

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
January 9, 2018
7:00 PM

Taylor called meeting to order at 7:00pm on January 9, 2018

Board of Adjustment/Planning Commission Members Present: Barry Schultz, Bill Arendt, Trish Taylor, Larry Smith, Dick Naaktgeboren, Al Guck, Steve Niklaus, Ben Oleson (Zoning Administrator)

Others in Attendance: Dean & Michelle Sisell, Kacee & Ann McKenzie, Jim & Debra Shadduck, Larry & Anna Purcell

Additions or Deletions to the Agenda: Smith made a motion to approve the agenda with the additions of election of new officers. Guck seconded the motion. Motion carried unanimously.

Public Hearings

Renewal of an interim use permit for the continuation of an existing gravel pit.

Applicant: Jason & Geri Ann Kolles

Property address: 10171 Ireland Ave NW, Annandale

Sect-Twp-Range: 10-121-27

Parcel number(s): 206000103400

Present: Jason Kolles

Kolles: We want to mind more gravel this year, everything should be in order.

Oleson: We have received the bond that is required. This is an interim use permit that by ordinance has to be renewed each year. No changes from what they have been doing, mining gravel and occasionally crushing. We have not received any concerns. This is just a renewal with the same conditions that are put on every year.

Kolles: Last year we did not crush, however, we will be doing some this year.

Niklaus: Most of your work is for construction in the area correct.

Kolles: Yes we have a few pits so this pit is mainly used for the surrounding area.

Oleson: Recommendations are listed on your screen.

Audience: None

Naaktgeboren: Do you do any washing?

Kolles: No.

Naaktgeboren: Do you know how much went out this year?

Kolles: Not sure maybe 15,000 – 20,000 yards.

Naaktgeboren: Are you following the same plan? Once you close one you open a new one.

Kolles: We can keep an eye on things and see where we can take it from. We are up to the south bank now and there will be some more fill coming in this year. Our Plan is to work east towards Ireland this year.

Smith: I have no problems with it.

Schultz: I am good with it.

Guck: Looks good to me.

Arendt: I have a question on the bond for \$7500 if that goes on for two years would that amount be enough to reclaim if something would happen?

Kolles: We do not have that much open and there is some black dirt there so it should be plenty.

Niklaus: I think we're fortunate to have someone so close.

Taylor: I do not have anything.

Guck made motion to approve the interim use permit for sand and gravel mining activities with the following conditions:

1. The applicant shall maintain their NPDES permit with the MPCA.
2. Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
3. The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
4. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
5. The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more.

Smith seconded the motion. Motion passed unanimously.

Conditional use permit to allow a pre-existing residential dwelling in an Industrial zoning district.

Applicant: Dean Sisell

Property address: 9517 67th St NW, Annandale

Sect-Twp-Range: 33-121-27

Parcel number(s): 206000332404

Present: Dean Sisell

Sisell: We have tried to get loans with different lenders and all of them have said that the time frame would need to be removed before they would approve lending.

Taylor: As discussion earlier, this was zoned many years after the home was there.

Oleson: This is a different application then when he was here before which was to rezone it to residential. Because he was having trouble with the lenders he did some more checking and looked at other options did not seem like rezoning was going to be a solution. The new request is to have a Conditional Use Permit for that house. If that house were put there today they would have to come in for a CUP, however, since it was pre-existing at the time of the re-zoning there was no CUP done. The other thing we looked into is to see if the CUP would expire at some point, the concern was the CUP would expire. In doing research with various attorneys including the township attorney, the thought is there is not an expiration date on a CUP. So the reason for the CUP is one the ordinance allows for a CUP and two we could then write a letter

to the lender indicating that a home could be rebuilt. The re-zoning is still out there, we could either deny or he could withdraw the rezoning request.

Audience: Larry Purcell: I own the property right next to him. Back 10 years ago the ruling that if the house burnt to the ground it could not be rebuilt?

Oleson: The statute did change on non-conforming structures, however, since this is a CUP all they would have had to do is apply and be granted the CUP. The statute has changed over the years. When I talked to lender they feel that this is something we will expect to see in the future.

Sisell: They did talk to lender today and if the timeframe is gone they are fine with it.

Smith: I am good with the CUP, I think we have to state it does not expire.

Schultz: Does the CUP cover all the buildings?

Oleson: That CUP is only going to state that there can be a dwelling on the property. Accessory storage are permitted.

Schultz: If the house burns down do they have to build the same house?

Oleson: It just states they can have a dwelling, unless you specify a size.

Guck: That does not affect the actual building permit? If it burns down and they only get half done and it sits is that an issue?

Oleson: Building permits are valid for 6 months and can get an extension. If they stop building and it is in shambles that would be a separate issue.

Guck: I am good with it.

Niklaus: I am good.

Taylor: I am fine with it.

Naaktgeboren: This house has been here since it was rezoned, I am fine with it.

Taylor: The only thing I have is to make sure that the septic is acceptable and in good working order.

Sisell: That has been inspected.

Schultz made a motion to approve a Conditional Use Permit to allow a pre-existing residential dwelling in an industrial-zoned district with the following condition:

1. That the conditional use permit is considered to be valid indefinitely so long as it remains zoned in a district which allows dwellings by conditional use or as a permitted use

Guck seconded the motion. Motion approved unanimously.

Variance to create an approx. 5 acre residential parcel through a lot line adjustment (max. 2.5 acres allowed).

Applicant: James Jude

Property address: 9735 Howe Ave NW, Annandale

Sect-Twp-Range: 14-121-27

Parcel number(s): 206000142402

Present: James Jude

Jude: The neighbor who is my wife's grandparents is willing to sell us some land so that we can build a bigger shed. In order to get a bigger shed we need more land. We had dug a pond back there and out garden is back there. What is there will continue to be farmed we would maybe only use up a 1/2 acre.

Oleson: The Ordinance were dealing is one that is intended to limit the loss of farmland. There is a maximum size is 2.5 acres and they are asking to go up to 5 acres. They have 2 acres right now so they are asking for an additional three. It comes down to a few different ways to look at this, one you can stick to that limit since it is farm land or you look to see if there is some other way to make sure it continues to stay farm land. I put in a potential condition if you do decide to approve and that is to limit the buildings having to stay within the 2.5 acres. The intention is to continue to keep it farm land.

Taylor: So you want to build more?

Jude: We are looking at adding on the existing or building a new one to the west.

Oleson: The set back is 30ft to the side and 50ft to the rear.

Jude: Another reason would be for a location of a new septic system, right now it is showing the location in the front yard.

Taylor: How much are you going to add on?

Jude: Not sure yet.

Taylor: what is the maximum?

Oleson: It would be 4000 sq ft at 5 acres so he could add on 1600 sq ft to the existing.

Audience: Jim Dearing: I have no problem with it, if you want 16ft side walls to get equipment in there he needs to have 5 acres.

Schultz: I don't know why not give him 10 acres, I am fine with it.

Guck: What would be the next break point? Would it be a 20 or a 40?

Oleson: You would need to be at 40 to not have the regulations.

Guck: I do not have a problem with it.

Arendt: One of the things he could have an issue with would be the septic so I am fine with it. I think it is a good move.

Niklaus: Nothing

Naaktgeboren: Asked about the white stakes on CR 123?

Jude: I just used that as a starting point so I would know how much farm land I would take up.

Naaktgeboren: Where you put in the retention pond you're not going farm that anyways. I do not have a problem with it.

Smith: How far to the south would you farm.

Jude: That would stay the same.

Smith: I think I'm ok with it, it's one of those that were taking some Ag, however, with the pond you're already not farming it.

Taylor: I do not have a whole lot on it, I'm glad you will still be farming most of it.

Smith: I would like to see that if he adds on to the building or adds another building that it stays on the 2.5 acres rather than going out to farm land.

Smith made a motion to approve Variance to create an approx. 5 acre residential parcel through a lot line adjustment with the following condition:

1. That no buildings or other permanent structures be placed or constructed except in a maximum 2.5 acre area of the parcel within a contiguous 2.5 acre area of the property that minimizes the loss of land which could potentially be farmed.

Schultz seconded the motion. Motion approved unanimously.

Lot line adjustment between an approx. 6.68 acre and an approx. 2.69 acre parcel to conform to lines of occupation and address ambiguous legal descriptions.

Applicant: James Shadduck/John Shadduck

Property address: 8877/8873 State Hwy 24 NW, Annandale

Sec/Twp/Range: 21-121-27

Parcel number(s): 206000211201/206000211200

Present: James & Debra Shadduck

Shadduck: Our family has owned over 100 years. We started working on dividing up the property. We talked to Bogart Peterson and in doing that they said the legal description ambiguous. There is no issues between family we just want to meet the new coordinates and make sure the legal description is correct, in doing that there is a slight property line adjustment. Once that is updated we will be back regarding splitting the property.

Oleson: There is one that will possibly split and the other will remain the same. The reason it is coming through us is technically it is a lot line adjustment. It's not really adjusting, however, to be safe we are making sure they follow the lot line adjustment rules. Usually what we're looking for is that it will not create an issue with the setbacks, which there are none. There is a driveway easement that does not have anything to do with this.

Taylor: How much land is being adjusted?

Oleson: Depends on what the correct one is - it is very small compared to the size of the lots. From my standpoint this does not create any issues.

Audience: None

Guck: I don't have a problem with it

Arendt: I'm good.

Niklaus: I'm good.

Naaktgeboren: You answered my questions, I'm fine with it.

Smith: Good.

Schultz: Good.

Taylor: who is writing the legal?

Shadduck: Bogart Peterson.

Schultz made motion to approve lot line adjustment between an approx. 6.68 acre and an approx. 2.69 acre parcel to conform to lines of occupation and address ambiguous legal descriptions. Smith seconded the motion. Motion passed unanimously.

Smith made a motion to approve the December 12, 2017 meeting minutes. Arendt seconded the motion. Motion passed unanimously.

Zoning Administrator's Report;

Permits

Correspondence

Enforcement Actions: Potential issue with RV being lived in for long period of time.

Oleson will do a letter.

Findings of Fact - Previous PC/BOA Decisions

Other Business

Discussion - Erosion protection requirements and enforcement

Review of previously granted variance requests (if time allows)

Appointment of Planning Commission Officers for 2017

Taylor made a motion to appoint Guck as the Chair for 2018. Smith seconded the motion. Motion carried unanimously. Taylor made a motion to appoint Smith as Vice-chair, Arendt seconded the motion. Motion carried unanimously.

Smith made a motion to adjourn. Arendt seconded the motion. Motion approved unanimously at 8:10pm.