

CORINNA TOWNSHIP BOARD MEETING MINUTES

Unofficial Minutes

Tuesday, March 16, 2010, 7 p.m.

Corinna Township Hall

9801 Ireland Avenue NW, Annandale, MN

Present: Chairman Chuck Carlson; Supervisor John Dearing; Supervisor Richard Naaktgeboren; Deputy Clerk/Treasurer Jennifer Kemp

Others in Attendance: Dennis Loewen & Ron Graham from CRWD; P & Z Chair Charlotte Quiggle; P & Z Administrator Ben Oleson; Steve Metzler; Ron Mares; Dean Flygare; Julie Carlson

Call to order and Pledge of Allegiance at 7 p.m.

Oath of Office: Deputy Clerk Jennifer Kemp administered the Oath of Office to Richard Naaktgeboren, who was elected to a three-year term as Township Supervisor on March 9, 2010.

Mar. 2, 2010 Town Board Meeting Minutes: Motion by Naaktgeboren, seconded by Dearing, to approve the Mar. 2, 2010 Town Board Meeting Minutes. Motion carried unanimously.

Agenda for the March 16, 2010 Town Board Meeting: Motion by Naaktgeboren, seconded by Dearing, to approve the Agenda for the March 16, 2010 Town Board Meeting with the following additions: CGI Training Scheduled; Maple Lake Fire Contract; Junk Amnesty LTR Agreement. Motion carried unanimously.

Maintenance Men: Motion by Naaktgeboren, seconded by Carlson, for Maintenance Men to attend chainsaw training on April 21, 2010 and to obtain a certificate upon completion for insurance purposes. Motion carried unanimously. Work orders #14-17 have been completed. Crack Seal and Striping quotes have been received. Vacation dates are noted. Map of the roads to receive gravel in 2010 is on file at the township office.

Requests to be on the Agenda:

1. 7:00 CRWD – Dennis Loewen and Ron Graham – Report to Corinna Town Board: One year ago a task force was established to determine the future waste water needs and to recommend methods to best serve interests as well as document any problems. An abundance of information is available to individuals, but it was recommended that it be made more easily accessible (i.e. via website link, etc.). Owners need to be able to make good decisions. Owners need to be made aware of the assistance programs available for helping to update their waste water systems.

Application: Variance to construct dwelling additions within the minimum lake and bluff setback on an undersized lot

Applicant: Steven and Lynn Metzler

Background Information:

- Location:** 10147 State Hwy 24 NW, Annandale. Sec/Twp/Range: 09-121-027. Parcel number(s): 206000093410
- Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Clearwater Lake.
- Lot size:** Approximately 1.7 acres

- **Septic System Status:** The sewer system on this property was updated and approved in late 2009.
- **Impervious Surface Coverage:** Staff's estimates from aerial photos and the survey provided indicate that total impervious coverage is under 15% now (approximately 13%) and is well within the limits imposed by the ordinance.
- **Proposal:** The applicant is proposing to add a second story over the south end of the existing dwelling, a 12' x 10'7" entryway on the west (lake) side of the dwelling, and a 12' x 36' sun porch off of the north end of the existing dwelling. Both the proposed entryway and 2nd story would be within the minimum lake setback of 75 feet. The proposed sun porch is very close to the required 75 foot setback required, but not known with certainty.
- **Requested Variances:**
 - New second story dwelling to be within the required 30 foot bluff setback.
 - New entryway to be approximately 63-65 feet from Clearwater Lake (75 ft required)
 - New sun porch to be approximately 73-75 feet from Clearwater Lake (75 ft required)
 - New second story of dwelling to be 66 feet from Clearwater Lake instead of the required 75 feet.
 - Greater than 2,400 cumulative square feet of accessory building on a lot between 1 and 2.49 acres (the lot is about 1.7 acres in size).

A motion was made by Naaktgeboren, seconded by Dearing, to recommend to Wright County approval of a variance for an **entryway** extending off of the west side of the dwelling *as shown in the attached drawing (Attachment A)* and a new **sun porch** to be constructed off of the north end of the dwelling *provided neither of the additions extend toward the lake any closer than an imaginary line extending north/northeast from, and parallel to, the southwestern portion of the house that is closest to Clearwater Lake (see attached sketch)*, based on the following findings of fact.

Motion carried unanimously.

A motion was made by Naaktgeboren, seconded by Dearing, to recommend to Wright County approval for a variance for a new **second story** of dwelling to be 66 feet from Clearwater Lake instead of the required 75 feet, based on the following findings of fact.

The Town Board stated that it was not concerned so much with the appearance of a second story from the lake due to the fact that the lot is relatively heavily wooded and it would have little additional impact visually than would a two story dwelling meeting the 75 foot setback (which would be allowed without a variance). The second story would also not impact neighboring properties' views of the lake.

Motion carried unanimously.

A motion was made by Naaktgeboren, seconded by Dearing, to recommend to Wright County denial of the requested variance for greater than 2,400 cumulative square feet of accessory building on a lot between 1 and 2.49 acres (the lot is about 1.7 acres in size), based on the following findings of fact.

Motion to deny carried unanimously.

The Town Board recommendations are 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 (sun porch, second story and entryway).** The Comprehensive Plan notes that bluffs are areas to be protected from development. The spirit and intent of the lake and bluff setback requirements, as per MN DNR SONAR documents, are “to control the resource damaging effects of non-point source pollution” (soil erosion and sedimentation being the primary examples). The allowed dwelling additions would be no closer to the bluff than the existing dwelling and will not create additional soil erosion and sedimentation hazards beyond what already exists except temporarily during construction. The Township’s Building Inspector requires soil erosion and sedimentation controls to remain in place during and after construction until vegetation is re-established. Further, the Township’s Building Inspector will verify the existing foundation is sufficient to support a second story before a building permit would be issued to help ensure that the additional weight will not impact the slope.
- b) **No (detached accessory building).** The proposed garage construction that would put the lot above the 2,400 sq ft allowed by ordinance is not directly addressed in either the Corinna Township or Wright County Comprehensive plans, but would be in direct conflict with the spirit and intent of the Zoning Ordinance which is to limit the amount of accessory building space on a property when no hardship has been established.

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 (sun porch, second story and entryway).** The proposed additions would be allowed by Ordinance if they were elsewhere on the lot, and as such, they represent a reasonable request.

A lakeside entryway is a reasonable request for a shoreland dwelling and there is nowhere to place such an entry on the lakeside that would meet the required setbacks. The approval of the variance however, allows for a smaller entryway than requested by the applicant as this would represent adequate relief from the 75 foot setback requirement to construct a reasonably-sized entryway.

A sun porch is a reasonable request and it appears that this addition may meet the required 75 foot setback without need for a variance (the Township has recommended to the applicant that his surveyor verify this measurement prior to meeting with the Wright County Board of Adjustment on March 26th). If it does not meet the setback requirement, the Township has recommended that it not be allowed any closer than the line extending out from and parallel with the southwestern portion of the dwelling that is closest to the lake now (the Township has also requested that the applicants’ surveyor identify this line and distances from the lake prior to the March 26th County meeting).

A second story is a reasonable request and the proposed location on the existing dwelling represents a reasonable location given the internal layout of the existing dwelling.

- b) **No (detached accessory building).** Without the variance from the 2,400 sq ft limitation, the applicant has several options to remain in compliance with the ordinance that allow reasonable use of the property – removing one or more of the existing accessory buildings, reducing the size of the proposed garage or attaching the proposed garage to the dwelling are all among these possibilities.

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 (sun porch, second story and entryway).** The inability to construct an entryway on the lake side of the home and a second story without a variance is due to the location of the home, which was constructed prior to current zoning restrictions. Similarly, if a variance is needed for the sun porch addition, the need for the variance is related to the existing location of the home, which was built prior to current zoning setback requirements.
- b) **No (detached accessory building).** There is nothing particularly unique about the property or their plight that justifies additional accessory building space above what is allowed. The lot contains more than adequate space to construct accessory buildings and to reconfigure or remove existing accessory buildings so that the new construction would comply with the ordinance.
- 4) Has the applicant demonstrated that the character of the locality would not be altered if the variance is granted?**
- a) **Yes.** The proposed additions and additional detached accessory building space would not substantially change the character of the locality, as many other dwellings are located within lake and/or bluff setbacks and the proposed buildings represent typical residential uses.
- 5) Has the applicant demonstrated that the granting of the Variance will not adversely affect the environmental quality of the area?**
- a) **Yes.** The environmental concerns regarding the proposed additions would have primarily to do with the potential increase of soil erosion and sedimentation and destabilization of the bluff. As stated previously, the Township's Building Inspector requires soil erosion and sedimentation controls to remain in place during and after construction until vegetation is re-established. Further, the Township's Building Inspector will verify the existing foundation is sufficient to support a second story before a building permit would be issued to help ensure that the additional weight will not impact the slope.

The construction of more than 2,400 sq ft of accessory building on the parcel would not adversely affect the environment as it would meet all required setbacks and the lot would still meet all impervious surface limitations.

Other Business:

1. Planning Commission: Charlotte Quiggle, Chairman
Next Meeting: March 25, 2010, 7 p.m., Town Hall
MN Court of Appeals April 13, 2010 at 10:40 a.m.:
CGI Training: Wednesday, March 17, 2010 @3PM (webinar/live in Brainerd office)
2. LoVail Jankord Stop Work Order and Junk Violation:
Balogh Pretrial Hearing Continued to April 20, 9:00 a.m.: Attorney has been retained & continuance has been filed.
Steve Zimmer: Clearwater Township – blocked culvert (Told him to contact Clearwater Twp. Board.)
Rhonda Carlson: 8067 Gowan Avenue NW – blocked culvert; culvert cleared
Scott Lampi: 67th Ave. – drainage problem; Maintenance Men to check on after road restrictions are lifted
Floyd Johnson: 11722-90th Ave. NW – broken pole for fire number; Maintenance Men will fix
3. Local Board of Appeal and Equalization Meeting: Tuesday, April 27, 3:00 p.m. at the Corinna Town Hall
4. Wright County Highway Department: Township Sign Replacement Agreement; Road Restrictions; Corinna Letter Regarding County Road #123 : Reviewed
5. Maple Lake Fire Contract: Signed

6. Junk Amnesty: Liberty Tire Agreement signed
7. Payment of Claims: Motion by Dearing, seconded by Naaktgeboren to approve Direct Deposit Payroll Checks # 138 through #141; EFT 2010-21 through EFT 2010-23, Checks # 15616 through Check # 15631, in the amount of \$18,670.75. Motion carried unanimously.

With no further business to come before the board, a motion was made by Naaktgeboren, seconded by Dearing to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Approved April 6, 2010

Jennifer L. Kemp, Deputy Clerk/Treas.

Chuck Carlson, Chairman