

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
September 11, 2018
7:00 PM

Guck called meeting to order at 7:00pm on September 11, 2018

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

Absent: Barry Schultz, Larry Smith

Others in Attendance: Larry & Lanette Olson, Mike & Vicki Zieska, David Fitzsimmons, Jerry MacMillan, Darin Henson, Kerry Henson, Joy Carlson, Lee Freiberg, Brian Dorsher, Andrew & Cheri Fink, Darwin Hoffman, Bernie Miller, Rodney Kruse

Additions or Deletions to the Agenda: Taylor made a motion to approve the agenda. Arendt seconded the motion. Motion approved unanimously.

Public Hearings

Requests related to the replacing of a 12' x 52' trailer home with a 14' x 50' manufactured home (with crawl space) and the replacement/expansion of a 10' x 16' 3-season porch with a 10' x 32' 3-season porch. Variances required include placement of a home approx. 30 feet from the ordinary high water level (OHWL) of Indian Lake (min. 100 ft required), approx. 41feet from the centerline of a township road (min. 65 ft required) and the expansion of a dwelling on a home served by a holding tank.

Applicant: Larry Olson

Property address: 10553 Grunwald Ave NW

Sect-Twp-Range: 12-121-27

Parcel number(s): 206060000080

Present: Larry Olson

Larry Olson: I would like to put in a house to replace the trailer house.

Ben Oleson: Request is that they have trailer house on there now they would like to put in a new slightly larger one. Current one is 12x52 the new one is 14x50. They have a screen porch that is 10x16.5 the new one 10x32. Not any closer to the lake but longer. The open deck that is there would be removed. Variance is for the lake setback. They are only about 27.5 ft from the lake, which is further 17 feet that the deck is now. The impervious is fine, they will only be 41 feet from the centerline of the road where 65 feet is required. The one thing that has come up now is that the land behind him has been sold and there is some talk that they may be interested in selling some of the property in order to move the road back. However, it is not guaranteed to happen. With that being said they would like you to continue to act on this since that is an unknown at this time.

Olson: If they are going to sell some land we would like to buy and move the house back, along with putting in a septic system rather than the holding tank.

Dearing: I am going to meet with the new land owners Friday night, we are proposing they sell 120ft. We would vacate the 66 ft road that is there and the new road would go within the 120ft. They would gain approx. 120ft on their lot for depth.

Niklaus: How does this differs from the one that is asking to be tabled?

Oleson: That one is below the OHWL, this one is going to be above the OHWL.

Niklaus: Elevation is nice would be nice to get you a little further back if possible.

Naaktgeboren: As far as building on the same foot print you can do that right?

Oleson: It is a slight expansion from the original foot print that would need approval.

Naaktgeboren: If the new road does go through, would you move it back?

Olson: Yes we would move back and not need a variance.

Oleson: That would be something to discuss if he was granted the variance tonight and then the road got moved and you still needed a variance then you may have to come back in again, the alterative would be to table it and waive the time line to make the decision.

Olson: I want to move forward on this one at this time.

Naaktgeboren: If you want a variance the RV has to be gone.

Olson: It is gone.

Guck: You do not have room for septic?

Olson: Correct, I have checked with a septic guy and it can fit on the lot.

Guck: I am good with it. You are moving it further back.

Taylor: I am glad you are moving back, just making sure you are having it pumped.

Arendt: With the holding tank you need to keep it at a 2 bedroom so if the road goes back and you expand to a 3 bedroom you would have to go with a full septic.

Olson: The plan is for a 2 bedroom and if the road goes through we want a full septic.

Arendt: I'm fine with it.

Taylor: Is it going to be a hassle if they expand on a holding tank.

Oleson: They will need a variance for that too.

Naaktgeboren made a motion to approve Variance for the placement of a 14' x 50' home approx. 30 feet from the ordinary high water level (OHWL) of Indian Lake (min. 100 ft required), approx. 41 feet from the centerline of a township road (min. 65 ft required) and the expansion of a dwelling on a home served by a holding tank 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.

Taylor seconded the motion. Motion passed unanimously.

Lot line adjustment to increase the lot width of a parcel from 25 feet to 100 feet and size from approx. 9,324 sq ft to 36,240 sq ft. Other lot to be reduced from approx. 295 ft in width to 230 ft and in size from approx. 97,980 sq ft to 74,469.

Applicant: Andrew and Cheri Fink

Property address: 10501 Kimball Ave NW, Annandale

Sect-Twp-Range: 8-121-27

Parcel number(s): 206093000110

Present: Andrew & Cheri Fink

Fink: My grandfather bought lots 11, 12 13 & 14 then my dad bought another 25ft. Lot 13 & 14 have no structures on them and would like to make it a buildable lot. We would like to make the adjustment on the Far East side so we would have a 100ft wide lot.

Oleson: One lot is just 25 ft wide, they would like to enlarge the 25ft lot to be 100ft. They have two parcels now with the one only being 25ft. They would end up with two parcels in a different size shape. Normally to create a new lot today it would have to be 150ft in size, they are asking to be a 100ft wide. There is platted road, however the township does not maintain it, one of the questions is how this eastern lot would be accessed.

Fink: I think it could be accessed by either side. The one on the west has essentially been used as our driveway. On the East I am not sure where it comes in.

Dearing: We turn around on top of the hill on the East side and it is an easement road. There is no maintained road on the East side.

Fink: We maintain it as our driveway at this time, the township does not currently maintain where the new lot would be.

Oleson: On the west side there is a platted road, however, on the East side there is not platted road only an Easement on the East side.

Audience: Lee Friberg: I'm east of the property they are talking about. I asked if I could put a road in, it is a driveway type road. Bigger trucks cannot get in there and it can support garbage trucks along with the fact that I am paying to take care of it and I do not want traffic through there.

Dearing: My thought is that if it is split off they would have to create a road down there from the west so that we could turn around and maintain it.

Fink: Why would they need a full road down there, could it not be kept essentially a private drive? They do not maintain it now.

Niklaus: The request is to change the lot line, do we put conditions on this as far as the road or does that get done later with the request to build.

Oleson: Right now it is a 25ft wide parcel which is not buildable, so the difference is that it would be buildable so that question does need to be answered. You could say that the buyer is responsible to get a driveway in there since there is a platted road. If they would request for the township to take over the road then they would be responsible to bring it up to standard.

Niklaus: So is that a question at the time of sale? Our question is are we ok with the lot line adjustment?

Oleson: I think it could happen later. The main question is if you want to have that resolved prior approving a lot line adjustment.

Fink: If someone buys the lot, at that point we would have to find out where the road is going to come in there.

Dearing: You could put a condition on the approval that a permit is not issued unless a road is established.

Guck: If someone builds a house they would have to make sure they can get in there.

Taylor: I do not have a problem with it other than your neighbor sits right on your lot line.

Fink: That has been rebuilt.

Taylor: You should then get the survey redone. Other than that I am ok with it.

Arendt: I am fine with it. You will just have to figure out where to put the road/driveway when you go to sell it.

Guck: I am good with it.

Naaktgeboren: I am fine with it, I'm am just concerned that they need to make sure they can get access to the property.

Niklaus made a motion to approve lot line adjustment to increase the lot width of a parcel from 25 feet to 100 feet and size from approx 9,324 sq ft to 36,240 sq ft. Other lot to be reduced from approx. 295 ft in width to 230 ft and in size from approx 97,980 sq ft to 74,469 with the following conditions:

1. That any issuance of a building permit on the east parcel (as adjusted - to be 100 feet wide) shall provide sufficient evidence that the parcel has access to an improved public road.

Arendt seconded the motion. Motion passed unanimously.

Requests relating to the construction of an 8' x 11' addition to the existing dwelling and the replacing of the roof over the entire dwelling. Approvals required include variances to construct a 8' x 11' dwelling addition on a home served by a holding tank and located approx. 6 feet from the ordinary high water level (OHWL) of Indian Lake (min. 100 ft required) and the addition of a loft/replacement of roof above a dwelling currently located partially below the OHWL. Both additions to be approx. 15 ft. from the right-of-way of a township road cul-de-sac (min. 25 ft required).

Applicant: David FitzSimmons

Property address: 11032 Guildner Ave NW, Maple Lake

Sect-Twp-Range: 1-121-27

Parcel number(s): 206047001080

Present: David Fitzsimmons I am working with DNR on some issues that have come up. Would like to table until we get those worked out.

Taylor made a motion to table the request. Arendt seconded the motion. Motion passed unanimously.

Request to rezone an approx. 25.38 acre parcel to be split from a 30.63 acre parcel from General Agricultural (AG) to Agriculture/Residential (A/R). The remainder 5.25 acres to remain zoned AG.

Applicant: Mike and Vicki Zieska

Property address: None
Sect-Twp-Range: 10-121-27
Parcel number(s): 206000102401

Present: Mike & Vicki Zieska

Zieska: Would like to keep so that it is not high density on the lake and leave that more natural. I took it out of farm land a few years ago. The 5 acres is pretty hilly so would keep that as it is.

Audience: Jerry Henson: We want to know how that affects my property. Would the whole lot be rezoned and understanding how many building entitlements it would have.

Dearing: If it is not in the land use plan I am not for it since the last two were turned down.

Oleson: Currently the property is zoned AG and the request is to keep approx. 5 acres AG which is the entitlement split, and rezone the rest of the property AR which would have one home right or a max of 2 homes if they decided to split the remaining parcel. According to the zoning map, what is green is Ag Res, which is across the road and the current property in question is all zoned AG. In the county's future land use plan it is listed to stay AG. In the Township Land Use we allow for this in a cluster type which keeps home close together and leaves the rest for open. I talked to Sean Riley regarding this one, the process goes to here to the town board to the county and they have the authority to ultimately approve or deny. Sean indicated that in this case it is lakeshore and they are trying to discourage back lot development, so they are more flexible with lakeshore.

Zieska: Can you put on there a stipulation that it can only have one home.

Oleson: You could, however, not sure that would hold up since you are coming just for the rezoning.

Taylor: Everything across the road to the east are one home per parcel?

Oleson: Yes they are all 10 acre minimum lots with one home per parcel.

Niklaus: Is Sandy a Natural Resource lake?

Oleson: Yes it would be 200ft lake set back.

Dearing: So is there a building entitlement?

Oleson: Yes it has one building entitlement. When the property was broken up it had five entitlements, one entitlement was placed on this property.

Taylor: I am looking at what the comprehensive plan allows, however, in encourages cluster style rather than large lots. I don't understand why your keeping 5 acres as AG and the rest develop?

Zieska: I would like to get a building entitlement on the bigger piece it has to be zoned that way.

Oleson: The first thing we looked at rezoning the 5 acres, however, when we talked to the county they felt this was more consistent with what the county is looking for. They would use one entitlement with the 5 acres. Once it is rezoned AR there are no more entitlements. It would go by what is allowed in AR zoning district. We can't guarantee it can't be more than one lot, however, they would have to go through the subdivision process in order to split it again and the most they could have is two. You could say that there is technically not enough road frontage to get two lots.

Arendt: It seems our job tonight is to either approve or not and then it would go to the town board and then they have to go to the county.

Oleson: Correct and in speaking with the county this property is in the future plan as AG, however they are more open to this change since it is in shoreland. However, it is up to you as a plan board. This is only for re-zoning.

Zieska: If you wanted to subdivide you would need 300 ft of road frontage per lot and there is only about 400-500ft with a lot of wet lands so not probable.

Niklaus: John you said that the Township does not have a land use plan that allows for that can you explain that a little more.

Dearing: The other side of the road was put in the land use plan, the west side was not.

Oleson: (Oleson pulled up the land use plan)

Niklaus: You have some land that was not productive so you would like to make some use of it.

Zieska: We do not want it to turn into multiple lots, our intent is to have just one lot on the new rezoned piece of property.

Niklaus: If we are endorsing we have no voting rights correct?

Oleson: You can make a recommendation, however, the county will have the final say.

Naaktgeboren: I'm confused it indicates in information that they are going to subdivide?

Oleson: No, that is an error on my part, they are not requesting to subdivide only rezone for one parcel to be AR and one to stay AG.

Naaktgeboren: I'm looking that if you do subdivide the most you could have is two.

Zieska: The perfect building spot is towards the back, so you would have to have a long driveway to miss the wet land. I do not plan on subdividing the larger lot.

Oleson: They have to have 300ft along the township road, or they would have to build a road back in there to township specifications before the township would take it over.

Taylor: If we did say ok to rezoning, as it stands they would have one entitlement.

Oleson: If you said ok to the rezoning, then the 5 acre piece would have one entitlement. The back lot could have one home on the parcel unless they asked to subdivide the parcel.

Guck: My only concern, do we set a precedence and there will be others that will want to do this.

Zieska: I am looking at because it is a lake.

Naaktgeboren: There are lots to the north that go to the lake.

Guck: Are they all AG?

Oleson: Pulled up the parcels and they are all AG.

Naaktgeboren: I look at with Rachel that has asked for it on lakeshore and it was turned down and a few months ago it was turned down by the county.

Zieska: I did sit with Riley and he did said that this had some logic to it.

Naaktgeboren: This is an environmental lake and we should be keeping it natural and do we want another building site.

Zieska: The reason we took it out of farming is that the run off would be cleaner running to the water.

Arendt made a motion to recommend the approval to rezone an approx. 25.38 acre parcel to be split from a 30.63 acre parcel from General Agricultural (AG) to Agriculture/Residential (A/R). The remainder 5.25 acres to remain zoned AG. Guck seconded the motion.

Niklaus: This could create two buildable lots?

Oleson: That is correct, but someone could come in for a subdivision for the 25.38 acre parcel, which would have to come through the planning commission.

Motion to approve failed with 2 in favor and 3 against: (Taylor, Niklaus, and Naaktgeboren opposed)

Naaktgeboren made a motion to recommend denial to rezone an approx. 25.38 acre parcel to be split from a 30.63 acre parcel from General Agricultural (AG) to Agriculture/Residential (A/R). The remainder 5.25 acres to remain zoned AG. Taylor seconded the motion.

Oleson asked for clarification on the reason for the denial.

Naaktgeboren: I am looking at the county has done in the last two and why we have been sent to them when they are not in the land use plan for either the county or the township. Also, that in the zoning it talks about it being in a natural sensitive area.

Zieska: I feel that what the county has done in the past should not influence your decision.

Naaktgeboren: I am still sticking with it not being in the land use plan and until that is changed I am not for it.

Zieska: I just want to make a point that I am trying to do what is best for the land and lake by not having it farmed and keeping it grass.

Naaktgeboren: I would recommend getting the land use changed.

Niklaus: For me is that there is a chance to have 3 lots.

Motion passed to recommend denial 3 in favor and 2 against. (Guck & Arendt opposed)

Requests related to the construction of an entryway and attached garage with living space above to replace an existing detached garage. Approvals required include variances to construct additions to an existing dwelling located approx. 27 ft (min. 75 ft required) from Clearwater Lake (additions themselves to be approx. 56.7 ft from the lake) and 8 ft from a side property line (min. 15 ft required). Structure to be constructed without fill to the required flood elevation at least 15 feet in all directions.

Applicant: Jim and Laurie Muehlbauer
Property address: 11171 107th St NW, Annandale
Sect-Twp-Range: 7-121-27
Parcel number(s): 206034000100

Present: Bernie Miller, Darwin Hoffman

Hoffman: What they wanted to do is replace the garage with the room above it. After talking with Ben we realized that we would not be able to expand that garage so we came up with the idea to attach it to the house.

Audience: none

Oleson: Variance is the side yard at 8ft instead of 15ft, the existing garage is a little further way and a little closer than the house, road is fine, the aspect is this is the lake setback is approx. 27 ft from the current house, however the addition would be 56.7ft from the lake. Also, there is the flood plain so this would have to be elevated a little, there is also a requirement for the 15ft around the building and they are requesting to not have to do that on the one side.

Miller: They would fill to the two sides just not the one. If we did do that all the drainage would go to all the neighbors. We should be able to have a little swale to keep the water away from them. The house sits on a ridge and slopes down towards the road, to raise a garage up

that is attached does not really work. We can get to 997 we can do that, the existing house is 999.3 it is dropped down a little from the existing.

Naaktgeboren: what is the current garage?

Miller: It is about 995 or 994. In order to get the driveway it takes about 100 yds. Of fill to get up to the 997 along with the fill around the perimeter. If we do not have to the one side that will give us an opportunity for a swale.

Taylor: In the application it indicated it would be constructed without fill?

Naaktgeboren: Will they need a CUP?

Oleson: We exempt the driveway and the house from those calculations. The garage is not in alignment with the house, it is coming closer to the lot line than the current house.

Miller: If you look at the house plan and some of the issue is the drainage between the house and the mound system. If you pull that back 7 ft all the flow will move to over the tanks.

Taylor: How about getting closer maybe 4 ft? I have an issue with the 8ft.

Miller: Possible but with the drainage there is some issues with the design. (Miller reviewed the plans with the board)

Niklaus: What complicates this is it the neighbor or getting around the house.

Taylor: Were getting away from what our set backs are and 8ft you can't get a vehicle around it.

Guck: I am surprised neighbors were ok with it.

Hoffman: They are fine with it.

Naaktgeboren: I am having a problem with the 8ft, I am thinking that you will never get around to the well if something would go wrong. There are ways to get it moved over with the design. Maybe you can put the mech. In the garage. I agree move it over at least 4 ft. Is there a new sewer going in?

Miller: The system that is there is fully compliant and good for a 3 bedroom.

Arendt: I agree that the 8ft is too close.

Guck: Mine was the lake setback, you are adding on to the house. The setback is 75 ft and the addition is only 56ft.

Miller: I am not sure if they can make it work but what if we get to 10ft? 10ft where they would be at with a detached.

Naaktgeboren: I am thinking if you can go over 4 ft with moving a window over or eliminated.

Miller: I don't think the upper level will work if we move it over 4 ft.

Taylor: I could agree to 3ft but prefer 4ft.

Hoffman: Would you go for 2ft?

Taylor: No

Oleson: Your options are to table it to see what you could do or you could approve it with something different then requested.

Miller: If we move over to 12 ft and now we have to put utilities in the garage could we move closer to the road.

Taylor: I do not have an issue with that.

Niklaus made a motion to table the request. Dick seconded the motion. Motion passed unanimously.

Naaktgeboren made a motion to approve the August 15, 2018 meeting minutes. Arendt seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

Permits

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

Oleson: Westin Nelson on 108th street, he is asking two things. One is they want to eliminate a driveway, it would be more impervious but still under the 25% limit. So the question is that there was a CUP relating to this driveway so are you ok with that shifting around?

Naaktgeboren: Will it be more fill than there is already allotted?

Oleson: I would have to ask them that. The other question is can they extend the CUP beyond the 6 month time frame.

Naaktgeboren: I do not have a concern to change the driveway, however, I'm concerned with the amount of fill. I would like to know if they are already over. Just wondering if they are going to have to taper it?

Dearing: What is the elevation of the garage floor?

Oleson: About 1011. Usually you exempt fill for a driveway, however, this is a little more than the ordinary driveway.

Board felt that if he stayed with the same amount of fill that was allowed and stay under the 25% impervious they are ok with extending the CUP.

Other Business (comment with the land use plan do you want to put it on the agenda and see if the town board to make the decision)

Guck made a motion to adjourn. Taylor seconded the motion. Motion approved unanimously at 8:57 pm