

CORINNA TOWNSHIP BOARD MINUTES

Tuesday, August 4, 2009

7 p.m., Town Hall

Unapproved

Present: John Rivers, Fred Jude, Trudy Richter, Planning and Zoning Chairman Charlotte Quiggle and Town Board: Chairman Richard Naaktgeboren, Supervisor Chuck Carlson, Supervisor John Dearing, Planning and Zoning Administrative Clerk Mary Brown and Clerk/Treasurer Vi Novotne.

Meeting opened at 7 p.m. with the Pledge of Allegiance.

With motion by Chuck Carlson, seconded by John Dearing, the minutes of the July 21, 2009 meeting were approved.

With motion by John Dearing, seconded by Chuck Carlson, the agenda was approved with two additions: Other Business: Junk Violation Complaint and Resignation.

7 P.M. Town Board Review and Action for Corinna Planning and Zoning Commission Public Hearing, July 23, 2009 (Administrator's Report)

Planning Commission Chairman Charlotte Quiggle presented a review of the recommendations and findings of fact.;

Jeff McGowan, 9647 Keats Avenue NW, Annandale. PID 206031000240.

Application: Variance to construct a garage addition within the minimum side yard setback and a new garage within the minimum side yard and road centerline setbacks on an undersized lot.

Board of Adjustment Recommendations: Based on the findings of fact presented in this report, the Board of Adjustment recommends:

1. Denial of the request to add on to the existing garage on the lakeside portion of the lot as that portion of the lot already exceeds the impervious surface coverage and the proposed addition would worsen this condition.
2. Approval of a variance from the 1,000 s/f limit on detached accessory buildings to allow for the construction of the proposed 24'x26' garage on the non-lakeside portion of the lot, bringing the total lot coverage for detached accessory buildings to 1,048 s/f.
3. Approval of the road setback variance to allow the construction of the proposed 24'x26 garage in the proposed location (approximately 17-30 feet from the road centerline depending on which corner of the garage is being measured).

The Planning Commission makes the above recommendation with the following conditions:

1. That the existing sewer system be inspected and found to be compliant with all applicable local and state regulations. If the system is found to be non-compliant, the variance approval would be rescinded, unless the Board finds that a replacement sewer location will not require land covered by the proposed garage (including required setbacks from the garage).

The motion to approve was passed unanimously, although the Chair of the Board of Adjustment (who did not vote) opposed the motion.

Findings of Fact: The recommendation of the Board of Adjustment was made based on the following findings of fact:

1) Has the applicant demonstrated that the proposed actions will be in keeping with the spirit and intent of the ordinance and will not conflict with the Comprehensive Plan?

a) Yes for proposed non-lakeside garage. No for proposed garage addition. The Comprehensive Plan does not directly address this issue except to make statements about protecting lake quality as land is developed.

The spirit and intent of the ordinance (side yard setback) is to require some space between buildings and other improvements and the adjacent lot and to maintain space between structures. Its' intent is also to maintain consistency from one property to the next in this setback. The subject property, and surrounding properties, was platted in 1958 prior to current zoning regulations. The lots are much narrower and significantly smaller than would be required today. As such, the ability to place a reasonably sized dwelling and accessory structure, well sewer system and other typical improvements while still maintaining required setbacks is very difficult. The proposal would maintain a side yard setback consistent with existing buildings on this lot and adjacent lots for both of the proposed improvements. The proposed 24 ft wide garage is the minimum necessary to achieve a reasonably sized garage for properties of this type. The proposed garage addition is denied on other grounds (impervious surface coverage).

The spirit and intent of the ordinance (road setback) is to protect buildings and passengers of vehicles and to preserve space for potential future expansion of roadways. Given that the Clearwater Beach plat was created before zoning regulations (1958), the public roadway is only 30 feet wide, the road ends in a dead-end and serves only a few residents, the road is very unlikely to ever be extended or widened, and there are many existing structures within the required road setback throughout this portion of Keats Avenue, it would seem that the intent of the ordinance is met provided that the proposed garage meets a similar setback as others within the immediate area, which it does.

The spirit and intent of the ordinance (impervious coverage) is to minimize the speed of rainwater runoff, infiltrate as much water as is reasonable, and to ultimately protect the quality of water entering into the lake. The existing coverage on the lot exceeds impervious surface coverage limits and the proposed addition to the existing storage building on the lake side would worsen this situation. While the applicants could mitigate this by installing some form of a stormwater best management practice, the worsening of the situation would not be in keeping with the intent of the ordinance or Comprehensive Plan. The proposed garage on the non-lakeside portion of the lots will meet impervious surface limitations.

2) Has the applicant demonstrated that the property in question would not be able to be put to a reasonable use or yield a reasonable return if used under the conditions allowed by the official controls?

a) Yes and no. The other properties in the immediate area tend to have similarly sized garages/storage buildings. Some of the properties also have accessory buildings located across Keats Avenue. Without the variance for the garage addition, the applicant would retain the ability to continue using the existing storage building and even rebuild it at the existing dimensions and location. Still the existing storage building/garage (even if enlarged) would not provide adequate space for parking of up to two vehicles and storage of materials typical of most development without the requested variance. Additionally, the 15% building coverage limit represents a proxy for what is considered reasonable and the proposed garage would meet this

requirement. Finally, the road setback cannot be reasonably met and still allow for the minimum size garage typical of current building standards.

3) Has the applicant demonstrated that the plight of the landowner is due to circumstances unique to the property not created by the landowner and is not a plight shared by neighboring properties in the same zone?

a) **Yes for non-lakeside garage. No for lakeside garage addition.** The subject lot, and other lots in the neighborhood were all platted and developed prior to current zoning regulations. As such the applicant and neighboring properties are all constricted by similar plights. The proposed addition to the existing building does not appear to be necessary to obtain reasonable use however, and as such is a self-inflicted hardship. However, the applicant is constricted from building a reasonably sized garage due to the shape of the lot – which was platted many years prior to when zoning regulations went into effect – and cannot build such a garage on the lake side due to the location of the existing sewer system.

4) Has the applicant demonstrated that the character of the locality would not be altered if the variance is granted?

a) **Yes.** Many of the other homes in the area have garages. The proposed construction would provide somewhat more storage than others in the area have, but not significantly enough to change the character of the locality.

5) Has the applicant demonstrated that the granting of the Variance will not adversely affect the environmental quality of the area?

a) **Yes.** The proposed construction of the garage on the non-lakeside will meet the 15% maximum coverage limit and therefore not present a significant environmental impact. It also drains to a wetland rather than directly to the lake. The proposed garage addition on the lakeside is recommended for denial expressly because it would likely worsen the environmental quality of the area.

Board Action: Discussion. Fred Jude, contractor, presented corrected measurements.

With Dick Naaktgeboren's motion, second John Dearing, the board denied the original request to add onto the existing garage on the lakeside portion of the lot; approved variance to allow a 24x26' garage on the non-lakeside portion of lot; approved the extended total lot coverage from 1,000 s/f to a 1,048 s/f limit, approved garage side lot set backs of 6.8' on Keats Ave and 5.6' on the back of lot, and approved the road setback of 20' from the centerline of the road to the closest corner of the garage. Approval was based on the Board of Adjustment's Recommendations and the five Findings of Fact.

The applicant was advised to request a variance hearing date from Wright County Planning and Zoning. Mr. Jude requested a copy of the minutes.

Requests to be on the agenda:

1. Trudy Richter, 11224 Hollister Ave NW. Request to connect a septic system by crossing a town road. Trudy Richter has received a copy of the requirements for an Under Road Easement for a Sewer Line. After the work is completed, the area is to be surveyed and the easement description is to be recorded. John Dearing presented motion that town board approve Trudy Richter's request for an easement for a sewer line across Hollister Avenue from the lake lot to the back lot.

Chuck Carlson, second. Motion carried.

Trudy Richter gave support and approval for a drainage line easement from the road that would cross her property at south half of Lot 4, Block 3, Maple Villa.

John Dearing will discuss the placement of the two culverts with Otto Associates, her engineer.

Dick Naaktgeboren commented that a drainage catch basin will also need to be built.

Other Business:

1. Planning Commission, Charlotte Quiggle, Chairman.

Charlotte Quiggle attended the Wright County Board of Adjustment Meeting of July 31 and reviewed the county's action taken for variance requests.

CGI Training – Working Effectively with Zoning Staff: July 30 training session was cancelled and rescheduled for Thursday, August 6, 2009. Mary Brown and Charlotte Quiggle plan to attend.

2. Corinna Township Planning and Zoning:

(Copy) Ltr 7/24/09 Tom Salkowski, Wr Cy P&Z to George and Barbara Owen and Richard Essen. Ownership clarification needed for property described to be removed from the "Resource Land" designation in Wright County NWQ Plan.

(Copy) EM 7/29/09 Tom Salkowski to David Wilkie. Land is not and has never been a part of the "Resource Land" proposal.

EM 7/29/09 Tom Salkowski to Charlotte Quiggle, Planning Commission and Dick Naaktgeboren, Town Board Chairman. Lots near Clearwater/Pleasant Regional Park are not proposed as "Resource Land".

Dick stated that township mailed letters defining "Resource Land" only to the property owners that were on the county mailing list.

Copy Ltr 7/24/09 Tom Salkowski to Ben Oleson, Corinna Township Planner. Reference Ben Oleson's letter asking for a meeting to discuss administrative issues. Tom asks for details of several instances that are problematic. Tom also asks that Corinna stop the hearing process and the recording of shoreland variances and CUPs as Wright County is the shoreland authority. He concluded that Wright County welcomes township input and recommendations.

Dick added that Ben Oleson will discuss the recording issue with Township Attorney, Mr. Tiede. Ben also plans to send another letter to Tom Salkowski that states several issues that are planning decision gray areas where an ordinance may be interpreted multiple ways. Ben would like a dialogue with Tom to talk about the gray area issues so that township and county are consistent.

Ltr 7/28/09 Barry Rhineberger to Mary Miezwa, Maple Villa, regarding a new bituminous/asphalt driveway that brings surface coverage over maximum and driveway does not have a 5' setback from property line.

Township Building Permits issued:for July: Mary Brown stated that other permits are in process and these were approved:

1-garage	1-3 season porch/deck
1-reside	1-Fireplace
1-reroof	2-Septic Systems

3. 91st Street Drainage Correction: An informational meeting for the property owners will be Thursday, September 3, 2009, 7 p.m., at the town hall. Letters will be mailed to the property owners, Clearwater River Watershed, and four state or county departments that require

notification. Preliminary planned meeting date was delayed as a legal decision for a property owner's land issue was rescheduled from July until end of August.

4. North Corinna Cemetery: Mary Brown is researching rules and regulations of other local cemeteries. Guidelines are to be set up, perpetual care is to be defined and buying a lot is not a purchase of the land but the right to inter. The announcement for the need for people to serve on the Cemetery Board is to be announced on the website. A temporary sign will announce that information regarding the cemetery may be obtained from the Corinna Township Office or from the website.

5. Site Visit: Charles Barry, 10483 Hollister Ave NW.(absent) John Dearing and Dick Nakktgeboren met with Mr. Barry's engineer regarding a possible water drainage problem. The culvert did not appear to be damaged, is level and is clear. Elevation records need to be obtained.

John Rivers stated that he owns parcel where culvert is installed. Otto Engineers have an elevation study of the existing culvert and an approved site plan. Originally the culvert was installed so that water would not run over the road. The Otto Engineers' elevation is 8 or 9 inches lower than the original culvert site plan. The culvert was raised to what it should be. Charles Barry started to lower the culvert and was stopped. Charlotte Quiggle agreed with these facts.

Mr. Rivers also stated that other culverts nearby should have elevation checks. He will forward elevations, bench marks, pictures of changes and other information to the town board. Dick added that a catch basin is needed to filter water. John Rivers added that the Sugar Lake Association has been adding pressure to property owners to correct water runoff to the lake

6. CSAH 6 Road Project: (7/30/09 EM), Mark Johnson. Wright County Highway Department. Residents may become informed of the road project progress with the weekly updates that are posted on the web site: co.wright.mn.us.

The town board will check with Wright County Highway Department for the Segner Mining site expansion which was not a part of the Conditional Use Permit and payment due on the two conditional use permits.

7. Junk Amnesty, July 25, 2009. Preliminary report: 30 workers and volunteers unloaded 178 trucks/trailers. 111 appliances, 12 tons of scrap iron, and 1/3 ton aluminum, tires, wood/brush, oil, filters and electronic items were collected for recycling. As the local newspaper identified a Corinna Junk Amnesty picture as a Wright County activity, the reporter will be contacted to make a correction that would also include more information of the Corinna junk recycling activity.

8. Junk Violations:

7/20/09 Ltr Karen Wolff, Assistant County Attorney. Township is to continue to use the program (Operation Clean-Up) for shoreland areas. After a letter is sent to property owner stating the date that the property must be brought into compliance, and a board member has confirmed the property condition, the Wright County Sheriff is informed and a police officer will make a site visit to confirm the violation. Ultimately a misdemeanor citation could be issued giving a court date.

Francis J. Quick, 6329 80th St NW. Supervisor confirmed junk violation. Letter 7/27 to Wright County Sheriff's Office for investigation. John Dearing noted that Sheriff's Office will place follow up action by contacting Mrs. Quick's daughter.

Gary J. Pikala, 22002 208th Street NW. Supervisor confirmed vehicle violation. Letter 7/27 to Wright County Sheriff's Office for investigation. John reported that now the fish house

is off the road right of way, one vehicle has been removed and the van now has a temporary license.

Robert Balogh, 8611 Griffith Ave NW. Unmowed grass and junk violation. Must be compliant by August 13, 2009.

Steven Leinonen, 11718 Kramer Ave NW. Piles of iron, scrap metal, logs and several vehicles. Must be compliant by August 13, 2009.

Milo Vail, 8008 Griffith Ave NW. Bail Hearing, 7/31/09. Entered a plea of not guilty and case set for pre-trial on September 2. Milo Vail called township office to report that he will have property cleaned up including the house torn down and material removed by September 1.

Duane Jones, 8722 70th Street NW. Complaint received that property has a pile of garage doors and part of the lawn is not mowed. Supervisor will make a site visit.

9. Local 49 Agreement Renewal. Maintenance men were informed that the Agreement currently in effect between Corinna Township and the International Union of Operating Engineers, is open for changes and modifications. Men have not responded.

10. Building Use for August. List was forwarded to town board members and maintenance men.

11. Special Meeting, Thursday, August 6, 2009. 3 p.m., town hall: Purpose: Discuss adopted Permit Fee Schedule. Attendance: Loren Cohen and Brian Vinkemeier of Metro West Inspection Service and town board.

12. Insurance Claim for Salt Shed: With motion by Dick Naaktgeboren, second by Chuck Carlson, the board approved acceptance of the adjusted offer from Allied Adjusters for repair of the salt shed with vinyl siding at \$8,581.20. The total cost of repairs is \$9,862.73, based on replacement cost. Balance will be paid when the repairs are made. John abstained from voting.

13. Resignation: Township Clerk/Treasurer Vi Novotne submitted her resignation effective October 1, 2009.

14. Budget Review: The board received and reviewed copies of the Road and Bridge and General Funds Receipts, Expenditures and the projected budget as of August.

15. Payments of Claims Invoices covered by Checks Nos. 15153-15197 and Electronic Payments 26, 27 and 28 for a total amount of \$57,699.30 were approved for payment.

With no further business to come before the board, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Approved August 18, 2009

Viola K. Novotne, Clerk/Treasurer

Richard Naaktgeboren, Chairman

