

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
MARCH 12, 2020**

Chairperson Lawrence called the meeting to order at 6:00 P.M.

Roll call was taken.

Members Present:

Bryan Lawrence – Vice-Chairperson
Steve Demeules
Annie Deckert
Roger Nelson
Lynda Ponting
Bud Stimmler

Staff Present:

Nancy Riddle – Planning & Zoning Administrator
Lynn Waytashek – Assistant Planning & Zoning Administrator
Mitch Glines – County Planner
Addison March – Environmental Specialist
Kelly Mittelstaedt – Secretary

Lawrence informed everyone the meeting was being audio-recorded.

Nelson made a motion to approve the minutes from the December 12, 2019 Board of Adjustment Meeting. Deckert seconded the motion. All in favor. Motion passed.

Nelson made a motion to approve the minutes from the December 12, 2019 Board of Adjustment & County Board of Commissioners Training. Demeules seconded the motion. All in favor. Motion passed.

Ponting made a motion to approve the evenings agenda. Deckert seconded the motion. All in favor. Motion passed.

ELECTION OF OFFICERS FOR 2020:

Current officers are: Roger Johnson, Chairperson; Bryan Lawrence, Vice-Chair; Kelly Mittelstaedt, Secretary.

Nelson moved to keep the same officers. Demeules seconded the motion. All in favor. Motion passed.

6:03 P.M. CARL T AUBOL SR: Requesting a 92' variance in setback from the OHWL of Hidden Lake for a septic system upgrade. Required setback from a Natural Environment Lake is 150'. Address: 20221 221st Ave NW, Big Lake, Mn Legal: W ½ of NE ¼ of NE ¼ Sec 11, Twp 33, Rge 28 Big Lake Township 20 Acres General Rural District and within the Natural Environment Lakeshore District of Hidden Lake.

Lawrence read the variance request.

Waytashek explained the house was built in 1970 and the way it is configured the septic system tanks came out of the house on the lake side. The house was built 75' from the lake. The proposal is to put in 2 new tanks. One of which will be a pump tank. The drainfield will meet the 150' setback from the lake but the tanks will not. They still need a variance because of the location of the tanks. There is an existing shallow well that will need to be sealed per the Minnesota Department of Health requirements. A building permit will not be issued until Planning & Zoning has received verification that well has been sealed.

Ponting said it looked like there were 3 septic tanks on the property.

Waytashek said staff thought that was unusual too. Apparently behind the existing garage they have a tank that was put in because they have a laundry room over on that side of the house. The tank will be removed. All existing tanks will be removed and they will be using the 2 tanks that are seen in the design.

Ponting was concerned that putting the tanks in an area where there is a little bit of a hill could cause erosion during the construction/installation process. She thought maybe the tanks could be put by the garage.

Waytashek said she thought where the tanks were proposed to go currently is the low spot behind the house and behind the garage is higher.

Deckert asked if the tanks could be moved any other place to reduce the variance amount needed.

Waytashek said she is not a septic designer and those that do design septic's know they need to do it to the best of their ability. She's guessing the designer did the best he could with what is on the property. The positive thing is that the drainfield is able to meet the required setback from the lake.

David Aubol, 1351 Hiawatha Ave, Big Lake, Mn was present.

Deckert asked if there was anyway the septic location could be moved to decrease the variance.

Mr. Aubol said if it were to be placed behind the garage there is a natural low spot and the designer said not to put a drainfield in a drainage spot.

Nelson asked why the shallow well was going to be sealed.

Waytashek said she did not think it met setback requirements from either the tanks or the drainfield.

Nelson informed Mr. Aubol there are grants available from the Soil & Water Board if needed.

Mr. Aubol said the well has already been sealed.

Lawrence asked if anyone in the audience had any comments or questions. No one did. Nelson made a motion to close the public hearing. Deckert seconded the motion. All in favor. Motion passed.

Nelson motioned and Stimmler seconded the motion to approve the 92' variance in setback from the OHWL of Hidden Lake for a septic system upgrade with the following conditions and "Findings of Fact":

Conditions:

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The existing septic system must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. The shallow well must be sealed per the Minnesota Department of Health standards prior to septic system being issued. Must provide well sealing certificate.
4. The variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
Every home needs a working septic.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () The drainfield will not be in the area – just the tanks.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () Every home has a working septic and this should be no exception.

4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () They do not.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () They are moving the drainfield away from the lakeshore.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () It will be all underground.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () It has been designed too.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () It will be on the opposite side of the house from the driveway.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () It will not.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () It will not – because it's underground.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () It will have a working system for the house.

All in favor. Motion to approve passed.

6:15 P.M. THOMAS WARNKE: Requesting a 49' variance in setback from the OHWL of Ann Lake for construction of a new house. Required setback from a Recreational Development Lake is 100'. Address: 16453 253 ½ Ave NW, Big Lake, Mn Legal: Ann Lake Beach W ½ of Lot 5 & All Lot 6, Blk 1 Sec 15, Twp 34, Rge 27 .29 Acres General Rural District and within the Recreational Development Lakeshore District of Ann Lake.

THOMAS WARNKE: Requesting a 46' variance in setback from the right of way of 253 ½ Ave NW for construction of a new house. Required setback from the right of way is 67'. Address: 16453 253 ½ Ave NW, Big Lake, Mn Legal: Ann Lake Beach W ½ of Lot 5 & All Lot 6, Blk 1 Sec 15, Twp 34, Rge 27 .29 Acres General Rural District and within the Recreational Development Lakeshore District of Ann Lake.

Lawrence read the variance requests.

Glines said the 2 variances were presented and approved on the July 12, 2018 Board of Adjustment Meeting. Within the 1 year requirement staff did not get all the required information to be able to issue a building permit. The key hang up was the agreement between the property owners and Orrock Township about directional boring under the road to the septic's drainfield across the street. Because of the 1 year expiration they needed to reapply for the 2 variances. It is a different house that they are requesting from before.

Deckert said the proposed garage is about 96' bigger than the previous garage from a footprint standpoint. She asked if the proposed garage is getting closer to any property lines than the previous garage.

Glines said the existing garage was detached and it has been removed from the property. The new garage will be attached.

Ponting asked if the concrete had been removed from the existing garage.

Glines said the concrete has not been removed yet. They need a shoreland alteration permit and then the plan shows to remove the concrete.

Ponting asked what material would be used for the driveway.

Tom & Heidi Warnke, 16453 253 ½ Ave NW, Big Lake, Mn were present.

Mr. Warnke said he did not know if it was going to be blacktop or class 5.

Glines said no matter what the driveway material would be it would be included in the impervious surface number.

Mrs. Warnke said they are building on the same footprint. They did not tear out the concrete for the garage because since they could not come to an agreement on the boring under the road everything came to a stop.

Lawrence asked if anyone in the audience had any comments or questions. No one did. Ponting made a motion to close the public hearing. Stimmler seconded the motion. All in favor. Motion passed.

Demeules motioned and Stimmler seconded the motion for a 46' variance in setback from the right of way of 253 ½ Ave NW for construction of a new house with the following conditions and "Findings of Fact":

Conditions:

1. Applicant must apply for and obtain a Shoreland Alteration permit prior to the building permit being issued.
2. The applicant must obtain a building permit and pay the associated fees prior to starting work on this project.
3. Must install the new septic system prior to building permit being final.

4. The applicant must install erosion control around perimeter of project prior to any construction activity to minimize construction run-off. Erosion control must remain in place until vegetation is re-established.
5. The existing septic system must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
6. A razing permit is required for the removal of the existing home. All debris must be disposed of at MPCA permitted landfill. No materials may be burned or buried on site.
7. Applicant must follow Site/Landscape Plan as shown in Attachment D.
8. Applicant must remove the portion of the patio and sidewalk that is proposed to be removed and till up the ground to make it pervious before a building permit is issued. Vegetation or ground cover will need to be placed on the tilled-up area immediately to reduce erosion. Only impervious surface allowed on lot is what is shown on survey (attachment C).
9. Applicant cannot exceed 25% of impervious surface that is being requested now or in the future.
10. The variance is only valid if acted upon by the applicant within (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
Everyone needs a garage and that's what the variance is for.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () This is a small lot and the garage is actually getting further away from the road right of way.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () The use of a garage is pretty common and that's what it's for.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No ()
The proposed garage is actually getting further away from the road right of way. It actually gives them more room to park.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It's abutting directly up to the house and it's not an extremely large garage.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () The area typically has a garage.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () There is an active working system currently.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () The actual driveway will be longer than the previous one.

9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () It is typical for the area.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () It's all well within the height restriction.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () They are doing this to better the property and not necessarily to save money.

All in favor. Motion to approve passed.

Deckert motioned and Ponting seconded the motion for a 49' variance in setback from the OHWL of Ann Lake for construction of a new house with the following conditions and "Findings of Fact":

Conditions:

1. Applicant must apply for and obtain a Shoreland Alteration permit prior to the building permit being issued.
2. The applicant must obtain a building permit and pay the associated fees prior to starting work on this project.
3. Must install the new septic system prior to building permit being final.
4. The applicant must install erosion control around perimeter of project prior to any construction activity to minimize construction run-off. Erosion control must remain in place until vegetation is re-established.
5. The existing septic system must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
6. A razing permit is required for the removal of the existing home. All debris must be disposed of at MPCA permitted landfill. No materials may be burned or buried on site.
7. Applicant must follow Site/Landscape Plan as shown in Attachment D.
8. Applicant must remove the portion of the patio and sidewalk that is proposed to be removed and till up the ground to make it pervious before a building permit is issued. Vegetation or ground cover will need to be placed on the tilled-up area immediately to reduce erosion. Only impervious surface allowed on lot is what is shown on survey (attachment C).
9. Applicant cannot exceed 25% of impervious surface that is being requested now or in the future.
10. The variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () It's not in conflict with the comprehensive plan.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () The proposal is rebuilding

the house in the same footprint as it was originally and bringing the garage further away from the property line.

3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () The property owner would not be able to enjoy common rights such as a home and garage if it were not for this variance.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () The current owners or previous owners did not complete any action to result in the extraordinary circumstances.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance requested is the minimum variance.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () The variance will not alter the essential character of the locality and there will be no significant effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Adequate sewer systems can be provided.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () Granting the variance will not result in the parking or loading of vehicles on public streets.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () It will not be a greater height or lesser shoreline setback than what is typical for the area.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () The variance will not increase the loss of sunlight , views or privacy of the surrounding properties.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () Economic considerations or circumstances are not being considered.

All in favor. Motion to approve passed.

6:36 P.M. JOSEPH & DEBRA BLANK: Requesting a variance to the requirement in Section 7 – Agricultural District, Subdivision 6.1 – Dimensional Regulations – which requires a minimum size of 5 acres for platted lots. Address: 1552 170th Ave SE, Princeton, Mn Legal: SE ¼ of SW ¼ Ex that part desc as follows . . . (full legal on file) Sec 3, Twp 35, Rge 28 35.57 Acres Agricultural District.

JOSEPH & DEBRA BLANK: Requesting a variance to Section 7 – Agricultural District, Subdivision 6.3 – Minimum setbacks, principal or accessory structures: “side or rear, non-farm housing abutting agricultural land (if platted after June 6, 1995) 250 feet is required”. The house already exists but the house will be located closer than 250’ to the proposed platted property line. Address: 1552 170th Ave SE, Princeton, Mn Legal: SE ¼ of SW ¼ Ex that part desc as follows . . . (full legal on file) Sec 3, Twp 35, Rge 28 35.57 Acres Agricultural District.

Lawrence read the variance requests.

Glines said the Blank’s are requesting 2 variances to Section 7 in the Ag District. One is the minimum setback which they are requesting a lesser setback than the required 250’. The reason they are requesting the variance is because they bought the property for farming and the house and buildings are not needed by them. Platting 5 acres would go into the farmland significantly disrupting the irrigation.

Joe Blank, 17815 Highway 95 NE, Foley, Mn was present.

Mr. Blank showed on the map where the irrigation pivot wheels go on the property. They would like to keep all the farmland together. To keep 5 acres together would bring the property line way out into the field and hinder what they are doing.

Ponting asked when the pivot was put in place.

Mr. Blank said they put the pivot in and have farmed the land for 20 years and that the pivot misses the buildings completely.

Riddle said in the ag district 5 acres is required to plat land and generally that was put in place to help preserve farmland. Making the lot 5 acres kind of flies in the face of what they are trying not to do – to take more farmland away. The 250’ ag setback will be looked at by staff to see if it needs to be changed or modified. She thinks it is a reasonable request.

Deckert asked how many acres the total parcel is.

Glines said it is 35.57 acres.

Deckert said if the variance was approved it would be creating 2 non-conforming properties.

Riddle said the property he owns to the north would be combined to the larger piece because one property can not be less than 40 acres.

Mr. Blank said they don’t need the house.

Deckert is struggling with the state statute that the board can’t take economic considerations into account to approve a variance. She asked if it was common for people to buy a property like this and then sell off the house.

Riddle said staff does see that quite a bit where the house is being separated from the farming parcel. Right now that's all they see up in the ag district.

Deckert is trying to understand the practical difficulty.

Lawrence said there isn't necessarily a practical difficulty.

Deckert said it's a tough variance for her because she sticks close to the statute.

Riddle again stated at the platting process the larger 2 parcels would need to be combined.

Deckert asked if the new owners would need variances in the future if they wanted to do anything to the property.

Riddle said they did talk about the number of outbuildings does exceed what is allowed and they would not be able to be rebuilt if they were to burn down or were damaged.

Glines said on 2.5 acres and 1800 sq ft building is the largest allowed.

Ponting wants to see more protection for the future owners of the house with the farmland being so close. There will be manure spreading and other farm related activities that she thinks will cause issues in the long run.

Lawrence thought that's why the 250' setback was established originally.

Ponting thought they were creating a problem for future use by approving this variance.

Debbie Blank, 17815 Highway 95 NE, Foley, Mn was also present.

Mrs. Blank said one thing to consider with a small farm is it's not the type of farm someone could come in and make a living on this 30 acres of land. In an effort to hang on to as much ag land as you can that's the effort to put the 2 pieces of land together – keeping it farmland and being able to sell the house. They don't need another house to take care of. Renting the house could become a huge problem because of rentals in certain rural areas. There is a market for 2 ½ acre lots in the county.

Mr. Blank said there is a lot of 2 ½ acre lots in the area.

Lawrence asked if anyone in the audience had any comments or questions. No one did. Stimmler made a motion to close the public hearing. Deckert seconded the motion. All in favor. Motion passed.

Lawrence motioned and Nelson seconded the motion to approve the variance to the requirement in Section 7 – Agricultural District, Subdivision 6.1 – Dimensional Regulations – which requires a minimum size of 5 acres for platted lots with the following conditions and “Findings of Fact”:

Conditions:

1. Final plat approval from the County Board of Commissioners must be obtained within one year of variance approval.
2. The other parcels need to be combined during the platting process.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
It will not be in conflict with the comprehensive plan. It’s going to combine the farmland together and there’s additional houses within this area that have smaller lot sizes than 5 acres.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () The owner of the property is a farmer and he would like to continue farming the land. He does not have a need for additional houses or buildings. He wants to combine the farmland and keep it in agriculture.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () The literal interpretation of the provisions of this ordinance would deprive the applicant of rights not commonly enjoyed by other properties in this same district and area that exist currently.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () They do not result from actions of the current or previous owners.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It’s the minimum that would keep as much of the productive agricultural land in production.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () There would be absolutely no significant effect on surrounding properties and it will maintain the essential character as there are other properties that will be similar to it in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () They are provided.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () Granting the variance will have no effect on the additional loading of vehicles on public streets or flow of traffic.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () Not applicable – not in the shoreland.

10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () It will not affect the sunlight at all on any level.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () The property will continue to be used in the same manner as it is currently being used.

Demeules, Lawrence, Nelson and Stimmler voted in favor of the motion. Deckert and Ponting voted against the motion. Motion to approve passed on a 4-2 vote.

Nelson motioned and Demeules seconded the motion to approve the variance to the requirement in Section 7, Agricultural District, Subdivision 6.3 – Minimum setbacks, principle or accessory structure with the following condition and “Findings of Fact”:

Condition:

1. Final plat approval from the County Board of Commissioners must be obtained within one year of variance approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () It will not because it preserves farmland.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () They are both non-conforming to start with.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () They are keeping as much farmland as possible which is what the ag ordinance is designed for.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () He desires to keep the farmland for farming.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It keeps as much farmland as possible.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () It will not – there is open farmland on all sides of this property.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () There was a septic compliance done in 2012 and it passed.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () There is adequate room.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () It’s not in the shoreland.

10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () It will not because of the bare farmland on all sides of it.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () It can still be used as a residence.

Demeules, Lawrence, Nelson and Stimmler voted in favor of the motion. Deckert and Ponting voted against the motion. Motion to approve passed on a 4-2 vote.

7:05 P.M. MATT WEBER: (Property Owner: Robert J Rasmussen) Requesting a 50' variance in setback for the St. Francis River for a septic system upgrade. Required setback from a Transitional River is 150'. Address: 16656 20th St SE, Santiago, Mn Legal: That pt of SW ¼ of NW ¼ desc as . . . (full legal on file) Sec 10, Twp 35, Rge 28 Santiago Township 2.17 Acres Commercial District and within the Transitional River District of the St. Francis River.

MATT WEBER: (Property Owner: Robert J Rasmussen) Requesting a 4' variance in setback from the side property line for a septic system upgrade. Required setback from the side property line is 10'. Address: 16656 20th St SE, Santiago, Mn Legal: That pt of SW ¼ of NW ¼ desc as . . . (full legal on file) Sec 10, Twp 35, Rge 28 Santiago Township 2.17 Acres Commercial District and within the Transitional River District of the St. Francis River.

MATT WEBER: (Property Owner: Robert J Rasmussen) Requesting a 10' variance in setback from the existing house for a septic system drainfield. Required setback from the house is 20'. Address: 16656 20th St SE, Santiago, Mn Legal: That pt of SW ¼ of NW ¼ desc as . . . (full legal on file) Sec 10, Twp 35, Rge 28 Santiago Township 2.17 Acres Commercial District and within the Transitional River District of the St. Francis River.

Lawrence read the variance requests.

Matt Weber, 1856 150th Ave, Clear Lake, Mn was present.

Glines said the property was bought on a contract for deed which triggered a requirement for a septic compliance. The septic compliance did not pass inspection. The property is the old Santiago Townhall that the applicant is proposing to convert it to a single family living which will require a conditional use permit. Right now the applicant just wants to get the septic system installed.

Lawrence asked if there would be future variances needed to turn the property into a residence.

Glines said that would be needed only if there was an expansion.

Demeules asked how the new septic location compared to the old septic location.

Glines said the old septic was on the east side of the property. The new one will be on the west side of the property.

Lawrence asked if the plan was to tear the building down.

Mr. Weber said they would just like to fix up the building the way it is. The township already re-did the exterior of the building.

Lawrence asked if the applicant will be adding a garage at some point.

Mr. Weber said there isn't a lot of room for a garage. He hasn't looked into it though.

Nelson asked if he would be using the current well that was used to fill the fire trucks.

Mr. Weber said they would not be using that well because it's not practical.

Stimmler said he knows the river floods a lot. He wondered how that would be dealt with.

Riddle said she was told the property was not in the floodplain.

Mr. Weber said he hates to put the money into the septic if he can't turn the property into a residence. It would not be worth putting a new septic in for the property to be used as commercial.

Glines said if the variance is approved the next step would be for the applicant to come up with a floor plan or build plan for the building official to inspect the building to make sure it can be converted.

Waytashek said because it's a change of use that's where staff needs to make sure what they are proposing as a residence (that was a townhall) will be constructed to meet building code for a single-family home.

Lawrence asked if anyone in the audience had any comments or questions. No one did. Decker made a motion to close the public hearing. Stimmler seconded the motion. All in favor. Motion passed.

Demeules motioned and Ponting seconded the motion to approve the 50' variance in setback from the St. Francis River for a septic system upgrade with the following conditions and "Findings of Fact":

Conditions:

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The neighboring well must be sealed per the MN Dept of Health regulations prior to County issuing the septic permit. Well closure form must be submitted to the Zoning Office.

3. The existing septic system must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
4. The variance is only valid if acted upon by the applicant within one (1) year of approval.
5. For a single-family dwelling.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () Needs a working septic system and this will give it.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () The river runs right through the property so there isn't a lot of options.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () Basic right to have a working septic system.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () They do not.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The position of it. You couldn't do it without a variance anyways. It's are far from the river as it can get.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () There wouldn't be any effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Reason for the variance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () The variance and what they are doing is not taking away any parking.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () This is not a shoreland variance.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () Everything is below ground.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () The reasonable use is to have a working septic.

All in favor. Motion to approve passed.

Demeules motioned and Deckert seconded the motion to approve the 4' variance in setback from the side property line for a septic system upgrade with the following conditions and "Findings of Fact":

Conditions:

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The neighboring well must be sealed per the MN Dept of Health regulations prior to County issuing the septic permit. Well closure form must be submitted to the Zoning Office.
3. The existing septic system must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
4. The variance is only valid if acted upon by the applicant within one (1) year of approval.
5. For a single-family dwelling.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () Needs a working septic system and this will give it.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () The river runs right through the property so there isn't a lot of options.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () Basic right to have a working septic system.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () They do not.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The position of it. You couldn't do it without a variance anyways. It's are far from the river as it can get.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () There wouldn't be any effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Reason for the variance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () The variance and what they are doing is not taking away any parking.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () This is not a shoreland variance.

10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () Everything is below ground.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () The reasonable use is to have a working septic.

All in favor. Motion to approve passed.

Demeules motioned and Deckert second the motion to approve the 10' variance in setback from the existing house for a septic system drainfield with the following conditions and "Findings of Fact":

Conditions:

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The neighboring well must be sealed per the MN Dept of Health regulations prior to County issuing the septic permit. Well closure form must be submitted to the Zoning Office.
3. The existing septic system must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
4. The variance is only valid if acted upon by the applicant within one (1) year of approval.
5. For a single-family dwelling.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () Needs a working septic system and this will give it.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () The river runs right through the property so there isn't a lot of options.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () Basic right to have a working septic system.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () They do not.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The position of it. You couldn't do it without a variance anyways. It's are far from the river as it can get.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () There wouldn't be any effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Reason for the variance.

8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () The variance and what they are doing is not taking away any parking.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No () This is not a shoreland variance.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () Everything is below ground.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () The reasonable use is to have a working septic.

All in favor. Motion to approve passed.

Waytashek introduced Addison March as the new Planner in the office.

7:20 P.M. Nelson motioned and Deckert seconded to Adjourn. Motion carried. Meeting adjourned.

Submitted by:
Kelly Mittelstaedt, Secretary

