

CORINNA TOWNSHIP
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 14, 2018
7:00 PM

Guck called meeting to order at 7:00pm on March 14, 2018

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

Absent: Bill Arendt

Others in Attendance: Joe Zachman, Bethany Zachman, Roger & Peg Beuning, Wayne Dearing, Bill Burke, Wayne Hoistad, Joel Vos, Patrick Martin, Bob Elstad, John Dearing

Additions or Deletions to the Agenda; Taylor made a motion to approve the agenda. Naaktgeboren seconded the motion. Motion carried unanimously

Public Hearings

Variance to construct a 12' x 34' dwelling addition approx. 66 feet from Pleasant Lake (min. 75 ft required), 0 feet from the side of a bluff (min. 30 ft required) and approx. 13 ft from a side lot line (min. 15 ft required).

Applicant: Roger and Peggy Beuning
Property address: 11679 89th St NW, Annandale
Sec/Twp/Range: 19-121-27
Parcel number(s): 206062000060

Present: Roger Beuning

Beuning: I am looking at going off the top floor I would like to extend it 12ft along the house. I would not be doing anything to the basement. It would be adding 12ft to the living room and bedroom area. There would be no grading or land movement, only pillars would be added to hold the addition up. The side bluff I guess, the neighbors redid the yard with pavers a few years back to build his property up when he did an addition. There is about 3- 4 courses of block. As far as drainage it is pretty flat so for run off it does not taper a lot, there is a little ledge and the water soaks in easily. There is an area with natural grasses. Height it is just a one story addition, the roof of the addition will be approximately 12" above the current home. The eave's will match the west and east side. Will not have any extra decks or stair cases. Measured before I came it is 16 ft from the block wall to the house. It is going to follow the same line as the existing house so it will not be extending further.

Audience: None

Oleson: We have 2-3 variances; one is the lake set back, bluff set back, it is just the side hill, and the third potentially is the side yard, we do not have a survey so I errored on the side that it may not be meeting the setback. However, it is very possible that it is meeting the side yard setback. I listed it just in case. The bluff is unique since it is to the side not the front of the house. You can see where other homes are in the area. There is a patio below most of what they are adding on to. Impervious is all fine.

Naaktgeboren: The sewer is compliant?

Beuning: Yes, I talked with the County.

Oleson: They would not require a new sewer compliance.

Naaktgeboren: I do not have an issue with the bluff or the side lot line.

Schultz: I'm good.

Smith: I assume that the pillars are going to be out to the end of the addition.

Beuning: I had the Lumber yard draw it up, and they are out to the end. It will need a pretty good header.

Taylor: I have no concern with bluff or side yard. The building to the lake, I wish they would have put more on the survey.

Beuning: As per my discussion with Ben, we had it measured for the OHW mark, which is what was requested.

Taylor: It would be nice to see from the bluff.

Oleson: At that point I asked him to give us the OHW mark since we were unsure what the lake set back to the house.

Taylor: I would prefer it be back a few feet.

Niklaus: Do you agree that the roof slope will it be pushing it more to the side of the bluff?

Oleson: I am not concerned with the erosion issues.

Niklaus: I have no concerns then.

Guck: My question is the soffit on the two ends will not extend any further?

Beuning: Correct.

Guck: I do not have a problem with the 12 ft.

Taylor motion to approve Variance to construct a 12' x 34' dwelling addition no closer than 66 feet from Pleasant Lake (min. 75 ft required), 0 feet from the side of a bluff (min. 30 ft required) and no closer than 13 ft from a side lot line (min. 15 ft required) with the following conditions.

1. The bluff on the west side of the proposed addition must not be disturbed.
2. 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 any areas of disturbance (if there will be any) 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.
3. 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, establishing or maintaining a buffer of native vegetation along the shoreline, 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.

Smith seconded the motion. Motion carried unanimously.

Variance to construct a 20' x 20' dwelling addition 9.7 ft from a side lot line (min. 15 ft required) and that would be attached to a dwelling 29 ft from Indian Lake (min. 100 ft required). The addition itself will be approx. 68 ft from Indian Lake.

Applicant: Joseph Zachman

Property address: 10995 Grover Ave NW, Maple Lake

Sec/Twp/Range: 1-121-27

Parcel number(s): 206029001030

Present: Joseph & Bethany Zachman

Zachman: Bought from grandparent in 2015, I am very familiar with the lake. The plan is to reconfigure and square off the home so that it will be more livable for family life. I understand that the OHW, I am not too concerned with that since the variance from 2003 was towards the lake and we are going back away from the lake. The other part of being 9.7 feet from the side lot line and this was a concern of mine too. I believe you have a copy of the survey, when we scaled this out, we are talking about 2ft x 8ft which is 16 sq ft which is over the 15ft mark. The reason to square that off is to make it simpler and clean looking if we cut that angle off it would create more engineering. The garage itself is beyond the 100 ft mark. We are under impervious. As far as the construction and water drainage, everything from the west goes towards the lake and to the east goes towards the back. The current gutters go towards the lake and we would angle those different and have them go towards the other side. We would use the fill and use for the base for garage. Plans for the new detached garage is already sitting on non-permeable so that should not change. The existing garage will go back to grass. Septic was updated in 2015. I have talked to the neighbors and they are ok with the changes and I do have a few letters from them.

Audience: None

Oleson: Two variances; the side yard and the lake setback is within 100ft even though it is further back than the current house. They are meeting the impervious, they are close but not over.

Taylor: The setback for the detached garage?

Oleson: 10ft and they are meeting that.

Naaktgeboren: The previous 28x32 house in 1976 from the county was denied however, it is closer than that, how did that happen?

Oleson: Not sure. There was a permit issued so the County did approve the permit.

Zachman: The permit I was talking about was the one from 2003.

Taylor: I do not have a whole lot I would like to see the addition closer to the 15ft, however, I understand that it is not quite feasible, as long as that you do not closer to the lake. On the impervious coverage is that with the proposed garage?

Zachman: Yes that does include the detached garage.

Taylor: That means there is no more cement, fire pit etc.

Zachman: We do understand that.

Niklaus: I think you came prepared and I like that you are taking the other garage down.

Smith: I am good with it.

Schultz: Looking at pictures I'm ok with it.

Naaktgeboren: This house was to set up to look out at the lake, with where is the septic it, it looks like is good to go. I would like to say make sure you redirect the water to the east.

Guck: Any question I have is the old garage is that going to be gone?

Zachman: Yes it will come out.

Guck: I do not see a problem.

Smith made a motion to approve the Variance to construct a 20' x 20' dwelling addition 9.7 ft from a side lot line (min. 15 ft required) and that would be attached to a dwelling 29 ft from Indian Lake (min. 100 ft required). The addition itself will be approx. 68 ft from Indian Lake with the following conditions.

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) 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.
2. 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, establishing or maintaining a buffer of native vegetation along the shoreline, 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. All work shall be in accordance with your approved variance application, the plans and sketch submitted with your application (if not inconsistent with the approval) and compliant with the Corinna Township ordinances. If your plans change, please notify us immediately to determine if there are any additional requirements.

Naaktgeboren seconded the motion. Motion passed unanimously.

Variance to construct a 22' x 16' two-story dwelling addition to an existing house currently located approx. 53.7 ft from Cedar Lake (min. 75 ft required). The addition itself will be approx. 72 ft from Cedar Lake.

Applicant: Wayne and Paula Hoistad
Property address: 7330 Isaak Ave NW, Annandale
Sec/Twp/Range: 27-121-27
Parcel number(s): 206068000050

Present: Wayne Hoistad

Hoistad: Back in October we came before the board for a variance to raise the cabin and that is complete. Originally we were going to put a porch on the front (non-lakeside), we added 10x16 area in the basement and were just going to do a porch, now we are asking if we could do a two story addition instead. The side is 12.7 ft right now and that would not change.

Audience: Neighbor - bill burke no issues

Oleson: he summarized it good. The addition itself will meet the setback but because the home does not, there is a need for the variance. The side yard setback was already approved last fall.

Taylor: On the original variance when you came, I do not remember if that extra addition to the basement was part of that.

Hoistad: We were hoping to go all the way across but with the septic we could only do the 10x16 ft. We are just going up from the 10x16 ft space

Naaktgeboren: This will be a bedroom?

Hoistad: It will make the bedroom bigger, not adding any bedrooms.

Naaktgeboren: I do not have a problem with it.

Shultz: Will there be a deck and are we concerned with impervious?

Oleson: We accounted for that last time so no issues.

Smith: I am good with it.

Guck: So will you be coming in again for the deck?

Oleson: That was approved at the last variance and that would be part of the permit process.

Taylor: I do not have a concern.

Niklaus: To bad you could not have done it all at once, I don't have any concerns.

Naaktgeboren made a motion to approve Variance to construct a 22' x 16' two-story dwelling addition to an existing house currently located approx. 53.7 ft from Cedar Lake (min. 75 ft required). The addition itself will be approx. 72 ft from Cedar Lake with the following conditions:

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) 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.
2. 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, establishing or maintaining a buffer of native vegetation along the shoreline, 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. NOTE: The permanent stormwater management plan required by the 2017 variance shall suffice to meet this requirement.

Schultz seconded the motion. Motion passed unanimously.

Variance to construct a dwelling, to be attached to an existing detached garage that is approx. 10.5 ft from a side lot line (min. 15 ft required for a dwelling) and 64 feet from the centerline of a township road (min. 65 ft required). The dwelling itself will be approx. 25.5' from the nearest side lot line and 65 ft from the centerline of a township road.

Applicant: James and Patricia Dearing

Property address: 8910 Ingram Ave NW, Annandale

Sec/Twp/Range: 22-121-27

Parcel number(s): 206023001110

Present: Wayne Dearing

Dearing: We are looking at adding a home to the se corner of the existing garage. When the garage was built in 2003, it is was permitted 10.5 feet from the property line. Permit requirement was only 10ft.

Audience: Joel Vos - I own the property to the side where the garage is and I do not have a problem.

Oleson: Side yard setback is the issue, not sure if the garage meets the road setback, we do not have a survey, but it is close so I added that in there. The addition is going to set back a little bit so the house is going to meet the road setback. So it is just the setback to the NE side.

Taylor: As long as it stays in line and does not get any closer I'm ok with it.

Niklaus: I am good with it.

Dick: I think they are plenty far from the road, not an issue.

Schultz: I'm good with it.

Smith: I am fine with it.

Guck: New septic will be put it?

Dearing: Yes

Naakgeboren made a motion to approve Variance to construct a dwelling, to be attached to an existing detached garage that is approx. 10.5 ft from a side lot line (min. 15 ft required for a dwelling) and 64 feet from the centerline of a township road (min. 65 ft required). The dwelling itself will be approx. 25.5' from the nearest side lot line and 65 ft from the centerline of a township road with the following conditions.

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) 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.
2. 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, establishing or maintaining a buffer of native vegetation along the shoreline, 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. Please note that you are responsible for meeting the requirements of the ordinances and the terms and conditions of your variance approval unless a separate or additional variance from a certain requirement has specifically been granted. This applies even if we have not specifically mentioned a particular requirement of the ordinance or condition of your variance action in this letter.

Taylor seconded the motion. Motion passed unanimously.

Variance to construct a screen porch addition to an existing dwelling approx. 7 feet from the top of a bluff (min. 30 ft required), 53 feet from Clearwater Lake (min. 75 ft required) and 10 ft from a side lot line (min. 15 ft required) on a parcel which has 34.5% impervious coverage (max. 25% allowed). Applicant is proposing a net reduction in impervious coverage.

Applicant: Bob and Karen Elstad

Property owner: Robert and Roxanne Ahsenmacher

Property address: 9777 103rd Street NW, Annandale

Sect-Twp-Range: 09-121-27

Parcel number(s): 206000093203

Present: Bob; Paul Klingbeil

Elstad: My wife and I are potential owners of this property. We want to be able to build a three season porch 13x16 on the north end of existing deck. It is currently 10 ft wide which is a 3ft extension out front and cutting in a small stair access on the south end of the deck, staying within the dwelling area for the setback. The reason for the variance is that the property is already over on impervious coverage and already too close to the lake. We looked at what would not have as much impact and how to impervious coverage. We are proposing a 3-1 ratio for reduction. We would remove the lake side shed/boat house and small pad on the NE corner which is a 94ft reduction in impervious coverage. Therefore reducing impervious rather than increasing. We did look at other options, and looked at making it workable, there were issues with making it longer and narrow with widows. We felt this was our best solution.

Audience: None

Oleson: So there is bluff set back it would be going 3ft closer with an enclosed porch, the deck is currently 10ft wide. They are too close to the lake at 53ft, and too close to the side yard at 10ft. The lot itself is over impervious, there was a variance for garage addition a few years ago for the side yard setback, at that time it was not adding anymore impervious. They are at about 34.5% for impervious. The net increase is the 3ft x 16ft and they are planning on reducing it some resulting in a net reduction.

Smith: I personally think that this property is not meant for any further additions. It is too tight, we are impacting on the bluff and too close to the lake. Even with what you are taking away it will not get you even close to the where you should be.

Elstad: We are taking away from down by the lake. I understand what you are saying.

Smith: I guess my biggest issue is the bluff and too close to the lake.

Schultz: If you were only going the same as the patio I'm thinking I would be fine with it, however, going any closer to the bluff is an issue.

Elstad: So you're saying going only 10ft out?

Schultz: I would be willing to go to the 10 ft.

Naakgeboren: Ben what were the conditions to the variance in 2015?

Oleson: Variance was for being too close to side yard. It was already over impervious with no net increase.

Naaktgeboren: I have concerns that with going out further you are getting further into the bluff and not even sure what the impact will be on the bluff. The thought seems to be if you're adding on to what is already impervious why does it matter. I'm personally against it, you are removing some impervious but not enough.

Taylor: I have a real issue with the impervious, I'm not against the back addition but with going closer to the front you're closer to lake and within the bluff.

Oleson: The addition to the back was prior to this variance request.

Taylor: I understand that. Is there an existing garage towards the road?

Oleson: Looks like there is one.

Taylor: That is too closer to the lot line also. I would be willing to go even with the deck, however, I would ask that more impervious be removed.

Elstad: I just want to be clear, we are a potential buyer and I just want to make sure I am understanding. You passed a variance three years ago with the same amount of impervious coverage, granted it was not as close to the bluff. We are reducing the impervious coverage, however, you granted an addition with no reduction so I am not sure I am understanding. The next issue is the difference between the 10ft vs. 13 ft deep deck and if the 10 ft addition would be acceptable.

Taylor: There are alternatives, where you could ask for it to be tabled and come back with something different. I have an issue being that close to the bluff and the impervious.

Klingbeil: If we were able to put the footings at the 10ft mark and cantilever out to the 13ft, working with an engineer would that be acceptable?

Taylor: You would have to have an engineer to indicate that it could be done and not affect the bluff. I could maybe do the 10ft. You will not be able to add anything to your property.

Elstad: We understand that.

Schultz: The one thing with thing with granting a variance is that it should be a hardship and is there one? And to me there is no necessity that it needs to be done.

Elstad: The hardship is that there not enough space there.

Schultz: You have not bought the property and there is not a necessity for it to be done.

Naaktgeboren: For me you are way too close to the bluff and I can't see building any further out towards the bluff.

Klingbeil: Would you be willing to go with the 10ft x 18ft?

Guck: My thoughts are you're going to have a pitch roof and where is the water going to go? You have no choice but to go towards the lake.

Elstad: The house is guttered and it has the down spouts and we would tie into those gutters.

Guck: I see that you are trying with removing some of the impervious but you are getting too close to the lake that I feel is not ok.

Oleson: I am estimating since we do not have a survey. The existing is about 10 ft from the bluff and they are requesting 7ft.

Guck: I have an issue with getting any closer to the bluff.

Klingbeil: There would not be any landscaping or digging.

Taylor: I do not see any permits for the garage by the road and the deck was it there?

Elstad: I believe it may have been part of the original cabin, many years ago.

Oleson: It may have been before permits. I just have the 1979 house and the attached garage.

Niklaus: I think there is a strong message that we cannot go any closer to the lake. It is too bad they have lots that are this small. You may want to think long and hard on this one. I don't think anything is going to happen closer to the lake.

Elstad: I have heard you say that we need to stay within the 10ft deck is that going to be ok.

Taylor: I'll be honest I am not found of it at all. The deck was enough being that close. I think any building there would impact the bluff.

Niklaus: Can we require that they reduce the impervious?

Oleson: We can do that. Same with requiring a reduction in the size.

Guck: I am not sure if you revised your plans if we would have enough to be in favor. I am not in favor of it at all. You're too close to the lake and the bluff.

Smith: I would be a no.

Naaktgeboren: I would be a no too.

Guck: I don't know if you would get the approval at a future date.

Elstad: I would say let's not extend it, like I said we are potential owners.

Klingbeil: To be sure what you are voting on is that you would not allow a 10x16 addition?

Oleson: You will need a motion to deny, or a motion to approve a 10x16 or 10x18.

Smith make a motion to deny the variance to construct a screen porch addition to an existing dwelling approx. 7 feet from the top of a bluff, 53 feet from Clearwater Lake, and 10 ft from the side lot line on a parcel which has 34.5% impervious coverage. . Schultz seconded the motion. Motion passed unanimously.

Smith made a motion to approve the February 13, 2018 meeting minutes. Naaktgeboren seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

- Permits

- Correspondence

- Actions

- Findings of Fact – Previous PC/BOA Decisions; Tabled

Oleson: I have a few items I would like your thoughts on. Rick Riesgraf on Sugar Lake, bought the house next to him you can see from the topography there is a hole in the one area and would like to add fill in another area to take care of some ponding issues. He has the opportunity to get some fill for free, he is looking at approximately 200 yards. The question is before we go any further was one thought it would the township consider putting a ditch to deal with drainage he is concerned about how much water sits there and he is getting all the water from the neighbors. I thought I would bring it up to see if anyone knows anything about that. Board felt that the water has always gone there and it is the lowest area, concern would be that if they fill it in where would the water go- It is too low to put a culvert in and water would be running across the road. The issue is that people have filled it in when they should not have.

The other one has to do with a boat house; there is a question as to the height of the boat house. Normally when we have something built into the hill we measure on the uppermost side of the slope and that we is how we do it on a house. The building inspectors questioned this one and indicated they measure from the floor to the peak on boat houses. The question to you is should we follow what Wright County is doing, or since this is an interpretation of the language should we handle the same as we do homes? The 10ft height restriction comes from the DNR and according to the DNR this boat house would be fine, however, the County is being more restrictive. The board felt that we should follow the same guidelines as the County.

Other Business

- Discussion - Erosion protection requirements and enforcement

- Review of previously granted variance requests (if time allows)

Smith made a motion to adjourn. Schultz seconded the motion. Motion approved unanimously at 8:47pm.