

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
MARCH 11, 2021

CORINNA TOWN HALL
9810 IRELAND AVE NW, ANNANDALE, MN
(or via web/phone web conference – see below for instructions)

7:00 PM

Guck called meeting to order at 7:00pm on March 11, 2021

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

Absent: Steve Niklaus & Bill Arendt

Others in Attendance or via Computer: Mengelkoch, Tony Rieger-Borer, Meghan Carney, Karen McDermit, Brian Dahlke, Mary Dahlke, Julie Weiers, Jason Kolles, Jim Dearing, Erin & Jay Schindler, Curt Weiers, Teresa Kintop, Brian Bentley, Jill & Paul Jude, Matt Bronder, Bernie Miller, Mary Lefebvre, Randy Lefebvre, Marty Lefebvre, Danielle Lefebvre

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

Public Hearings

Requests relating to the construction of a detached garage. Approvals required include variances to construct a 28' x 40' single story detached garage approximately 0.8 feet from a side lot line (min. 10 ft required). Garage is to be 45' from Sugar Lake (min. 75 ft required) and 45' from the centerline of a township road (min. 65 ft required) as previously approved by Wright County variance in 1994.

Applicant: Bronder Construction (Matt Bronder)

Property Owner: Chad and Jessica Kelly

Property address: 11970 Gulden Ave NW, Maple Lake

Sec/Twp/Range: 1-121-27

Parcel number(s): 206086001010 and 206086001012

Present: Matt Bronder

Bronder: Indicated that this was an approved variance in 1994 at that time it sounds like there was not any information regarding the side yard setback being less than 1 ft from the property line. We are back to also ask for that variance. We do have emails from the neighbor indicating they are fine with it.

Oleson: The variance from 1994 that was approved did not address the side yard set back at that time. Approved was 45' from Sugar Lake & 45' from the center line of a township road.

Audience: None; Oleson indicated one online comment regarding impervious and possible as built to ensure they are staying under 25%.

Guck: Questioned if they knew there was a side yard setback issue back then. It is unknown as there was no mention of it in the findings from 1994.

Naaktgeboren: Questioned if they can they build based on the 1994 Variance. Oleson indicated that there was no limitations on Variance requests back then so yes they can build 45' from the lake and 45' from the centerline of the road, however, need the variance to be closer than 10ft from the side yard.

Naaktgeboren: Would like to see if they can get a little further away by either turning it, moving back into hill further or making it smaller.

Bernie Miller: Indicated that if you turn it that could have create and issue for the septic which is going to be placed on the hill.

Smith: Does not want it to go closer to the lake. Would like it to be closer to 5+ ft from the side yard.

Schultz: Agreed with Larry

Guck: Would like to see it smaller if needed to get at least 5 ft from the lot line.

Discussion by board regarding how close it can be to the drainfield and determined it could be as close as 10ft but would prefer 12ft. Discussed impervious and make sure that they are staining with in the 25% once the house if being built.

Smith made a moiton based on the findings of fact to approve the requests relating to the construction of a detached garage. Approvals required include variances to construct a 28' x 40' single story detached garage 5.5 feet from a side lot line (min. 10 ft required). Garage is to be 45' from Sugar Lake (min. 75 ft required) and 45' from the centerline of a township road (min. 65 ft required) as previously approved by Wright County variance in 1994 with the following conditions:

1. That the applicant must reduce the size of the garage so as to achieve a side yard setback of at least 5.5 feet, in addition to meeting the 45-foot setback to the ordinary high water level of the lake and 45-foot setback to the centerline of the end of the Township road as previously approved by Wright County's 1994 variance approval.
2. That the applicant must ensure that their excavation and building construction activities do not involve trespass on the neighboring property without approval of the adjacent landowner.
3. 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.
4. 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.

Schultz seconded the motion. Motion passed unanimously.

Requests related to the construction of a detached garage. Approvals required include a variance to construct an 18' x 22' single story detached garage approx. 25 feet from the centerline of a township road (min. 65 ft required) and 10 ft from a road right-of-way (min. 20 ft required) on a lot that currently has impervious coverage of 33.2% (max. 25% allowed) but would have a net reduction in coverage from removal of existing coverage.

Applicant and Property Owner: Jay and Erin Schindler

Property address: 11135 Hollister Ave NW, Maple Lake

Sec/Twp/Range: 2-121-27

Parcel number(s): 206056002010

Present: Jay Schindler & Jim Dearing

Dearing: They would like to put up an 18x22 garage.

Oleson: Variance due to road set back and impervious at 33.2%. They are looking at a slight reduction by removing some driveway. It would still be over 25%. There is a 10ft easement they are using, one question would be if they could come off the road instead of the easement.

Audience: Question regarding the easement and will it be used to park their own cars. There are about 6 people that can use it and about 3 people use it regularly.

Oleson: The understanding is that this was part of the original plat for the public use. If someone parks on there, not sure if there is any enforcement since the Township has not taken them over.

Smith: Noted that it is a small lot and already have more than what should be there. Asked if they have any calculations of what will be removed?

Dearing: Indicated they are removing some driveway, some planters, and concrete by the house. Have talked about moving it off the road more, however, that would increase the impervious coverage.

Oleson: Based calculations he has done it would be about 25%, however, if you move the garage back you will be adding that back in.

Guck: Would like to see it back off the road further.

Naaktgeboren: Not sure how you get impervious coverage down, but would like to see the garage turned around and moved back a little.

Schultz: Would rather turn the garage and lose a little impervious.

Naaktgeboren made a motion based on the findings of fact to approve the variance to construct an 18' x 22' single story detached garage 20 feet from the right-of-way line of a township road and approx. 35 feet from the centerline of a township road (min. 65 ft required) on a lot that currently has impervious coverage of 33.2% (max. 25% allowed) with the following conditions:

1. That there be no net increase in impervious coverage, which will require removal of existing impervious coverage.

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. 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.

Schultz seconded the motion. Motion approved unanimously.

Requests related to the removal and replacement of an existing dwelling and detached garage with a new dwelling and attached garage. Approvals required include variances to construct a two-story dwelling/attached garage approx. 65 feet from Sugar Lake (min. 75 ft required, 10 ft from both side lot lines (min. 15 ft required) and 15 ft from a septic drainfield (min. 20 ft required). Also to construct a new septic drainfield approx. 8 feet from a side lot line (min. 10 ft required) and 8.5 ft from a road right-of-way (min. 10 ft required).

Applicant and Property Owner: Brian and Mary Dahlke
Property address: 10647 Hollister Ave NW, Maple Lake
Sec/Twp/Range: 11-121-27
Parcel number(s): 206072000060

Present: Bernie Miller & Brian Dahlke

Dahlke: Been on the lake for 50 years, would like to retire and build a new home. Will be meeting the building and impervious numbers, need help on the setbacks.

Miller: Have been working on this for some time. They are currently at 17% for building coverage & 34% for impervious coverage. Will be under the 15% for building and under 25% for impervious with the new home.

Oleson: Variance is for the side yard, septic and lake.

Audience: One written comment in support of it.

Naaktgeboren: Just noted that you are going to be at 25% so not room to add.

Miller: Did include an allowance for about 175 sq ft.

Schultz: No concerns

Smith: No concerns

Guck: I like that it is pulled away from the Lake.

Schultz made a motion based on the findings of fact to approve requests related to the removal and replacement of an existing dwelling and detached garage with a new dwelling and attached garage. Approvals required include variances to construct a two-story

dwelling/attached garage approx. 65 feet from Sugar Lake (min. 75 ft required, 10 ft from both side lot lines (min. 15 ft required) and 15 ft from a septic drainfield (min. 20 ft required). Also to construct a new septic drainfield approx. 8 feet from a side lot line (min. 10 ft required) and 8.5 ft from a road right-of-way (min. 10 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.

Naaktgeboren seconded the motion. Motion passed unanimously.

Requests related to the operation of a gravel pit. Approvals required include an interim use permit for the operation of a temporary mining pit involving crushing and screening of gravel.

Applicant and Property Owner: Jason and Geri Ann Kolles

Property address: 10171 Ireland Ave NW, Annandale

Sec/Twp/Range: 10-121-27

Parcel number(s): 206000103400

Present: Jason Kolles

Kolles: Same as in the past just mining gravel and reclaiming

Oleson: Every year it needs to renewed and this has been happening for 10 years there have not been any complaints. Note that the bond should extend for 18month after the expiration.

Audience: None

Smith: No concern

Schultz: No concern

Naaktgeboren: No concern

Guck: No concern

Smith made a motion based on findings of fact to approve requests related to the operation of a gravel pit. Approvals required include an interim use permit for the operation of a temporary mining pit involving crushing and screening of gravel with the following conditions:

1. The applicant shall maintain their NPDES permit with the MPCA.

2. 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.
3. The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
4. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
5. 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 Ordinance. The minimum amount of the bond must be \$5,000 or \$1,500 per acre, whichever is more.

Schultz seconded the motion. Motion carried unanimously.

Request to rezone an approx. 39 acre property from General Agriculture (AG) to Agriculture Residential (AR) or Suburban Residential (R2).

- i. Applicant and Property Owner: Anthony and Jeanette Rieger-Borer
- ii. Property address: 11988 Jarvis Ave NW, Annandale
- iii. Sec/Twp/Range: 3-121-27
- iv. Parcel number(s): 206000032200

Present: Tony Rieger-Borer

Rieger-Borer: One of their kids would like to build and would like to see how to do that on our land. Looking at putting the rest of the land in a Land Trust which places the open ground in a non-building status.

Oleson: This is request for Re-zoning, from AG to AR or R2. This is the next step down from the 1 per 40 in an AG district. Given the drawing it would be a 10 acre lot, if you grant the rezoning you would be rezoning everything and could essentially get 3 10 acre lots. Owner is looking at doing a Land Trust to protect the remaining land. Currently everything around it is either AG or State Land. The process is to make a recommendation to Town Board then they make their recommendation to Wright County and they have the ultimate say. The Land Use plan does show it staying in AG.

Audience: Written comment in favor of the request; Witten comment with concern about additional homes; Lefebvre – Concern regarding traffic additional homes in the area, indicated there is no residential land in this area and not part of the land use plan. Questioned if it was in some preserve CRP; Dearing – questioned if there were any DNR rules regarding building next to the state land.

Rieger-Borer: It was in native plant production area years ago but not in any program right now.

Oleson: Indicated he was not aware of any setback requirements for building next to state land.

Schultz: Not sure that this is the right area to do it.

Smith: Felt the biggest issue is the County, they like to keep AG as AG, and do not like to deviate from the Land Use Plan.

Naaktgeboren: Indicated that the 10 acres he is looking at was a building site at one time. Would be ok with that and putting the rest in a land trust.

Guck: Concern with going away from the land use plan.

Oleson: Noted that he had applied for Re-Zoning in 2014 and was denied, however, at that time it was for several lots. The last time the land use plan was looked at was in 2009 so it is possible they could revisit it, however, there is not schedule.

Rieger-Borer: Explained the land trust stating that once it is put in this land trust it is forever, so it could never be changed or built on again.

Naaktgeboren made a recommendation to the Town Board to approve the rezone of approximately 39 acres from rezone from General Agriculture (AG) to Agriculture Residential (AR) or Suburban Residential (R2) with the condition that the remaining land would go into a MN Land trust.

Smith seconded the motion. Motion was approved 3 - 1 with Schultz opposed.

Request to rezone an approx. 2.5-acre portion of a 25-acre property from General Agriculture (AG) to Suburban Residential (R-2).

Applicant and Property Owner: Paul and Jill Jude

Address: None

Sec/Twp/Range: 35-121-27

Parcel number(s): 206000352204

Present: Paul & Jill Jude

Jude: We own the property across the road and we would like to build a home on this 26 acres which at this time does not have a building entitlement.

Oleson: Question was if they were looking for all or just a portion of the land to be rezoned. They are looking at building in the middle of the property you may need to rezone it all. If you go with rezoning all of it to A/R you could have two 10 acre lots, the next size down R2 is 5 acre properties. The issue again is the land use plan indicating it would stay AG. This is a little different since there are smaller lots around it and it is not currently farmed.

Guck: Question regarding the lots that are already there?

Dearing: They were done before the land use plan was done.

Audience: We are the neighbor; since they took out of AG it has reduced the amount of runoff to the lake and has been a benefit.

Naakgeboren: Question if they want to rezone all of it or just split off 2.5 acres.

Oleson: When you rezone you can rezone just a portion of it or all of it.

Naaktgeboren: Noted there is a shed currently being built there. Clarified that they only one home on the entire 26 acres.

Jude: Some of the land was in CRP, not sure when it expires. And they only want one entitlement.

Oleson: Once you change the zoning it changes for the entire property unless you only rezone a portion of the property. If you do a portion it would be odd on the map but not that you can't do it.

Schultz: no comment

Smith: It is almost too big for one and I don't think we want to split it into more than one. Hurdle will be with the county. At this point is just rezoning not how many lots are allowed.

Guck: It would go with the theme of the area and not great farm land.

Smith made a motion to recommend to the Town Board to approve the Request to rezone an approx. 2.5 acre portion of a 25-acre property from General Agriculture(AG) to Suburban Residential (R-2).

Schultz seconded the motion. Motion approved unanimously.

Request to rezone an approx. 10-acre property from General Agriculture (AG) to Suburban Residential (R-2).

Applicant and Property Owner: Brian Bentley and Teresa Kintop
Property address: 6702 Illsley Ave NW, Maple Lake
Sec/Twp/Range: 35-121-27
Parcel number(s): 206000352301

Present: Brian Bentley & Teresa Kintop

Kintop: Have a 10 acre parcel that is zoned AG, and would like to have two 5 acre lots. It was farmed for a few years and then in CRP. This area is getting to be a neighborhood and there is not a lot of property out there to be able to build on. We did also look at going with 2.5 acre lots.

Oleson: Rezoning again and would have to go down to R2 which is different than the last one. Again it is not exactly fitting with the plan, however, it is a partially residential area.

Audience: None

Smith: This one again may be a hard for the County to approve. I would prefer 2.5 acre lots it is easier to maintain.

Naaktgeboren: I agree with the smaller lots. Possible two 2.5 and one 5 acre.

Schultz: I like the 2.5 acre lots, I'm not sure what the county is going to do.

Guck: I would think this is natural progression this is where it would go.

Schultz made a motion to recommend to the Town Board to approve the Request to rezone an approx. 10 acre property from General Agriculture(AG) to Suburban Residential (R-2). Naaktgeboren seconded the motion. Motion approved unanimously.

Naakgeboren made a motion to approve the February 9, 2021 meeting minutes. Schultz seconded the motion. Motion approved unanimously.

Zoning Administrator's Report - No Actions

Permits

Correspondence

Enforcement Actions

Other Business:

Property on Pleasant Lake that we approved a shed in the bluff area, there was question on if what they did was what we approved. (Pictures were shown to the board of before and after along with the plans that were given to the board at time of approval) Board agreed that what they did was approved.

Property was issued a permit for a house & garage received a call from Soil & Water on clear cutting along the lake and movement of fill. Went out and talked with the land owner and took some photos, they do have a good silt fence up, it does appear that a lot of tree's were cut. He did not realize there were limits. The black dirt he is going to be spread back out. He indicated they need a flat area between the house and the lake to get equipment down there and he thought it was a normal thing to get the house built. I will be going back out in the spring to check on it more, just want thoughts on how bad it is. Naaktgeboren felt that they flattened out quite a bit and took out a lot of the trees.

Smith made a motion to Adjourn. Schultz seconded the motion. Motion passed unanimously at 9:34 pm.

Prepared by Jean Just