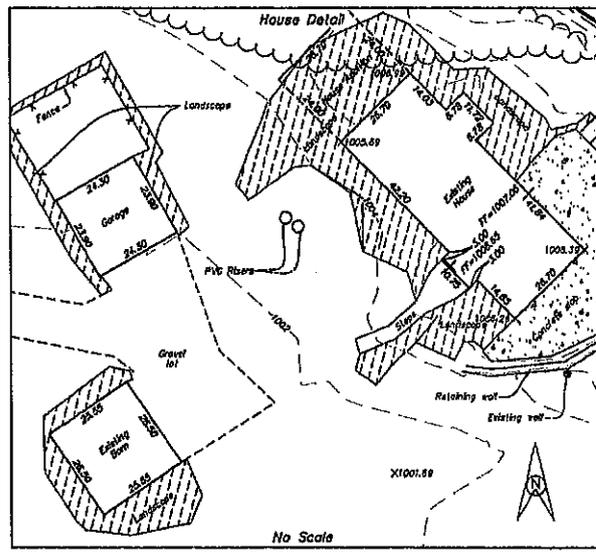
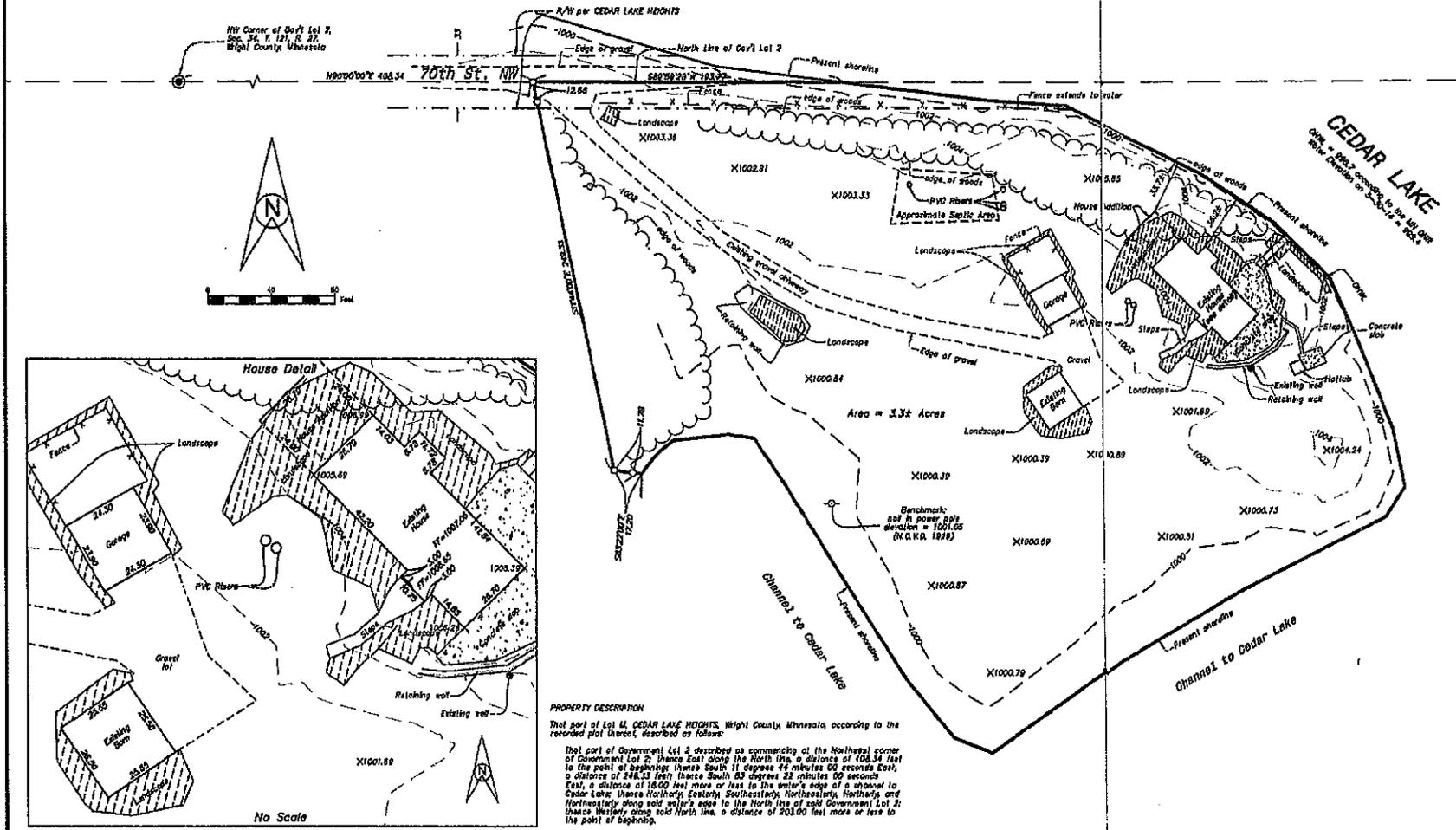
Lot M of Cedar Lake Heights according to the plat on file and of record in the Office of the Recorder of Deeds in and for said County, amended May 9, 1991 at 8 AM to exclude: platted as Cedar Lake Heights First Addition; conveyed in Book 196 of Deeds, page 443; conveyed in Book 303 of Deeds, page 96; conveyed in Book 321 of Deeds, page 878; conveyed in Book 323 of Deeds, page 357.

**REQUESTED REVISED LEGAL DESCRIPTION**



- Denotes iron monument set
- Denotes iron monument found
- Bearings based on assumed data

# Certificate of Survey and Topographic Survey



**PROPERTY DESCRIPTION**  
 That part of Lot M, CEDAR LAKE HEIGHTS, Wright County, Minnesota, according to the recorded plat thereof, described as follows:  
 That part of Government Lot 2 described as commencing at the Northwest corner of Government Lot 2; thence East along the North line a distance of 108.34 feet to the point of beginning; thence South 11 degrees 46 minutes 00 seconds East, a distance of 248.33 feet; thence South 85 degrees 22 minutes 00 seconds East, a distance of 18.00 feet more or less to the outer edge of a driveway to Cedar Lake; thence Northernly, Easterly, Southeasterly, Northernly, Northwesterly along said outer edge to the North line of said Government Lot 2; thence Westerly along said North line, a distance of 203.00 feet more or less to the point of beginning.

Certificate of Survey and Topographic Survey on part of Lot M, Cedar Lake Heights, Wright County, Minnesota. Revised:	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <b>Paul E. Otto</b> License #40082 Date: 8-17-14	Requested By: <b>Cathy Campbell</b>	Date: 6-3-14	Drawn By: T.J.B.	Scale: 1"=40'	Checked By: P.E.O.	www.ottoassociates.com 8 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3622	• denotes iron monument found • denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062 Project No. 14-0210
	No Scale	PROPERTY DESCRIPTION That part of Government Lot 2 described as commencing at the Northwest corner of Government Lot 2; thence East along the North line a distance of 108.34 feet to the point of beginning; thence South 11 degrees 46 minutes 00 seconds East, a distance of 248.33 feet; thence South 85 degrees 22 minutes 00 seconds East, a distance of 18.00 feet more or less to the outer edge of a driveway to Cedar Lake; thence Northernly, Easterly, Southeasterly, Northernly, Northwesterly along said outer edge to the North line of said Government Lot 2; thence Westerly along said North line, a distance of 203.00 feet more or less to the point of beginning.	Area = 3.34 Acres	Benchmark: not in power plat elevation = 1051.05 (N.G.M. 1928)	Channel to Cedar Lake	Channel to Cedar Lake	Channel to Cedar Lake	Channel to Cedar Lake

**OTTO ASSOCIATES**  
 Engineers & Land Surveyors, Inc.  
 8 West Division Street, Buffalo, MN 55313  
 www.ottoassociates.com  
 Paul E. Otto  
 License #40082 Date: 8-17-14



# Explanation of plan:

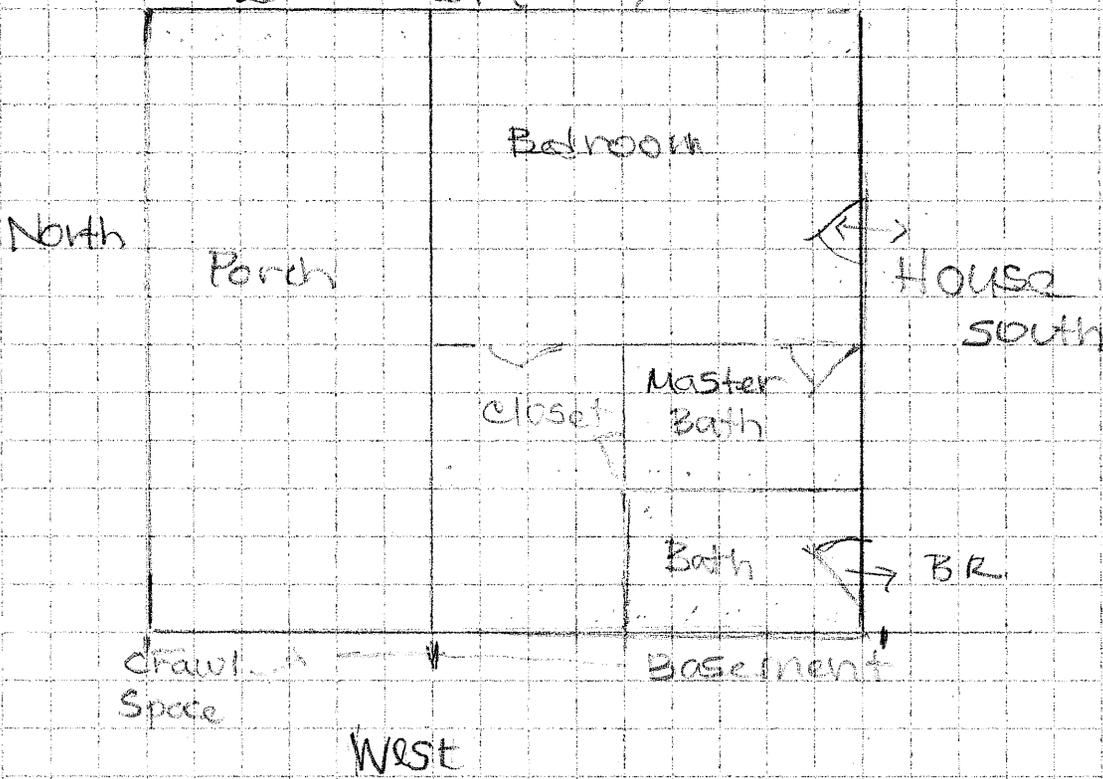
and clarification of size of addition requested

My best estimate of perimeter size is:

- 30' south to North
- 26' East to West

$\frac{1}{4}'' = 2'$

EAST (Lake)



This would be ideal to include: 1) a basement in 18' feet next to adjoining house for HVAC.

2) Porch 12' x 26' over crawl space along north elevation.

3) We can keep the same ridge line to the roof and walk on same level from house to addition.

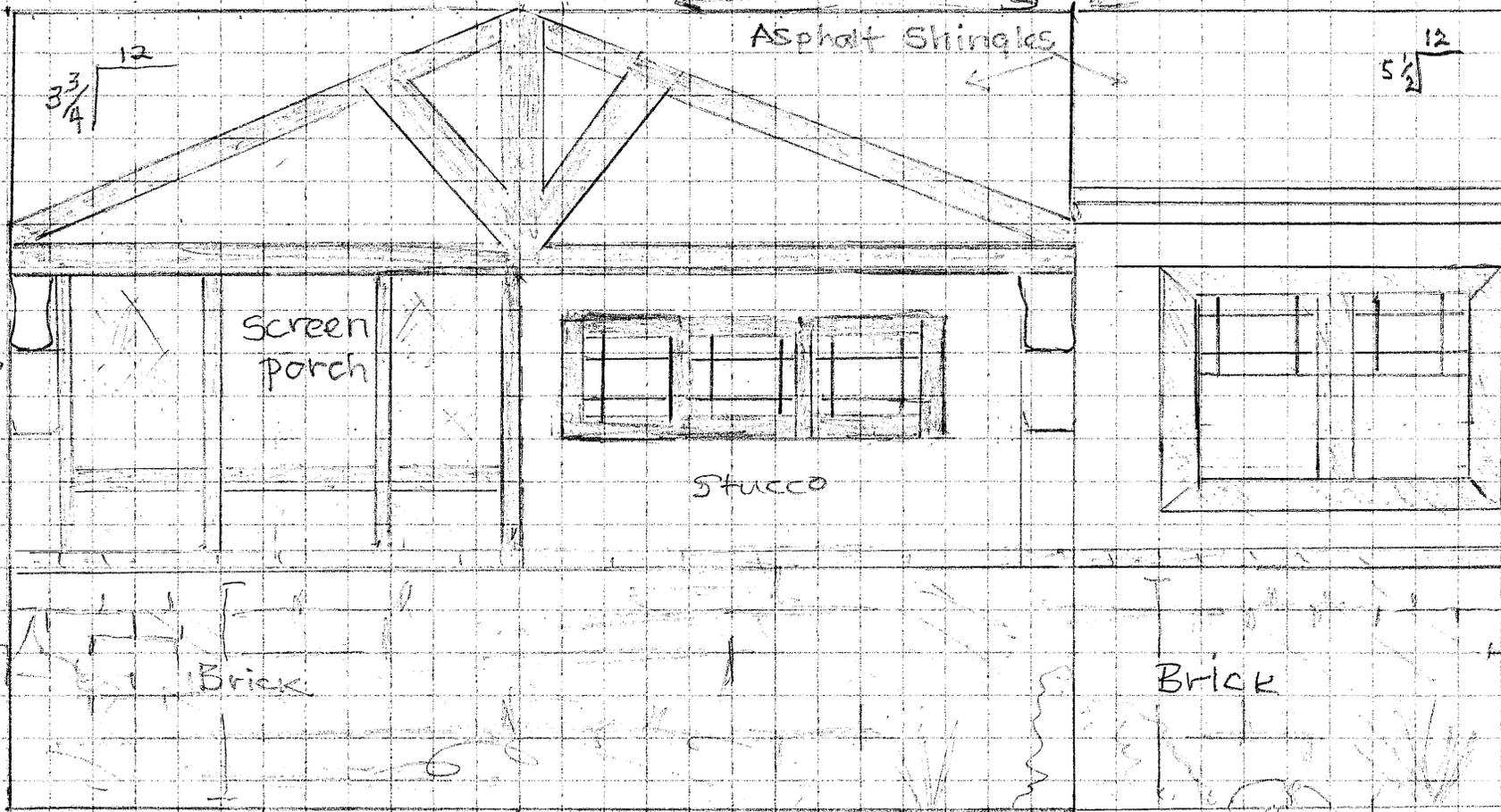
4) I did not mean to imply that we would need a "shed" for our HVAC. I meant we would need to locate it in the "living" area if we are not able to have a basement due to high H<sub>2</sub>O table.

B + C Campbell

New Construction

Existing House

Asphalt Shingles



Bracket

Screen porch

Stucco

Brick

Brick

Crawl space

Basement

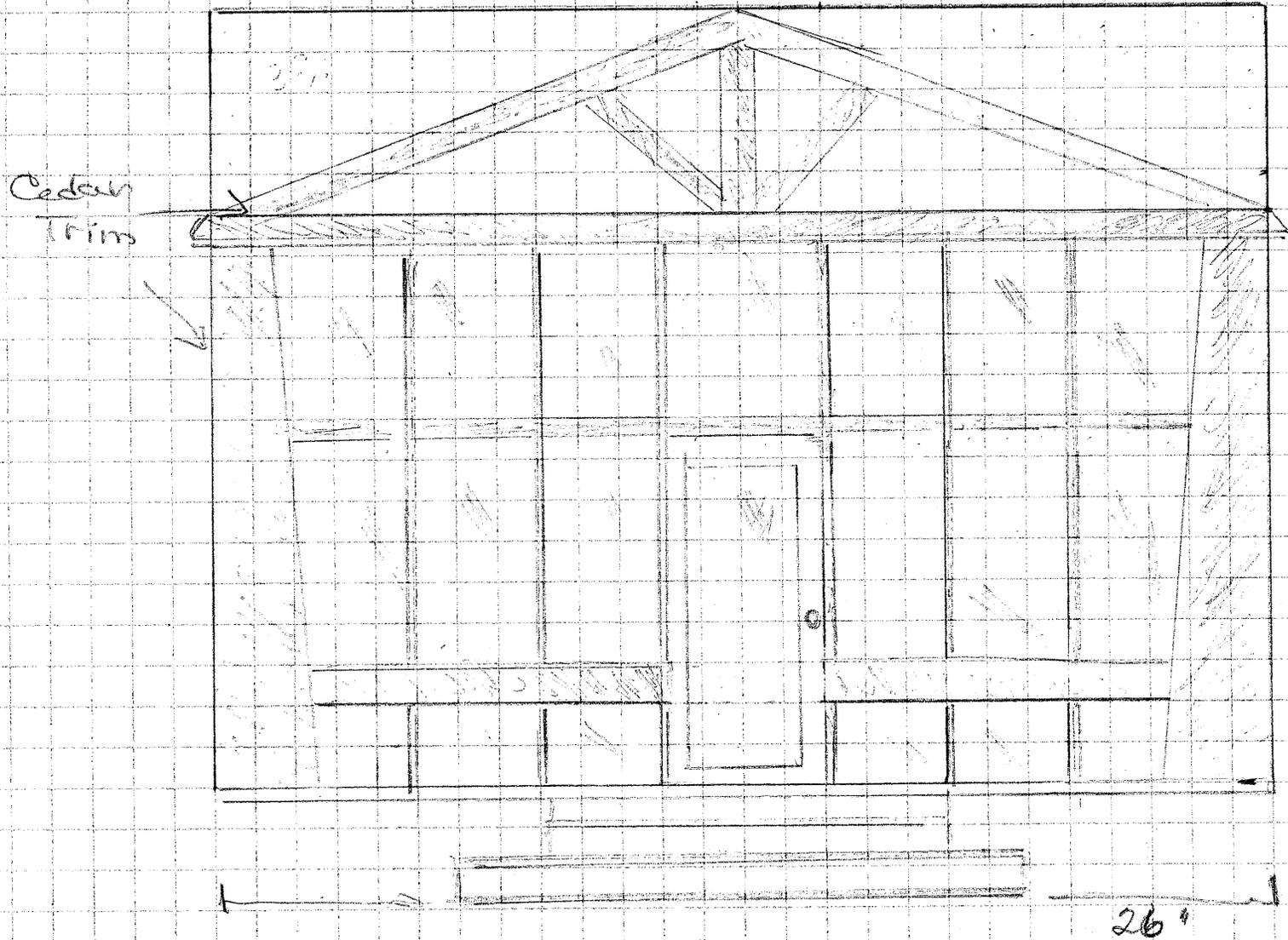
North

West Elevation

1/2 story below grade

Lake is on East side

B+C Campbell



12' x 26'

North Elevation  
screened porch

B+C Campbell



First this house built in 1970



Now a patio →

1999 from this ↓ to this



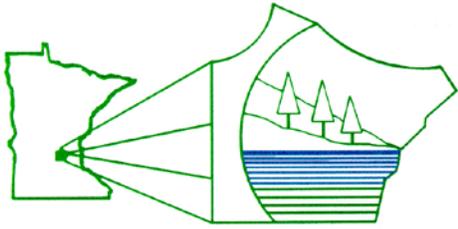
Proposed location Master Bed + Bath







# WRIGHT SOIL AND WATER CONSERVATION DISTRICT



311 Brighton Avenue Suite C  
Buffalo, MN 55313  
Telephone: (763) 682-1933  
(763) 682-1970  
Fax: (763) 682-0262

September 2, 2014

Bruce & Cathleen Campbell  
8433 70<sup>th</sup> St. NW  
Annandale, MN 55302

**RE: N ½ of the NE ¼ of NW ¼, Section 34, Township 121, Range 27, Wright County, Minnesota, (Corinna Twp). Variance to construct a 27' x 26' dwelling addition and a 7.5' x 10' portico addition to an existing dwelling approximately 38 feet from Cedar Lake (min. 75ft required).**

Dear Mr. & Mrs. Campbell,

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

Please keep in mind when you build the new addition and the portico that the temporary erosion control measures such as silt fence should be utilized if at all possible to maintain as much sediment onsite as possible. Ideally the location of the silt fence should be trenched in to the North and East of your proposed addition (silt fence location highlighted on map) which is the current direction of runoff due to the contours of the land. This will help settle out soil particles in the immediate area of the disturbance should it rain and avoid potential runoff into Cedar Lake. Silt fence should be removed after construction has ceased and once the property is permanently stabilized. Permanent stabilization requires established of a minimum 70% vegetated cover over the entire disturbed area.

Any exposed soils from construction activity must be permanently vegetated with either: sod, seeded and blanketed, seed disc anchored and mulched depending on timing of installation. Blanket required would be consistent with a Mn/Dot Category 3 blanket. This blanket consists of having netting on both top and bottom with straw or wood fibers, lasting approximately one growing season.

Stormwater runoff from the impervious surface (new addition and portico) should be addressed to ensure runoff does not create any further erosion. Final grading should blend all disturbed areas into the natural landscape and drainage of the existing conditions. Gutters on the proposed additions could help reduce driplines caused from the overhang and outlet at a more feasible location.

After reviewing the proposed activity the Wright SWCD recommends all erosion control measures mentioned above be required. 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,

Dan Nadeau  
Urban Conservation Specialist

Cc: Ben Oleson, Corinna Township Zoning Administrator

# Bruce & Cathleen Campbell



## STAFF REPORT

**Application:** 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.

**Applicant:** Lester and Linda Cantin

**Agenda Item:** 4(e)

---

### Background Information:

- **Proposal:** In 1999, the applicants owned Outlot E and Lot 9 Lot of Shelmire Beach (originally platted in 1954). After a withdrawn attempt to subdivide Outlot E into 6 residential lots in 1998, the applicants applied to adjust the lot lines so that the west portion of Outlot E would be attached to their lake lot (Lot 9) and that the remainder of Outlot E could be sold separately. This application was approved by Wright County as follows:

“Board allowed a lot line adjustment to add 2.79 acres of Outlot E to Lot 9, Shelmire Beach, to be owned under common ownership. The balance of Outlot E will retain the residential building entitlement. The applicant is directed to meet with the Town Board at their next meeting to receive their approval and work with the Town Board on the additional 33’ road right of way.”

The applicants were recently in the process of selling their portion of Outlot E separately from Lot 9 Shelmire Beach when Staff informed them that the 1999 condition did not allow for that to occur without one of two things occurring:

1. The Outlot was platted – either into one lot or possible two lots into its own residential lot; or
2. The applicants applied to the BOA to have the 1999 condition removed.

A third option – attaching Outlot E to some other adjacent lot – had been briefly discussed between Staff and the applicant’s realtor in May 2014 on the phone after it was noted in late April that there was an offer to buy the lake lot contingent on the splitting of the backlot.

Staff has other e-mails from September 2011 with County Staff regarding the previous history on this lot. The original request for this information noted that it was in reference to splitting the two lots off from each other based on a call (no record of who the caller was). There is a note that Staff’s response to that phone call was that the backlot could be theoretically subdivided based on its R-1 zoning and minimum lot dimensions, but that Staff needed to check if any previous action by the County would not allow for subdividing. E-mails were subsequently sent by Wright County and there was discussion back and forth about why the lots were tied together. Staff’s recollection is that this information was passed on to the original caller in 2011 although the only evidence of this is indirect; the April 2014 letter from the applicant’s realtor seemed to indicate that the parties involved knew that there was a process to go through to separate the back lot from the lake lot.

- **Location:**
  - Property address: 10611 Hollister Ave NW, Maple Lake (and backlot across)
  - Sec/Twp/Range: 11-121-027
  - Parcel number(s): 206072000090 and 206072000250
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake)
- **Lot size:** Approx. 2.79 acres (part of Outlot E); 13,054 sq ft according to original plat (Lot 9)

Existing Impervious Coverage (lake lot - Lot 9):

- Buildings: Approx. 1,968 sq ft (15.1%)
- Total: Approx. 4,480 sq ft (34.3%)

Existing Impervious Coverage (back lot - part of Outlot E):

- Buildings: Approx. 2,160 sq ft (1.7%)
- Total: Approx. 3,384 sq ft (2.8%)

- **Septic System Status:** The lake property (Lot 9) had a new system in 2013 that was to be placed on Lot 9. The back lot does not have a sewer system as it only contains storage buildings (according to Soil Survey data, the backlot would be “extremely limited” or “very limited” for mound sewer systems).
- **Natural Features:**
  - Floodplain: The property is not within an identified floodplain.
  - Bluff/Steep Slopes: The property does not contain any steep slopes or bluff.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal although the area does experience ponding after heavy rain events and in the Spring of most years)
- **Permit History:**
  - Lake Lot (Parcel 206072000090):
    - 1977 - Septic System
    - 1979 - Dwelling addition, second story
    - 1999 - Lot Line Adjustment
    - 2008 - Reroof and reside
    - 2013 - Septic system replacement
  - Back Lot (Parcel 206072000250):
    - 1998 - CUP/Preliminary Plat (withdrawn)

- 1999 - Lot Line Adjustment
- 1999 - Septic system certification (as vacant land - no sewer present)
- 1999 - 30' x 36' detached garage
- 2005 - Variance for detached garage (road setback)
- 2005 - 40' x 54' storage building as per variance

---

**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

#### **605.2 Permitted Uses**

Single family detached residences.

#### **605.4 Conditional Uses**

Residential Subdivisions.

#### **605.5 Performance Standards**

- (5) Lot Area Regulations:
  - (a) For dwelling units with private on-site sewage treatment systems water wells - one (1) acre.
- (6) Lot Width and Depth Regulations:
  - (a) For dwelling units with private sewage treatment systems:

Lot Width - 150 feet (200 feet in shoreland classified as Natural Environment).

Lot Depth - 150 feet.

- (7) Structures may be so located on each lot such that subdivision is possible when central sewer and water facilities become available.

---

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

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

**Needs discussion.** The general intent of creating multiple lots where only one lot previously existed is that they be processed as a subdivision. Originally, Lot 9 was a separate lot as originally platted and it would be considered a legal nonconforming lot under today's ordinance. With that status, it could be sold and developed separately. However, the 1999 action by Wright County indicated that Lot 9 was to be tied to the approximate 2.79 acre portion of Outlot E - not because of any particular issue with Lot 9, but because Outlot E would not otherwise be allowed to be subdivided without going through the subdivision process. What is unique about the current situation is that the applicant's are not seeking to make the backlot (part of Outlot E) buildable for a home.

Both the Wright County and Corinna Township Subdivision ordinances express an intent that land being split shall go through the subdivision process, although there are procedures in place to grant variances to that process (which is essentially what is being asked for in this application).

Staff would suggest that the question of whether the current proposal is consistent with the Township ordinances is whether the Township would have allowed for Outlot E (before it was split in 1999) to be split into two on the condition that one of the resulting parcels be unbuildable for dwelling purposes - even if it were not tied to some other lot.

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

**Needs discussion:** The Comprehensive Plan states the following as a goal of the Township:

- o Ensure that any land use regulations adopted by Corinna Township meet the goals of the Comprehensive Plan and are understandable, fairly applied, and implemented in a clear, consistent manner.

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

**Yes.** The current use of both Lot 9 and the 2.79 acre part of Outlot E are not proposed to be changed from their current use. Lot 9 would remain a residential use as it has been for many years. The 2.79 acre part of Outlot E would remain used for two storage buildings and no dwelling.

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

**Needs discussion.** The current landowner was also the landowner back in 1999 when the original condition tying these two lots was enacted. As such, it would seem that they were aware of the condition.

Essentially however, the question before the Board of Adjustment is whether they would permit an Outlot to be split into two provided that one of the lots is considered unbuildable for dwelling purposes. In that sense, there could be discussion as to whether there is something unique about the property to justify allowing it to be created without a subdivision process so long as it is not buildable for dwelling purposes (the applicant's backlot as it exists now). The lot does have limitations that make it less suitable (if not completely unsuitable) for dwelling purposes - most notably the high water table which may make construction of a Type I sewer system difficult if not impossible, although that would need to be determined by a licensed sewer designer.

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

**No.** The use of the lots would not be expected to change as a result of granting the requested variance since (presumably) a dwelling would not be allowed on the backlot. Even if a dwelling were allowed on the lot, it would be unlikely to change the residential character of the neighborhood.

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

**Needs discussion.** The process of subdividing the lot would incur additional costs on the applicant. However, other considerations may include a desire to keep storage buildings for use by the applicant while selling the lake lot and avoiding confusion in the future as to ownership and sale of these two properties.

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

**Needs discussion.** The applicant could also apply to plat out the 2.79 acre backlot in its current size or to conduct lot line adjustments that would attach portions or all of the outlot to other lake lots in the immediate area. However, it is likely that going through this process would result in a similar outcome as what is proposed here - one or more "backlots" that would need to be identified as being unbuildable for dwelling purposes and/or tied by deed restriction to lakeshore lots.

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

**No.** The use of the two properties would not change and no additional impact on environmental quality would be expected.

---

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

---

**Staff Recommendation:** Based on the findings of fact and discussion above, Staff recommends that the Board only approve the request for separating the 2.79 acre part of Outlot E from Lot 9 (both in "Shelmire's Beach" subdivision) if it requires a deed restriction that makes the 2.79 acre portion of Outlot E unbuildable for dwelling purposes.

Procedurally, Staff feels the cleanest way to address this matter is to have the 2.79 acre back lot platted as its own lot, with the condition that it is not buildable for dwelling purposes (unless it can be shown that a dwelling could be served by a Type I sewer system with enough space for a secondary drainfield site and can meet all other Township requirements). However, a platting review would raise issues of whether approving a one-lot plat for a lot that would be unbuildable creates more confusion in the future than would approving a variance with the condition that the lot is unbuildable for a dwelling.

Whether platted or approved via a variance, it is likely that the outcome would be largely the same – a lot that is available to be sold separately from any lakeshore lot, but that is considered unbuildable for dwelling purposes.

Staff recommends that the Board of Adjustment think of this situation as if Outlot E were still as it was in 1998 – one Outlot – and how it would handle a request to split that lot into two (one of which would have been unbuildable for dwelling purposes) if the owner of Outlot E did not have an adjacent lakeshore lot.

If the variance is approved, Staff recommends consideration of the following conditions of that approval:

1. That the 2.79 acre portion of Outlot E, Shelmire's Beach (Parcel 206-072-000250) shall not be allowed a dwelling on the parcel nor a travel trailer (as otherwise allowed in Section 717 of the Township Land Use Ordinance) unless the lot is platted and approved for such purposes as per the applicable subdivision ordinance at the time of the platting.
2. That a Deed Restriction, or other suitable legal document as suggested or approved by the Township Attorney, be recorded which clearly states that the 2.79 acre portion of Outlot E, Shelmire's Beach is not buildable for dwelling or travel trailer purposes as noted in #1 above.
3. That the existing accessory buildings on Parcel 206-072-000250 shall not be used for anything other than residential storage. Commercial use or modification to create living area shall not be permitted unless the lot on which the buildings lie is platted in accordance with Condition #1 above or unless otherwise approved by the zoning authority.

Application # <u>V14-012</u>	Date Application Rec'd <u>8/19/14</u>	Fee Collected \$ <u>400<sup>00</sup></u>
------------------------------	---------------------------------------	--

(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant HESTER & Linda CANTIN Phone 612-919-1961

Property Address (E911#) 10611 Hollister Ave NW - Maple Lake, MN 55358

Mailing Address P.O. Box 53 - Maple Lake 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"/>	(Address) _____
Agent <input type="checkbox"/>	_____
Other _____	(City, State, Zip) _____

Signature of Legal Owner(s), authorizing application (required) Lester J Cantin  
 (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) R 206-072-000090

Full legal description of property involved in this request, including total acreage or square footage (required - attach separate sheet if necessary):  
sect-11 TWP-121 Range-021 Shel mire Beach  
Lot-009, outlot E = 3.14 total acres  
(.31) (2.83)

Zoning District R-1, Lake Name (if applicable) SUGAR LAKE  
RES-HHSTD

- What type of variance are you requesting (check as many as apply)?
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division              | <input type="checkbox"/> Road Setback              | <input type="checkbox"/> Building/Impervious Coverage                 |
| <input type="checkbox"/> Lot Line Adjustment            | <input type="checkbox"/> Lake or River Setback     | <input type="checkbox"/> Height of Structure                          |
| <input type="checkbox"/> Undersized Lot                 | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback                        |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback             | <input checked="" type="checkbox"/> Other <u>separation of 2 lots</u> |

What are you proposing for the property? State nature of request in detail: Get a Variance to separate Property ID # R206-072-000250 from Property ID # R206-072-000090

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)).

Nothing is being changed. Lot sizes are remaining the same in size. Nothing is getting smaller.

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)).

N/A

3. Describe why you feel that your proposal is a reasonable use of the property.  
As it stands it is already 2 different PID's (#'s) & has 2 separate tax documents. Road is in between 2 parcels therefore parcels are not connected.

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.

Title issue, not found & for selling reasons.  
Lot size & existing buildings on the property.

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.

Nothing will be changed on the property. Will stay as it is now.  
Nothing will be built on the property.

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?

We thought we did our due diligence in 1999 when the parcel was first split. There was no knowledge of an issue until recently when it was too late as the home was already in a contract to sell.

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?

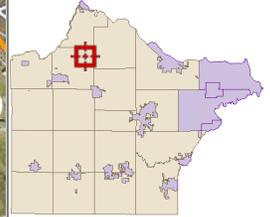
No impacts, no effects as parcel use will remain the same.

8. Please include <sup>is</sup> any other comments pertinent to this request.

Time of the essence.



### 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;

728546

OFFICE OF COUNTY RECORDER  
WRIGHT COUNTY, MINNESOTA  
CERTIFIED TO BE FILED  
AND/OR RECORDED ON

01 JAN -2 AM 8: 33

AP

413

STATE OF MINNESOTA

WRIGHT COUNTY BOARD OF ADJUSTMENT

COUNTY OF WRIGHT

VARIANCE PROCEEDINGS

APPLICANT: LESTER CANTIN

Requests a lot line adjustment to add 2.79 acres as a backlot for Lot 9 and the remainder of the Outlot to retain the residential building site as regulated in Section 502.2 of the Wright County Zoning Ordinance.

ORDER GRANTING VARIANCE

The above entitled matter came on to be heard before the Wright County Board of Adjustment on 8th day of January, 1999, on a petition for a variance pursuant to the Wright County Zoning Ordinance, for the following described property:

✓ Outlot E and Lot 9, Shelmire Beach, according to plat of record, Section 11, Township 121, Range 27, Wright County, Minnesota. (Corinna Twp.) Tax # 206-072-000250 & 206-072-000090

**IT IS ORDERED** that a variance be granted upon the following conditions or reasons:

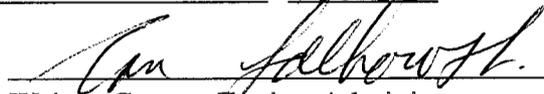
Board allowed a lot line adjustment to add 2.79 acres of Outlot E to Lot 9, Shelmire Beach, to be owned under common ownership. The balance of Outlot E will retain the residential building entitlement. The applicant is directed to meet with the Town Board at their next meeting to receive their approval and work with the Town Board on the additional 33' road right of way.

STATE OF MINNESOTA )  
                                  )ss.  
COUNTY OF WRIGHT )

WRIGHT COUNTY OFFICE  
  
OF PLANNING & ZONING

I, Tom Salkowski, Zoning Administrator for the County of Wright, with and in for said County, do hereby certify that I have compared the foregoing copy and Order granting a variance with the original record thereof preserved in my office, and have found the same to be a correct and true transcript of the whole thereof. A copy of this Order has been forwarded to the applicant.

IN TESTIMONY WHEREOF, I have hereunto subscribed by hand at Buffalo, Minnesota, in the County of Wright on the 29 day of December 2000.

  
\_\_\_\_\_  
Wright County Zoning Administrator

Return to: Wright County Planning & Zoning

728546

6. **LESTER CANTIN** - New Item

LOCATION: Outlot E and Lot 9, Shelmire Beach, according to plat of record, Section 11, Township 121, Range 27, Wright County, Minnesota. (Sugar Lake - Corinna Twp.) Tax # 206-072-000250 & 206-072-000090

Requests a lot line adjustment to add 2.79 acres as a backlot for Lot 9 and the remainder of the Outlot to retain the residential building site as regulated in Section 502.2 of the Wright County Zoning Ordinance.

Present: Les & Linda Cantin; Gene & Doug Smith

- A. An air photo was presented and Kopff reviewed the Outlot in which the applicant first applied to the Planning Commission for R-1 zoning. Cantin has dropped the rezoning request and has made a request for a simple division to attach part of the outlot to his lake lot (Lot 9) across the road to be kept as a restricted piece. The balance of the Outlot, being approximately 4.5 acres to the south will retain the one residential building site. The Town Board has not met on the lot line adjustment and the concern they have is the additional 33' they would like to acquire for road purposes. Kopff stated the Board should decide whether action should be taken or have the applicant work this out with the Town Board first.
- B. Cantin stated the Town Board was concerned that if the Outlot was developed this would become a town road, he was going to give 33' to the Township for road purposes. He explained he only wants to keep the existing pole building with his lake lot and leave the rest as one large residential lot. He explained this change to the Township Clerk.
- C. Smith stated they had no objection to this proposal.
- D. Written response from the Town Board was read.
- E. Kirscht moved to allow a lot line adjustment to add 2.79 acres of Outlot E to Lot 9, Shelmire Beach, to be owned under common ownership. The balance of Outlot E will retain the residential building entitlement. The applicant is directed to meet with the Town Board at their next meeting to receive their approval and work with the Town Board on the additional 33' road right of way. Bauman seconded the motion.

DISCUSSION: Cantin stated he is willing to work with the Town Board but did not want this to be a condition of selling. Kirscht and Bauman stated it is not their intention that this is a condition but would like the applicant to work with them.

VOTE: CARRIED UNANIMOUSLY

7. LESTER J. CANTIN - New Item

LOCATION: Outlot E, Shelmire Beach, according to plat of record, Section 11, Township 121, Range 27, Wright County, Minnesota. (Sugar Lake - Corinna Twp.) Tax # 206-072-000250

Petitions for a Conditional Use Permit to subdivide the existing outlot into six residential lots as regulated in Section 605.5 & 612 of the Wright County Zoning Ordinance and Subdivision Regulations. Property is zoned R-1 Urban-Rural Transitional.

Present: Tony Ellestad, surveyor representing the applicant; Les Cantin

- A. Ellestad presented an airphoto and pointed out the seven acres that is zoned R-1. Outlot E is part of the plat of Shelmire Beach and the proposal is to split the Outlot into five lots. Ellestad reviewed the topography, noting the west side is flat and has a culvert under the road that takes the water to Sugar Lake. This situation will be improved with the retention pond proposed which will slow down the runoff for a period of time before it gets to the lake. He noted the sediment will settle out. They will establish some wetland characters that will help. No rezoning is requested as the R-1 district is in place, but are looking for some direction before plans are developed.
- B. Adams noted if the property is zoned R-1, they are permitted one acre lots. Salkowski stated that district sets the minimum at one acre. This is an old plat that was developed into small lots on the lake and this is one of five or six outlots left on the back. Adams asked if it was not contrary to the County's Land Use Plan to discourage second-tier development on lakes. Salkowski stated this has some history because it is part of an old plat, but if the Board feels strongly about second-tier development, there are policies in the Plan that limit development and this lot could be left as one. The zoning is R-1, but the Board has the prerogative to take a look at the property and decide if the lots should be larger than the minimum.
- C. Denn felt it was important to consider whether the second-tier development can be justified. Russek noted this is somewhat different with the zoning already in place. Denn noted there must have been a reason the land was left in an outlot.
- D. Town Board response was favorable (they refer to six lots) and they indicated they are still communicating on the roads. The existing road right of way has only 33' dedicated. He noted if we look at a plat, an additional right of way is a requirement.
- E. Bakeberg questioned if there is any lakeshore with this? Ellestad answered no. Adams questioned the distance the property is from a City. Cantin estimated six miles.
- F. David Zak stated he owns a lot behind on the lake. He gave some history on the flooding of the low area on the Cantin property and indicated it was not a result of a major storm event, but from winter snow melt. Culverts have been put in under the road to prevent the lakeshore owner's

- from getting flooded out. Noted some fill placed on the Barry property when a garage was built three years ago has not helped. The purpose of the culverts was to take the water to the lake after reaching a certain level and he thought that has caused more weeds in the lake. Although he did not want to see the culverts at all because of potential pollution to the lake, he was afraid if they cutoff the drainage to the lake, they will get more water.
- G. Russek asked if any of the homes on the lakeside have basements. Some neighbors present stated some homes have basements 4' in the ground.
- H. Ellestad stated they don't have any plans to build homes in the low area, but plan to dig this area out to make a holding pond and improve that area. Zak felt this would only create a breeding ground for mosquitos. Presented pictures to show the Board what the property looks like.
- I. Russek asked Ellestad if they have talked with SWCD as they may have a problem if they are digging into a wetland. Ellestad stated they have not talked with SWCD yet, but did not think there were any wetlands involved. The building sites will be up on the hill which has 25' of elevation and creating a pond below. Ellestad stated this will improve two things: the excavation will hold more water and for a longer time and also clear up some of the sediment before it gets to the lake. Douglas asked if there are any cattails? Ellestad answered no.
- J. John Rivers - stated he is the property owner of Lot 14 on the lake and has been asked to speak for the other owners along here. Read a statement from Rentz, dated 10/8/98 (submitted for the file). Rentz listed seven concerns - see statement on file. Rivers stated he is not necessarily against the proposal, but wants to see it done right and to review engineering reports. Ellestad stated this hearing is preliminary and he has not surveyed or completed any tests. The engineering will be made available at the preliminary plat stage. These plans will address some of the concerns the neighbors have about runoff and they will have to show that no additional water will leave the site after it is developed. He felt there should be less runoff. Rivers stated the citizens need more detail before they feel comfortable with it. He added the DNR should become involved. He is one of the Lake Association directors and this is a sensitive issue with the lake association. The current runoff is feeding the weed situation in the lake. Bakeberg questioned if this land is pasture and whether the runoff is contributing to that. River stated the soil coming off with the water is part of the problem. Hollister Avenue is a private road not maintained by the Township, is in poor condition and barely handles the traffic that is there. He asked where the extra land is coming from for the additional road right of way for improvement to township road standards. The road is currently maintained by the people and this is another concern of the citizens.
- K. Salkowski asked where the Township stops maintaining the road. Rivers noted the location near the Bystrom lot, which is on the curve of Hollister and 107th St. Discussion on the access locations for the driveways. Cantin stated Lot 1 and 4 have access, so they are only looking at new accesses for Lot 3 & 4. The road is not in good condition and there has been deterioration of the road due to materials brought in for upgrade and new

construction of cabins on the lake. He noted the material was brought in this spring when restrictions were still on.

Salkowski stated this Board does not allow new lots on a private road. Cantin stated the Town Board said they would accept it the way it is. He indicated if the road were to be upgraded, some other property owners would have to pay some of the expense. Salkowski asked Cantin if he talked with the Town Board about the Township taking over the road? Cantin stated no, noted a turn around on the other side. Salkowski explained with every new subdivision the developer builds the road and turns it over to the township. He asked Cantin if he is willing to improve the road and give it to the Township. Cantin stated at this time he would have to look some where else.

- L. Rivers stated in order for the road to be improved the road would need to be widened and if that is done, some of the lakeshore lots would loose some land. Cantin agreed in order to develop a better road someone will have to give up land. He stated the Town Board had indicated they would not want the road upgraded and indicated he did not have a problem with the road, the other residents do.
- M. Denn stated if this is Cantin's land being developed he should be responsible. Normally, the road is required to be blacktopped.  
Russek noted the Board cannot approve new lots, except on a public road.  
Salkowski stated the road is 33' wide platted, however, have not approved lots on a non-public maintained road. Adams asked who owns this road. Salkowski stated the public, however, the Township does not maintain it and the Board has not approved new lots unless the township takes over the road and maintains it. Salkowski stated he could do some more research on that, but if they put another four lots with year-around homes out there it should be on a public maintained road. Cantin stated the owners along here place gravel on the road occasionally and he noted there have been new homes built which is putting more pressure on the road. He asked if these people replace cabins what will that do to the road?
- N. Salkowski noted one of the statements received made reference to storage of commercial materials. Rivers stated the building on the property has been used for commercial and they would have to ask Mr. Rentz about it.
- O. Walter Welker - stated he owns Lot 13 on the lake - suggested the Board lay this over and look at the property in the spring after the snow melts. His concern is the amount of water and the culverts and felt this should be settled first.  
Adams felt the Board would be looking at the property, but will be making a decision before the end of the year. Salkowski explained the legislature passed a law requiring the Board to make decision within a specific period of time.  
Welker noted there is a room full of people against this and putting four additional homes in here will impact the road and he asked how the current residents will get into the property. Putting in more driveways and more gravel will impact drainage.  
Salkowski indicated the Board is here to listen tonight, but no decision will be made.  
Welker asked if the Board will have another hearing, he felt the DNR should be involved.

Denn stated that is the normal procedure and Adams added the Board will go look at the property and come back to discuss the proposal some more. The new home sites will have to meet codes and cannot be built in the swamp. Salkowski noted there are no plans and action on this will not happen anytime soon. Ellestad they will come in later with the topography and engineering reports.

- P. Jerry Gray, Gray Biological Consultants, Inc. - came before the Board and said he has looked at the property for wetland delineation. This is a wetland meadow and probably an old lake bottom. He noted Ellestad has pointed out the runoff will become more efficient after the project. The water has to be metered out at the same level as now and this is an opportunity to improve the situation. The plan he will develop will help improve the runoff and water quality. He stated he was out to the property after a 2" rain fall and did borings and found water at 12" below the surface. He stated this is an opportunity to make things better for the neighbors. Rivers stated the neighbors want to see real testimony that proves that.
- Q. Roger Riesgraf - stated one of the culverts are on his property and he has seen more than clean water coming out of the culvert. He asked if new homes do not have to be on school bus routes? Salkowski stated there are a number of reasons for requiring a public road and it includes the public safety issues, roads that will support fire and emergency vehicles and for road maintenance. Assurance is much better if the Township takes over the road rather than an association and this has been the requirement.
- R. Bakeberg questioned who plows the snow from this road. Cantin stated the Township does.
- S. Theresa Pearson stated everyone has questions and asked that the matter be postponed until the information is provided. Russek agreed this is very preliminary and the Board needs these answers and much work is needed to prepare plans. The applicant is only presenting the case and there is nothing to act on. He answered Pearson on further notification and informed her that a date will be set tonight, but no new notices will be mailed. Adams noted the property owners have stated the Township is plowing and grading the road and he wondered what part is private. Salkowski stated there are probably a hundred dedicated roads that are not maintained by the Township and many have never been agreed to be taken over by the Township. This is something to consider as it is a gray area. Many roads have had to be fully developed, 66' wide dedication and blacktopped before the Township takes it over. This road is somewhere in between as the Township has provided some maintenance and may not have a choice. They will need to settle that before final approval is given. Adams agreed the Town Board has to tell the Board their position on it. Salkowski stated if the road is not going to be a public maintained road it is unlikely the Planning Commission will approve new lots. Denn based on his past experience with his own Town Board on this type of situation, he would not vote for it. Russek and Bauman agreed with Denn and felt legally the new lots will need frontage on a public road. Denn noted the homes go in and then the people want better roads and the only thing the Town Board can do later is come back with an assessment project and the people don't want to pay for it. He felt the developer should be paying for the road. This is the reason the Ordinance is

written the way it is.

- T. Rich ? - stated he has six acres behind and asked if the applicant plans to give an easement to the lake with the new lots. Denn stated nothing has been proposed. Salkowski noted the outlot does not have any frontage on the lake, however, the Board has no control over any of the landowners selling an easement. The property owner stated the issue came up during review of another plat and the Board had stated there would be absolutely no access granted to the lake. Cantin was asked if he owns property on the lake and if it was his intention to give easement to the back lots to get to the lake. Cantin stated he owns Lot 9, but it is not his intention to give easement to the lake.
- U. Zak asked if the Township would ask the owners if they wanted an assessment project to improve the road. Salkowski stated usually they would require a certain percentage of the owners to agree. Denn stated he would want to see the road brought up to specifications. Russek stated he would want to see that also and make certain the Township took it over. Cantin stated when they had trouble with the culverts the Township fixed it and they also plow the road in the winter, but the owners place the gravel. He did not think four more homes would add pressure to the road.
- V. John Topfer - stated his land is to the south - his property rises higher than the Cantin property. If this property gets developed he was concerned about the elevation changes. He noted if the road gets blacktopped the owners will receive much more water. Felt the Board should look at the property. Ellestad stated they will not change any flow of water and will keep the same grades. Topfer questioned the proposed driveways and how they will be able to get up the hill in the winter. Ellestad pointed to the area on the south end that is not as steep and that is something they will address once the topography is done. He will not be designing any driveway that has a grade steeper than 10%.
- U. Bakeberg moved to continue the petition to November 19, 1998 to allow the applicant to resolve the road situation. Adams seconded the motion.
- Bakeberg was asked if his intention for the motion was to look at the site in the meantime. Bakeberg did not think there was any point until the road issue was resolved.

VOTE: CARRIED UNANIMOUSLY

3. LESTER J. CANTIN - Cont. From 10/15/98

LOCATION: Outlot E, Shelmire Beach, according to plat of record, Section 11, Township 121, Range 27, Wright County, Minnesota. (Sugar Lake - Corinna Twp.) Tax # 206-072-000250

Petitions for a Conditional Use Permit to subdivide the existing outlot into six residential lots as regulated in Section 605.5 & 612 of the Wright County Zoning Ordinance and Subdivision Regulations. Property is zoned R-1 Urban-Rural Transitional.

Present: Les Cantin and his surveyor, Tony Ellestad

- A. Ellestad stated he has no new information. Rezoning is not required because the property is zoned Residential. Discussion at the last meeting on whether this is a town road and a Township Supervisor is in attendance and can address that issue.
- B. John Dearing, Township Supervisor, present stated the Town Board has asked for another 33' and they are willing to take over the road, but not rebuild it at this time. Dearing stated they are not asking Cantin to pay for the entire road because there are 15 homes along the lake that will also benefit from the improvement and the applicant is only proposing three lots. Salkowski asked Dearing if the road is becoming a Town Road? Dearing answered yes.
- C. Salkowski noted the water issues have been a concern and they are talking about improving the existing situation and replacing culverts. He asked if the Township maintains the culverts under the road. Dearing stated yes.  
Salkowski stated another question is who will maintain the retaining pond into the future and this is something that will have to come back to the Town Board for discussion when final plans are received. The responsibility of maintenance of the culverts has been a major issue in the past. Cantin felt the Town Board would be responsible for the culverts under the road once it is rebuilt, but not on the lots. Cantin stated there is a culvert on his property already.  
Dearing stated they have obtained easements in some other areas of the Township.  
Salkowski stated they are attempting to slow down the water runoff. Ellestad stated that there should be less water runoff and the water exiting the property should be cleaner.
- D. Salkowski asked if a boundary survey has been done. Ellestad stated they are in the process. Salkowski asked if there is 33' to the existing shed. Cantin stated the pole shed will be removed.
- E. Russek asked if Cantin is in agreement to dedicate 33' to the Township. Cantin stated he is and the shed will be removed.
- F. Salkowski stated they don't have any plans and the Board could continue this for a site inspection. Suggested getting the questions and comments from the Board and audience.
- G. Bakeberg questioned the water on the lakeside and who will be responsible. Russek stated if this is designed right, the owners should see an improvement. Bakeberg wanted to be sure this does

not result in making the water problems worse. Salkowski agreed it is their job to make sure the problems are not worse, but improved. The County Engineer and SWCD will be reviewing the plans also.

- H. John Rivers - property owner on Hollister Avenue - stated he is not against the proposed lots, but the property owners want to make sure it is done right. He has the same concerns as he had last time with the water runoff and want to be sure the improvements are to the PCA, DNR and SWCD standards for the runoff to the lake and the construction of the holding pond. He stated the other concern is that they have assurance that the maintenance will be take care of for years to come. Rivers also addressed the road and felt the improvements should include blacktop. Additional lots will add more pressure to this road (Hart Avenue). Dearing stated the road improvements will not happen unless petitioned by the residents. Rivers stated he wants to see documentation and the facts to show that this development will be done properly. He noted with second-tier development there can be problems with the residents living off the lake to use the other side for access to the lake.
- I. Russek explained the Town Board is the road authority and this Board cannot force the road improvement, as long as the Township is willing to take over the road. Rivers questioned if there are easements for the culverts under the road? Dearing indicated they have easements in other locations. Bakeberg asked who will be responsible for maintaining the pond? Dearing stated it is not township property, so the owners will be responsible. Russek agreed this is a concern. Ellestad there will have to be a responsible part and an association can be formed.
- J. Salkowski stated in the past holding ponds and drainage control structures had been thought of in urban projects, and it has not been until recently that this Board has been dealing with them. Most lots are of a larger size and drainage could be handled on site. A condition can be placed on the approval, however, that owner may have no interest in maintaining it for someone else. The Town Board is reluctant to get involved in these structures, but he stated it is common that cities are usually the responsible party and it is something that goes along with the developments. Salkowski stated this is something that needs to be discussed because there is not a good system on how to handle it in the past.
- K. Ellestad felt they could have plans ready in January. Salkowski suggested a continuation to January 28, with a site inspection in the meantime.
- L. Millner moved to continue the petition to January 28, 1999 for a site inspection. Bakeberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- M. Bakeberg stated he would like some answers as to who will be responsible for maintenance of the drainage systems by that time.

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: January 21, 1999 \*\*

MINUTES - (Informational)

The Wright County Planning Commission met on \*\*February 11, 1999 to hear the January 21, 1999 agenda (canceled due to "bomb threat") in Meeting Room 120 of the Courthouse Annex. Chairman, Frank Denn, called the meeting to order at 8:00 p.m. with all Board members present. Tom Salkowski was present to represent the Planning & Zoning Office and Tom Zins was present as legal counsel.

Salkowski announced that the first item has been withdrawn, #4 has asked for continuation to February 18 and #6 has asked to be continued to February 25.

1. LESTER J. CANTIN - PETITION HAS BEEN WITHDRAWN

LOCATION: Outlot E, Shelmire Beach, according to plat of record, Section 11, Township 121, Range 27, Wright County, Minnesota. (Sugar Lake - Corinna Twp.) Tax # 206-072-000250

Petitions for a Conditional Use Permit to subdivide the existing outlot into six residential lots as regulated in Section 605.5 & 612 of the Wright County Zoning Ordinance and Subdivision Regulations. Property is zoned R-1 Urban-Rural Transitional.

Present: Applicant not present

A. Russek moved to dismiss the petition at the applicant's request. Douglas seconded the motion.

VOTE: CARRIED UNANIMOUSLY

# Certificate of Survey

**TRACT A:**  
That part of Outlot E, SHELMIRE BEACH, according to the recorded plat thereof, Wright County, Minnesota, which lies northeasterly of the following described line:

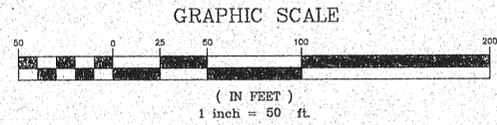
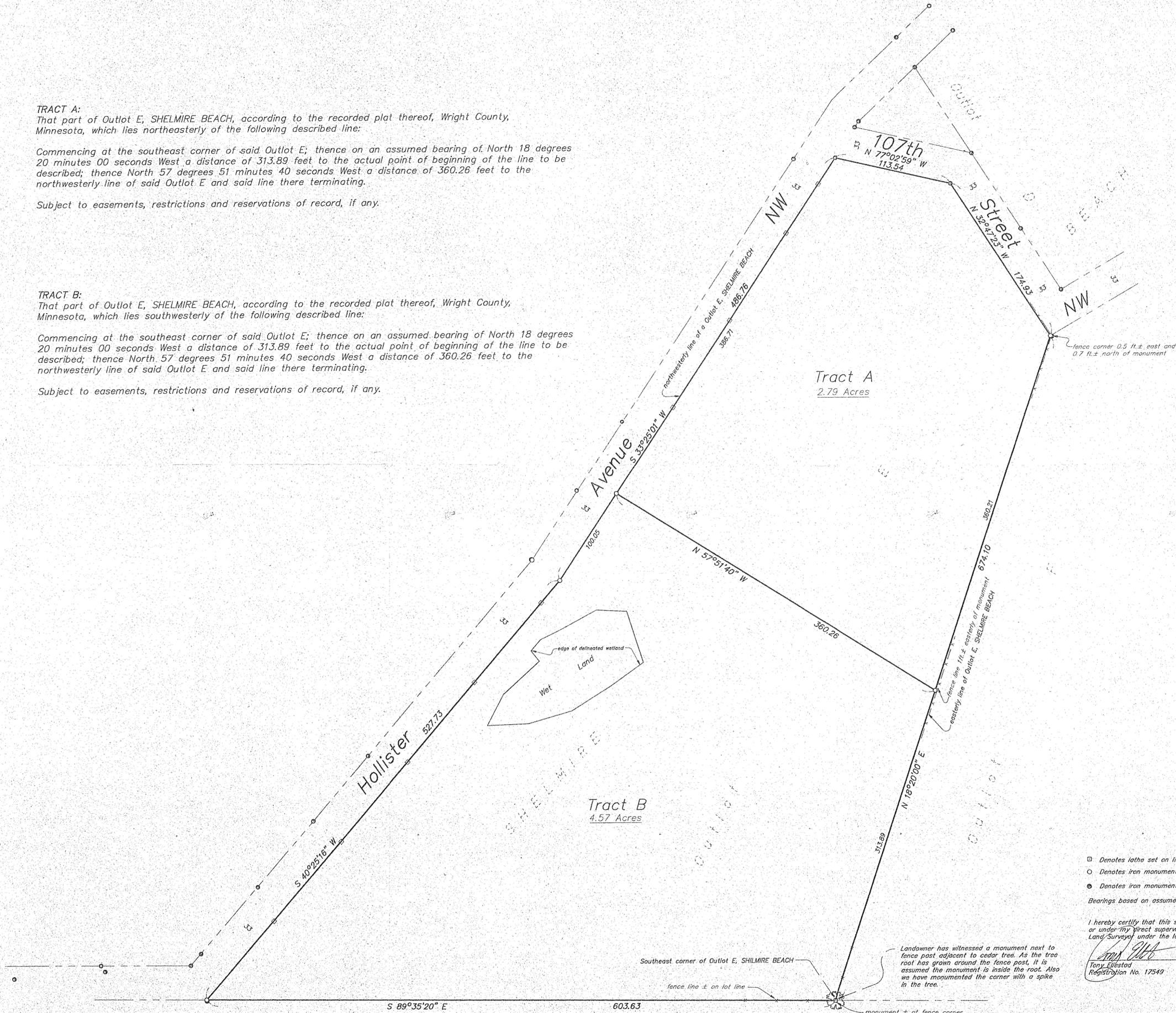
Commencing at the southeast corner of said Outlot E; thence on an assumed bearing of North 18 degrees 20 minutes 00 seconds West a distance of 313.89 feet to the actual point of beginning of the line to be described; thence North 57 degrees 51 minutes 40 seconds West a distance of 360.26 feet to the northwesterly line of said Outlot E and said line there terminating.

Subject to easements, restrictions and reservations of record, if any.

**TRACT B:**  
That part of Outlot E, SHELMIRE BEACH, according to the recorded plat thereof, Wright County, Minnesota, which lies southwesterly of the following described line:

Commencing at the southeast corner of said Outlot E; thence on an assumed bearing of North 18 degrees 20 minutes 00 seconds West a distance of 313.89 feet to the actual point of beginning of the line to be described; thence North 57 degrees 51 minutes 40 seconds West a distance of 360.26 feet to the northwesterly line of said Outlot E and said line there terminating.

Subject to easements, restrictions and reservations of record, if any.



- Denotes lotte set on line
  - Denotes iron monument set
  - Denotes iron monument found
- Bearings based on assumed data

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

12-9-98  
 Tony Ellestad  
 Registration No. 17549

Landowner has witnessed a monument next to fence post adjacent to cedar tree. As the tree root has grown around the fence post, it is assumed the monument is inside the root. Also we have monumented the corner with a spike in the tree.

Requested by:		
Les Cantin		
		200 Central Avenue Buffalo, MN 55313 Phone 682-9329 Fax 682-9002
Book 28 Page 6	Revisions	
Drawn by: RKR	Date: 12-09-98	Job No. 96341