Polk County
Board of Adjustment
February 26, 2016

Call to Order: 9:16 a.m.

Members in Attendance: Robert Franks, Donovan Wright, Mike Powers, Courtney Pulkrabek, and Arlet Phillips

Members Absent: Rolland Gagner

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

Minutes: A motion was made by Wright to approve the minutes from the January 22, 2016 meeting. Second by Franks. All in favor.

Public Hearing: VARIANCE Marc Rue Parcel# 12.00300.01

Powers read the notice, waiving the reading of the full legal description and turned the meeting over to Holte.

Holte stated that the applicants are requesting a variance to reduce the structure setback form 10' to 5' for a new septic tank and to reduce the structure setback from 20' to 15' for placement of a new septic drain field for the construction of a new house on Spring Lake.

Holte read the PZ ordinance, Section 21.0300 that relates to the request.

Holte went over the pertinent facts and stated that the applicant's lot is approximately 3.5 acres and 150' wide along the road. The applicant is planning to replace their existing 968 sq. ft. cabin and deck with a new 54' x 28' (1432 sq. ft.) cabin. The applicant will need to replace with septic system in order to build the new house.

Holte stated that due to the location of the well and the size and topography of the lot the applicant needs to apply for a variance to fit a septic system on the property. The new house will meet all of the required setbacks.

Holte said the applicant's stated practical difficulty is to build a new cabin and well system not enough usable square footage if doing by county specifications. They added that the cabin was built in 1980 very close to the "edge" of the buildable area. They would like to use the existing footprint for the new structure mainly to preserve existing trees. They also added that there is not enough room for structure, well and septic system without a variance.

Holte said that the PZ office has received a septic sketch from Shawn Hedlund to install the new septic system. Comments received were: Noticed property owner Floyd Carlson called and didn't have any objections to the variance request. Stephanie Klamm, DNR Area Hydrologist, stated that they have no comments on the proposed variance.

Holte went over slides showing the application, property pictures, property maps and plans of where the new structure, well and septic system will be located.

Holte said that staff feels that it would be hard to place the septic system anywhere else on the lot due to the topography of the lot and existing buildings. Therefore staff recommends approval of the variance request.

Powers asked for questions from the Board. Wright asked if the tank would be 5' from the house? Holte said yes it would. Phillips asked if it would be a mound system. Holte stated it would be.

The Board had no other questions. Holte asked the board the hardship questions.

Question	Phillips	Pulkrabek	Franks	Wright	Powers
1.	No	No	No	No	No
2.	No	No	No	No	No
3.	No	No	No	No	No
4.	Yes	No	Yes	Yes	Yes
5.	No	No	No	No	No
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 31 no's and 4 yes's the criteria has been met for the Board to either grant or deny the variance request.

Motion to approve the Variance request was made by Pulkrabek. Second by Wright. All in favor.

Public Hearing: VARIANCE Shelly Bilben Parcel# 60.00205.00

Powers read the notice, waiving the reading of the full legal description and turned the meeting over to Holte.

Holte stated that the applicants are requesting an after-the-fact variance to reduce the front yard setback off the right-of-way of U.S. Highway 75 to 1 foot for the construction of a deck addition.

Holte read the PZ ordinance, Sections 14.8431 and 17.8432 that relate to the request.

Holte went over the pertinent facts and stated that the deck addition was constructed last year without obtaining any permits. The applicants were aware that they needed a variance before construction. Since they failed to get a permit, this is being treated as an after-the-fact variance.

Holte stated that the deck is 6' x 20' (120 sq. ft.) and the property is 100' x 140' (14,000 sq. ft.). The deck addition was built 1' from the road right-of-way, which is 50'.

Holte said the applicant stated their practical difficulty is that they have two disabled family members and require handicapped accessibility. The side entrance to the home is not wide enough to allow for a walker and the door is only 32 inches wide. We needed a 36 inch door added and a wide enough deck for stability and to accommodate a walker.

Holte said the applicant also added that the house was built in the 1920's and now sits close to the road. There is a very steep decline to a drainage ditch that made it unsafe to walk on. We were unable to modify the 32' side door due to wall locations in the home. In order to address safety concerns, they only feasible thing we cold to was add a larger door and deck on the front of the house.

Holte said the applicant stated that they will be deprived reasonable use of the property without the variance since they would not have a proper entrance and there would be a huge safety concern.

Holte stated that staff would like to note that the house is listed for sale through Greenberg Realty. Staff would also like to point out that a handicap accessible ramp or small set of stairs, would not have required a variance or permit.

Comments were received from Earl Hill, MnDOT who stated that since the deck is out of the right-of-way and since there are already many obstructions along Hwy 75 in the Eldred area, they don't have any concerns with the proposed request.

Holte went over slides showing the application, property pictures, property maps and pictures of the deck.

Holte stated that staff feels that the applicant could have made a handicap accessible access without the need for this size of deck. However staff does not have any major concerns with this variance request. Staff understands that the house was built in this location prior to any zoning standards and that this deck addition is not much larger than a handicap accessible ramp would need to be. Therefore staff recommends approval of the request.

Powers stated that he has some concerns with power lines that appear to run both north/south and east/west though the property. Franks stated that rules have changed lately regarding power lines.

Phillips questioned it being handicapped accessible but it only has steps. Holte stated that it is for a walker not wheelchair. Mark Bilben stated that the steps are 4' wide to give the walker room. Powers asked by no permit was applied for? Mark Bilben stated that he didn't realize one was needed.

Shelly Bilben stated that her mother lives with her 6 mo out of the year and she also has a child with stability issues when walking. She stated that they figured in space for a ramp to be added if needed. They also tried just steps but with the slope of the land it was not safe/level ground getting to just steps.

Franks asked about widening the other door? Mark Bilben stated that the left is the basement steps
and the right is steps to the kitchen.

Pulkrabek stated that issue is the deck not if they could add a ramp in the future. The house was built in 1920 so at that time the highway was not an issue.

The Board had no other questions. Holte asked the board the hardship questions.

Question	Phillips	Pulkrabek	Franks	Wright	Powers
1.	Yes	Yes	Yes	Yes	Yes
2.	Yes	No	No	No	No
3.	No	No	No	No	No
4.	Yes	Yes	Yes	Yes	Yes
5.	No	no	No	No	No
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 24 no's and 11 yes's the criteria has been met for the Board to either grant or deny the variance request.

Franks made a motion to grant the Variance request. Second by Wright. All in favor.

Old/New Business:

Powers stated that he, Franks and Strandell visited about after-the-fact penalties such as the one above. They think that $1000 is cheap and not enough of a deterrent for most people. Holte said it was last reviewed in 2010/2012. Holte said he can look at options but some things should be tore down/removed not just fined and approved.

Strandell suggested Holte write an article about permits/permitting for the next newsletter.

Holte said he might have some minor ordinance changes for the Planning Commission/County Board and the fee schedule could be reviewed at that time. Holte will bring it up for discussion/action in March or April.

Adoption of "Rules of Procedure" and "Order of Dialogue". Motion was made by Powers to adopt these documents. Second by Pulkrabek. All in favor.

Meeting adjourned by Powers.