

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
June 9, 2020
7:00 PM

Guck called meeting to order at 7:00pm on June 9, 2020

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

Others in Attendance: Lisa Hjort, Terry Hjort, Julie Carlson, Steve Bruggeman, Mike & Charlene Mengelkoch, Tony & Sally Biel, Jeff Lundquist, Jay Whiteoak, Kathy & Bob Gruys, Katie Gruys, Bret & Julie Gohman (Via Teleconference: Hannah & Preston Fischer)

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

Public Hearings

Requests related to the construction of a storage shed. Approvals required include a variance to construct a 10' x 20' shed approx. 4 feet from a side lot line (min. 15 ft required).

Applicant: Preston and Hannah Fischer
Property address: 10376 Ireland Ave NW, Annandale
Sec/Twp/Range: 10-121-27
Parcel number(s): 206000104203

Present: Hannah fisher

Fischer: We wanted to revisit our variance for a 10 x 20 mobile storage facility. There was some confusion as to what our requirement was. We would like to put it where number one is, we got permission from Leo Kill at the last meeting and he is ok with it. This location also allows for us to not have to move sprinkler heads. The usable land for us is only about one acre due to the topography of the land and with the woods and swamp area. The other options are removing some trees or being closer to the road which we do not want to do. The other thing that I would like to point out is that I did some research that I did send to Ben of others that are in violation of the current rules by either being on the property line or over the property line. We are trying to do this the right way by coming in for the variance.

Oleson: So the reason it is back, I had mistakenly said that the setback was 10 ft and is actually 15 ft because they are in the AG Residential district. The action last month was to deny the request to be 4ft from the side yard property line. Due to that we thought we should bring it back in case knowing that it is 15ft rather than 10ft if that would make any difference. Looking at some of list she gave me, I have not list at everyone in detail, however, it looks that some are prior to zoning restrictions some were variances that were granted.

Audience: None

Niklaus: Last month I voted against it that was based on the statement that the board of adjustments must not approve a variance unless applicate proofs some type of practicable difficulty and I do not see that difficulty when there are other locations to place the shed. I do

understand that this has been done in the past, I can't speak to those, however, I feel we have to stick with what the zoning laws are.

Naaktgeboren: I agree with Steve

Smith: I feel the same way I do not feel there is a reason there needs to be a setback.

Schultz: I am also in agreement.

Arendt: Option #2 seems more workable to get closer to the setback.

Fischer: There is only one acre of our land that is usable land, is there not compromise since if we had only one acre the setback would be 10ft.

Guck: When you buy 10 acre lot you are assuming that you solve all the encroachments and you should not have to deal with all the setback issues. My feeling there should be someplace else to put it so that you do not need to be that close to the lot line.

Fischer: The rest of the land is either trees or slopes and our neighbor has no issue with it. It is a movable shed. So basically, do it and not ask permission. We are trying to go about this the right way.

Smith: We had a denial last month do we need to make a decision?

Oleson: You could make a motion to approve or rescind the last decision. If no one makes a motion the last month motion would stand.

Schultz: Basically 2, 3, 4 would meet the requirements.

Oleson: Yes they would.

Guck if there is no motion what was given last meeting will stand.

Fischer: So what was said at the last meeting was 10ft so is that what you are saying?

Oleson: The motion was to deny the 4ft variance to the side lot line.

Fischer: Correct, however, it was thought it was a 10ft variance so is 10ft ok?

Guck: Does anyone want to revisit at 10ft?

Guck made a motion to approve variance to construct a 10' x 20' shed 10 feet from a side lot line (min. 15 ft required) .

Smith seconded the motion.

Nicklaus: Ben can you clarify the paragraph about findings of fact indicating that the board may grant a variance if they find that the above factors are established. The board may not approve a variance without adequate proof of the above.

Oleson: So those factors are listed out and give information that supports approval and denial of the variance. So in this case if the motion is to approve the variance for 10 ft and so it would be based on those findings for approval.

Guck: I would say that the turnaround situation would create a difficulty.

Smith: I believe they were lead to believe it was 10ft and now it is 15ft.

Motion was passed unanimously.

Requests related to the construction of a dwelling. Approvals required include a variance to construct a larger dwelling than what currently exists approximately 53.9 feet from Bass Lake (min. 75 ft required) and which is served by a holding tank (drainfield required).

Applicant: Harold and Cheryl Biel

Property address: 10592 120th Street NW, Annandale

Sec/Twp/Range: 5-121-27

Parcel number(s): 206000052102 and 206000052103

Present: Harold Biel, Tony Biel & Jeff Lundquist

Biel: Ultimately we have a two lots and seeing what is possible to rebuild. There was one structure on each lot, one having a mound septic system and one a holding tank. One cabin was torn down already. The new structure is the same as what the two were. The two setbacks would be the road and the lake shore, we placed the structure in the optimal place. There have been questions regarding if it is a buildable lot so seeing what is allowed.

Oleson: The variance is the lake setback, the new house will be further back than the current cabin and previous cabin. The road setback at 66ft (130 ft allowed). The other things that come into play is the septic system, so what we have right now is the current cabin is served by a drainfield that is not compliant from what I have heard. It seems that the only practical solution would be a holding tank, unless we can find out something different.

Biel: How I understand is that there is a possibility that a septic system could be possible not sure it. I have heard that there is another lot on the other side of the lake that it was done, just have not had anyone out to confirm that yet.

Oleson: Absent of design for a septic with a drain field, the ordinance does not allow for you to expand the size of the house. This would be an expansion of the current cabin, and more than a year since the last one was torn down. Normally you can replace them if within a year. Part of argument, is that the new house will not be any larger than what was there when the two cabins were there. One more issue is the 4ft above the ordinary high water mark. This lot is pretty low it is at 996 at the lake and it is 996 to the back again so that is going to require a fair amount of elevation on the lowest floor.

Biel: They could place the first level at 5 ft above, would not need fill and it would be on stilts and secured to the foundation.

Oleson: The normal way is to add fill. If doing another way it would become a CUP. It has more in my mind to do with the septic, and if you are ok with a holding tank because it was historically out there.

Audience: None

Schultz: To me I am looking at you getting further from the lake and the extra sq footage does not bother me. I am concerned about the holding tank. However, I like the betterment of the lake.

Smith: I would like to see a septic design and Bernie is very good on a type 4 systems. I understand the higher foundation, I would just like to see landscape design to make sure there are no water issues.

Biel: I have left several messages with Bernie to try and getting him out there.

Naaktgeboren: I am looking at doing the sewer and you're not going to build on a holding tank. I agree you need to find out what you can do.

Niklaus: Coming back if it was on a holding tank it would be impossible, so I agree you need to see that you can get a septic with a drainfield. I understand what you are trying to do and think you are doing a good job.

Arendt: A sewer and elevation is the issue. We need to see a sewer design.

Guck: I think it is great that you are moving it back. I think elevations are an issue and a septic plan is needed.

Oleson: Just to clarify the replacement of the septic would be a holding tank and they could tear down and rebuild in the same location, same sq footage with a holding tank.

Schultz: I feel you should check on the septic and come back.

Smith: I would also like to see us table the request.

Biel: So what I'm hearing is if someone wanted to rebuild on this lot it is doable, just wanting to make sure that a septic with a drainfield will work.

Niklaus made a motion to table the request. Schultz seconded the motion. Motion approved unanimously.

Requests related to the construction of a storage building. Approvals required include a variance to construct a 24' x 40' storage building approximately 5 feet from a side property line (min. 10 feet required).

Applicant: Michael and Charlene Mengelkoch
Property address: 6600 75th Street NW, Annandale
Sec/Twp/Range: 25-121-27
Parcel number(s): 206074001080

Present: Mike & Charlene Mengelkoch

Mengelkoch: We are looking to go 5ft off the property line so we can keep the shed a little more off the driveway. The reason for the 24x40 is to get the pontoon and boat inside so that they are not sitting outside.

Oleson: This is variance on the side yard setback, so the main question is seeing if it can meet the 10ft setback. They had talked about some of the challenging's in regarding to moving it so that you are further away?

Mengelkoch: We are going to be so close to where the driveway is and the overhang would be on the driveway. We would like to keep that off the driveway. We do not have the option to move the driveway as that is where the septic is.

Oleson: The other thought is the location of the property line, there is no survey. They are going by where the two property owners feel the line is. It could possibly be a little further.

Mengelkoch: We will be moving the portable shed, sounds like we have enough property to keep the shed.

Audience: None

Arendt: Going with what is in the staff report, when it is feasible to do and practical difficult, I do not see there is practical difficulty and so I am not in favor.

Mengelkoch: Even 8ft would help us, if that is possible.

Guck: If you are over 8ft you would the eve then be off the driveway?

Mengelkoch: No

Niklaus: You do not have to do anything with your mound system correct.

Mengelkoch: No

Niklaus: I do not know that the driveway as a practical difficulty. To save some on your property to get closer to the neighbors I am not sure if that raises to practical difficulty.

Naaktgeboren: I am with Bill and Steve stay at 10 ft.

Smith: I agree with the rest and think you can meet the 10 ft set back.

Schultz: I hear what you're saying but I have to agree with the rest of the board.

Guck: The practical difficulty to me would be an issue.

Smith made a motion to deny variance based on the findings of fact to construct a 24' x 40' storage building approximately 5 feet from a side property line (min. 10 feet required) based on the findings of fact.

Arendt seconded the motion. Motion passed unanimously.

Requests related to the construction of a dwelling addition. Approvals required include a variance to construct a 3.5 x 8 foot addition to an existing dwelling, approximately 29 feet from Clearwater Lake (min. 75 ft required) and located within a floodplain.

Applicant: Julie Carlson

Property address: 9362 Kramer Ave NW, Annandale

Sec/Twp/Range: 18-121-27

Parcel number(s): 206000181408

Present: Julie Carlson

Carlson: I just want to add a bathtub, it is just a bump out.

Oleson: This one is a unique property on a peninsula, there is a provision for a 30 sq ft bay that is allowed into a side setback or rear setback, but not a lake setback. She is close to lake, the cantilever bump out just under 30 sq ft. It is in flood plain, this would be under the amount needed.

Audience: None

Smith: It is not very big addition, I am ok with it.

Naaktgeboren: No problem.

Schultz: I am good with it as it is cantilevered.

Arendt: I am ok.

Guck: Good.

Niklaus motion to approve the variance based on the finding of fact to construct a 3.5 x 8 foot addition to an existing dwelling, approximately 29 feet from Clearwater Lake (min. 75 ft required) and located within a floodplain with the following conditions:

1. The addition shall be cantilevered and no foundation shall be placed under the addition.
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.

Smith seconded the motion. Motion passed unanimously.

Requests related to the construction of a detached garage addition. Approvals required include a variance to construct a 16' x 24' single story garage addition approximately 9 feet from a side lot line (min. 10 feet required).

Applicant: Bret and Julie Gohman

Property address: 10527 Kimball Ave NW, Annandale

Sec/Twp/Range: 8-121-27

Parcel number(s): 206093000210

Present: Bret & Julie Gohman

Gohman: We have a detached garage that we would like to add on to. The property line is slightly angled. The NW corner is just under the side lot line requirement of 10ft if we continue

the building down line it will 9 ft 1" from the property line. To add onto the other side we would have to take out two large trees and the lot goes up hill. The proposed location is flat and does not obstruction any view.

Oleson: So just the side yard add on to on this side.

Audience: One letter stating no objections.

Naaktgeboren: Trees make sense, would not want to cut them. I'm ok with it.

Niklaus: That does present a practical difficulty.

Smith: I am good with it.

Arendt: I am good with it.

Schultz: I am good with it due to the elevation of it and getting into the garage.

Guck: I see no issues.

Arendt approve variance based on the findings of fact to construct a 16' x 24' single story garage addition approximately 9 feet from a side lot line (min. 10 feet required).

Schultz seconded the motion. Motion approve unanimously.

Request for rezoning of an approximate 34.73 acre property from General Agriculture (AG) to Suburban Residential (R2) and Suburban Residential (a) (R2a).

Applicant: Robert Gruys

Property address: None (along 112th and 110th Street NW, Maple Lake)

Sec/Twp/Range: 1-121-27

Parcel number(s): 206000013400

Present: Bob Gruys – Steve Bruggeman

Gruys: We have been working extensively with Ben & Stacy at Wright County as to what we can do and this is what we came up with.

Oleson: This is a twostep process so the proposal is to rezone. It is currently zoned AG so the proposal is to rezone Lot 1 to R2 which is 2.5 acre minimum and the rest to R2a which is a 5 acre minimum. It starts here, then the town board and then to Wright County. If the county approves then they have to come back for the subdivision.

Gruys: The lots are bigger than the minimum required.

Audience: None

Niklaus: I do not have any issues.

Naaktgeboren: I have a question on lot 1 & 2 on the west side, why not split the up?

Bruggeman: It was just based on design.

Naaktgeboren: I do not like the way they are I would like to see them square them up before you come back for the subdivision.

Smith: I like the concept, maybe change the two of them and check to see if you could get a community septic system out there?

Gruys: I would like to see even on a bigger picture and get a community septic for the lake lots.

Schultz: My question by having lot one directional will that create problems down the road?

Smith: We could take a look at that during the subdivision.

Arendt: I am fine with it.

Guck: I do not have a problem with it.

Niklaus made a motion to recommend the approval to rezone. Arendt seconded the motion. Motion approve unanimously.

Requests related to the construction of a detached storage building. Approvals required include a variance to construct a 24' x 30' garage approximately 2 feet from a side lot line (min. 10 feet required), 38 feet from the centerline of a township road (min. 65 ft required) and 11.5 feet from a road right-of-way (min. 20 feet required).

Applicant: John and Vicky Skoog

Property address: 10794 Gulden Ave NW, Maple Lake

Sec/Twp/Range: 12-121-27

Parcel number(s): 206046000070

Present: John Skoog

Skoog: We have a double lot with a small cabin and I would like to add a garage. I cannot meet setbacks.

Oleson: This is the side yard setback to the west, and then two road setbacks to the north and the east, normally 25 from the cul-de-sac. They are fine on impervious and Lake Setback. There are some elevation issue to work with.

Audience: None

Niklaus: I go back to practical difficulties and what those are. I do not see enough to justify this.

Naaktgeboren: I look at what he is trying to do, I think move it further from the road and split the difference on the sides. I am concerned with the parking since it is rented out.

Skoog: I am trying to add more parking and have not had an issue in the past.

Oleson: We usually ask at least 20 ft from the road right of way.

Smith: I think that would be a better fit to move it over more.

Schultz: For storage?

Skoog: Yes more storage.

Schultz: Can you reduce the size to a 24x24 to give yourself little more room and split the side lines more.

Arendt: Environmental of the area with steep slope behind it could result in runoff towards the lake, what can be done to address that.

Skoog: Gutters would run towards the cul-de-sac, and possibly add some shrubs to stop the run off.

Guck: I say split the side lot lines also.

Schultz made a motion to table the request until the August meeting to get more information and see if there is another location. Niklaus seconded the motion. Motion passed unanimously.

Approve Previous Meeting Minutes;

May 12, 2019 - Tabled

Zoning Administrator's Report

Permits

Modification to previously granted Variance – 8005 Greer Ave

Oleson: 8055 Greer Ave: John Jones empty lot proposing house that was approved. He did build get his shed. There are now new owners that would like to build. They sent a site plan and it is the same foot print however, two story instead of one level. Do they need a new variance?

Board felt that they should come back for review since they are changing what was approved with the first variance.

Correspondence
Enforcement Actions
Findings of Fact - Previous PC/BOA Decisions

Hjort: Hear to talk about modification to variance that was requested and approved previously. Due to the fact that it has taken us longer than 3 years it has now expired. I want to know if I have to start all over to see where we are at, we are looking at making some modifications to what we were approved for by moving it about 12 ft over.

Oleson: So basically, they are moving to new location, normally they expire if no action was taken within three years and they have not yet applied for a permit.

Board felt that they should come back for a new variance since it has expired and is moving to a new location.

Smith made a motion to adjourn. Schultz seconded the motion. Motion approved unanimously at 9:30pm

Prepared by Jean Just