

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 13, 2019

7:00 PM

Smith called meeting to order at 7:00pm on March 13, 2019

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

Absent: Al Guck, Barry Schultz

Other in Attendance: Bernie Miller, Joe Niznik, Hal Biel, Isaac Miller, Lyle & Maxine Stueven, Dan Rogers, Brenan Dillon, Lester & Jeannine Wurm, Pat O'Keefe, Kim Wurm – Ogilvie, Raymond Weiss, Daniel Verdick, Winny & Kurt Thielen, Keri Mader, Karl Tsuchiya, Penny Bartzen, Brian & Judy Dahlberg, Tony Biel, Rob & Karen Elstad, Kristin Fahey, Terry Steinbach, Mary Steinbach, Jamie Pederson, Ryan Pederson

Additions or Deletions to the Agenda; Naaktgeboren made a motion to approve the agenda as presented. Niklaus seconded the motion. Motion approved unanimously.

Public Hearings

(Tabled from February 2019 meeting) Requests related to the construction of a 2,743 sq ft two-story dwelling/attached garage and open deck to replace an existing single-story 897 sq ft dwelling. Approvals required include variances to construct a dwelling approx. 50 ft from Clearwater Lake (min. 75 ft required), and approx. 20 feet from the top of a bluff (min. 30 ft required).

Applicant: John F. Bartzen Jr.

Property address: 11535 103rd St NW, South Haven

Sect-Twp-Range: 7-121-27

Parcel number(s): 206092000100

Present: Bernie Miller & Mary Bartzen, Brandon Scheuble

Miller: Last time we were here we were trying to attach the home to an existing structure as an addition. We have redesigned a new home, this house will be a partial walkout on the lake side. We were able to get the house back to 56ft and deck at 50ft. They would convert the existing part with the basement to a boat house, tearing off the rest and have a deck on top.

Oleson: Bernie summarized pretty well, you asked for at least a 45 ft lake setback instead of 26ft which was originally asked for and to get to 20 feet from the bluff which they did, they also eliminated the side yard setback. Septic tank will get moved and meet all the required setbacks. House was redesigned but is the same concept.

Miller: The way the deck is situated it sits on existing foundation.

Oleson: I did check with the County on this and they said that is fine.

Audience: None

Arendt: When we met last month we asked them to do two things and they did what we asked. I am good with it.

Niklaus: I do not have a problem with it.

Naaktgeboren: will the existing deck stay?

Miller: No, it will all be gone.

Bartzen: Because we are going to be in this house a really long time, if there are mobility issues what is the process to designing an access to get to the lake? Would we do this again?

Smith: It will depend on what you are planning to do and would have to take a look at it at that time. I am good with the current design.

Arendt made a motion to approve variance to construct a dwelling approx. 50 ft from Clearwater Lake (min. 75 ft required) and approx. 20 feet from the top of a bluff (min. 30 ft required) 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.

Niklaus seconded the motion. Motion carried unanimously.

(Tabled from February 2019 meeting) Requests related to the adjustment of lot lines between two parcels. Approvals required include a variance to place the adjusted lot line approx. 11.5 feet from an existing cabin (min. 15 ft required) and approval of a lot line adjustment involving nonconforming lots in a shoreland district.

Applicant: Karl Tsuchiya

Property Owner: Harold W & Cheryl A Biel

Property address: 10561 120th St NW, Annandale

Sect-Twp-Range: 5-121-27

Parcel number(s): 206000052102

Present: Harold Biel & Karl Tsuchiya

Karl: Back in December 2015 the lot line adjustment was done incorrectly. The idea is to go back to the original lot line before the December 2015 adjustment was made. My client owns both parcel A & parcel B.

Biel: This is basically where it was at in 1977 when we purchased it.

Oleson: The hand out in front of you are the revisions showing the impervious coverage for each one. Parcel A is at 22.7% for impervious coverage which is under the 25% maximum. Parcel B is at 15.3% which is accounting for the building that used to be there. Any further building would be subject to the 15% building and 25% impervious coverage. It is mostly about not creating additional issues. We did receive the survey.

Audience: none

Niklaus: I do not have an issue with it.

Naaktgeboren: Will parcel B be sold?

Biel: We are planning on selling parcel A with the option to purchase parcel B.

Naaktgeboren: Will parcel B buildable?

Oleson: It may be possible, however it may need variances.

Smith: Looks like Parcel B becomes a lesser value with the chance that it is not buildable.

Oleson: There are some issues with selling non-conforming lots, however, for now this is just a lot line adjustment.

Naaktgeboren made a motion to approve lot line adjustment. Niklaus seconded the motion. Motion approved unanimously.

Request related to the separation of a nonconforming platted lot of record from an existing parcel containing multiple parts of existing platted lots of record and the construction of a new dwelling and detached garage on the separated parcel. In separating the lots, the applicant would adjust the lot lines from the original platted boundaries so as have an existing garage ~~more closely~~ meet the minimum required 10-foot setback from a side property line. Approvals required include a lot line adjustment; variances to allow development of a nonconforming lot of record not suitable for a Type I sewer system, ~~to construct a 2,024 sq ft detached accessory building (max. 1,400 sq ft allowed),~~ to have approx. ~~2,600-2,700~~1,972 of combined accessory building (max. 1,600 sq ft allowed), to place a septic drainfield approx. 10 ft from an existing garage (min. 20 ft required), ~~to allow an existing garage to be located approx. 8-9 ft from a side property line (min. 10 ft required),~~ and to allow a lesser amount of fill around a proposed dwelling and detached garage than what is required by floodplain regulations; and a conditional use permit to move more than 50 cubic yards of material in a shoreland district.

Applicant: Kurt and Edwina Thielen

Property address: 10756 Lawrence Ave NW, Annandale

Sec-Twp-Range: 7-121-027

Parcel number(s): 206034000160

Present: Kurt & Edwina Thielen, Bernie Miller

Thielen: We purchased this property and the septic is non-compliant so we need to get a compliant septic. In doing so we wanted to make sure that the septic is in the right spot so we thought we would do this all at once. We would like to keep the existing garage which is 99 years old and it is still in good shape. The second thing is that we are planning to rebuild this fall and we would like to keep as many large trees as possible. Instead of building a large house and an attached garage which would result in having to cut down about five or six large trees. We would like to remove the attached garage and keep the existing garage which puts us over the 1,600 sq ft. What we are looking for is to go over the 1600 sq ft for accessory building, and

we will need to move some fill, and we would like to cut down on the amount of fill around the dwelling which again will affect the trees if we have to go out 15ft.

Miller: I think that Kurt has worked harder than most people on planning this out. We have been working almost a year now. This goes back to the separation of the lot which was already approved. After that he decided to this instead of subdividing them. The septic system does change because of the floodplain it is really hard to do this without having a plan for the house. It misses the floodplain by inches. In order to do this we have to meet the flood elevation and the DNR requires 15ft, we are asking to reduce the fill and only go 5 ft to save the trees, which is allowed by FEMA. We have worked though this to make it work best we could.

Oleson: There are number of challenges, most of the time were dealing with the lake that is not the case here. He is meeting all the lake setbacks. I has more to do with the floodplain being over on the accessory structures. There was a comment from soil & water regarding fill in the floodplain, DNR said they are looking changing rules and in some ways they would prefer to not have any fill. What they are asking for is to only go 5ft. The set back from the drainfield to the existing garage is 10ft it is not uncommon to grant that administratively.

Miller: I have received information that it would be 20ft from an occupied structure and this is not an occupied structure. I could move it, however, with drainage it works better where we have it laid out.

Oleson: They have reduced the size of the proposed garage to reduce the number of variances. Talked about shifting the lot line adjustment in the upper corner so that it would meet the setback requirements to that garage. There is the other lot on the other side and that is the lot line adjustment so that it meets set back. The limits on detached accessory buildings is based on your lot size so they are falling into the 1600 sq ft because they are just under an acre. Their lot is almost an acre. If it were over an acre it would be 2400 sq ft for accessory buildings.

Audience: None

Naaktgeboren: Why not change the lot line to get to an acre?

Miller: We did talk about that. The other lot can have a type one system and the only spot is adjacent to that garage. If you take any property away from that lot you cannot take it away from the lakeshore you have to take it from the back. So if we take away form that lot you remove the possibility of having a type one septic system. We have to put the sewer in the highest spot since we are in the floodplain. The ability for this lot to be split is that it meets all the requirements. The fact of what is required is that you need to have the ability to have a type one system.

Oleson: The reason that lot 16 can be sold separately is that it is 100ft wide. Where are you saying the sewer would be?

Miller: You could get a type one sewer in on the back side of the lot.

Oleson: So the lot has to be 100ft wide, 20,000 sq ft, with a type one septic. You could approve it via variance to not be 100ft to be sold.

Miller: You could get a septic on it no problem, however, you're trading one variance for another, I guess that is up to you.

Naaktgeboren: Another question is how much fill are you looking at?

Miller: We need to get up to 996.7, if you follow that we are looking at about 2.7 ft on the detached garage area and 2ft average for the house.

Arendt: You want to keep the garage in the corner what for?

Thielen: Right now we keep are lawn equipment and work shed. It's a cute little building and there is room for one car in it.

Niklaus: The floodplain issue, I understand with the septic system itself, but what is it about the 15ft?

Oleson: It is not a federal rule it is a state rule that was added. I think there are two things one is protect the foundation in a flood and the other is supply compete access to the building. Several years ago I talked to the DNR and it is somewhat defeating the purpose of trying to minimize fill. They really do not oppose variances and they are looking at making changes.

Miller: We are keeping the 15ft on the road side. So it will meet it on the access side of both the house and the shed.

Smith: What is the estimated amount of fill?

Miller: We estimate it at about 600 cu yards.

Smith: That is a lot, is that doing the 15ft or is that cutting it back?

Miller: That's cutting it back.

Naaktgeboren: If we do the 15 ft you're putting water on someone else. So it comes to how do you contain your own water.

Miller: So the way we have the proposed contours as indicated by the shade of green, this allows us to collect that drainage. You would not have much water sit since it is pure sand. We did look at all the drainage and it does do a good job of keeping off the neighbors and away from the lake.

Smith: I have no issue with the 10ft sewer setback; Type 3 system is not an issue; my concern is the accessory structure. I think we either have to 1600 sq ft or make the lot line adjustment to get you to the one acre.

Thielen: The strange thing about this is that the ordinance allows me to put on a 900 sq ft attached garage, along with the 1600 sq ft detached. However, I don't think that is in the best interest of the lot. I think a variance is to do what is best for the lot vs what is what the code is. It is ironic that I can put more building coverage by taking down trees and having more impervious coverage which is not the best thing for the lot.

Smith: I think you have a valid point, however, we have guidelines we have to maintain.

Naaktgeboren: The issue is that we say yes to you and we set a precedence.

Thielen: I understand the precedence, however, for every variance you make a decision that is best for the lot and the neighbors. I feel that we are doing to retain the water and to retain the trees is what is best for everyone.

Smith: Your point is well taken.

Naaktgeboren: I agree, that is why I asked if there was a way to get to an acre?

Oleson: They will need about 1500 sq ft to get to an acre. The lot is about 300ft long.

Smith: if you started at the lake and angled 10ft adjustment line would that make it?

Oleson: That would potential run into the issue of getting to 100ft on the lot.

Smith: what if you create a tringle and go down to zero at the end.

Miller: So if you go out 5ft on the back and go down to zero at the lake you will get to 1500 sq ft.

Oleson: If you are approving that as part of your variance then you would be ok.

Smith: That way you eliminate that variance.

Thielen: So in the event you approve it similar to that would you be opposed to allowing the lot line adjustment provided it meets the 10ft setback to the garage and it gets us to an acre and leave us the flexibility to how we get there? That way if the DNR says it is ok to go with the 75ft at the lake we may adjust it there? We were just trying to give the other person more room.

Smith: I would like to see you try to limit the amount of fill as much as possible. I would like to see it under 600 cu yards.

Miller: We will keep it down as much as possible, we do not need to go out 5 ft from the building if you are ok with that.

Oleson: The state does allow for alternative methods to fill. I think we did this a few years back that had built a stub out from foundation and put the fill on the inside and not on the outside of the foundation.

Miller: We could fill it around the house but we could go less than 5 ft and it would make a pretty big impact. However, we cannot lower the building.

Smith: I think it would be a plus if we can get rid of some fill.

Niklaus made a motion to approve Lot line adjustment reducing the size of Lot 16, De-O-Na-Ga-No Point and attaching that portion to Lot 17 and part of Lot 18 of De-O-Na-Ga-No Point, allowing for separate sale of the reduced-size Lot 16 and the increased-size Lot 17/part of Lot 18. Variances to allow development of a nonconforming lot of record not suitable for a Type I sewer system, to place a septic drainfield approx. 10 ft from an existing garage (min. 20 ft required), and to allow a lesser amount of fill around a proposed dwelling and detached garage than what is required by floodplain regulations. Conditional Use permit to move more than 50 cubic yards of material in a shoreland district. With the following conditions:

1. That the reduction in the size of Lot 16, De-O-Na-Ga-No Point be such that no decrease in the width of Lot 16 occur at the shoreline.
2. That the increase in the size of Lot 17/part Lot 18, De-O-Na-Ga-No Point be such that the resulting lot size is at least one (1) acre.
3. That the lot line adjustment result in a setback between the existing garage in the NE corner of Lot 17 be no less than ten (10) feet.
4. No more than 600 cubic yards of fill.
5. 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.

Smith seconded the motion. Motion carried unanimously.

Requests related to the construction of a 12' x 20' 2-story four season porch addition to an existing dwelling. Approvals required include a variance to construct a dwelling addition approx. 58 feet from Sugar Lake (min. 75 ft required) on a dwelling that is currently located 10.9 ft from a side lot line (min. 15 ft required).

- i. Applicant: Michael and Keri Mader
Property address: 11046 Hoyer Ave NW
Sect-Twp-Range: 2-121-27
Parcel number(s): 206066000300

Present: Kari Mader

Mader: We are looking to add an outdoor like space to increase the enjoyment of the lake. It would have windows on two sides. We would extend the current roof line and use the same materials as the rest of the house so it would not change the look of the house from the lake. There was some mention of the possibility on the west side. However it was noted it may not work with the layout of the house. That is true, the only access would be to add a door behind the dining table is and there a fireplace vent on that side, and a mature tree about 10ft from that side of the house.

Oleson: This is the house that they would be adding on to. If you look at the survey, the lake setback they are not needing is to part of the house, there is water on three sides. Looking at photo that is portion that would not be met and it is about 60 ft from that point and then it would be added onto the house which is not meeting the setback, the addition itself will meet the setback. One comment from soil and water asking for an effort to manage storm water.

Audience: None

Arendt: In general I am in favor of it, the comment from soil and water saying they should be careful the sediment going down to the lake and having erosion control by having a native garden would be good.

Niklaus: I do not have an issue.

Naaktgeboren: On the elevation we are ok with it?

Oleson: It looks like it is fine will check that before we issue the permit. The requirement is 4ft above the high water mark.

Naaktgeboren: I do not have a problem, agree that we need some type of water management and maybe a rain garden.

Smith: My concern also is the run off and some type of storm water management plan.

Niklaus made a motion to approve the variance to construct a dwelling addition approx. 58 feet from Sugar Lake (min. 75 ft required) on a dwelling that is currently located 10.9 ft from a side lot line (min. 15 ft required) with the following conditions:

1. That the lowest elevation of the proposed addition is confirmed to meet an elevation of 993.74 (NGVD29) prior to construction.
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.

Naaktgeboren seconded the motion. Motion approved unanimously.

Requests related to the construction of a community solar garden consisting of approximately 3,744 panels on approx. 5 acres of land. Approvals required include an interim use permit for the construction of a solar energy farm.

Applicant: Bass Garden LLC

Property Owner: Isaac K Miller

Property address: None

Sect-Twp-Range: 9-121-27

Parcel number(s): 206000092300

Present: Dan Rogers, Isaac Miller, Brendon Dillon

Rogers: We are applying for a community solar garden through Xcel program. We are a local energy development firm in Minnesota we focus on small energy projects primarily through the Xcel energy rewards program. To let you know how we got here, typically we go to where the power grids is going to benefit from. We follow the wires and we verify all local ordinance. When we first set out with Mr. Miller we envisioned the solar to be in the south west corner, unfortunately there is a rather large decline of about 8 - 10 at the very center. Unfortunately we would have concerns about that during the construction and operation with the system getting submerged. The soil is relatively pores so we moved to the location you have now, there is a small dip in it however, with the soil type we don't expect and issues as we did with the south west corner. We have discussed this location with Xcel, they have indicated that there is capacity and we will work with Xcel on that in the next two to three months.

Oleson: The way these are listed in the ordinance is an interim use permit. Which is a use that has a time frame, the maximum time frame for this is 30 years. They are looking g at 25 years. There is a list of requirements which included decommissioning allowance, statement regarding screening nothing specifically that would be up to the planning commission and technical requirements regarding setbacks etc. It does meet property lines. So it comes down to if it is consistent with the townships comprehensive plan, goals and strategies with the protection of farm land impartial and any conditions you would impose. There is a list of nine recommended conditions which are the same as what was talked about last month with one exception number 8, just want to make it clear that it can be taken away through a couple different actions, one of them is re-zoning or a change in the ordinance. So if for some reason you change the ordinance to not allow for these that could potentially put them on a two year clock. It is not real practical when you are putting them in, however, I want to make clear that it out there. If you approve it you could put something in the conditions extending the time frame, you do have flexibility to do that. There have been many comments there were received and sent to the board, one from MN Dot regarding storm water and permits from them if any access to the highway, Soil and Water wanting storm water plan before construction began. The rest were from the neighborhood and most had to do with the visual impact and concerns with the comprehensive plan. I want to point out too that 108th is paved and Keats is gravel, just to note there is a recommended condition in there if it is approved to have assurance they will fix roads if damage is done.

Audience: Joe Niznik: I live on 105th street, I send in two comments today I want to be sure everyone has received them.

Oleson: They were posted on the web today. Usually with comments I summarize, however, I can read them if you want me too.

Niznik: General comment I have on notifying the public on what is happening, I never heard about the other project that was approved across the road. To me this should have gone out to more than just a ¼ mile. I have talked to neighbors that also did not receive a notice. I'm asking why on a major project more people are not notified.

Smith: I will make a quick comment then we will go on to others, last month they contacted homeowners that had visual site of that project. There were some people here last month also.

Niznik: I am going to see it driving into my property.

Smith: I thank you for your comment and we will address that as we go through.

Ray Weis: I have family ownership adjacent to this property. In the verbal it says the north end of our property "is just trees" this is a seasonable property that has been in our family for 105 years. It is not just trees, it is a seasonable property that we pay significant taxes. I have directed our family to encouraged wildlife and it is also used for a horse we have. You can see all the written responses and they do say about the same, my property however, is the most directly affected.

Lyle Stueven: I'm also on 105th street. I bought in 2016 and if I would have known there was going to be a solar farm I would not have bought. We spent a lot of money on our property and pay a lot of taxes, with \$1500 going to Corinna Township and I would like to be protected from some type of commercialized venue coming in right next to us. I thought with your bylaws saying will it be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity. I talked to our realtor and asked them, she said that there have not been enough around to know, however, you may diminish the number of people that will look at the property just like it would have for me. It changes the look as you drive into a lake shore property. Instead of country you are looking at industrial. I just think anyplace would be better than lake shore. This is our only want to get into there for all of the properties along the lake. \$10,000 comes from our little area so I hope that you will represent us too.

I am the Son-in-law to Dr. Weis: The property is a residential summer place and we may want keep it that way, this is going to change that to an industrial area rather than residential We fear the property value will go down.

Tom Johnson: I live at the end of Keats. I have only been there 3 years, but my family has been in the area for 45 years, my family was in farming and I get what Mr. Miller is trying to do. I work in the cities every day and I drive off highway 24, turn down 108th and then onto Keats and I am free from the rat race. I have to honest with you, to me a solar garden with a 7ft fence, with steal structures and panels it is insane. Corinna Township is rural, with lakes, trees, wildlife, I cannot imagine driving down Keats and seeing a solar garden. If Mr. Miller is looking at signing a 25 year lease it is strictly money, then I feel I can be self-serving saying that I want to protect my real estate investment. Why not the south east corner is it just the elevation, I think that it would be better along highway 24. To me there has to be another place for this that is not impacting those coming out to the lake for the weekend. The lines are on highway 24, people will sail by and not even notice. To put it along Keats is crazy to me.

Niklaus: I have a few thoughts on this. I understand private individuals being able to do what they want to do with their property and needs to be respected, but you also have to consider the adjacent owners. Given that I am not favor due to the close proximity to other folks that will now have to deal with this.

Naaktgeboren: Let's start with last month. I asked where do you hook up, you indicated that it goes to Annandale and that 18% energy you get in the winter time.

Rogers: the modules convert 18%

Naaktgeboren: I talked with a guy yesterday and right now, he is one of the board members for Wright Hennepin Electric, he said you get about 4% in the winter. I looked at the one south of Annandale and it has six inches of snow on it so how do you do this and what kind of benefit are you getting.

Rogers: I can answer that. Essentially what we do is design a profile taking into account that we get less production in the winter time. That is built into the module and we sell it at a predefined rate to Xcel and the state and department of commerce is involved. It is from a state level and not subsidized with taxes. There is a federal tax incentive.

Naaktgeboren: We talked about screening last month, you indicated evergreens, and you indicated not evergreens but that you would come up with something. Have you come up with something?

Dillon: We just got approved plans today that we were going to be submitting after we talked with some of the neighbors. We have the permitting from Xcel for the last one you approved and expect to have the approval for this one in the next month or so.

Naaktgeboren: Location wise were getting a little iffy. We have a lot of feedback on this.

Rogers: We want to work with the community. As far as property value goes, there has been one independent study, and there are several of these around the state now. The largest study done was on a project done in Otsego County. It was done by an independent firm, and I would be happy to share that with you, it did show there was no impact on the re-sale value of homes or the velocity of listings to sales.

Smith: I am all in favor of going green. However, I am realistic, it just does not seem like it is a profitable deal. I'm ready to jump on that wagon. That is just me. My question is the last one you had contacted the surrounding area, did you do that this time.

Dillon: We did go around door to door and we did leave letters. I believe that the comment had to do more with the Township reaching out.

Smith: We are hearing a lot of response to opposition this time where last month not as much, more questions. My question is do you put them in populated areas or do you try to avoid that.

Dillon: We try to avoid that and provide screening where needed. We are also looking at doing what we can to also maximize the productivity of farm.

Smith: I am not in favor that is just my stance.

Arendt: The one we approved last month did not have a big effect on the homeowners with farm land all the way around. Now you are coming down here with all the home owners and that is a big problem for me.

Naaktgeboren: You talked about another one that will be coming?

Rogers: Not from us?

Miller: If we are all rural can I apply for a 500 unit barn there? Or lot it off so it is full of houses? Were all green but just not in my back yard.

Smith: You can apply and if it meets the setbacks yes. I think there are better areas for these to go with these.

Naaktgeboren: These things are coming and I know we are going to have more of these, placement is a big deal. I know there is more coming and we need to make sure they are placed in the right area. I would take this over a windmill any day.

Rogers: Explained the difference between windmills & solar farms.

Arendt made a motion to deny the variance for the solar farm. Smith seconded the motion.

Oleson: For the findings for why you're denying the variance, you have the information in your staff report so correct me if I'm wrong. Sounds like the two things that apply are would be

the criteria where it states will the interim use be injurious to the use and enjoyment of other property in the immediate vicinity and you're saying it would be due to visual impact and they could not be negated with some sort of a screening plan essentially saying there is no reasonable screening plan. **Arendt:** Correct

Oleson: The other one that could apply is that you're considering this to be heavy industrial development which is not consistent for a small town rule. Primarily it is about the visual impact and screening is not going to be enough.

Arendt: I will further make the motion to put in points one and two that is injurious to the neighbors and it cannot be alleviated by screening. Smith seconded. Motion passed unanimously.

Requests related to the construction of an 886 sq ft dwelling with 10' x 12' screen porch and 4' x 12' covered entry to replace an existing dwelling and detached garage. Approvals required include variances for the construction of a dwelling approx. 50 ft from Clearwater Lake (min. 75 ft required), 11.2 ft from a side lot line (min. 15 ft required) and within a bluff (min. 30 ft setback required) and a variance to have building coverage of approx. 15.8% (max. 15% allowed).

Applicant: Ryan and Jamie Pederson
Property address: 10083 Jeske Ave NW
Sect-Twp-Range: 9-121-27
Parcel number(s): 206000093409

Present: Ryan & Jamie Pederson

Pederson: Looking at staff report and I think there was some miss-communication between our builder and us. As far as the screen porch encroaching on the lake, we wanted it to be about 5ft back. You can see where the line is on the site plan that is where we wanted the screen porch to start which is further back than the existing structure. We could not go much further back due to the shared septic and possible drainfield if we have to replace it at some point. As far as the 15% we looked at removing the covered porch on the front of the house which is about 48 sq ft, if we removed that it will put us down 14.81% which is more in line of what you are looking for.

Oleson: Related to lake and bluff set back, there is a side yard setback too. Variance is for the side yard on both sides. They are basically right in the bluff where you at now and the lake set back which will be back a little farther with moving house back which will bring it to about 55ft rather than the 50ft stated. There is guest cabin that they are proposing to remove and there is the road setback which will become an issue with moving back. There is also the variance for the building coverage which they have addressed by removing the covered porch. This property is served by a shared septic system that is on the property to the north. Both the tanks and drainfield on the other property. What they have right now is a basket that then pumps to other system it will have to be realigned. Normally we look at the general intent is that each property should have some area identified for septic which may be an impediment of moving back. Some of those issue also have to do with the well setbacks. If those wells stay where they are now there is no place on this lot for a drainfield without some type of variance. It would increase from one to two bedrooms and the septic is designed for two bedrooms. It is not a two story, however, it would be lofted. We looked at weight issues making sure it is going to be

stable. Impervious coverage, they plan on removing the existing stairway down and planning on a new set which would be less impervious.

Pederson: We did do the numbers with a 4ft stairway.

Oleson: I did some of those numbers, I included 275sq ft for the stairs to the lake and 360sq ft for a parking area, there are no real parking area and there is no plan to create one, however, I added it just in case and they are under 25%.

Audience: Dick Klein: I'm the neighbor to the north. I'm am favor it needs repair, it has a poor foundation. Will it be a larger sq footage now if you're including the guest cabin and the cabin?

Pederson: The 1022 sq footage is the new cabin taking down the other two.

Dick Klein: My question is will you be getting closer to the north? Just not sure in looking at the proposed.

Pederson: After looking at the staff report we would be moving further away.

Oleson: Existing is 15ft and proposed is 12ft.

Pederson: If we do what was mentioned in the staff report we would be moving closer to 8ft on the south and further away on the north in case some needs to get around the side of the house.

Dick Klein: wondering about elevations doing with water. My cabin sits more in line with your cabin so just want to make sure we do not have water

Pederson: We have not worked that out with the builder yet.

Dick Klein: Just on another note I would like to talk to you about the lakeshore and getting something done since you have lost about 5ft or so of your shore line and we need to get some stabilization there.

Drew Holmquist: I was just wondering about the side yard line and you have addressed that and the well. I have no problem.

Naaktgeboren: The screen porch is going to flush with what you have for the house now?

Pederson: It is going to be a little further back. (Survey was pulled up and reviewed)

Naaktgeboren: How do we deal with the bluff on this one?

Oleson: Looking at the contours it will be where it starts to break; they may be outside of the bluff. They are either at the top or just outside of it. Either way it is closer than 30 ft and if they move it back we have other issues. From a zoning stand point you will get closer to the road set back if moving back.

Klein: Is that a township road or an easement?

Naaktgeboren: It is an easement.

Klein: Is the road set back the same for an easement?

Naaktgeboren: We give variance to the road before so just wondering about moving it back.

Smith: Have you looked at pulling back more?

Pederson: We are do have concerns with moving it back.

Smith: You do have challenges moving it back. Do you have a storm water plan yet?

Pederson: We will have a plan, building will be working on that.

Smith: I would like to see if you could move it back a little and a grading plan to address the water issue.

Arendt: The covered porch will be going away so under the 15% building coverage.

Pederson: Yes

Niklaus: I want to see where the water is going and limited parking is a challenge. May want to make sure that you have some agreement on the septic also.

Smith made a motion to table the request to explore the feasibility of moving the dwelling further from the lake/bluff, and provide a stormwater management and grading plan. Arendt seconded the motion. Motion passed unanimously.

Requests related to the construction of a 12' x 26' addition to an existing dwelling and a 28' x 40' detached garage (to replace an existing 24' x 24' garage). Approvals required include variances to construct the dwelling addition approx. 60 ft from Pleasant Lake (min. 75 ft required) and 11.5 ft from a side lot line (min. 15 ft required) and the detached garage approx. 2.4 ft from a side lot line (min. 10 ft required).

Applicant: Brian and Judith Dahlberg
Property Owner: Dahlberg Living Trust
Property address: 11351 89th St NW
Sect-Twp-Range: 19-121-27
Parcel number(s): 206062000300

Present: Brian & Judy Dahlberg

Dahlberg: We would like to square off the cabin and get a crawl space to get a furnace in and a place to go in severe weather. The garage is close to the property line it is pretty consistent to everyone else in the neighborhood. We would like to move it 10 ft to the north by moving it to the north we already have impervious area there so we are utilizing that. From the back of the garage the water does drain to the ditch.

Oleson: Variances are the lake setback and side yard for the house. Garage is side yard setback. We are a little unclear where the garage and the proposed garage is from the septic system. It am fairly confident that it will be at least 10 ft away so not a real concern; we did get a number of comments on this one that were in support. Comment from soil and water and again storm water management. They are at 22% impervious and they are fine on building coverage.

Audience: None

Niklaus: Looks like you put some thought and not unreasonable.

Naaktgeboren: So with this they would be under 25% & 15%?

Oleson: 10.2% & 24.7% as proposed.

Naaktgeboren: Not a problem with house. I think you could get rid of some impervious. I am thinking you should move the garage back.

Dahlberg: The problem with moving it back is the long walk with snow and weather as we get older and also being in the center of the lot. I can get rid of some of the impervious along the garage.

Arendt: I am just a little concerned about the impervious so making sure under 25%.

Dahlberg: In moving it back I will gain some pervious coverage with less of a driveway.

Smith: I would like to see a little further from the side lot line.

Niklaus made a motion to approve the variances to construct the dwelling addition approx. 60 ft from Pleasant Lake (min. 75 ft required) and 11.5 ft from a side lot line (min. 15 ft required) and the detached garage approx. 2.4 ft from a side lot line (min. 10 ft required) with the following conditions:

1. That the applicant provide and updated survey showing that the proposed garage will not cause the property to exceed the 25% impervious coverage limit.

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.

Arendt seconded the motion. Motion passed 3 - 1 with Naaktgeboren opposed.

Arendt made a motion to approve the February 12, 2019 meeting minutes. Naaktgeboren seconded the motion. Motion carried unanimously.

Zoning Administrator's Report

Permits

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions; Naaktgeboren made a motion to approve. Arendt seconded. Motion passed unanimously.

Other Business

Board of Adjustment review of request to allow for improvements to an existing accessory building on a Lot of Record not meeting the standards of Section 404 (Lots of Record) or Section 612.5(5) (Land Suitability), as per Section 502.5 (Other Duties of the Board of Adjustment).

Applicant: Joey Lee

Property address: None (Island in Mink Lake)

Sect-Twp-Range: 24-121-27

Parcel number(s): 206000243100

Oleson: Mr. Lee is the owner of island on Mink Lake he has proposed to make improvement to the structure that is there now. Because it is an island it has been a challenge by ordinance. The ordinance issue is that it does not have road frontage to be considered a lot, however, it is a lot of record. So there is a provision in the ordinance that state the BOA can review and decide one can it be considered a house and two if not as a house then something else with some limitations. The purpose of this is for you to review as to what he can do or not do.

Lee: The plan is to rebuild the block wall and put windows in it. It is cracked and has needs to be updated and I would like to put windows in. Not sure they did a great job when they built it.

Niklaus: Is there a well and septic?

Lee: There was a well and it was capped and there is a septic that needs to be updated.

Smith: What is your goal?

Lee: I buy properties and sell them I thought it would be a good one to fix it up. I don't live here so what do people want and what will you allow me to do? I would like to at least fix the building up.

Discussion with board and owner on what the options are and what the responsibility of the town board. Can it be a house, where do you park, how do you get there and what can be done to the property as a whole. Looking at the possibility of reaching out to the DNR to see if they would have any interest.

Oleson: The current proposal is to rehab the current building.

Lee: Mark Hayes has provided information as to what I need to get a sewer tank out there and that he would design a septic plan and drainfield. So I did get some things out there to get started with the ice on the lake.

Oleson reviewed what responsibility of the board. One you need to decide if it can be used as a dwelling site, if not a dwelling site than what? An accessory structure or one travel/recreational trailer. The difference is that there has been plumbing in the past and a septic in the past so is it grandfathered in.

Lee: What I want to do now is rehab the building which includes updating the well and septic.

Smith I think either you fix it up or tear it down. I feel that it should be fixed.

Niklaus made a motion to approve improvements to the existing building as proposed within the existing footprint. Arendt seconded the motion. Motion approved unanimously.

Oleson: There was a complaint on 9840 Jeske; it is a paint shop. The complaint is that it should not be there, we have talked in the past that we would handle these like a contractor that is storing items on their property not bringing customers on site. He is also complaining they are burning chemicals in burner. Would like to have something done. I said I would bring it up. Burning things is more of a county issue. Board felt that it was a contractor's yard.

Kip Wetzel, he has a 3 acre lot and wants a 3200 sq ft shed. It is zoned R1 which has a limitation of 2000 sq ft. I talked to Sean Riley to see if it could be rezoned and he said no since it is in the transition area with Annandale. He did say that in some of these instances when they have big lots they have allowed for a variance since it is a big lot. Smith indicated that it is in the transition area and possible development area I would not be in favor.

Smith made a motion to adjourn. Arendt seconded the motion. Motion approved unanimously at 10:02 pm

Prepared by Jean Just