

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
August 12, 2020

7:00 PM

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

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

Others in Attendance or via Computer: Chad Raney, Deb Rosenberg, Janet Hoskins, Lauren Dvorak, Mark Ballie, Nick Nicholas, Susan Ash, Mark Baillie, Maryann Nicholas, 507-250-2285, 507-696-0534, 952-938-0568, John Skoog

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

Public Hearings

(Tabled from July meeting) Requests relating to the construction of a detached garage. Approvals required include variances to construct an approx. 11' x 26' detached garage 2 feet from a side lot line (min. 10 feet required) and 16 feet from an existing septic drainfield (min. 20 feet required).

Applicant: Mark Ertl and Martha Hurr-Ertl

Property address: 11543 Gulden Ave NW, Maple Lake

Sec/Twp/Range: 1-121-27

Parcel number(s): 206085000310 and 206000012304

Niklaus made a motion to table. Smith seconded the motion. Motion carried unanimously.

Requests related to the construction of a pole shed/storage building. Approvals required include variances to construct a 30' x 40' storage building 50 ft from Mink Lake (min. 50 ft required), 48 and 58 feet from the centerline of township roads (min. 65 ft required) and 11 ft from a future septic drainfield (min. 20 ft required).

Applicant: Chad Raney

Property address: 8565 Griffith Ave NW, Maple Lake

Sec/Twp/Range: 24-121-27

Parcel number(s): 206090002020 and 206090002010

Present: Chad Raney

Oleson: Just to correct that, it is a 100ft required for the lake and they are asking for 50ft.

Raney: Looking a building 30x40 storage shed. Visually will not block any views to the lake and in line with other properties in the neighborhood and others with less set back.

Oleson: The variance would be 50 ft from lake rather than 100, it would be about 48 & 58 ft from the centerline of the two roads. There is a second location for a drainfield we do not need to give a variance for that they are not requesting that now. This is the existing house, it is two different parcels right now and they would combine into one parcel. It will be a larger lot and they could have a 1400 sq ft and they are proposing 1200 sq ft.

Audience: None

Schultz: The proposed sewer side could that be moved to in front of the house?

Raney: When we had the survey done they picked the best area to have a conforming system.

Miller: We initially looked at it, that is the only spot for a septic, unless they move a well or something.

Schultz: I was just seeing if we could meet the 100ft.

Niklaus: Because it is a double lot and there is enough space. Could you make a smaller shed? Over all I think it is reasonable.

Oleson: Just to point out they did submit a storm water plan, your will direct more water towards the road.

Raney: Yes the goal would be to make sure it did not go towards the lake, better drainage on 85th and Griffith.

Niklaus: With the pad there could you move it further?

Oleson: Looking at it I'm not sure you could get further away.

Naaktgeboren: You talk about moving 70 cubic yards of fill is CUP needed.

Oleson: We would not count the amount needed for the foundation.

Naaktgeboren: The way you have it right now, could you turn the shed so that you can gain some footage towards the lake.

Raney: That was what we started with, once we looked at the sewer is when we changed it, we did not want to disturb that area for the septic. We wanted the balance those items.

Smith: I would like to get at least 60 ft from the lake either smaller or flipping it.

Arendt: I agree with Larry, I would like to get more. I would say that a condition would be that they are combined lot.

Guck: My thought is there is nothing grandfathered and getting it back further would be helpful. Can you turn it and get it back a little further that would be my concern with run off and away from the water.

Raney: We talked about that, we do run into some issues with drainage. It is just a matter of making sure we can get that drainfield.

Smith: I think that it would be doable, nice to drive in

Miller: Drainfield from the lot line we could possibly go closer.

Niklaus motion based on findings of fact to approve Variances to construct a 30' x 40' storage building 60 ft from Mink Lake (min. 100 ft required), 48 and 58 feet from the centerline of township roads (min. 65 ft required) and 11 ft from a future septic drainfield (min. 20 ft required); road centerline setbacks and septic drainfield setbacks to be reduced as necessary to achieve the 60 ft lake setback with the building 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, wetlands, road right-of-way or onto adjoining properties. 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.

3. You will need to work with your title company, surveyor, and/or attorney and the Wright County Recorder and Auditor's office to ensure that your new legal descriptions (from combining the two lots) are recorded, which may include paying your property taxes for the full current tax year.

Smith seconded the motion. Motion approved unanimously.

Requests related to allowing for two nonconforming platted lots under common ownership to be sold and developed separately. Approvals required include a variance to sell and develop lots separately that are approx. 22,195 and 19,965 sq ft in size and 99 and 96 feet in width (min. 26,400 sq ft and 99 feet required as per Minnesota Statutes 394.36, subd. 5).

Applicant: John and Kimberly Wernz

Property address: 8868 Ingram Ave NW, Annandale

Sec/Twp/Range: 22-121-27

Parcel number(s): 206023001080 and 206023001070

Present: John Wernz & Bernie Miller

Wernz: Our lot is the southern lot on the lake, we would like to have a garage on the back lot #7 and then have a lot #8 separate that could be buildable and it is just under 20,000 sq ft. We would then combine lot# 7 with the lake lot. As I looked the staff report I agree with all the recommendations, including making a lot line adjustment to get over the 20,000 sq ft on Lot #8. All three neighbors are in support. Bernie found there would be one to two possible drainfield sites.

Miller: We sent over a recommendation/drawing today to maintain the road frontage, with lot #8 having over 20,000 sq ft. with two drainfield sites.

Oleson: The issue is they are two lots do not meet the DNR rules. In 2002 the county allowed them to be separated, however, the owner never recorded the new deeds. I think that he just not know that was what was needed to be done. Therefore, they are asking to split them again. The state statute was not in place when it was approved previously. The state statute requires that they meet 66% of the normal standard which is 150ft so it would be 99ft. they are close to that, and lot size is 26,400 both lots would be under that. It's not that it is not allowed it just needs a variance.

Schultz: I'm good with it.

Naaktgeboren: I am good.

Smith: I am good as long as the lake property is tied together.

Arendt: I believe it will be two separate is two PID's with a restriction.

Oleson: It would be an administrative order tying the two lots together.

Guck: The only question I have is could he put a septic across the road?

Miller: Possible.

Wernz: It is a tank with small drainfield and do not have any issues at this time.

Guck: I have no problem.

Schultz motion to approve Variance to sell and develop lots separately that are approx. 22,195 and 19,965 sq ft in size and 99 and 96 feet in width (min. 26,400 sq ft and 99 feet required as per Minnesota Statutes 394.36, subd. 5) with the following conditions:

1. That the lot lines be adjusted so that the lot to be sold separately and eligible for dwelling construction (current PID 206023001080 (Lot 8) is at least 20,000 sq ft and 100 feet in width.
2. That current PID 206023001070 - Lot 7 be combined with PID 206021000140 so that they are considered one lot for the purposes of sale or development. Only one dwelling may be allowed on the combined parcels.
3. That the future owner/ developer of current PID 206023001080 (Lot 8), at the time of development (each time additional development exceeding 200 square feet of impervious coverage occurs), 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, wetlands, road right-of-way or onto adjoining properties. 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. The Zoning Administrator may determine that an already submitted plan is sufficient to handle additional development if it is determined adequate to the proposed development.

Niklaus seconded the motion. Motion approved unanimously.

Requests related to the construction of a new dwelling and detached garage. Approvals required include variances to construct a 34' x 26' two story dwelling 50 feet from Cedar Lake (min. 75 ft required) and 10 feet from a side lot line (min. 15 ft required) and a detached garage 28 feet from the centerline of a township road (min. 65 ft required) and 12 feet from a septic drainfield (min. 20 ft required).

Applicant: Ross and Deborah Pope

Property address: 6925 Ingram Ave NW, Maple Lake

Sec/Twp/Range: 34-121-27

Parcel number(s): 206069000070

Present: Ross & Deborah Pope, Bernie Miller, Brandon home design

Pope: We are here to seek approval to build a new house and garage. We bought in 1994 we have seen a lot of changes to year-round homes, now that we have been retired we would like to make a year-round home. We have worked with Brandon & Bernie to get a plan together.

Oleson: We have two different buildings. The cabin would be 2 story cabin 60ft from the Lake that is slightly closer than the deck is currently so that they can fit a drainfield. The second is the garage which is a variance for a road setback, lake setback, and side yard, the garage does meet the side yard not the center line, does meet the road right of way we usually ask for 20 ft and it will meet that. They are a little bit below the impervious and they are over now.

Audience: None

Ardent: Garage one car?

Pope: It would be a two car.

Arendt: your lot is 9,137 sq ft and your neighbors to south is at 8,346 sq ft so your lot is about 800 sq ft more than the neighbors. My only question is do you have room for a double car garage.

Pope: It did fit and if we are going to live there we would like two car.

Miller: We started about a year ago the discussion was do we try to do a bigger house or do want a garage & a house. Due to elevations and where a drain field fits we could not attach the house. The garage will not does not affect where the house has to go, due to the location of the septic. The house was actually downsized considerably to make sure they could make it work. We talked about the size of garage and could we make it smaller it almost comes unusable. So we did the best we could to get reasonable setbacks, look at where the 1200 ft of impervious could be taken out to make the 25%.

Guck: Is there not side walk going to the house?

Miller: We included 87 sq ft allowance for a walk way.

Smith: I am wondering if we can get the house a little further back. Could they get back closer to the original cabin and get closer to the septic.

Miller: Looks like we would have to get back about 3ft. If we get to 63ft then we would need drainfield to cabin at 17ft and allow for the tanks to be less than 10ft.

Smith: I would like to see 65 ft. Garage is only 22x22 (485 sq ft) that is pretty small.

Naaktgeboren: I do not have an issue with the 60 ft to the lake as you are wedged with the septic. I was hoping there was a way to move the sewer back. Could the garage move back further from the road?

Miller: We set this up to get 20ft off the road. The way the road runs it does not help the situation.

Schultz: It would be nice to move the garage back but I'm not sure you can do it.

Niklaus: You have a small lot. I do not have an issue with the side lot, however, I would like to see it not any closer to the lake. It's tight by the driveway but you have to live with it.

Arendt: I think going to 65ft would be uncomfortable. I would think going with 63ft would be good.

Niklaus made a motion to approved based on findings of fact variances to construct a 34' x 26' two story dwelling 63 feet from Cedar Lake (min. 75 ft required), 10 feet from a side lot line (min. 15 ft required), 17 feet from a septic drainfield and 8.5 feet from septic tanks, and a detached garage 28 feet from the centerline of a township road (min. 65 ft required) and 12 feet from a septic drainfield (min. 20 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, wetlands, road right-of-way or onto adjoining properties. 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 approved unanimously.

Requests related to the use of property and buildings for private gatherings such as company picnics, weddings, reunions or other similar events. Approvals required include a conditional or interim use permit for a land use involving elements similar to those listed as conditional or interim uses in the General Agriculture and Residential-Recreational shoreland zoning district.

Applicant: Robert Shadduck

Property address: 8948 State Highway 24 NW, Annandale

Sec/Twp/Range: 21-121-27

Parcel number(s): 206000211101, 206000211100, 206000164402, 206000222200, 206000222202 and 206095001010

Present: Robert Shadduck

Shadduck: I have had several of you out to look at the property. I live adjacent to the property and have lived there my entire life. I have spent time looking at ordinance and I'm very familiar with what you are looking for and do not believe that this should not be used for Ag. I am not looking for a more intense Ag. use such as a feedlot that would be permitted and not asking for development on either lake shore. I am asking to build a building that would allow me to work with old boats which is a hobby of mine. The question comes down to ordinance interpretation. We have used the property for family and company parties, we have a golf course, we have had weddings there and it is in my estimation pretty grounds. I have had several people ask about having an event there. Currently I do not facilities to do that and do not want to do tents & porta potty. If I build this building, which I am allowed to do, I could build a building to include family and company use which would allow others to use the building?

Oleson: So this one is tricky, not because of the building itself, he can build the building and use it for himself. It comes down to others to use for events. If you look at the ordinance as to what is allowed in the Ag district there are list of items that are allowed. One I am not sure what to call it, is it an event center which I am not sure that is what it is. I have contacted the County to see what is allowed, talked to Sean Riley, he indicated that it would be an interpretation by the Township. Is it a retreat center that is questionable, in the interim use there is commercial Ag tourism, which is apple orchards, pumpkin patch ect. Sean indicated that is kind of a secondary use like a farm that also has a winery. This could fit somewhat into that since it would hose weddings. That is the question for us tonight, what is allowed. It is also in the shore land district, and it does not fit any of those exactly. So would you be comfortable with a CUP or Interim use?

Audience: Susan Ash: I own property just to the South, I am just a little concerned about with no time limit or no conditions. It clearly does not seem like agricultural, and it seem more commercial. I was there with a wedding and it was very respectful. I am also wondering how they will enter and what controls would be in place.

Schultz: My question is in your mind what would you say how many times a year would it be used?

Shadduck: I would see that it would be seasonal during the summer months only.

Niklaus: You're not going to be advertising for events?

Susan Ash: there is a sign out on 24 that says twin lakes, so it looks like there are signs out.

Janet Hoskins: I am concerned about the same issues, we just want specifics and not allow it to be vague.

Schultz: Would there be alcohol?

Shadduck: I wouldn't say not that there will never be alcohol. We have had beer and wine there in the past.

Niklaus: I understand the concerns regarding the property owners on Jasper. After seeing the property site and where the building would be, there is nothing along the jasper and it looks to stay private. I think he has been upfront with his intention is. I do not have an issue with it.

Naaktgeboren: If you are going to rent the place out, I would like to see how many times you are going to rent it out. As far as private events I do not see an issue. With renting I think we need to look at the number of people, parking and access to the property. You indicated that there is and access already approved with MN Dot? What are they allowing you do and the number of people?

Shadduck: We have been having a large number of people coming in and out for many years up to 50 years with golf tournaments. I have applied with MN Dot for the additional driveway.

Naaktgeboren: I think they need to know what that approach is being used for and needs to be approved with MN Dot.

Just: Indicated that there was an event center for weddings, reunions, family functions approved in Wright County with some limitations which essentially is the same as this request.

Smith: I think this is unique, parking is not an issue, there is plenty of room, I think there has to be some limitations whether it be the # of events, time, noise etc. Not sure the number of events is necessary, but maybe a review in a few years would be necessary. How much is being used for your boats?

Shadduck: I would say about 80 - 90% would be for storage.

Arendt: With the meeting room 25x26 that is a small area with doors that could go out to the larger area. My concern is the size of gatherings and how much will be personal use vs event use. That leaves me to if it would be approve it would be an interim for so aft a few years we could review again.

Nick Nicholas: I am on Jasper. I am just looking for clarity on if it would be for hire and would this be another event center similar to the one in Annandale? It is quite an investment in the property, however, is it going to be an income producing property or personal use? What does Twin Lakes 2020 LLC and what are you advertising?

Shadduck: At the current time no. Majority would personal, but I am asking the question to have the opportunity in allowing others use the farm. I am going out and advertising, however, I have had several people ask. Twin Lakes 2020 LLC is the technical owner of the farm. The sign that is there for postal purposes only. I am not advertising anything.

Guck: My thought would be we need a time frame on it.

Niklaus made a motion to approve Interim use permit for the personal and rental use of property and buildings for private gatherings such as company picnics, weddings, reunions or other similar events with the following conditions:

1. That the applicant must provide an adequate parking plan to the Zoning Administrator for approval prior to the use of the building for the anticipated gatherings.
2. That the applicant must install a sufficient septic system to serve the proposed use.

3. That the applicant must provide evidence to the Township that it has received approval from MN DOT for the use of any accesses off of State Highway 24 and/or Wright County Public Works for any accesses off of County Road 6.
4. That the use shall be allowed as an interim use, with that interim use permit to expire three (3) years from the date that the building housing the use is completed.

Smith seconded the motion. Motion approved 4-1 with Arendt opposed.

Approve Previous Meeting Minutes ** None
July 14, 2020

Zoning Administrator's Report

Permits - none

Correspondence - **Oleson**: There has been some question on how we measure bluffs. Barry at Wright County and I have been corresponding, apparently he has been working with someone internally and contractors trying to figure a good way to define this and how to figure out where the top of the bluff is. A bluff has to be 25ft above the lake and have a 30% slope and drain towards the lake. The main issue is where is where is the top of bluff. The definition says where there is a clean break and if none it says find a 50 ft section with an 18% slope or less. What started this is I got a survey that said this is where the top of the bluff is and when Barry was looking at it he did not agree with where the top of the bluff was. He is taking a more conservative approach and going with the 18%, I was go with where there is a clear break and I feel this one has the clear break. The county is working on it, if they come out with a policy we will need to look at and possibly follow it unless you feel otherwise. They did not seem to have an issue with how I am interpreting, however, if they make a change to the ordinance we are going to have to go with it. Board agrees to continue with what Oleson has been doing.

Enforcement Actions

Findings of Fact - Previous PC/BOA Decisions

Other Business

Schultz made a motion to Adjourn. Smith seconded the motion. Motion passed unanimously at 9:00 pm.

Prepared by Jean Just