

CORINNA TOWNSHIP BOARD MEETING  
Tuesday, April 19, 2011, 7 p.m.  
Corinna Township Hall  
9801 Ireland Avenue NW, Annandale, MN

Unofficial Minutes

Present: Chairman John Dearing; Vice-Chairman Richard Naaktgeboren; Supervisor Chuck Carlson; Clerk/Treasurer Mary Barkley Brown; Deputy Clerk/Treasurer Jennifer Kemp  
Others in Attendance: Dan Shay; Charlotte Quiggle; Darcy Lease; Chick Lease;

Call to Order and Pledge of Allegiance at 7:00 p.m.

April 5, 2011 Town Board Meeting Minutes: A motion was made by Naaktgeboren, seconded by Carlson, to approve the April 5, 2011 Town Board Meeting Minutes. Motion carried unanimously.

Agenda for the April 19, 2011 Town Board Meeting: A motion was made by Naaktgeboren, seconded by Carlson, to approve the Agenda for the April 19, 2011 Town Board Meeting. Motion carried unanimously.

Road Striping: Two quotes were opened as follows:

AAA Striping Service Co, St. Michael, in the amount of \$5,500.00 plus a possible mobilization charge of \$1,200.00.

Traffic Marking Services, Maple Lake, in the amount of \$5,600.00.

A motion was made by Carlson, seconded by Naaktgeboren, to award the work to Traffic Marking Services for \$5,600.00.

Maintenance Outlook Report: Reviewed. Naaktgeboren stated he would like locations of all gravel and tree work on this report. He wants it to be updated weekly. Naaktgeboren also asked if Ohnsorg's retaining wall is in the township right-of-way. He asked that the "retaining wall be below the surface of the apron". He also recommended a reflector in this location to avoid future damage to either the retaining wall or to the plow blade.

Montgomery Avenue Seal Coat: Clerk Brown reported that Southside Township has tentatively planned to sealcoat Montgomery Avenue this year. Brown spoke to Steve Meyer from the Wright County Highway Department. This project is too late to get the Montgomery quantity on the county bid; however, after opening the bids on 4/13/2011 and awarding the contract on 4/19/2011, Meyer felt that this project could be included at the bid price. Brown forwarded this information to Southside Township Clerk, Carmen Merrill. Corinna Township's portion of the road is 285-300 feet. Southside Township would contract to do the project, with Corinna paying Southside Township for Corinna Township's share. Corinna Town Board is waiting for the Southside engineer to give Southside a recommendation on this project.

Dave Anderson 10631 Hollister Avenue NW: Water Issue: Dick Naaktgeboren inspected the site and reported that the neighbor to the northeast has an apron that is level with the road and has been level for a long time. The pavers that Anderson installed run the water directly into Anderson's garage. The pavers do not allow the water to absorb into the ground. The pavers need a swale to divert water away from the garage. The garage is too low. The garage is only approximately 4 feet off the road right-of-way.

500 Gallon Fuel Tank and Pump: Clerk Brown was advised to ask Maintenance Man Mark Miller if it would cost less to start to use the tank again and order larger quantities of fuel at one time.

Variance Requests:

- a. Variance to enlarge an existing cabin approximately 46 feet from Clearwater Lake (75 feet required) on an undersized lot. Home length will be increased by about 5 feet and roof to be replaced with a higher pitch. Home will also be raised approximately 1 ft to meet floodplain requirement with a new foundation
  - i. Applicant(s): Michael Lease
  - ii. Property Address: 11510 – 103<sup>rd</sup> St NW, South Haven
  - iii. Sec/Twp/Range: 7-121-27
  - iv. Parcel Number(s): 206000073401

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**Corinna Planning Commission/Board of Adjustment Recommendation:** The Corinna Board of Adjustment recommended approval of a variance for a replacement dwelling to be constructed approximately 46 feet from Clearwater Lake (no closer than the existing dwelling). The new dwelling is not to expand on the existing footprint, but is allowed to be raised to meet floodplain elevation requirements and is allowed to have a lofted area above the main floor. The following, additional conditions were recommended by the Board of Adjustment:

1. The replacement dwelling shall not contain more than two (2) bedrooms unless a drain field designed to accommodate additional bedrooms is added to the property.
2. The applicant should submit a permanent storm water management plan designed to minimize the potential for ongoing erosion or sedimentation. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on down slope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

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**The following are the Findings of Fact:**

**1) Will the granting of the variance be in conflict with the Comprehensive Plan?**

The Comprehensive Plan states the following as strategies to “protect, preserve, and enhance lake water quality”:

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - BOA Comment: The recommended conditions of approval require temporary and permanent storm water retention and erosion-control practices to be employed on site.
- 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.
  - BOA Comment: One of the stated reasons for not moving the house back closer to the setback is to preserve existing mature oak trees.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
  - BOA Comment: The recommended conditions of approval require temporary and permanent storm water retention and erosion-control practices to be employed on site, given the proposed house would be so close to the lake.
- Limit the amount of grading and filling in the shore land area so as to minimize the disturbance of soil and prevent erosion.
  - BOA Comment: If the home were moved further back in the lot, it appears slightly more fill would be needed to meet floodplain elevation requirements. The proposed location minimizes the need for fill and grading.

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

The applicant is requesting to be about 29 feet closer to the lake than is required by the minimum setback of 75 feet. Given that the house is not increasing in its footprint, the location of the existing sewer system and mature oak trees prevents the house from moving further back and the height increase will not make

the resulting house out of character with the neighborhood, the BOA does not consider this application to be a substantial variation.

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

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

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

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

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

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

To construct the home to the same footprint and height would not be feasible because it would not allow for the home to be raised to meet floodplain standards and the existing dwelling space is insufficient for a typical two bedroom dwelling with space for kitchen facilities, utilities and living area. The proposed expansion will result in only a height increase and not an increase in the footprint of the existing dwelling.

To move the home back would not be feasible because it would result in the loss of mature trees and require the moving of a septic tank that was installed just last year.

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

The need for the lake setback variance is primarily due to the fact that the existing holding tanks, installed in 2010, were installed between the existing home and the road – in the location where a home would need to be constructed if it were to meet the required setbacks from the lake and the road centerline. In addition, the location of the existing mature trees, which have been there for many years, presents a practical difficulty over which the current owners had not control. The home was originally constructed prior to current setback regulations.

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

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

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

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

The Board of Adjustment noted the following as issues relating to “the interests of justice”:

1. At the time of their install (September 2010), the holding tanks were allowed by ordinance because there was no expansion, alteration, addition or improvement to the existing dwelling in excess of 50 percent of the assessed value of the home and because there was not a proposal for exact replacement of the dwelling. The applicant’s sewer designer has submitted a letter indicating why, in their professional opinion, a drain field for the proposed home is not feasible.
2. Nearly every home along 10<sup>3rd</sup> Street NW within 1000 feet of the Lease property is located within 50 feet of the lake. Many are closer than the proposed Lease home. The adjacent home to the east is located 68 feet from the lake, as allowed by a 2005 variance.

A motion was made by Naaktgeboren, seconded by Carlson, to accept the Planning Commission’s recommendation along with their eight Findings of Fact. Motion carried unanimously.

- b. Variance to construct a dwelling addition approximately 120 feet from the centerline of County Road 7 (130 feet required).
  - i. Applicant(s): Adam and Sarah Goelz
  - ii. Property Address: 8408 County Road 7 NW, Maple Lake
  - iii. Sec/Twp/Range: 23-121-27
  - iv. Parcel Number(s): 206000234202
  - v.

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**Corinna Planning Commission/Board of Adjustment Recommendation:** The Corinna Planning Commission recommended that the Town Board approve the requested variance as presented.

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**The following are the Findings of Fact:**

- 1) Has the applicant demonstrated that the proposed actions will be in keeping with the spirit and intent of the ordinance and will not conflict with the Comprehensive Plan?**
  - a) The Comprehensive Plan does not directly or indirectly discuss issues related to required road setbacks.
  - b) The spirit and intent of the ordinance (road centerline setback) is presumably to protect property and life in the event of a vehicle leaving the road, to allow reasonable space for snowplowing and road maintenance, and to allow for the possibility of potential future road expansion. The County Engineer reviewed this variance request and indicated to Staff that he did not have a problem with the requested variance being granted, as the existing house is closer than the proposed addition to the road and there are no plans to expand County Road 7 in the near future.
- 2) Has the applicant demonstrated that the property in question would not be able to be put to a reasonable use or yield a reasonable return if used under the conditions allowed by the official controls?**
  - a) Without the requested variance, the applicants would not be able to construct any addition to their existing house. There is nowhere else on the property where an addition could be added.
- 3) Has the applicant demonstrated that the plight of the landowner is due to circumstances unique to the property not created by the landowner and is not a plight shared by neighboring properties in the same zone?**
  - a) The existing house was constructed prior to current setback requirements. There is nowhere else to add on to the existing house without needing a setback variance.
- 4) Has the applicant demonstrated that the character of the locality would not be altered if the variance is granted?**
  - a) The proposed home addition would have no impact on the character of the locality, as the property would retain the farmstead character that already exists.
- 5) Has the applicant demonstrated that the granting of the Variance will not adversely affect the environmental quality of the area?**

- a) The applicant is installing a sewer system that meets all requirements. The environmental impact is expected to be minimal, if any.

A motion was made by Naaktgeboren, seconded by Carlson, to accept the Planning Commission's recommendation along with their five Findings of Fact. Motion carried unanimously.

Requests to be on the Agenda: None.

Other Business:

1. Planning Commission: Charlotte Quiggle, Chairman stated that Rose Thelen, Ben Oleson and Sean Riley would meet with her at the town hall Monday, 4/25/11 to discuss how the first four months of the joint agreement with Wright County is going in regard to Planning and Zoning and building inspections. Supervisor Carlson stated that he plans to attend the meeting. Quiggle also stated that the Corinna Planning Commission agreed at their 4/7/2011o Planning Commission meeting that all paperwork should be in before an item is placed on the Planning Commission Agenda, before the legal notice is published in the newspaper, and before neighbor notices are sent.  
Next Corinna Planning Commission Meeting: 5/5/11, 7 p.m., Town Hall;
  2. 8029 Iten AV NW: Received complaint regarding business possibly started in residential neighborhood. Property has been checked. Clerk Brown was advised to write a letter to the property owner regarding a business being run in a residential neighborhood.  
8202 State Highway 24 NW: Received complaint about outdoor storage. Reviewed. No action taken.  
Gordon/Bryan – 6400 102<sup>nd</sup> Street NW: Citation issued – first court appearance 3/30/2011 was continued to 4/6/2011, at which time Mr. Gordon entered a plea of not guilty. The pre-trial hearing is 5/25/2011 at 1:30 p.m.;
  - Robert Balogh, Jr. – 8611 Griffith Avenue NW: Metro West letter of 9/28/10 sent certified mail to Robert Balogh regarding the condition of buildings at 8611 Griffith AV NW. The hazardous condition of the buildings was reported to Metro West Inspection Services on 7/29/10. Letter of 2/7/11 to Corinna from Attorney Tim Young. Memo of 2/10/11 from Tom Salkowski. In regard to noxious weeds: Mr. Balogh received a continuance for dismissal on the condition that he mows his grass by 5/20/2011;
  3. 108<sup>th</sup> Street: Dearing reported that Taylor Surveyors are working on this. He met with them on 4/12/2011.
  4. Monthly Corinna P and Z Report for March, 2011: Reviewed.
  5. Innovative Processing Newsletter Contract 2011: A motion was made by Naaktgeboren, seconded by Carlson, to approve the proposed contract for newsletter mailing service in 2011. Motion carried unanimously. Carlson advised Clerk Brown to ask Corinna residents in the upcoming newsletter for their e-mail address if they prefer to get their Corinna Newsletter by e-mail. Carlson also asked Clerk Brown to set up a way to subscribe to this on the Corinna website. Carlson also asked Clerk Brown to obtain a list from Wright County, of the property sold in Corinna Township, in order to keep the e-mail list current.
  6. League of MN Cities Directory Available for \$57: No action taken.
  7. BusinessWare Solutions: New proposal for large scanner/printer. Carlson stated that applicants need to submit a PDF of large documents, as well as paper copies, and that Ben Oleson should note this in checklists for all applications. Clerk Brown was advised to prepare a list of places where residents can get PDFs made. Carlson stated that Clerk Brown should change Corinna Township's e-mail address so that it does not have abbreviations and is not through Lakedale/Windstream.
  8. Preliminary Damage Assessment from Flooding: No action taken.
- Payment of Claims: Motion by Dearing, seconded by Carlson, to approve Direct Deposit Payroll Checks # 242 through 245; EFT 2011- 24 through EFT 2011-26, Checks # 16221 through Check #16238, in the amount of \$22,180.30. Motion carried unanimously.

With no further business to come before the board, a motion was made by Naaktgeboren, seconded by Carlson, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

May 3, 2011

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Jennifer Kemp, Deputy Clerk/Treasurer

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John Dearing, Chairman