

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
August 13, 2019
7:00 PM

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

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

Absent: Barry Schultz, Al Guck

Others in Attendance: A. Kelbrants, Jane Hurley, Rex & Karen Osterbauer, Todd Jackson, Pete Edmonson, Nate & Sarah Brown

Additions or Deletions to the Agenda which was revised earlier today; Niklaus made a motion to approve the agenda as presented. Arendt seconded the motion. Motion approved unanimously.

Public Hearings

Requests related to the re-subdivision of two existing platted lots to create three residential lots.

Applicant: Peter and Adrienne Edmonson

Property Owner: Edward B & Shari Goff

Property address: 6540 102nd St NW, Maple Lake

Sec/Twp/Range: 12-121-27

Parcel number(s): 206105001020

Present: Peter Edmonson

Edmonson: We had spoken to the lot owner to the north east and did not get anywhere with him, so we talked to the owner in the southwest corner. He is ok with doing a lot line adjustment. Our plan would be if this is approve we would do a Lot line adjustment and then the sub-division. Depending on the outcome here, I am on the schedule with septic designer to get the paperwork to make sure the septic plans will work.

Oleson: At one time we talked about rezoning to R1 and that did not go very far with the County so we are back with keeping it R2. The minimum lot width is 200ft, it was just short, talked with County and they are set on the 200ft. He is now going to work with the property owner to the southwest instead of the northeast. What is a little different is that we do not have the preliminary plat drawing along with showing that each site can have two drain field sites. The question is do you need to see all of that to make a recommendation or are you ok with making that recommendation with those conditions. We would either have to do lot line adjustment first & then plat or plat his lot as well.

Edmonson: Our first thought was to take some land on the road side and give some land on the lake shore. Or we would just purchase some land.

Audience: None

Niklaus: I do not see any harm in recommending this concept plan.

Naaktgeboren: Wright County indicates you should share to driveway?

Edmonson: Yes, we would move the current driveway to have a shared driveway per the County's request.

Naaktgeboren: I did talk with owner to the south and he did not have an issue with working something out. My personal feeling is do we need to table to make sure we have something in place.

Arendt: I think we have a lot of issues that are open, the drain field, shared driveway, I think hard pressed to approve when we do not have everything.

Niklaus: I don't think there are issues that are issues with setbacks neighbors etc.

Arendt: Would we have an issue with a shared driveway?

Smith: Are we more looking at it to be platted? Then deciding were the shared driveways are etc.

Oleson: The driveway is part of that plat, are you re-platting everything?

Edmonson: Yes, we will have to re-plat everything, it's just a matter of timing so if it is approved based on those items we can get those items taken care of.

Naaktgeboren: Who makes the decision on driveway?

Edmonson: Wright County needs to look at it and let us know where that driveway will be.

Oleson: I know with the county it became a possible issue with the 200 ft for each lot and making sure the driveway is put on the property line. The septic is not a real issue and could be a condition.

Edmonson: The Lake did not come up when talking with Wright County.

Oleson: As long as everything meets the requirements. The only other issue is creating a back lot so to speak. The challenge is on this plan, we have the authority to make the final decision except for the final plat. If were not changing the zoning, and were following requirements we are ok with it.

Naaktgeboren made a motion to recommend approval of the subdivision preliminary plat of two existing platted lots to create three residential lots with the following conditions:

1. That the applicant must provide at least 200 feet of lot width for the proposed lot and any remaining property and meet all other minimum dimensional requirements of the Township Ordinances.
2. That the applicant must provide a full and complete preliminary plat drawing, meeting all of the requirements of the Township's subdivision ordinance.
3. That the applicant must provide evidence from a licensed sewer designer that the proposed lot contains two sewerable sites.
4. That the applicant must create a common shared driveway from the County road so that no new approaches are created than what currently exist on the property to be subdivided. This approach must be approximately half on each of the properties as it moves past the road right-of-way line.

Niklaus seconded the motion. Motion approved unanimously.

Requests related to the replacement of an existing garage and shed with a new two-story garage. Approvals required include a variance to construct a two-story garage (max. one story allowed) on a parcel with approximately 26-27% impervious coverage (max. 25% allowed).

Property Owner: Todd A & Jill Y Jackson

Property address: 11344 Hoyer Ave NW, Annandale
Sec/Twp/Range: 2-121-27
Parcel number(s): 206091000100

Present: Todd Jackson

Jackson: We were hear in June and asked to go back and get survey. The survey came back that we were a little more than 20,000 sq ft in lot size. We had issues regarding the pitch and the two story garage, so we decided against the two story garage and changed the pitch to 6/12. We are proposing it to be 10ft off the property line. The current impervious is 34.2 %. We would remove the sidewalk down by lake and Northside of house. We will remove the patio area on the northwest corner and west side of the house. We will eliminate the second side walk from house to garage and reduce parking area. So the new garage would be 42x26, which 435 sq ft. We will reduce concrete by 1623 sq ft to coverage which will shrink our impervious by 5.9% getting us down to 28.3%.

Oleson: They are eliminating the height, second story and side yard setbacks that will now be met. We are only talking impervious coverage. In terms of new garage it is over what is already impervious. In terms of new impervious there is very little. We have talked about this in the past and we can reasonable expect them to do. The question is are you satisfied that they have done enough to reduced it.

Audience: None

Arendt: I like what he has done with the garage to meet the setbacks. We would normally 2-1 ratio and he is at least 2.7 or more. So I feel he would be hard pressed to get down any lower and has made a good effort to bring it down.

Niklaus: You have a great place and I think that you did a great job to get your impervious coverage down. It looks like a good plan.

Naaktgeboren: can you get down to 26%?

Jackson: We are taking out a lot of concrete to get down this far.

Oleson: The option would be to just replace what he has and stay at 30% impervious.

Smith: I would say that you have come a long ways, you have taken some from the lake and you have done a lot, so I am ok with it.

Niklaus: How do we know that he did not add more concrete later?

Oleson: There is the chance that they could add and it is a matter of someone letting us know or we review every so often.

Smith: I know that you went over a lot of piece you are removing, want to make sure you get down to the 28.3%.

Niklaus made a motion to approve the variance to the replacement of an existing garage and shed with a new two-story garage on a parcel with approximately 34% impervious coverage (max. 25% allowed) with the following conditions:

1. That the total impervious coverage be limited to no greater than the current proposed coverage of 28.3%. This shall be verified and documented with an as-built survey to be submitted within 60 days of the construction work being completed.
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 covered entry and a 4-season porch addition to an existing dwelling and the grading of land to allow for a partial walkout basement and ramp. Approvals required include variances for the construction of a covered entry approximately 45 feet from Somers Lake (minimum 100 feet required) and a 4-season porch and open deck approx. 62 feet from the centerline of a township road and a conditional use permit for the movement of more than 50 cubic yards of material.

Applicant: Rex and Karen Osterbauer

Property address: 6519 80th Street NW, Maple Lake

Sec/Twp/Range: 25-121-27

Parcel number(s): 206000252104

Present: Rex & Karen Osterbauer

Osterbauer: We have a couple things happening, we had contractors come in with roof issues/leaking and boards are rotted. They are suggesting taking roof off and running the roof the other way since it is a shorter distance for the trusses. We have an issue with the front deck being icy, so we would like to get the deck covered over and since we are at it would like to have a closet area. On the back side which gets icy and with roof issues so we would like to make it more useful. We would like to dig out below the deck and put in a patio door in the basement so that it would walk out from the basement. We would have retaining walls with angle to the lake to blend it back to the hill. It would be about 10 ft and flared out to 15 ft. Landscape guys will determine the design to make sure it is done right. We would like to be able to get to the basement for storms.

Oleson: The variances are the lake setback, normally it is 100ft and the estimate would be 45ft, which is in the shore impact zone. It is not a whole house just a roof over deck. Road Setback is 62ft -63ft from the road. Last is the CUP for moving more than 50 cubic yards for the walkout. One thing I noticed in the history they have asked for a few additions of the years, there has been a few that were granted and there was one that was asked for but not given by the county. They were looking at was to limit the amount of expansion so that it more than 50% of the value. One of the conditions they had was when you add the basement you cannot finish it. This is not a bluff, however, it is a steep hill. The cut out would not be the entire width of the house but would come out towards the lake.

Audience: None

Naaktgeboren: I do not have an issue with either addition front or back. My issue with the amount of fill being moved, 500 cubic yards is too much. It would need to be narrower, maybe cutting it down and narrow the width.

Arendt: For the front deck & back I am fine with it. I do have an issue with the dirt removal. I would say no dirt, it is within the shore impact zone.

Nicklaus: I agree with not cutting out on the lakeside. I do not have an issue with either addition.

Smith: I am in agreement with additions but not with excavation.

Arendt made a motion to approve variances for the construction of a covered entry approximately 45 feet from Somers Lake (minimum 100 feet required), a 4-season porch and open deck approx. 62 feet from the centerline of a township road and the replacement of the existing roof over the dwelling and to deny CUP for the movement of more than 50 cubic yards of material 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 approved unanimously.

Request for the rezoning of property from General Agricultural AG to Urban Rural Transition R1.

Applicant: Nathan and Sarah Brown

Property address: 10448 Gulden Ave NW, Maple Lake

Sec/Twp/Range: 12-121-27

Parcel number(s): 206000123201

Present: Nathan & Sarah Brown

Brown: The general concept is to parcel off a portion of our 15 acres. We are exploring the option of parceling off as a potential way to finance other work on our home.

Oleson: This would be a rezoning from A to R1. To the north is R1 to the south is mostly Ag and some R2. They are asking that the north part of the property would be rezoned R1 and the rest would stay AG. Rezoning does have to go to the County for final approval. Their Land use identifies this property larger lots like R2 or R2a which is wider width and 2.5-5 acre lots. They do allow for R1 to fill in and there are R1s around. The difference is the lot size, this is going to

meet the 2.5 acres, however, the width is where the difference comes in 150ft vs 200ft. Also, it is a steep topography, and the driveway would be down a fairly steep hill. This is a rezoning not a re-platting, that will have to come back for after they rezone.

Audience: None

Niklaus: I do not have an issue.

Naaktgeboren: Not my issue, however, it may be an issue for the buyer with the driveway being that steep. I don't have an issue with it, the neighbors did the same thing.

Smith: I do not have an issue, since R1 is right next to it.

Arendt: I don't have an issue.

Niklaus made a motion to recommend the approval to rezone property from General Agricultural AG to Urban Rural Transition R1. Arendt seconded the motion. Motion approved unanimously.

Requests related to the construction of a 30' x 40' detached tuck-under garage. Approvals required include variances for the garage to be within the required 100 foot setback to Somers Lake, within the required 65 foot setback to the centerline of a township road, and with a sidewall height taller than the maximum allowed 14 feet.

Applicant: Jane Hurley

Property address: 6373 80th Street NW, Maple Lake

Sec/Twp/Range: 25-121-27

Parcel number(s): 206017003100

Present: Jane Hurley

Hurley: I am hoping to retire in 7-10 years and looking to have a garage. It is well within the 25% impervious. In looking at this property there is not a magic spot as to where it is going to fit. My intention here there is a little more fill for the driveway, we would come straight in off the road, other areas there would be more dirt to bring in. I am also hoping to put in a tuck under with extra walls to keep it sturdy and room for my work vehicle. We do have some wiggle room with input from you guys. I know it goes into the embankment off to the east side, we were talking rip rap, and the purpose for the tuck under is for lawn furniture and golf cart/mower, not for a vehicles.

Oleson: We have a number of varices it is a unique piece of property. Variances are with lake set back, road set back would be another, and side wall height for the tuck under garage would be higher than the 14 feet allowed. It has lake on two side that they have to deal with. They can meet the setback on the one side, there is no way to meet that setback on the other. The only place would be where it is flatter however, closer to the lake.

Audience: None

Naaktgeboren: Does this have a sewer system or holding tank?

Oleson: There was a sewer system that shows where a drainfield could go, however, it is currently a holding tank and they can build a garage.

Naaktgeboren: Are we looking at CUP for a building?

Oleson: We would need a more detailed plan. That is a condition I have listed.

Naaktgeboren: You're going to have a parking pad, are we going to burn up your impervious?

Oleson: They should be fine, something the watch to make sure it is not carried away.

Naaktgeboren: How far is the shed from the lake and the west lot line?

Oleson: Approximately 17ft from the lake, & 40ft from lot line.

Naaktgeboren: I do not like either of the plan sites. You may have to go smaller. I think where your shed is now is there a way to get in in there and move it towards the west. I do not like the other area at all.

Arendt: In the staff report the proposed location creates a number of conflicts with the comprehensive plan including the allowance of a structure in the impact zone, safety to the road and potential for erosion issues. The other idea I like if you bring it down by the shed, if they would like to put in a drainfield there would be an option.

Hurley: When I bought the property, we were told that we could have a drain field.

Smith: I think we need to preserve that spot in case it can happen.

Hurley: If you look at where the driveway is now coming down the hill, could we go with the garage down in that area. Possibly 30x40?

Smith: That would help that issue. I would like to see it tabled and keep it from the lake as much as possible and keep it to one level.

Naaktgeboren made a motion to table to allow for owner to look for new location of the garage.

Arendt seconded the motion. Motion carried unanimously.

Niklaus made a motion to approve the July 9, 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 the Findings of Fact from March, May & June. Arendt seconded the motion. Motion approved unanimously. Niklaus made a motion to approve the July findings of fact. Naaktgeboren seconded the motion. Motion approved unanimously.

Other Business

Oleson: Request for extension of time to begin construction and plant required screening of solar farm until 2020. **IPS Solar/Corey Schueler:** The CUP indicated that we had to have screening in by September 15th or before we begin construction. Now that we are getting ready to do this the crops are still in, we can pay him to get it off, however, not sure we are ready to build yet. So we would like the option to wait until spring and get it done before we build.

Niklaus made a motion to give an extension until June 2020 or prior to construction. Naaktgeboren seconded the motion. Motion carried unanimously.

Oleson: We had a variance that was granted back in 2015, one of the conditions on the approval was he needed approval from the Glendale Club. We recently received the building application and provided a document signed by the president and himself, but I am finding out that was not the approval. My question was going to be normally variances are good for 3 years, since he has been working with the Glendale Club, would we consider that to be he was continuously working on this

project and the variance would be good or would he have to come back to the board. However, I have received notice that it was not approved by the Glendale Club.

Mr. Kelbrants: The Glendale club is a non-profit organization and the club owns the property and each member is 1/7 shareholder in the non-profit organization. Part of that is to preserve, maintain and protect the cottages. He would like to tear down the cottage, however, the bylaws indicate you cannot change the size of the cottages. This is also in a bluff and he wants to dig into the bluff. The members have voted it down.

Mr. Kelbrants will bring in the documentation showing that it was not approved.

Oleson indicated that the board would like to have discussions regarding vacation rentals and setting up regulations. Primary issues being parking & septic. Oleson will find some sample ordinances and bring back to the board. Another item for discussion are shared driveways and what we will or will not allow them for or what needs to come for a variance. Oleson will also bring back some wording for the board to review.

Arendt made a motion to adjourn. Niklaus seconded the motion. Motion approved unanimously at 9:17 pm

Prepared by Jean Just