

Polk County  
Board of Adjustment  
December 11, 2015

Call to Order: 9:50 a.m.

Members in Attendance: Robert Franks, Donovan Wright, Mike Powers, Paul Jore (alternate),  
and Rolland Gagner

Members Absent: Courtney Pulkrabek

Also Present: Polk County Environmental Services' staff: Josh Holte & Michelle Erdmann.

Minutes: A motion was made by Wright to approve the minutes from the October 23, 2015  
meeting. Second by Powers. All in favor.

**Public Hearing:      Variance                      Joe Chine                      Parcel #74.00483.00**

Gagner read the notice, without the full legal description and turned the meeting over to Holte.

Holte stated the applicant is requesting a variance to reduce the building setback from 10' to 5'  
for an new septic holding tank on a lot on Union Lake (the ordinance calls for a 10'  
setback from a building).

Holte stated the zoning requirements found in PCZO Section 21.0300 relate to septic tank  
setbacks.

Holte stated that the applicant's lot is approximately 50 feet wide by 245 feet deep (12,000 sq.  
ft.). The applicants are planning to replace an existing holding tank with a larger tank for  
extra capacity. The applicants have a well located behind their house that hinders where  
a septic tank can be placed in order to maintain a 50' setback. All other setbacks will be  
met.

The applicant's stated practical difficulty is without the variance he will risk violation of the 50'  
setback from the water well. The applicant stated because of the shape, size and road  
access, it allows for few options to improve the septic tank location, operation or size.

Holte stated that we have received a septic design plan from Shawn Hedlund to install the new septic system. We have also received a holding tank servicing contract from Bayside Septic.

Holte stated that no comments were received on this application. Holte then went over slides showing the application, property location and property. Staff feels that it would be hard to place the septic tank anywhere else on the lot without impacting the well or other setbacks. Therefore staff recommends approval of the variance request.

The Board had no questions for Mr. Chine. Holte asked the board the hardship questions.

Question	Jore	Powers	Franks	Wright	Gagner
1.	No	No	No	No	Yes
2.	No	No	No	No	No
3.	No	No	No	No	No
4.	No	No	No	No	No
5.	No	No	No	No	No
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 34 no's and 1 yes's the criteria has been met for the Board to either grant or deny the variance request.

Powers made a motion to approve the variance request. Second by Jore. All in favor.

**Public Hearing:      Variance                      Ryan Strem                      Parcel #30.00473.00**

Gagner read the notice, without the full legal description and turned the meeting over to Holte.

Holte stated the applicant is requesting a variance to construct an addition that will exceed 50% of the assessed value for an existing non-conforming structure. The existing house is located within 100' of Maple Lake and is only 6' from the east property line.

Holte stated and reviewed the zoning requirements that are found in PCZO Section 8.1103, 8.3010, 18.2210 and 18.2212.

Holte stated the applicant's property is 31,150 square feet. The front lot is 16,150 square feet and the back lot is 15,000 square feet in size. The lot is 100' wide. The proposed addition wouldn't encroach further on any existing setback boundaries. The existing

house is 60' from the OHW of Maple Lake, 6' from the east property line and 65' from the west property line.

The front corner of the applicant's house doesn't meet the string test line and that is the main reason why the variance is required. The proposed addition wouldn't encroach on the lake setback or the east property line. The proposed addition would be 17' from the west property line and over 25' from the road right of way.

The applicant recently upgraded his septic system to a holding tank. With the proposed project the tank will need to be relocated further west on the property. The new septic tank location will meet all setbacks and work will be completed by Tim Olson, and inspected by Planning and Zoning.

The applicant plans to move his existing 12' x 16' garage onto his backlot. The structure will meet all setbacks. The applicant would also be under the 25% impervious coverage if approved as indicated on the sketch – which shows approximately 5,800 sq. ft. impervious; 7,500 sq. ft. is allowed based on his lot size.

The applicant's stated practical difficulty is that if denied he will not be allowed to have any garage structure due to the protected wetlands on his backlot. He has no other options for adding a garage with living quarters. The addition will meet all other setbacks including the string test.

Holte stated that DNR Area Hydrologist Stephanie Klamm submitted a comment letter which stated if approved the DNR would like us to address the impervious surface coverage on the lot and implement a riparian buffer requirement.

Holte then went over slides showing the application, DNR letter, property location maps and property pictures.

Gagner asked if the property had recently been surveyed? Strem said it was surveyed prior to his buying the property. Yell asked if there were any negative comments from neighbors? Holte said no.

Staff is recommending approval of the variance since the proposed addition will meet all other setbacks besides 8.1103 with the following conditions:

1. The 12' x 16' shed must be removed/relocated on the back lot to meet all setbacks before 12/11/2016.
2. The septic holding tank must be moved to meet all setbacks and requirements as verified by PCPZ before 12/11/2016.
3. The applicants will be limited to 35% impervious surface coverage on the property.

Franks asked if the property had any slope and if that was why the DNR was suggesting the buffer? Holte said it is fairly flat in that area. He did not include that in his staff recommendations. Yell stated that MLID has not yet met, however the chairman said he has no problem with the request.

The Board had no questions for Mr. Strem. Holte asked the board the hardship questions.

Question	Jore	Powers	Franks	Wright	Gagner
1.	No	No	No	No	No
2.	No	No	No	No	No
3.	No	No	No	No	No
4.	No	Yes	Yes	Yes	Yes
5.	No	No	No	No	No
6.	Yes	Yes	Yes	No	Yes
7.	No	No	No	No	No

Holte stated with 27 no's and 8 yes's the criteria has been met for the Board to either grant or deny the variance request.

A motion was made by Jore to approve the Variance request with staff conditions. Second by Wright. All in favor.

**Public Hearing:      Variance      Trent Ertman      Parcel # 30.00275.00**

Gagner read the notice and turned the meeting over to Holte.

Holte stated the applicant is requesting a variance to construct a residential dwelling 50 feet from the OHW (Ordinary High Water Mark) of Maple Lake – the ordinance calls for a 100 foot setback from the OHW.

Holte stated that zoning requirements are found in PCZO Section 18.2211 which states:  
Placement of structures must be located 100 feet away from the OHW of all Recreational Development Lakes.

Holte stated that the applicant's lot is 100 feet wide on the road, 48 feet wide at the lake, 119 feet long on one side, and 115 feet long on the other side. The applicant is proposing to put a 1440 sq. ft. structure on the property . There is currently no house on the property. The neighboring property received a variance in 2010 to construct a house.

With the property being a non-conforming grandfathered lot, a variance would be needed to build any structure on the lot. The applicant can fit a drain field on his back lot without a variance and a design has been received from Hedlund Backhoe Service.

A string test does not apply to this property because only one of the neighboring lots has a structure on it. The road right-of-way is 30 feet. All other setbacks would be met on the property besides the OHW. After doing some measuring PCPZ has determined that the structure would fit on the property if it was setback 70 form the OHW. Holte stated he would show this more clearly when going through the slides.

The applicant's stated practical difficulty would be different to place a septic tank, cabin, garage and driveway as requested do to small lot size. The applicant's stated that they would like to make this a retirement home and need this layout to accommodate full time lifestyle.

A comment letter was received from Area Hydrologist, Stephanie Klamm. If approved the DNR would like us to address the impervious surface coverage on the lot and implement a riparian buffer requirement.

Holte then went over slides showing the application, DNR letter, property maps and pictures. Holte explained that when he visited the site and worked on the aerial maps, it was noted that the property line for this parcel is actually 20' back from the OHW, so the new structure will be 50' from the property line, but 70' from the OHW.

Holte stated that after completing some more in depth measurement staff feels that the applicant would be able to fit the proposed house layout while meeting the 70' OHW setback.

Therefore staff recommends approval of the variance with the following conditions:

1. The new house and garage must be setback 70' from the OHW of Maple Lake.
2. The applicant will be limited to 25% impervious surface coverage on property.
3. The new structure must meet all requirements of Section 18.2220 of the PCZO.

There was some discussion on the septic design and the boring under the road to access the drain field.

Holte asked Ertman if he was fine with amending his variance request from 50' to 70' from the OHW. Erdman stated he was fine with the change since the house will fit as designed.

The Board had no other questions for Mr. Ertman. Holte asked the board the hardship questions based on the amended setback of 70' from the OHW, not the original request of a 50' setback off the OHW.

Question	Jore	Powers	Franks	Wright	Gagner
1.	No	No	No	No	No
2.	No	No	No	No	No
3.	No	No	No	No	No
4.	No	No	No	No	No
5.	No	No	No	No	No
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 35 no's and 0 yes's the criteria has been met for the Board to either grant or deny the variance request.

A motion was made by Powers to approve the Variance request to build 70' off the OHW and with staff conditions. Second by Wright. All in favor.

Next meeting is scheduled for January 22, 2016.

Meeting adjourned.