

Polk County
Board of Adjustments
February 22, 2013

Call to Order: 9:28 A.M.

Members in Attendance: Kerry Winkelmann, Robert Franks, Osmund Moe, Delores Myerchin, and Donovan Wright.

Members Absent: Courtney Pulkrabek

Also Present: Polk County Environmental Services' staff: Jacob Snyder, Jon Steiner & Michelle Erdmann.

Minutes: A motion was made by Moe to approve the minutes from December 14, 2012 meeting. Second by Franks. All in favor.

Public Hearing: Variance Randy Kottsick Parcel #74.00623.00

Winkelmann read the notice and turned the meeting over to Snyder. Snyder went over the presentation slides and stated the applicant's request. The applicant is requesting:

- 1.) A variance to place an additional 1000 gal. septic tank off of an existing 1500 gal. holding tank, 6 feet from the north property lot line and 8 feet from the Right-of-way off Maple Inn Rd SE (the ordinance calls for a 10 foot setback from any property line).
- 2.) A variance to construct a 16' x 19' bedroom addition off the existing non-conforming structure which is located 2 feet from the south property lot line and 7 feet off the north property lot line (the ordinance calls for a 10 foot setback from the side property lot line).
- 3.) A variance to exceed the 50% value limitation on non-conforming structures. The proposed addition will cost approximately \$17,048. The Polk County Assessor's appraised value of the non-conforming structure is listed at \$32,100 (the ordinance limits alterations or additions to a non-conforming structure to 50% of the Polk County Assessors value over the life of the structure).

The PCZO requirements in Sections 21.3131, 8.1103, 18.2212 and MR 7080.2000 were discussed.

The applicant's lot is 168 feet deep and 25 feet wide. This small lot size and the location of the neighbors well severely limit where the tank can be located on the property. The previous landowner had a variance to place the existing 1500 gal holding tank 5 feet from the ROW of Maple Inn Road SE.

The applicant stated that the need for the 16 x 19 bedroom addition variance and the additional 1000 gal holding tank is so that they can make this their year round residence. The applicant does not own a back lot adjacent to his riparian lot.

Snyder stated that holding tank septic systems are seen as a last resort for dwellings and they can present issues with accessing during cold winter months and there are concerns regarding limited water usage. Pumping these systems regularly is necessary and may be difficult in the winter. Regular pumping of these systems can be expensive.

New (non-adopted) MPCA septic system rules require Operating Permits for septic systems which are not standard septic treatment systems to ensure regular scheduled pumping, maintenance and environmental protections are maintained through the life of the system and from owner to owner.

Snyder also commented that he sees issues for snow removal, where will it go, and for parking.

Snyder stated the only comment received was a call from Loren Abel of MLID who is personally opposed to the request. Snyder said he asked Mr. Abel for a letter to be submitted stating his opposition, to date one has not been received.

Dennis Yell, MLID representative stated that they are concerned with all the variances on the small lots on Maple Lake. They are very much opposed to these types of variance requests.

Myerchin asked if the cabin was seasonal now? Snyder said it appears so as there is no snow removed. Kottsick said he objects to that classification. They are working on the interior. The well is open and water is available year round. He stated that he feels MLID should not object to it being a year round home and that the new tank is a similar distance and the expense would be "ours" to deal with.

Kottsick also said that the addition is the same distance as the existing cabins and no farther back than the neighbors currently is.

Snyder showed the group photos taken of the property. Myerchin asked if there was fire code for distances between dwellings? Franks said for new there is a set distance, but older ones are grandfathered in.

Buness asked about other neighboring well locations? Snyder said Thomas's is on the back lot. The Kottsick's is on the Paradis backlot – roughly indicated the location on a photo – but exact locations have not been verified. Kottsick said they were there before they purchased.

Myerchin asked if they were using or going to remove the existing shed? Kottsick said the plan is to abut the addition up to the shed and then connect it. Winkelmann asked if the 25% imperious coverage is okay? Snyder said yes they were fine for that requirement. They cannot pave anywhere for

parking as that would put them over. Snyder then asked the Kottsick's where they park their vehicles? Kottsick said all over the yard, on the tanks, in that area. Snyder said it is crucial to NOT park on the tanks.

Snyder stated that staff is recommending denial of the variance requests. However if the Board would wish to grant the variance request, staff is recommending the following conditions be considered.

- 1.) A survey of all property lines is to be submitted to Polk County Planning & Zoning to know the exact location of these property lines and not the assumed property lines be used to grant the variance.
- 2.) The location of the additional septic tank needs to be confirmed that it will be located at least 50 feet from neighboring wells and a design be submitted. A septic holding tank servicing agreement to be enacted and turned in for filing with Planning & Zoning office.
- 3.) An Operational Permit for the Holding Tank shall be filed with the Polk County Zoning Office, and recorded against the property deed at the Polk County Recorder's office. An annual Operating Permit fee and summary of holding tank pumping records shall be submitted by January 31st of each year for the previous calendar year as a condition of maintaining the Variance for current calendar year. The amount of the Operating Permit fee shall be set by the Polk County Board, and subject to adjustment as needed. Failure to comply with and maintain the Operational Permit shall be cause for penalty, and repeat non-compliance shall be cause for revocation of the variance for the holding tank permitted under this variance.

Myerchin asked if any of the neighbors called in with any issues? Snyder said Arlan Erickson called for some clarification, but voiced no objections. Myerchin asked if the neighbors are year round residences? Kottsick said 2 are and 2 are not.

Yell stated that historically neighbors don't say anything as they want to keep a good relationship.

Snyder asked the board the hardship questions.

Question	Wright	Franks	Moe	Myerchin	Winkelmann
1.	Yes	Yes	Yes	Yes	Yes
2.	No	No	No	No	Yes
3.	No	No	No	Yes	No
4.	Yes	Yes	Yes	Yes	Yes
5.	Yes	Yes	Yes	Yes	Yes
6.	No	No	No	No	No
7.	Yes	Yes	Yes	Yes	yes

With 14 no's and 21 yes's the criteria to grant the Variance request has not been met.

A motion was made by Moe to deny the variance request. Second by Myerchin. All in favor.

Kottsick stated that his request does not affect public services as stated in the last question. He has issues with the yes answers to that question.

Mrs. Kottsick asked they could apply again next month, and what to do differently to get the request granted. Yell stated that he believes there is a waiting period before you can reapply. Snyder said he would need to check on specifics and also that a change on the request would also need to happen.

Next meeting is March 22, 2013.