

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
February 11, 2020
7:00 PM

Guck called meeting to order at 7:00pm on February 11, 2020

Board of Adjustment/Planning Commission Members Present: Larry Smith, Al Guck, Barry Schultz, Ben Oleson (Zoning Administrator)

Absent: Dick Naaktgeboren, Bill Arendt, Steve Niklaus

Others in Attendance: Ken & Jan Mrugala, Dave & Jamie Wratkowski, Ross & Deborah Pope, Tony Ojeda, Darwin Hoffman, Mike & Jennifer Mrugala, Jason Kolles, Trevor Gunderson, Scott Ergen.

Additions or Deletions to the Agenda: Smith made a motion to approve the agenda with the addition of the Ojeda hearing tabled from October 2019. Schultz seconded the motion. Motion approved unanimously.

Public Hearings

(Tabled from October 2019 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) and for additional impervious coverage on a parcel that already exceeds the 25% maximum allowed.

Applicant: Kelly Wheeler

Property Owner: Anthony Ojeda

Property address: 9639 Keats Ave NW, Annandale

Sec/Twp/Range: 16-121-27

Parcel number(s): 206031000250

Present: Anthony Ojeda

Ojeda: We built the steps the transversers that you see that follows an existing path that goes down to the lake. The reason we did that is because that would allow us to do the minimum amount of clearing of trees, brush, foliage and not have to excavate or move any dirt from the hill side. Any other option would have required the removal of tree's etc. this area was already cleared. Our main concern was maintaining the integrity of the bluff. The only digging that was done was the footings for the steps. That was our logic behind doing what we did. Additionally, it is a fairly long bluff and this is more aesthetically pleasing and safer. That was another consideration we took. If we make that shorter we would have to dig into the hill and we did not want to do that. I looked through your ordinances and it indicates to limit the amount of topography disruption, limit the amount of tree removal and limit the disruption to a bluff. There is a limitation the size of the landing, however there are numerous indications to limit the amount of topography disruption. That was our primary goal to maintain the integrity of that bluff.

Oleson: The ordinance limits the size of the landing to 32 sq ft and this one is about 90 sq ft. There are other things in the ordinance about limiting the disruption in a bluff. The ordinance does not allow for exceptions, therefore it would take a variance and that is what they are asking for. This was a site that was built about two years ago, we have talked several times and what brought me out there was a request for something else.

Ojeda: Yes, we asked for a retaining wall or to do burlap bags over vegetation to stabilize the wall. There is one of the walls that is coming down so we have to do something. If we move the steps, I would have to build urban steps and move the retaining wall. We wanted to build above the land and not into the bluff.

Oleson: The ordinance allows up to 4ft wide stairs and a 32ft landing.

Audience: None

Smith: Our recommendation was to cut it down to 45 sq ft, which is still over and would require a variance. I do not see that we can allow for a 90 sq ft and even 45 is pushing it over the limit. To me the stair way could have gone more to the left and would cut it in half. I know there are other neighbors that would like to do it and if we allow it for you then we have to allow it for others. I think it would be reasonable and get rid of half of it, you can angle the stairs and there should be enough room there.

Schultz: On the stairs are there footings along the stairs?

Ojeda: There are footings at the top and then again along the landing.

Schultz: I like what you did, however, if we allow one to do it we have to allow everyone.

Ojeda: What your proposing is going to require more footings and removal of vegetation.

Smith: I am not recommending that you go straight down to the lake from there I am recommending that you go from the house to the landing and removing a portion of the platform.

Guck: I think we talked about this before, I think you need to keep the landing at the 45 ft. There has to be some way to move the steps.

Smith: I think you need to move it to the left and just cutting the posts off.

Ojeda: We had hired a contractor. Is there a way we pay a fine or penalty?

Oleson: It did not need a permit if it would have met the requirements.

Smith made a motion to approve variances for a landing to be 45 square feet (maximum 32 square feet allowed) and for additional impervious coverage on a parcel that may already exceed the 25% maximum allowed. With the following condition:

- The landing already constructed must be reduced in size to 45 square feet (with the northern half being the portion removed) and the upper portion of the stairway moved to connect to the remaining southern half of the pre-existing landing.

Schultz seconded the motion. Motion approved unanimously.

Interim Use Permit for the operation of a temporary mining pit involving crushing and screening of gravel.

Applicant: Jason D & Geri Ann K Kolles

Property address: 10171 Ireland Ave NW, Annandale

Sect-Twp-Range: 10-121-27

Parcel number(s): 206000103400

Present: Jason Kolles

Kolles: Did some dirt work and reclaimed it. This year we went between the town hall & the road, cleaned that out so we are now done for that area. We are going to go straight west from there.

Oleson: Comes up every year, started in 2009 and this is required every year, no complaints, recommending the same conditions:

Audience: None

With no concerns from the board, Schultz made a motion to approve the renewal of an Interim Use permit for the continuation of an existing gravel pit with the following conditions:

- The applicant shall maintain their NPDES permit with the MPCA.
- Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
- The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
- Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
- The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more.

Smith seconded the motion. Motion carried unanimously.

Requests related to the construction of a two-story dwelling/tuck under garage addition to an existing dwelling. Approvals required include variances to construct a dwelling addition approx. 40.8 ft and 52.5 ft from Cedar Lake (min. 75 ft required) to a dwelling that is currently 3 ft from a side lot line (min. 15 ft required).

Applicant: Michael and Jennifer Mrugala

Property address: 6980 Ingram Ave NW, Maple Lake

Sec/Twp/Range: 34-121-27

Parcel number(s): 206069000011 and 206000341103

Present: Michael & Jennifer Mrugala

Mrugala: We were here two years ago, at that time we requested putting on a two car garage, we had scale drawings at about 50 – 52ft. You had asked us to go to 58ft and reduce it to a one car garage. We had it drawn up with the one car garage and were asked to get it surveyed since the numbers seemed to be off. When surveyed it came back that the shoreline is further back than we thought. We would still like to add just one car garage as you had asked.

Oleson: That pretty much covers it. When the survey was done it ended up being 52.5 from Cedar Lake. You had already approved the other parts of the variance. The septic that was mentioned is in the hill side by the retaining wall.

Mrugala: We were asked to have it re-platted, they said you cannot replat so we have an administrative order that Ben created.

Audience: Dave Wratkowski: We are one of the shared owners on the lot next door, we just wanted to convey that we are in favor of this variance. We feel what they are asking for is reasonable. **Jan Mrugala:** I would like to say that this has been in his family for years and he

has owned for several years. We would like to have them as our neighbors and are in favor of this variance.

Oleson: Just to clarify, this design is what you approved originally so they are not asking to change their plans, they survey just showed the distance being 5.5ft closer.

Schultz: I think you have done a lot of leg work, you did what we asked. I am ok with it.

Smith: I just want to comment that we may in the future require a surveys to make sure that things fit. I am not opposed to make this right, however, with a survey we would have more clarity.

Guck: My concern is the issue we run into is when we approve and now they have issues with the water coming up to the home. This will be your issue, I just want you aware.

Smith motion to approve amendment the previous approval for a variance to construct a dwelling addition approx. 40.8 ft and 52.5 ft from Cedar Lake (min. 75 ft required) to a dwelling that is currently 3 ft from a side lot line (min. 15 ft required) and approx. 8 feet from a septic drainfield (min. 20 ft required), with the following conditions:

- That the applicant must combine the two parcels into one and/or file a restriction tying the two lots together.
- 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.
- 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.

Schultz seconded the motion. Motion approved unanimously.

Requests related to the construction of a 30' x 30' attached garage and a 10' x 28' dwelling addition. Approvals required include variances to construct additions to an existing building that is approximately 75 feet from the centerline of a county road (min. 130 feet required). Additions themselves to be approximately 99 feet and 121 feet from the centerline of County Road 5.

Applicant: Derek and Barbara Groth

Property address: 6709 County Road 5 NW, Annandale

Sec/Twp/Range: 31-121-27

Parcel number(s): 206115001010

Present: Darwin Hoffman

Hoffman: When we started thinking about this we did not realize that we were too close to the road as we are going to the south & west. The addition is further back than the existing house.

Oleson: The variance is for the road set back, they are going to be about 99 ft for the closest part of the garage but further back than the existing house. The only thing I could possibly see was if the addition could go more to the west than to the south if needed, however, it would still need a variance.

Hoffman: We were trying to preserving the views by going with this location.

Audience: John Dearing: I think the other houses down the road are just as close.

Schultz: I am good.

Smith: I'm fine.

Guck: I'm good with it too.

Schultz made a motion to approve variance to construct additions to an existing building that is approximately 75 feet from the centerline of a county road (min. 130 feet required). Additions themselves to be approximately 99 feet and 121 feet from the centerline of County Road 5 with the following conditions:

- 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 40' x 34' detached garage. Approvals required include a variance to construct a structure approximately 0 feet from the right-of-way of a platted cul-de-sac (min. 25 feet required).

Applicant: Trevor and Sarah Gunderson

Property address: None (west end of 108th St NW, Maple Lake)

Sec/Twp/Range: 11-121-27

Parcel number(s): 206071003010

Present: Trevor Gunderson

Gunderson: So there is a hill to the back and a turn around to the front that is limiting me building a garage there. The turnaround where it is at right now is 80 feet back. With a 25ft set back I would be in that hill so just trying to not dig into the hill or eliminating the trees. Where I am looking to build is already cleared out right there.

Oleson: Just the road setback for the variance. We have this cul-de-sac that is platted out, however, it is not being used all the way in. He is asking to be zero to 1foot instead of the 25ft. There is the hill there, so the question is maybe not all the way back to 25ft but maybe something in between.

Audience: None

Smith: I know you asked the township to change the turn around to a smaller one, and we are not in favor of that. Is there any way to come back about 10 ft?

Gunderson: If I pull it back at all I will be into the hill. I talked with the builder, without bringing in a lot of fill it would be hard to move it over.

Smith: 34ft building plus 10ft back would not be too far into the hill from what I can see.

Oleson: The reason I mentioned the 10ft back is due to parking and maybe that will not be an issue since it is a storage garage.

Guck What would it entail to go into the slope?

Gunderson: It would take some work and would have to be a concrete wall rather than wood frame and the hill is pretty treed right now so we would have to take some of them down.

Oleson: We did receive one comment not in favor due to room on the current turn around.

Schultz: To me I think you will appreciate an apron, and I think that if that turn around is built you will appreciate moving it back a little.

There was discussion regarding driveway between Gunderson and board and asked that before he does any hard surface for the driveway that he would come in and talk with the board to make sure if the cul-de-sac was ever built the driveway would not be an issue.

Smith motion to approve Variance to construct a structure approximately 5 feet from the right-of-way of a platted cul-de-sac (min. 25 feet required) with the following conditions:

- That the proposed building must meet a setback of no less than five (5) feet from the cul-de-sac right-of-way or 85 feet from the centerline of the township road - whichever is further back.
- 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.

Schultz seconded the motion. Motion carried unanimously.

Schultz made a motion to approve the meeting minutes of January 14, 2020. Smith seconded the motion. Motion approve unanimously.

Zoning Administrator's Report

Permits - none

Correspondence:

Oleson: I have one permit come in that I am questioning if they need a variance. It is a landscaping only permit. They are going from 32% impervious to 29% impervious. So buildings being constructed and my thought was would they need a variance to reduce. I know that we talked about if they were going to swap out impervious from a patio to a porch that would require a variance. In this case they are taking out landscaping impervious and putting it back in at a reduced amount. After discussion the board felt that it should come before the board to review.

Enforcement Actions

Findings of Fact – Previous PC/BOA Decisions- none

Other Business: **Vacation Homes:** Oleson gave an overview of what was discussed at the subcommittee meeting. The thought is that changes would be effective in stages. With some

items effective immediately and others not being implemented until 2021. The committee directed staff to draft an ordinance regulating short-term/vacation rentals based largely on the ordinance put in place by Douglas County, but with several modifications. The portions that would be implemented in 2020 are related primarily to information that vacation rental owners would be required to provide to their renters and to nearby property owners. Another issue the subcommittee directed staff to research was whether a public health licensing requirement. Research indicates that Wright County Public Health does not currently regulate lodging facilities like hotels, Bed & Breakfast facilities and resorts; those regulations are left to the Minnesota Department of Health which generally has the responsibility to enforce those regulations. State health inspector noted that the state regulations only apply to those facilities that are rented for less than one week at a time. The next step would be to have a schedule another public hearing. Board felt we should move forward and schedule the hearing for March 4th, 2020.

Smith made a motion to adjourn. Schultz seconded the motion. Motion approved unanimously at 9:15 pm

Prepared by Jean Just