

CORINNA TOWNSHIP
MINUTES
PLANNING COMMISSION/BOARD OF ADJUSTMENT
JANUARY 9, 2024

Corinna Town Hall, 9801 Ireland Ave, Annandale MN 55302

Call to Order: Al Guck called the meeting to order at 7:00 pm

Roll Call: Planning Commission Members in Attendance – Chair Al Guck, Vice Chair Steve Niklaus, Larry Smith, Linda Dircks, Barry Schultz, Alternates: Dick Naaktgeboren, Cathy Gabriel, Planning and Zoning Administrator Ben Oleson; Clerk Mary Barkley Brown.

Absent: None.

Others in Attendance: Jason Kolles; Vicky Skoog; Roy Martin; Kevin Kolstad; Marilyn Intheraphet; Chad Raiche; Rick Bertram; Bill Arns; Dan Berning; John Skoog; Ron Mares; David Damberger; Kayla Damberger; Suzanne Phillips; Jason Spry; Melanie Spry; Sandy Thomas; Mark Dvorak; Paul Pattee.

Additions or Deletions to the Agenda: Motion was made by Smith to approve the agenda. Motion seconded by Schultz. Motion carried unanimously

Public Hearings

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 sand, gravel and rocks.

Applicant/Property Owner: Jason Kolles
Property address: 10171 Ireland Ave NW, Annandale
Sect-Twp-Range: 10-121-27
Parcel number(s): 206000103400

Present: Jason Kolles

Oleson: Pit open since 2009. Can now approve up to three year time period. Bond is in place – for 3 years past expiration. No complaints about site.

No comments or questions.

Schultz: No trouble.

Smith: Good with it. Recommend 3 year approval as he has done excellent job.

Niklaus: Agree.

Naaktgeboren: I appreciate the way pit looks.

Gabriel: Agree.

Motion by Smith, seconded by Schultz, to approve an Interim use permit for the operation of a temporary mining pit involving crushing and screening of sand, gravel and rocks, based on the Findings of Fact supporting approval in the staff report, and the following conditions of approval:

1. That the interim use permit shall be approved for three (3) years (until December 31, 2026)
2. The applicant shall maintain their NPDES permit with the MPCA.
3. 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.
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. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.
6. 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.

Motion carried unanimously.

Requests related to the reconstruction of a dwelling. Approvals required include a Variance to reconstruct a 24' x 37' dwelling with walkout basement approximately 20 feet from the ordinary high water level of Indian Lake (min. 100 ft required) and 0-3 feet from a side property line (min. 15 ft required).

Applicant/Property Owner: John and Victoria Skoog
Property address: 10806 Gulden Ave NW, Maple Lake
Sect-Twp-Range: 12-121-27
Parcel number(s): 206046000030

Present: John and Victoria Skoog

John Skoog: Roof pitch - 10/12. Like to do vaulted ceiling.

Oleson: No loft?

John Skoog: No.

Oleson showed floor plans. Deck out front to be same dimensions as one torn off.

John Skoog: Original deck was 12 x 15. New one 12 x 24.

Oleson: I did just get survey today. Shows existing house, all impervious. It is over 53%. OHW level - this is official lot size.

John Skoog: I will take out paver and retaining walls, turn into green space. Will take stone wall down.

Oleson: Larger deck will add to impervious coverage. Don't want to see an increase in impervious. Increasing deck size would increase impervious. Does not meet side yard set-back. 19.7 ft. from lake. 3.8 side yard setback. Footprint is not increasing. It is an expansion of the full basement and deck and roof pitch. Not adding loft. It does affect views. Roof pitch must go through variance process. Photos now are 4/12 roof pitch. Pitch would change directions, too. Showed neighbor's garage.

John Skoog: I'd like to get meter box above - that back, where it is terraced out. I'd bring property up. You can see where hot tub is. Once basement is in - I would bring 2 retaining walls and fill.

Oleson: Have you calculated how much fill you would bring in? Retaining wall getting taken down - but would carry into new basement.

Vicki Skoog: We are trying to stop gushing water.

Cathy Gabriel: So much fill it requires another hearing?

Oleson: If over 50 cu yards, would require another hearing.

John Skoog: 8 foot ceiling in basement. I'd like to go to first level where hot tub is. I'd like to get it up. If I would go with a little less truss, I could keep it with the neighbors.

Oleson: OHW level is 1014.7.

Schultz: Where would he be at back of house?

Oleson: Back corner is at 1029 now. The basement ceiling would be a couple feet lower.

John Skoog: If I take retaining wall out, I'd still like to be at that height, hot tub height or a little higher than that.

Naaktgeboren: Basement height would be 1027?

John Skoog: 1019.

Oleson: Lowest floor has be at 1019.

9' goes to 1028.

Guck: Would it be better to figure out how much fill, how much impervious?

Niklaus: Everything is off. Impervious, setbacks, sides. We've been trying to hold people to impervious. I don't see how we can expand on impervious. I think the plan needs a lot more study.

Guck: He has every right to build on the footprint. I think we need to see the detailed final figures.

John Skoog: Pie shaped lot. Just got survey today. Why don't we come back next month.

Vicki Skoog: Final on impervious, square feet...

Naaktgeboren: You are way over now. Deck needs to be less. More reduction in impervious.

Guck: We need to know exactly what we are agreeing to or not.

Schultz: Cement under deck?

John Skoog: Pavers. Shrink down the deck.

Naaktgeboren: Community sewer. Functioning sewer with lift station.

Oleson: Mark sewer location.

Greg Selle: Another eye sore going away.

A motion was made by Schultz to table until next month, so that the applicant can provide additional information regarding the details of the proposal. Niklaus seconded. Table until next month. Motion carried unanimously.

Requests related to the expansion of a dwelling. Approvals required include an After-the-fact Variance to elevate an existing dwelling and create living space below approximately 45 feet from the ordinary high water level of Indian Lake (min. 100 ft. required), 3 feet from a side property line (min. 15 ft. required) and 45 feet from the centerline of a township road (min. 65 ft. required).

Applicant/Property Owner: Marilyn and Phone Intharaphet
Property address: 10862 Gulden Ave NW, Maple Lake

Sect-Twp-Range: 12-121-27
Parcel number(s): 206045000170

Present: Marilyn Intheraphat; John Skoog; Victoria Skoog:

Oleson: Basement varies in height. Showed heights in basement. Highest point is 6'8". It is like adding a basement. Needs a variance after the fact. Not connected to community sewer. We typically do not expand on a holding tank. That needs a variance as well. Very close to the lake. I don't have a survey on this one.

John Skoog: I went in last month. She needs the variance so she can wrap up the rest of the remodeling work.

Oleson asked if the online person had a comment. No comment.

Smith: Living space on 6 foot ceiling height?

Oleson 6' limit to make sure it is not a living space. Now that it is 6'8" it is an expansion - and is considered living height.

John Skoog: There is an egress window.

John Skoog: 6 foot ceiling height. Bath and bedroom goes to 6'8".

Intheraphat: I told them to frame in for 6'.

Smith: If we make you go to 6' - it is not usable. It is just storage.

Guck: No one thought to get a permit? Electrical?

There is a short door.

Oleson: They got a permit to lift house in 2020. It was not an expansion.

Smith: I don't know how the county would approve that.

John Skoog: The only permit they got was to lift. She's got a pile of money into it.

Schultz: It opens the door for someone else down the road. That is a problem for us.

Gabriel: If it is not granted, what does she have left?

Dircks: She is stuck in a bad spot. Contractors put her in a bad spot. 8 inches in some of the spots - to make her fill in the ceiling. I sympathize.

Niklaus: It is fortunate that you did not expand on the footprint. Not adding onto deck. Our problem is that next month - if someone else wants the same thing, this sets a precedent.

Naaktgeboren: I've seen people with 4 bedroom homes - and take a bed out and call it a study or exercise room. Grant the variance. What is the alternative?

Smith: Is it a legal bedroom the way it is now? Does an inspector say they can't get to it? Will inspector approve it to be a bedroom? You have a six foot entry to get into it.

Has to be that the inspector allows this.

John Skoog: Building inspector told us to get our variance and he will work with her.

Oleson: Conditions - not more than 2 bedrooms in the house. On holding tank. Size.

Oleson: Approving for only what is there now? Yes.

1. A motion was made by Niklaus, based on findings of fact supporting approval from the staff report - to grant an After-the-fact Variance to elevate an existing dwelling and create living space below approximately 45 feet from the ordinary high water level of Indian Lake (min. 100 ft required), 3 feet from a

side property line (min. 15 ft required) and 45 feet from the centerline of a township road (min. 65 ft required). Variance required to expand a dwelling served by a holding tank.

Motion is to include the following conditions of approval:

1. The living areas within the basement area shall meet applicable requirements of the building code for minimum height and square footage (bedroom, bathroom, etc.). The applicant may modify the height of the ceiling or size of the rooms accordingly.
2. That the resulting cabin may not have more than one (1) bedroom in the home.

Seconded by Smith. Motion carried unanimously.

Requests related to the rezoning of land to allow for the subdivision of two residential parcels. Approvals required include a Zoning Map Amendment to reclassify an approximate 6-7 acre portion from General Agriculture (AG) to Suburban Residential (R-2).

Applicant/Property Owner: Dvorak Enterprises LLC
Property address: 8713 70th St NW, Annandale
Sect-Twp-Range: 34-121-27
Parcel number(s): 206000342204

Present: Mark Dvorak

Guck: Rezoning of land. You were here 2 years ago.

Turn driving range into 2 lots. Requirements on lots that houses must be 3,500 sq. ft per house. Equated to be about 3 acres per lot.

Oleson: Request. Currently zoned AG. First step is to be zoned R2 – like across the road. 2.5 acres lots. If county board approves the rezoning, he can come back and ask to split. Talk to assessor about tax ramifications. Only asking for a portion of land to be rezoned.

Dvorak: It has become a nuisance. People are complaining about balls going into their yard.

Oleson: County will probably ask you for a legal description to rezone.

Gabriel: Plan 2 years ago.

Dvorak: Same plan. But it was for low income housing. This is for higher income housing. It has literally become a nuisance. I've left enough space for smaller driving range zone – to warm up.

Naaktgeboren: Do you need a border for golfers? Shrubbery?

Dvorak: We'd put up boundary stakes. When we move driving range – going into that range anyway. Want to have a party on the patio from 7 – 11 PM. How do I get a permit for that?

Oleson: Will research this with you. May need a CUP.

Rick Bertram: Not patio homes? Want to make sure value of the homes stays up.

Kayla Damberger: We are golfers. We enjoy using his course. We like the driving range.

Dvorak: Driving range is negative revenue. Plan is to have volleyball nets – I could take all the trees out. Why do that? We would lose money on golf range. As a business owner – we are one of the few courses with no homes on the course.

Suzanne Phillips: I second Mr. Bertram’s concerns.

No comments online.

Schultz: Why did you shape the lots this way?

Dvorak: To have 3 acres lots.

Oleson: County does not like to see smaller lots. My experience with the county is that – R1 would still....

Niklaus: I think there will be a lot of objection to R1. Trying to make it work with neighboring lots. R2 – 2 lots would add value to the area.

Dircks: Long range plans? A total of 160 acres there. I remember when the golf course went in. No one wanted big housing development around the golf course. Are we going to be chipping ways at this? Don’t want a slippery slope. I’ve heard the golf course has a driving range that is not well maintained.

Dvorak: We mow, got new machine.

Smith: Not crazy about how you are designing your lots. If you sell this – does this leave access to future? You have a plan to start.

Gabriel: I agree that this is a good plan – I support the rezoning of it. I support.

Naaktgeboren: Operating a business. Not asking to change the business. Good plan.

Guck: I don’t have a problem with is at this point.

A motion was made by Niklaus, based on findings of fact supporting approval from the staff report – to allow Zoning Map Amendment to reclassify an approximate 6-7 acre portion from General Agriculture (AG) to Suburban Residential (R-2). This moves it to the Town Board. Seconded by Schultz. Motion carried unanimously.

Requests related to the reconstruction of a dwelling. Approvals required include a Variance to tear down an existing dwelling 57.5 feet from Clearwater Lake (min. 75 ft required) and 62 feet from the centerline of a private road (min. 65 ft required). Also to not place fill to the required flood elevation for a distance of 15 feet in all directions around the building. Fill will be placed under the new dwelling and around it to elevate the dwelling to the required flood elevation.

AND

Requests related to the reconstruction and elevation of a dwelling to meet floodplain regulations. Approvals required include a Conditional Use Permit to place approximately 700 cubic yards of fill (approx. 326 cu yds beyond that needed for the dwelling and driveway footprints) in a shoreland district (conditional use permit required for over 50 cu yds).

Applicant/Property Owner: Jo Lynn Arns Trust
Property address: 9509 Jeske Ave NW, Annandale
Sect-Twp-Range: 16-121-27

Parcel number(s): 206000164205

Present: Bill Arns, Dan Berning, Ziegler Custom Homes

Arns: Hoping to put up a new cabin. Been there 19 years. Family has gotten bigger. 21st grandchild on the way.

Oleson: Showed existing house, until it was torn down. Larger house with attached garage. Lake Setback variance – even though going back. Side yard setbacks are fine. Road setback – will be less than that. Because it is in a flood plain. 997.7 – elevate house. Fill around 996.7. Not enough room to do that. Asking not to do that. Would be putting in a new drain field across the road. So it crossed the private road for the drainfield. Must meet 10 foot setbacks. Flood plain – whole area is in floodplain.

Bering: Septic tanks by the house – manhole covers must be above flood elevation. To prevent floodwater from going into tanks. We do not want fill to bring up the house. 340 yards fill is 700 yards total. Took pictures on Dec. 26. Fill was brought out there already. Because over 50 yards – requires a permit. Listed as 2 separate items on agenda.

Berning 996.2 flood elevation. Starting point is starting 1.5 foot above. 1 foot state wide. Clearwater Lake add another half foot.

Berning: Found another culvert. Will be able to drain a lot of water. 57.5 ft from lake – original. They will go back to 67.5 ft. from lake. Will then be closer to road.

Oleson: Setback on private road serving more than 3 homes, is same as township road setback. How is water going to flow on north side?

Berning: To lake like it does now. Won't go onto this property.

61 ft to center line. It would be 51 ft to center line of road. 7.5 ft variance on lake side.

Oleson: Silt logs were there. Silt fence – still putting in? Fences have more capacity.

Berning: Can put silt fence in within 2 days.

Oleson: If house moves back – do you need all that fill. Can you take out?

Arns. Wants to keep that fill that is there.

Naaktgeboren: 340 yards are beyond what is required for footprint of the house. Beyond that there is about 300 yards for foundation and driveway.

Comments from audience?

Roy Martin: We are very supportive. We own Klingelhutz previous home, next door.

Paul Pattee: Two houses to south. I support. Big improvement. We go back 30 years in that area. I raised the road 3 ft on that point. It is steadily improving that area.

Schultz: No concerns. Nice if you can move it back. More lawn toward lake.

Schultz: I'm OK with this. Why are you bringing driveway this way?

Arns: Looks nicer.

Oleson: Impervious is an issue.

Smith: Move the house away from lake. Big concern – putting water where you said culvert is now – by Jeske – there is a homeowner right there. Don't dump too much toward them Kevin Eull's property.

Nikaus: No issues. Thanks for moving it away from lake.

Gabriel: No issues.

Naaktgeboren: No issues.

Guck: Where the new house is going, is that pretty solid?

Berning: It was all sand.

A motion was made by Niklaus, based on findings of fact supporting approval in the staff reports, to approve the variance and conditional use requests with an increased lake setback and reduced road setback as follows:

Variance to tear down an existing dwelling 41.3 feet from Clearwater Lake and 13.1 feet from a side lot line and replace it with a new dwelling approximately 67 feet from Clearwater Lake (min. 75 ft required) and 52 feet from the centerline of a private road (min. 65 ft required). Also to not place fill to the required flood elevation for a distance of 15 feet in all directions around the building and to construct a septic system closer than 10 feet from a property line. Fill will be placed under the new dwelling and around it to elevate the dwelling to the required flood elevation.

Conditional Use Permit to place approximately 700 cubic yards of fill (approx. 326 cu yds beyond that needed for the dwelling and driveway footprints) in a shoreland district (conditional use permit required for over 50 cu yds).

Conditions of approval:

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, hydro seed or other forms of temporary cover until vegetation is re-established.
2. The applicant shall submit a permanent storm water 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.

Seconded by Smith. Motion carried unanimously.

Requests related to the operation of a vacation rental. Approvals required include an Interim Use Permit to operate a vacation rental with a holding tank for sewage treatment.

Applicant/Property Owner: Jason Spry/Sunset Haven LLC
Property address: 11043 Lawrence Ave NW, Annandale
Sect-Twp-Range: 6-121-27

Parcel number(s): 206019000181

Present: Jason Spry, Melanie Spry, Sandy Thomas.

Oleson: Vacation rental. Found out it is only on a holding tank. Comments from the neighbors. I know you said you are aware of the concerns.

Spry: Guests were not following lease agreements, so we vacated them from the property.

Oleson: Usually granting for 1 to 3 years. Holding tank is on cabin side. 2 bedroom. Registered for up to 6 guests. Need to operate on a holding tank.

Naaktgeboren: Is there an electronic alarm?

Spry: Yes.

Oleson: Need pumping records receipts. First condition - Parking is really tight - where do you anticipate people parking?

Spry: Couple spots in front of garage, all on same side of the road.

Oleson: No overnight parking on the road.

No online comments.

Gabriel: Concerns in Email...parking, non-responsiveness, partying.

Oleson: When you do get calls, how soon can you respond?

Spry: Called immediately the last 2 times. No events, no parties, observe local ordinances. We live in Delano. My parents are 20 minutes away.

Naaktgeboren: Do neighbors have your phone numbers? You've got to get this fixed now. Get property lines marked. Only have the number of guests as registered. Parking at night, day, they don't have to be on the road. Has to be better controlled. The letters say that you are not operating in the manner you should be.

Spry: Disturbed neighbors - that is why we try to address issues as they come up. We let last renters go, due to problems. Goal is to get people in there that can take care of property.

Melanie Spry: During winter - long term rental could be considered. July 2022 - trailer in yard. Asked people to move it. They moved it. Neighbors on one side are very helpful. On other side - they have not wanted us there. Was shared well. We put in a new well. Person on the left has had a complaint from the start.

Niklaus: I'd be in favor - but not for 3 years. Probationary for now. You can rent it out for revenue. Neighbors can be unhappy. I'd be inclined to give you a one year approval.

Smith: Due to neighbor complaints - one year would be OK.

Schultz: Good for a year. Come back and review next year.

Dircks: I spoke to one of your neighbors. He had a lot of nice things to say about your renters. Unfortunately the last renters were a problem. Jason took care of it. They are gone. Most renters have been respectful people. You have taken care of that. Maximum of 6 people. Max number of vehicles? What is reasonable? 3-4?

Spry: Typically - 2 or 3 vehicles are there max, normally.

Schultz: Boat?

Spry: There is room.

Guck: One paragraph about dumping water from water from washing machine? Inadequate septic system. Previous owners did this?

Spry: We replace a washer in there with a high efficiency washer.

Guck: Keep eye on the place.

Spry: We are stringent with screening renters.

A motion was made by Niklaus, seconded by Dircks, to approve an Interim Use Permit, for one year, to operate a vacation rental with a holding tank for sewage treatment, with the following conditions of approval:

Conditions of approval:

1. The interim use permit shall expire one (1) year(s) from the date of approval. Upon expiration, the applicant may re-apply for a new interim use subject to the requirements of the Township ordinances at the time.
2. The applicant shall be limited to no more than four (4) vehicles parked on the property at any one time and all vehicles shall be parked so that they do not block the public road. No off-street parking shall be allowed.
3. The applicant (or their contractor) shall submit pumping records to the Township each time their tank is pumped.
4. The applicant shall maintain compliance with all applicable requirements of Section 781 of the Corinna Township Land Use Ordinance including, but not limited to, clearly demarcating the boundaries of the property with a fence, signage, landscaping or other method as approved by the Zoning Administrator.

Motion carried unanimously.

Oleson will talk to sheriff regarding no public comment that they say they don't have sufficient ordinances and re-direct people complaining to the Township.

Requests related to the amendment of the Corinna Township Land Use Ordinance. Approvals required include an amendment to Section 503 (Planning Commission) of the Corinna Township Land Use Ordinance that would modify the terms of office for Planning Commission members.

Applicant: Corinna Township

Oleson: Term limits: 3 - 3 year terms. Max - go off a year - come back if Town Board wanted you to come back.

Schultz - I was an alternate for a year and then came back.

Oleson: There is not a term limit for town board representative.

Still 3 term limit - but if board unanimously votes to keep planning commission member.

Niklaus: Better to have experience on Board of Adjustment.

Oleson: You've done well to have alternates.

Naaktgeboren: I don't have problems with that.

Schultz: I see Cathy as an alternate - we could make Cathy a voting member.

Niklaus: Consistency is important.

A motion was made by Guck, seconded by Dircks for approval of the proposed amendments as follows:

503. PLANNING COMMISSION

503.1 Creation and Membership

MEMBERSHIP

- A. The Planning Commission shall consist of five (5) members and two (2) alternate members, for a total of seven (7) members. One member of the Planning Commission may be a member of the Town Board. The alternate members may only vote where a regular member is absent or is abstaining from voting.
- B. All members of the Planning Commission shall be residents of the township.

APPOINTMENT/TERMS

Up to three (3) members shall be subject to appointment each year. Members shall generally be limited to serving no more than three (3) consecutive terms. In situations where the Town Board is unable to find qualified applicants for Planning Commission membership or otherwise determines it beneficial to the Township, it may continue re-appointing existing members beyond three consecutive 3-year terms upon a unanimous vote of the Town Board.

Motion carried unanimously. This goes on to the Town Board.

Dircks: Training session date?

Oleson: 2 applications for next month, plus one tabled. Try for February meeting. March 14 meeting is a Thursday. Several gone in March.

Smith nominated Al Guck for Chair -Niklaus for Vice Chair. Schultz seconded. No other nominations. Motion carried unanimously.

- 5. Approve Previous Meeting Minutes
 - a. December 12, 2023

Smith made a motion to approve previous meeting minutes of December 12, 2023. Schultz seconded the motion. Motion approved unanimously.

- 6. Zoning Administrator's Report
 - Permits
 - Correspondence
 - Enforcement Actions

- 7. Other Business: Naaktgeboren and Guck will meet as subcommittee when needed, to talk with developers and homeowners regarding subdivisions, etc. before the planning commission meeting. Also one Town Board member and Ben Oleson.

8. Adjournment: Motion was made by Niklaus, seconded by Smith to adjourn.
Motion carried unanimously at 9:30 p.m.

Respectfully submitted by Mary Barkley Brown, Township Clerk