

CORINNA TOWNSHIP  
MINUTES  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
May 12, 2020  
7:00 PM

Guck called meeting to order at 7:00pm on May 12, 2020

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

Others in Attendance: Leo Kill, Mitch Flemming, Tom Johnson

Via Teleconference: Raymond Weiss, Robert Butterton, Star Butterton, Hannah Fischer, Jane Hurley, Jackie Steinhoff, Diane Foster, Dan Vervick, vhastcportea, mj

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

#### Public Hearings

Requests related to the replacement of an existing water-oriented accessory structure. Approvals required include a variance to construct a water-oriented accessory structure with a height of approx. 16 ft (max. 10 ft allowed) and with a footprint of 270 sq ft (max. 250 sq ft allowed).

Applicant: Thomas Johnson

Property address: 10021 105<sup>th</sup> St NW, Annandale

Sec/Twp/Range: 8-121-27

Parcel number(s): 206000084103

**Present:** Thomas Johnson

**Johnson:** I added a screen porch to an existing block boat house.

**Oleson:** The reason is because an orientated structure is within the lake setback. When you build these structures they are limited to 250 sq ft and in height to a max of 10ft. This structure is taller than allowed and I thought larger than the 250 sq ft, however, there is some question about that. For sure taller than what is allowed. You can see the pictures that were taken.

I had indicated that height is around 16-18ft, however it may be taller than that.

**Johnson:** The side walls are 8 and to the peek is 8 so 16ft.

**Audience:** Question regarding how it would be finished.

**Oleson:** There has not been any additional work done. There are some pictures of how it would look like when finished. (Pulled up pictures)

**Star Butterton:** I understand other structures exist, one thing we missed out on is that neighbors should have been informed prior to the project starting. We also have a house that needs some updates and if the variance process is in place it should take place prior to the structure being built.

**Dr. Raymond Weiss:** We did post concerns regarding the height of the structure and it affects the view facing west from our yard and windows. I can understand the architectural design to make it blend in, however, I feel there is question as to the height. This project should have been submitted for approval before the project started. If there are regulations and restrictions in place they are in place for good reason. We feel the board should go by their rules and requirements. The submission by neighbors on the west side should have no relevance.

**Naaktgeboren:** First question is the height is it the front side or the back side? If on the lake side it would be maybe 20 -24ft in the air.

**Oleson:** Boat houses should be from the lowest floor to the peak of the roof. Which would be closer to the 24-25ft. The number I got was scaling of the pictures received.

**Naaktgeboren:** It is tough situation with it being after the fact and if we allow it would be setting a precedence. Even with going with a flat roof it would be too high. I have no issues of the foot print being 270 or 250 sq ft.

**Niklaus:** It is clearly a difficult situation which unfortunately Mr. Johnson put himself in. I do not support the height going beyond the 10ft.

**Smith:** I agree we need to get to the 10ft max on height. I am ok with the 270 sq ft footprint if that is what it was originally.

**Arendt:** I agree needs to be at the 10ft max.

**Guck:** It should have come in the permit process and it would have been caught right away. I cannot support.

**Schultz:** I thought that building on top of a boat house was not able to be done? Did that change?

**Oleson:** No you are correct. Railing and deck is the only option.

**Schultz:** I am not for the variance.

**Naaktgeboren:** I know you have pictures of others on the lake that are higher than the 10ft, they have been there prior to planning and zoning and they are grandfathered in.

**Niklaus:** Can we make a motion to approve the 270sq ft and not approve the higher than 10ft?

**Oleson:** You could allow for the existing foot print is how I would say that.

Niklaus made a motion to approve variance to constructed boat house in the existing footprint and to decline the variance for a water orientated structure higher than 10ft.

Smith seconded the motion. Motion approve 4-1 with Schultz opposed.

Johnson asked what the next steps were.

Oleson indicated that it would have to be taken down to the 10ft from the bottom of the boat house.

**Johnson:** We discussed about moving the structure back as an option?

**Oleson:** You could move it back to meet the 75 ft setback, otherwise it would have to be a variance to be closer since this would be a third water orientated structure if closer than 75ft and you are only allowed one within 10ft.

Discussion was made to see how long he had to make a decision and remove it from the current structure. Board will allow up to 60days to resolve the removal of the building above the boat house.

Requests related to the construction of a covered entry. Approvals required include a variance to construct a 6' x 18' covered entry addition to a dwelling located approx. 49 feet from Sugar Lake (min. 75 ft required) and approx. 14 feet from a side lot line (min. 15 ft required). The addition itself will be approx. 75 ft from Sugar Lake.

Applicant: Jeffrey and Jaclyn Steinhoff

Property address: 10724 Imhoff Ave, Annandale

Sec/Twp/Range: 10-121-27

Parcel number(s): 206083000110

**Present:** Jaclyn Steinhoff & Tom Neu

**Steinhoff:** Basically the existing garage attached to the house, we are looking to remodel that to kitchen & living space. We would tear down the garage, build it back up to the same dimensions and would like to be able to add a peaked 6x18 covered entry in the front. I believe it is because of the side yard setback. Variance is for the covered entry.

**Oleson:** That's correct it for the side yard setback since they are closer to the side setback at 14ft and 15 ft required and the dwelling is closer to the lake at 49ft and 75ft required. The addition itself is about 75 ft. Just as history they were in a few years ago for a larger addition, they have decided not to do that.

**Audience: Diane Foster** – I live to the south and I am in support of this addition.

**Oleson:** There was another letter received in favor of the request.

**Niklaus:** I support this request.

**Schultz:** Are you going to match the roof line?

**Steinhoff:** Yes it will match and no basement.

**Schultz:** I am ok with it.

**Smith:** I'm in favor of it.

**Naaktgeboren:** I agree, are you going to take out some of the driveway then?

**Steinhoff:** Yes the driveway will only go to the garage and will be putting grass near the house.

**Arendt:** I am good with it.

**Guck:** I am glad it is on the road side and not on the lake side. I am in favor.

Arendt made a motion to approve a variance to construct a 6' x 18' covered entry addition to a dwelling located approx. 49 feet from Sugar Lake (min. 75 ft required) and approx. 14 feet from a side lot line (min. 15 ft required). The addition itself will be approx. 75 ft from Sugar Lake with the following condition:

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.

Niklaus seconded the motion. Motion carried unanimously.

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. 10 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 Fischer

**Fischer:** So we would like to build a movable 10x20 storage shed 4ft from the south property line. The reason for the request has to do with the lay of the land when it comes to our lot. Although we have 10 acres basically the part where we built is about 1 acre and with the sloping we had to put the house where it is. So one of the reasons is for safety, we were robbed during the building process so do not want to put it near the wooded area. We have talked with Leo Kill the neighbor and he has not concerns with it.

**Oleson:** The request for the variance is the side yard, they are asking for 4ft and 10ft is required. She did give some alternative locations.

**Audience: Leo Kill** - I am ok with it.

**Arendt:** Option number two you were saying that you have a 15ft set back but your only 10ft, so would you still want to stay at 4ft or maybe go out to 8ft?

**Fischer:** We would like to stay at 4ft, in that option the building is sticking out in the middle looking a little out of place and worry about wind, snow, and parking

**Arendt:** I'm fine with it

**Naaktgeboren:** I guess I am looking at you have 10 acres and I am not sure what you are obstructing by meeting the 10ft? I think you need to stay at 10ft.

**Niklaus:** I do not support the variance, I agree it would be nice, but again are we setting a precedence if we allow. There is no hard ship and there are plenty of places to put this.

**Smith:** I agree, with a lot this size there should be a place to put it and meet the 10ft.

**Schultz:** I agree with Steve & Larry.

**Guck:** With 10 acres why crowd the line. There are options.

Niklaus made a motion to decline the variance request to have a shed 4ft from the property line when 10ft is the requirement.

Schultz seconded the request. Request denied unanimously.

Requests related to the construction of a storage shed. Approvals required include the construction of a structure approx. 45 feet from the centerline of a township road (min. 65 ft required).

Applicant: Mitchell Flemming

Property address: 9006 Iresfeld Ave NW, Annandale

Sec/Twp/Range: 15-121-27  
Parcel number(s): 206000153401

Requests related to the adjustment of lot lines involving the addition of an approximate 203 sq ft area to PID 206017003100 from 206017003080. Approvals required include a lot line adjustment in a shoreland area between nonconforming lots.

Present: Mitchel Flemming & Leo Kill

**Kill:** He has an existing shed that we would remove that, we do not want to go back into the steep slope and we do not want to encroach on the drain field so we are trying to stay the same distance back as the existing shed and still push it back off the road as far as we can. There has been a bit of discussion regarding the road.

**Oleson:** Road setback is the issue. There were some white flags placed out there and there may have been some concern regarding the property line and road right of way. The normal is 65ft and they are asking for 45ft.

**Guck:** Is that a township road?

**Smith:** Yes, 33 ft easement road.

**Audience: Michael Linder:** We addressed our questions with Ben and with Mitch our concern was the property lines and concern with erosion from hill behind the shed and making sure those are in place so that it does come onto our property. We do have some man made drainage since we do have some low areas, and making sure water is not coming over the road.

**Kill:** We are aware of the erosion area and our goal is to not change that.

**Naaktgeboren:** Would it help to be closer to the drainfield?

**Kill:** I don't think that will help. If we move it back we will have to dig into the hill. Our plan is to move a minimum amount of fill in the area. It would be 30ft from the road.

**Niklaus:** The requirement of 65ft is that for parking?

**Smith:** That is part of the reason. Wanting to make sure room for plowing etc.

**Niklaus:** I'm good with it.

**Smith:** Looks good to me, I do not have an issue with it at that distance from the road.

**Schultz:** I agree.

**Arendt:** I am good with it.

**Guck:** As long as they are taking care of the drainage I am good with it.

Smith made a motion to approve the variance to construct a structure approx. 45 feet from the centerline of a township road (min. 65 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.

Arendt seconded the motion. Motion approved unanimously.

Applicant: Jane Hurley/ Ann Porter  
Property address: 6373 80<sup>th</sup> St NW, Maple Lake  
Sec/Twp/Range: 25-121-27  
Parcel number(s): 206017003100 and 206017003080

Present: Jane Hurley, Ann Porter

**Hurley:** The Porters and we found that the lot line comes down the middle of my driveway so we are requesting that a portion gets attached to my property so that the driveway is entirely on my property.

**Oleson:** It is due to the fact it is in the shoreland district the reason to review is to make sure they are not creating any setback issues or impervious issues. I do not see any issues that would come up with this adjustment.

**Audience:** None

**Arendt:** I am fine with it.

**Schultz:** Who is losing property?

Hurley: Porters will be losing.

Porters: We are in agreement.

Schultz: I am good.

Smith: I am good.

Niklaus: I'm good.

Naaktgeboren: No issues.

Schultz made a motion to approve the lot line adjustment.

Smith seconded the motion. Motion approve unanimously.

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

#### Zoning Administrator's Report

Permits- none

Correspondence:

- Rick & Sandy Miller called regarding their project, they cannot get final approval on the purchase of the land, and they asked if they could get going? What would we need to get going on this? Board felt that they would need something in writing.
- Question regarding 11967 & 11970 Gulden Ave, there are two cabins and two boat house/bunk houses. If they were to tear down all 4 and build one home that is further away from the lake than what they are now and could get a septic with a drainfield would it be reasonable to get something approved. The board thought they would consider it, they would like to see how large it would be and make sure that a septic with a drainfield could be done. They would have to go through the variance process.
- In 2012 we had a feedlot setback variance for the Leo Zahler property to build a home. It was approved but has since expired. Due to it being a feedlot it is a variance that the County needs approve. Should it be ran though the planning commission or just the board. Decision was to go to the town board only.
- Home on sugar, owner is asking about doing some grading on the property trying to find out how many cubic yards and if over 50 they have to come to a hearing. They have a low area where the water sits, they would like flatten out to not have the water sitting. I am just letting you know, in case they are over the 50 cu yards.

Enforcement Actions - none

Findings of Fact – Previous PC/BOA Decisions: **Oleson:** I sent findings of Fact, do you need to still review with the way I have been submitting them? The clean way to do this would be that when you approve a motion you state that you are approving based on the findings of fact. The only question would be if we did not have clear findings in the staff report. Board agreed that they would make it a part of the motion going forward.

Guck made a motion to approve the findings of fact. Smith seconded the motion. Motion approved unanimously.

Smith made a motion to adjourn. Niklaus seconded the motion. Motion approved unanimously at 8:45 pm

Prepared by Jean Just