

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 14, 2012

7:00 PM

1. Call to Order: Chair Charlotte Quiggle called the meeting to order at 7:00 PM.

2. Roll Call: Board of Adjustment/Planning Commission Members Present: Charlotte Quiggle (Chair); Dan Shay (Vice-Chair); Steve Huff; Larry Smith;

Members Absent: Barry Schultz; Lee Parks

Staff: Ben Oleson, Zoning Administrator

Others in Attendance: Mike Pellegrine; Christi Pellegrine; Bernie Miller; Corwyn Jonnson; Eric Saari; Tom Monson

3. Additions or Deletions to the Agenda: None.

A motion was made and seconded, to accept the agenda. Motion carried unanimously.

4. Public Hearings

- a. Variance to replace an existing 2 bedroom home with a new 4 bedroom home approximately 64 ft from Pleasant Lake (min. 75 ft required) and 13.9 and 14.8 ft from the side (west) lot line (min. 15 ft required). Variance to construct a new deck approximately 57.3 ft from Pleasant Lake (min. 75 ft. required) and 10 ft from the side (east) lot line (min. 15 ft required).
 - i. Applicant(s): Michael and Christi Pellegrine
 - ii. Property Address: 11557 – 89th St NW, Annandale
 - iii. Sec/Twp/Range: 19-121-27
 - iv. Parcel Number(s): 206062000150

Chair Quiggle read the requested variances.

Bernie Miller: When the Pellegrine's bought the lot, they understood the lot to be 75 feet wide. They designed a 40 ft wide house in order to meet the required 15 foot side yard setbacks. They later discovered that the lot is slightly less than 75 feet because the 75-foot survey line was at a slight angle and the side lot lines are not perpendicular. Miller changed the proposed location of the new house slightly to try and meet the side yard setbacks as much as possible, but could not meet 15 feet on both sides. The new location fits better with the neighborhood. They are trying to preserve the tree currently located behind their lot.

Christi Pellegrine: It is the only deciduous tree on the lot.

Dan Shay: The spruce tree will be cut down?

Christi Pellegrine: Yes.

Bernie Miller: An open deck was also added to the proposal after the surveyor drew up their plan. They wanted a 15' x 15' deck but it was downsized to minimize the setback variance from the lake and the side yard.

Bernie Miller: The entire neighborhood has septic tanks on the lake side of the home, with drainfields back toward the road. The site plan is intended to help provide access to a new well location without impinging on a future septic drainfield area.

Corwyn Johnson: How far would it be between the new house and the existing garage?

Bernie Miller: About 80 feet.

Quiggle: Is there anything else to add?

Eric Saari: View is already obstructed with the existing house. Concerned that a new house being further back will further obstruct that view.

Tom Monson: Is new house back further than my house?

Christi Pellegrine: Yes.

Quiggle: Is there anything else to add?

Johnson: They were the first to build in this neighborhood. It was platted by her parents in 1956 and her and her husband built in 1957. There was an attempt to make sure that views were not restricted for those building in the future, which is why they are all about the same distance from the lake. Her uncle in 1958 built on the lot to the west. She hopes that the house can be built within the current restrictions, as that is what was the intent when homes were originally built.

Bernie Miller: Are you requesting the restrictions based on where current homes are? Or what the ordinance says?

Johnson: What the ordinance says.

Christi Pellegrine: They bought the property with the intent that at some point they would build something larger to accommodate themselves and their kids. She noted that the home to their west was not likely to be rebuilt. She could see pushing back if the homes on both sides were likely to be rebuilt, but not when the one to the west is so unlikely to be rebuilt further back.

Monson: Asked to see his house in relation to the proposed house. Was surprised how far into the setback he was. Wondered if he would even be allowed to build up?

Mike Pellegrine: We are not trying to block views. They are just trying to find a plan that works for the neighborhood, increases the value. If they are pushed back, they would question whether it was even worth moving forward.

Quiggle asked staff for their comments.

Ben Oleson: This neighborhood is unique, not in that homes are within setback, but in that a former road was vacated and the lots were enlarged further to the north. Should variances work toward moving homes back or sticking with the historical setbacks in the neighborhood. Main questions are if there is anything that really prevents them from moving back and if they can reasonably redesign the home to be narrower so as to meet side yard setbacks. Impervious is within the allowed limits. They do have a stormwater plan proposed, with comments on that plan provided by Wright County SWCD. They have a concern that water infiltrating into the ground near the steep slope could potentially be a problem and having an engineer look at it would be recommended.

Bernie Miller: Stormwater design is for a 10 year storm. The soil is optimal for infiltration – sand and gravel. If it was a clay loam, it might be more of a concern to the hill. It is not a bluff. He does not see any problem with infiltrating water in that area. It would not be much different than a drainfield. He talked to Brian Sanoski at SWCD. Could grade for a rain garden, but that would be a bit messy. The plan they submitted would take everything off the house and be infiltrated. If there was a huge rain event...

Quiggle: Like last year?

Miller: Yes, in that kind of event it is very difficult to plan for it. This is not a new technology – it has been used under parking lots and in other situations. He feels this is a good plan for the lot. It captures

what is off the roof. It has an overflow in the case of a large event that would outlet on top of the ground.

Quiggle: Any questions from the Board of Adjustment? Dan Shay?

Dan Shay: There would be a new septic tank 50 feet from lake? Deck would be within the lake setback?

Miller: Yes.

Monson: What is the elevation of the deck?

Miller: About 1058 – the current elevation is about 1052.

Shay: Is there any room to go back and still save the tree?

Miller: We are already as close as the builder thinks we can go and still save the tree.

Shay: Knows that Wright County wants homes moved back if they can. If not, at least 60-65 feet. We need to consider this. View is already blocked on west side – understands that may lose some views on the east if they move back. Need to balance all this as they consider.

Quiggle: I have a hard time seeing something unique on the property that prevents them from moving back. Have long stretch in back to move back into. If this house can't meet 75 foot setback, I can't see how any house would. Trees can be knocked down at any time by storms or building. New trees can be planted. View straight ahead will not be affected – I haven't understood the need for a 180 or 360 view. At some point, everyone will need to move back in the neighborhood.

Monson: Our house was built in 1958 or 1959.

Quiggle: The idea of the setback is to eventually move everyone back to the setback. This part of Pleasant Lake is ideal for everyone to eventually meet the setback.

Steve Huff asked Oleson if there was any precedent allowing people to stay forward?

Oleson: From memory, there was one case in this neighborhood where someone was allowed to stay within setback because of a septic tank in the way.

Huff: But we did make them move back.

Oleson: Yes, hard to compare one lot to another. This neighborhood is a challenge because there is room to move back for everyone, but there can be unique circumstances where something is in the way. It creates at least the possibility for it being perceived people are being treated differently.

Huff: I am of the opinion that the house can move back. Might be able to discuss the deck, but not the house.

Miller: Would the deck be ok within the setback?

Huff: The house should meet the setback, the deck could maybe be within.

Quiggle: I have a hard time allowing the deck within the setback.

Monson: I would not have a problem with the deck as it is not a permanent structure. It would not impact the view as much.

Saari: I am concerned that the deck moving closer to the lake would create a view problem for them. If the deck was at the same setback as the existing house, he doesn't think Corwin would have a problem.

Corwin: My husband has been in the hospital, but he would agree with that.

Larry Smith: Before coming to the meeting, his thought was that the house should be moved back. Trees can be taken down in storms and can be replaced. His stance is that the house needs to be moved back. If we let this one be closer, hard to tell anyone else they have to move back. This is too straightforward.

Mike Pellegrine: How did a house like this (pointing to house further to the east) get built that close to the lake?

Christi Pellegrine: I researched it. Granted by Wright County. The landowner skirted everything by keeping up certain walls. He was supposed to keep the same square footage.

Quiggle: State statutes allow for rebuilding, but not expanding. It may be the reason why it was allowed.

Huff: We are trying to be as consistent as possible.

Christi Pellegrine: Looked at other variances previously granted by the Township – some on other lakes.

Miller: He can see different view points on this. He asked DNR about why they have lake setbacks as they are. Primarily it was to allow for a lakeside sewer that meets a minimum setback and still allow for a house to be behind it. Lakeside sewers were common in many cases to allow for wells to be easier to access for a well truck. Each case is different and main idea is to address potential problems and protect the lake.

Quiggle: Standard is 75 feet and we have to live with that.

Miller: In some cases 75 feet is not enough and in other cases maybe 30 feet is ok without impacting the lake. What is the concern in this case being closer than 75 feet in terms of how it affects the lake?

Quiggle: It is the rule and we have to abide by it.

Quiggle: We seem to be in consensus that the house should meet the lake setback, but have not discussed the deck much. Would the side yard setback for the deck improve if the house is moved back?

Miller: Not much - maybe 1/10 of a foot.

Miller: We have looked at other plans and can show them to you. Would like to be able to show those and discuss if the Board is ok with that?

Huff: Not opposed to looking at other plans tonight. How big are the bedrooms?

Christi Pellegrine: Two 12' x 12' on the back side. 14' x 17' for master bedroom.

Huff: With those sizes, they could possibly be downsized.

Christi Pellegrine: Original plan was 52' wide, but knew that wouldn't work. Shrunk as much as she felt she could and still maintain reasonable sized bathrooms.

Miller: How concerned is the Board about 14 ft side yard setback on the west side?

Quiggle: Setback on deck is more of a problem than the 14 ft setback for the house.

Miller: Could do a patio instead of a deck.

Quiggle: Patios do not need to meet the setbacks.

Miller: If they make it a patio at 15' x 15', it could be done as a compromise.

Quiggle: So house would be at 75 feet and patio would be closer, but does not have the setback requirement.

Miller: If house was at 75 feet, the Board would not allow a deck closer?

Quiggle: There are some different opinions on that.

Shay: If the house is moved back, would it have to be shifted again?

Miller asked if Oleson could pull up alternative plans on the projector. Oleson pulled up 'Plan A'.

Miller: This plan has the house at 65 feet from the lake with a 15' x 15' patio. This still saves the tree.

Huff: Push the house back 10 more feet and you'd be ok.

Christi Pellegrine: Could we have a deck closer than 75 feet?

Quiggle: That would come up for a vote.

Christi Pellegrine: Deck was added later in their planning when they realized how high up they were.

Putting the deck back with the house created layout problems in the great room.

Quiggle: Did you consider an outside stairway?

Christi Pellegrine: Hard for me to envision that. We would take the patio if the deck doesn't work.

Miller: Plan C shows the house at 75 feet (showed up on the projector) with a 15' x 15' deck closer. Deck could be made smaller.

Huff: Could house be redesigned, with an architect, to address some of these issues?

Christi Pellegrine: Yes, we are working with a designer. It creates problems with the kitchen and everything else having to be shifted around.

Shay: House needs to be at 75 feet – look at patio/stairs closer. Maybe they need to go back and work over options with their designer and come back later.

Quiggle: They can always go further back. If we give direction that they can't go any closer than X and stay within X impervious percentage. Then only issue is building code.

Christi Pellegrine: If house does go back to 75 feet, and we have a patio closer, then it would only be a side yard setback? Would rather keep the layout the way it is.

Quiggle asked Oleson if patio has to meet side yard setback?

Oleson: I would want to double-check, but that was a grey area I have previously discussed with the County. I believe if a patio is built at ground level, it does not need to meet setbacks. If raised up, it is a deck that needs to meet setbacks. Some grading can be done to “raise” it up, and still be at ground level.

Miller: It would not have railings – just be built up on the ground.

Huff: Are we denying or tabling?

Oleson: If you want to see new plans, you’d table it.

Quiggle: We seem to be in agreement that side yard setbacks on west are ok.

Smith: When do you intend to build?

Christi Pellegrine: We are looking at various proposals from builders. Hoping to build in early April at the latest. Just need to move home back and design a patio?

Miller: Plan C does show the house at 75 foot and the deck would be replaced with a patio.

Quiggle: Not sure why we need to see other plans. They will be meeting lake setback with the house, no deck would need a variance. Only west side yard setback.

Huff: Would like to see specific plans.

Oleson: If the Board approves only the west side yard setback for the house, then the only permit I can issue is one that meets all other requirements except for the west side yard setback. If they decide they still want another setback, they would have to re-apply for a variance if it were denied or withdrawn tonight. Tabling would prevent needing a re-application if they are not satisfied with only the west side yard setback variance.

Oleson: Applicants would maybe want to withdraw the other variance requests (except for west side yard setback) so that they are not actually denied.

Miller: So only variance they would be requesting is the west side yard setback?

Oleson: Yes, if they withdraw the others.

Miller: That is Plan C, except deck would be a patio.

Huff: Why can’t we wait for a design that shows all this?

Quiggle: Would west side yard setbacks change with house moving back?

Miller: No, Plan C shows what it would be exactly if house were moved back to 75 feet.

Huff: How would you access the patio? That is why it may be good to just submit a new plan.

Smith: Trying to work with you to make sure it all works.

Miller: Steps would not count against setback?

Oleson: Had tried to ask the County about this in the past, but don’t believe there was a clear answer as to how they interpret the ordinance.

Miller: There would need to be stairs there. That would work.

Christi Pellegrine: Stairs would not be wider than 4 ft. They would fit.

Further discussion about how stairs would be laid out.

Smith: If they can meet all other setbacks, he does not have a problem.

Oleson: Would you implement the stormwater plan, if it was now meeting the setback requirements?

Christi Pellegrine: Had looked at other options – rain barrels, guttering to rear of lot.

Quiggle: Even re-directing gutters can be a stormwater plan.

Further discussion about stormwater options.

Oleson: Had asked builders and Miller about whether soil would be moved around. Not much dirt would need to be moved outside of that necessary to fit in the basement.

Motion was made by Huff and seconded by Smith, to acknowledge that all variance requests are being withdrawn except the side yard setbacks on the west side and approve the requested side yard setbacks on the west side.

Quiggle requested that a condition be added requiring erosion control during construction and adding specific findings of fact that 1) the original design of the home was for a 75 foot wide lot and had to change because the lot is not quite 75 feet wide and the rotation of the lot.

Huff amended his motion to include Quiggle's suggestion and new motion was seconded by Smith. Motion was approved unanimously.

5. Approve Previous Meeting Minutes

- a. February 14, 2012

A motion was made by Shay, seconded by Smith, to approve the previous meeting minutes. Motion carried unanimously.

6. Zoning Administrator's Report

- a. Permits
- b. Correspondence
- c. Enforcement Actions

Oleson: See the information in your packet. I can answer any questions.

7. New Business

- a. Oleson presented a training session on "Developing Effective Motions and Findings of Fact". Discussion was that now that the Board of Adjustment makes final decisions on variances for the Township, it is more important that motions and findings of fact be made clearly.

8. Old Business

- a. Continued discussion on interpretation of "Expansion" under MN Statutes.

Oleson presented the revised draft outline for how the township could interpret "expansion" under MN Statutes allowing for replacement, but not expansion.

- b. Update on Shoreland Zoning Administration

Oleson noted to the Commission that a request had been presented to the County Board for turning over shoreland control to the Township in February. It was tabled until a County Committee of the Whole meeting. At that meeting, they discussed that they would rather extend the joint powers agreement until March 2013. This was later discussed and changed to December 31, 2012. The Town Board is in agreement with this, so the only step left is to have both Board formalize. Toward the end of 2012, the Township would presumably request again to have shoreland control turned over completely rather than via a joint powers agreement.

Quiggle noted that Oleson made a presentation to the County as to why the Township met all the requirements in state law and policy, but the County decided they wanted more time to verify that the Township will be doing everything properly.

Quiggle noted that the update of the Comprehensive Plan and ordinance updates will be tabled until next month.

9. Adjournment

A motion was made by Huff, seconded by Smith, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:24 p.m.

Minutes respectfully submitted by Ben Oleson.