

Polk County  
Board of Adjustment  
May 22, 2015

Call to Order: 10:35 a.m.

Members in Attendance: Robert Franks, Donovan Wright, Mike Powers, Courtney Pulkrabek and Rolland Gagner

Members Absent: None

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

Minutes: A motion was made by Powers to approve the minutes from the March 27, 2015 meeting. Second by Wright. All in favor.

**Public Hearing:      Variance                      Betty Thibert                      Parcel #74.00655.00**

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

Holte stated the applicant is requesting a variance to reduce the west side yard setback from 10' to 5' for a new septic system on a lot on Maple Lake. They are also requesting a variance to reduce the setback off of the right of way of Elmer Hanson Drive SE from 10' to 0' for the new septic system.

Zoning requirements are found in PCZO 21.0300: there shall be a side yard setback from property lines to septic tanks of 10'. There shall be a setback off the right of way of 10' for all septic tanks or drainfields.

The applicant's lot is approximately 69 feet wide by 162 feet deep, 11,508 sq. ft.. They are planning to replace their existing 1368 sq. ft. cabin with a new 30' x 41' (1230 sq. ft.) cabin. The applicant will need to replace the 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 drain field on the property. The new house will meet all of the required setbacks.

The applicant's stated practical difficulty is because of the small size of the lot they would not have enough room to install a new system and stay the appropriate distance from wells and property lines. The applicant stated without the variance they would not be able to replace the septic or the existing decrepit cabin.

We have received a septic sketch plan from Tim Olson to install the new septic system. No comments have been received.

Holte then went over slides showing the property and its location.

Thibert stated the neighbor has no problem with us going closer to the property line with septic drain field. Yell stated that MLID has no problems with the variance request. It was stated that according to the sketches, it appears that the system could be moved to make the 10' side yard setback. Thibert stated that Olson believes it will be a tight fit and would like the 5' setback for security.

Staff feels that it would be hard to place the septic system anywhere else on the lot without impacting the well or Maple Lake. Therefore staff recommends approval of the variance.

The Board had no further questions for Ms. Thibert. Holte asked the board the hardship questions.

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

Gagner comment that he thought there was a rule about needing to get survey when you want to go that close to the property line. Erdmann said nothing was ever approved. Holte stated a requirement like that would need to be done as an update to the Zoning Ordinance.

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

**Public Hearing:      Variance                      One N Only                      Parcel #19.00163.01**

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

Holte stated the applicant is requesting a variance to reduce the setback off of the rear property line to 12' and reduce the front yard setback off the right of way of 133<sup>rd</sup> St SW to 20' in order to build a 10' x 24' addition onto the existing establishment. The applicant is also requesting a variance to further exceed the 25% impervious surface requirement for the addition.

Zoning requirements are found in PCZO 14.8410: There shall be a rear yard setback of 30 feet. Section 14.8433: There shall be a front yard setback of 35 feet on all other public right of ways. Section 12.4110: storm water management – Impervious surface coverage of lots must not exceed 25 percent of the lot area.

Holte stated that the proposed addition will include 10’ x 24’ pad that will have a covered walk in cooler and kitchen exhaust system. The property is 80’ x 100’ (8,000 sq. ft.). The addition is proposed to be 12’ from the rear property line, 20’ from the road right of way, which is 33’. The applicant will also have 2,224 sq. ft. of impervious surface coverage if the addition is approved, which would be 40.3 % of coverage.

The applicant’s stated practical difficulty is that because of new health codes for the new hood system and cooler system, they need to expand. The hood exhaust system needs to be directly vented out of the roof of structure and not the side wall. The building was constructed in the 1940’s. Without the variance the State will close the kitchen for fire code reasons. The applicant went into further detail about why the addition is needed.

Holte went over slides showing the property and its location. No comments have been received.

Staff is recommending approval of the variance with the following condition: Applicant must obtain any state permits that may be required for the proposed addition and follow any applicable local, state and federal rules and regulations.

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

Question	Pulkrabek	Powers	Franks	Wright	Gagner
1.	Yes	Yes	Yes	Yes	Yes
2.	No	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 25 no’s and 10 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 with the staff condition. Second by Pulkrabek. All in favor.

Next meeting is set for June 26, 2015. Meeting Adjourned.