

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
November 12, 2019

7:00 PM

Guck called meeting to order at 7:00pm on November 12, 2019

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

Absent: None

Others in Attendance: Ed Prewitt, Traci Prewitt, Betty Loreda, Mark Dvorak, Jerry & Bernice Schmidt, David & Michelle DeSmet, Jennifer Lindquist, Kelly Hinnenkamp, Karen Athman, Patrick Athman, David Werschay, Marie Voigt, Meghan Rambow, Rik & Melissa Riesgraf, Ashley Fischer, Justin Fischer, Scot Bareberg, Roger Johnson, Steve Mertens, Suzanne & Lou Phillips.

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

Public Hearings

(Tabled from October meeting) Requests related to the construction of a stairway landing. Approvals required include variances for a landing to be approximately 90 square feet (maximum 32 square feet allowed).

Applicant: Anthony and Kelly Ojeda

Property address: 9639 Keats Ave NW, Annandale

Sec/Twp/Range: 16-121-27

Parcel number(s): 206031000250

Present: Rescheduled for December

Request for a rezoning of a northwest portion of the property (approximately the current golf course driving range) from General Agriculture (AG) to Suburban Residential (R-2).

Applicant: Mark Dvorak

Property Owner: Dvorak Enterprises LLC

Property address: 8713 70th St NW, Annandale

Sec/Twp/Range: 34-121-27

Parcel number(s): 206000342204 and 206000342300

Present: Mark Dvorak

Dvorak: I am going to withdraw my request. This was an inquiry only, it was to see about getting two residential lots.

Ed Prewitt asked to make a statement regarding this request. We are trying to understand how an inquiry turns into a staff recommendation for residential all over whispering golf course.

Oleson: There is some miss information in the staff report and I apologize for that. This was a rezoning application. There are at least two stages to a rezoning and development application. The first one is to rezone and it would allow for more. The way rezoning is works is that Wright County makes final decision on any rezoning so this is a public hearing to either recommendation to the Town Board and from there they would make a recommendation to Wright County. The Comprehensive plan does designated as residential large lot so that means they would be open to the concept to either 2.5 or 5 acre lots. The whole discussion about additional roads has to do with planning for the future. Even though he is not asking for that it is something the board does need to take into consideration.

Prewitt: Would you have some additional say if they were going to move forward with that?

Oleson: That is what the public hearing is for. So, rezoning would be one, then it would come to a subdivision which would be another public hearing. Since he has withdrawn, he would have to reapply and then we would re notice. We would need a legal description of what was being asked for at the time of the subdivision. There was nothing in Marks request for more than two lots.

Requests related to the construction of additions to an existing dwelling for living space, garage and screen porch purposes. Approvals required include variances for a dwelling/ garage addition to be approx. 7 feet from the northwest side lot line (min. 15 feet required) and a screen porch addition to be approx. 10 feet from the southeast side lot line (min. 15 feet required) on a parcel that currently contains 26.6% impervious coverage (max. 25% allowed).

Applicant: David Werschay

Property Owner: David and Michelle DeSmet

Property address: 11283 89th St NW, Annandale

Sec/Twp/Range: 19-121-27

Parcel number(s): 206062000350

Present: David Werschay & David & DeSmet

Werschay: We are proposing a remodel. The goal is to make it more useable to the home owner and more aesthetically pleasing from the road and the lake. We have the survey and thought we were going to need help with the impervious, however, we will be able to make the 25% impervious and the 15% building coverage. We are then a little better than what is currently on it which is just over 26%. One of the things we want to do is add to the house toward the road, we would add a garage use the current garage is going to become part of the dwelling, we would add a little mud room and then a screen room to the East side of the house. Currently the deck & stairs are 27ft from the OHW so what we are proposing is to remove the deck and stairs and we would then be 45 feet from the OHW. The screen room would be at 47ft, however we would need a side yard of 10ft. We do have letters from both neighbors who are in support.

Oleson: Originally it looked like building coverage & impervious were going to be an issue, however, they have worked that out. The current side yard on the west is 8.7 with the angle of the addition it would be a little bit closer than that. Right now the side yard on the east is about 21ft with the addition they are going to be at 10ft. Other than that we are dealing with the Lake setback is about 45 ft from OHW the additions are going to be further back. A small portion of the deck on the west side would remain and the rest would be removed.

Discussion regarding stairs which would be determined on the impervious coverage.

Audience: None

Schultz: Retaining wall going to stay there, how much further out will it going to go?

DeSmet: That is not going to stay.

Werschay: That area will all be re-landscaped so that we can bring the fill around and drain away. With new septic all of that will change.

Naaktgeboren: Are you adding a bedroom, bathroom?

DeSmet: Yes and that is why we are adding to the septic drain field.

Niklaus: The variance you are specifically asking for are the NW corner and I do not see that as an issue. The one for the sun room, there is nothing there now, I am not practically in favor of that.

Naaktgeboren: I agree, that is my concern also, will it be as close to the lake?

DeSmet: No it is back further 3ft.

Smith: I am concerned with the screen porch and with the roof pitch of that porch making sure it is not shedding water to the neighbors. What are the plans for the lake deck?

DeSmet: We will be removing and making that deck smaller on the lake side.

Werschay: We did do a drive around and most are within the 15 ft setback.

Smith: The one thing we try to do is keep the setback on one side. My biggest concern is going to be the drainage.

Werschay: Would you be ok with us putting in a rain garden to make sure we keep it on the property.

Smith: Yes I think that something needs to be done and making sure you have gutters on the house. I am not huge in favor of the screen porch, however, I understand it.

Arendt: I have a few issues, one is the screen porch is too close. The second is the stairs if you are going to have them, I would like to see where they are going and I would like to see the report on the septic.

Guck: I guess I have an issue with screen porch and is only 44 ft from the Lake.

Werschay: We are at 47ft. and we could move back further if you wish. Also, we do have the septic report.

Guck: I understand that your neighbors are good with it now, but, nothing to say that once they sell the new owners would be ok.

Arendt: With the deck going away why could you not go there with the porch?

DeSmet: We wanted to stay further from the lake as we thought it was more of concern. There will be steps from the screen porch. If we can do this, we are willing to compromise the deck to the front. If we did 16 x 10 would that be better and more comfortable for the board?

Smith motion to approve variances for a dwelling/garage addition to be approx. 7 feet from the west side lot line (min. 15 feet required) and a screen porch addition to be approx. 11 feet from the east side lot line (min. 15 feet required) and 47 feet from Pleasant Lake (min. 75 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 approved 4-1 with Arendt opposed.

Requests related to the construction of a 12' x 12' room to provide outside access to an existing basement utility room/storm shelter. Approvals required include a variance to construct an addition to an existing dwelling which is approx. 30 feet from Sugar Lake (min. 75 feet required). The addition itself will be approx. 56 feet from Sugar Lake.

Property Owner: Ricky and Melissa Riesgraf

Property address: 11831 Gulden Ave NW, Maple Lake

Sec/Twp/Range: 1-121-27

Parcel number(s): 206086001140 and 206086001150

Present: Ricky & Melissa Riesgraf

Riesgraf: We bought the property 2.5 years ago and we are looking at an interior remodel, there is a utility room under the cabin and whenever there is a rain it runs down the bricks and into the utility room causing lots of issues. Along with the interior remodel, we would like to cover that area and have a better stairway down to that utility room. We are proposing 12x12 room with a little storage and stairs down to the utility room.

Oleson: This is a setback from the lake, however, the addition is away from the lake. The addition is about 56ft, side yard and road are fine.

Audience: None

Arendt: I am fine with it as drawn; staff recommendation is to combine them into one lot.

Riesgraf: That is not an issue.

Smith: I think it is fine and understand what you are trying to do.

Naaktgeboren: No problem.

Niklaus: I'm good.

Schultz: I'm fine with it.

Guck: I agree.

Arendt made a motion to approve variance to construct an addition to an existing dwelling which is approx. 30 feet from Sugar Lake (min. 75 feet required). The addition itself will be approx. 56 feet from Sugar Lake with the following conditions:

1. That Parcel IDs 206086001140, 206086001150 and 206086001160 should be combined into one Parcel ID and an Administrative Order shall be filed tying the three parcels together for the purposes of sale or development, unless evidence can be provided that one or more of those lots meets the requirements of MN Statutes 394.36 and Wright County/Corinna Township ordinances to be considered separate buildable lots.

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. All water runoff from the roof of the addition shall be directed away from the lake.

Smith seconded the motion. Motion approved unanimously.

Requests related to the operation of an auto detailing business in a detached accessory building. Approvals required include an interim use permit for a home extended business and possible variances related to the business being located in a building larger than 2,000 square feet and other requirements of Section 741 of the Corinna Township Land Use Ordinance for home extended businesses.

Applicant: Ashley Fischer

Property Owner: Justin and Ashley Fischer

Property address: 8739 County Road 39 NW, Annandale

Sec/Twp/Range: 15-121-27

Parcel number(s): 206000153102

Present: Ashley Fischer, Marie Voigt

Fischer: Vehicle detailing in our shed usually running from 8am - 5pm.

Oleson: It is called a home extended business and there is a list of conditions in your staff report, all of those are being met with the exception of possibly the 2,000 sq feet of building, however, the portion for the business would be under 2000 sq ft.

Naaktgeboren: What is the reason for the 2000 sq ft?

Oleson: Because it is in the county ordinance? My assumption is that it does not take over the lot and that it is more for business than residential.

Guck: Is it by appointment?

Fischer: Either we pick up or they drop off their vehicle & it is by appointment.

Audience: None

Naaktgeboren: I have no problem with it.

Niklaus: I like the part that you are not going to have vehicles parked all over.

Schultz: I'm ok with it.

Smith: An interim use do we revisit?

Oleson: It is usually for a certain amount of time and then it expires. There is no set time frame you have to use so you can determine that.

Guck: Will you have a sign?

Fischer: Yes, we plan on putting a sign up.

Arendt: I'm good with it.

Niklaus made a motion to approve the interim use permit for a home extended business with the following conditions:

1. That all conditions of home extended businesses in the Corinna Township Land Use Ordinance be met, including (but not limited to):

- a. That no outdoor storage is allowed for the business, except that vehicles where detailing work has been completed or is about to be completed may be stored in the existing hard-surface parking surfaces screened from view by the existing buildings for up to 48 hours.
 - b. That space be maintained on the lot for at least 7 off-street parking spaces.
 - c. That any large trash containers stored outdoors must be located out of view from County Road 39 NW and neighboring properties, unless such containers are normal residential trash containers in common use by other property owners in the area. All trash must be properly managed and stored within appropriate containers.
 - d. That the allowable working hours shall be limited to between 7am and 10pm.
 - e. That any business signs shall be limited to 35 square feet and may not be illuminated.
 - f. That the area of the building to be used as part of the business (including office space) shall be limited to no more than 2,000 square feet of gross floor area.
2. The approved interim use permit shall expire five (5) years from the date of approval.

Arendt seconded the motion. Motion approve unanimously.

Niklaus made a motion to approve the meeting minutes of October 8, 2019. Smith seconded the motion. Motion approve unanimously.

Zoning Administrator's Report

Permits

Correspondence

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

Other Business: Possible winter 2019/2020 Ordinance Amendments

- Vegetative and topographic shoreline alterations
- Vacation Rental regulations
- Permitted encroachments
- Parking surface regulations that the County is changing.

Let's start with Vacation Rentals since we have someone here.

Steve Mertens: I have some issues with the neighbor's vacation rental that advertises 14 beds with the option of 28 people staying there. We have had lots of issues with several people staying there every week. We thought we bought into a residential neighborhood and now it is commercial. I would like to see what we can do to work together to make this better.

Guck: Yes we have discussed this before and it is hard to police.

Schultz how do you regulate that?

Naaktgeboren: One is the septic and the other is parking along with encroachment to the neighbors.

Oleson: Stearns & Douglas are the County's that we have examples of their ordinance. The state has come up with taxing them as commercial if they are rented for a certain amount of time.

Niklaus: Do we have the authority to say no VRBO?

Smith: I am not sure we can stop them, but like this Interim that just came in, could we require a permit?

The board will continue to work on this and would like to make sure this is at the top of our list to have put together by spring.

Oleson: The only one that I want to mention is the vegetative and topographic shoreline alterations and what is and is not allowed. We have had a few of them this past summer, so it is something that I feel we need to look at.

Guck made a motion to adjourn. Arendt seconded the motion. Motion approved unanimously at 9:03 pm

Prepared by Jean Just