Polk County
Board of Adjustment
August 26, 2016

Call to Order: 9:00 a.m.

Members in Attendance: Robert Franks, Mike Powers, Courtney Pulkrabek, Rolland Gagner, Paul Jore (alternate for second hearing)

Members Absent: Donovan Wright

Also Present: Polk County Environmental Services' staff: Josh Holte & Jacob Snyder.

Minutes: A motion was made by Franks to approve the minutes from the June 24, 2016 meeting. Second by Gagner. All in favor.

Public Hearing: VARIANCE Josh Gilbertson Parcel# 60.00210.00

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

Holte stated the applicant is requesting a variance to construct a 24' x 80' accessory structure which will exceed the maximum square footage allowed for an accessory structure on a parcel less than 2 acres and to exceed the maximum allowed height of an accessory structure on a parcel of land located in the Village District of Eldred.

Holte stated the zoning requirements (PCZO 14.4210) The following standards shall apply to accessory structures to be located upon parcels of two acres or less: (PCZO 14.4211) The maximum size shall be 1200 sq. ft. Two accessory structures having a combined total of 1200 sq. ft. are permitted. Additions to existing accessory structures will be permitted only in cases where the total square footage after the addition will not exceed 1200 sq. ft. (PCZO 14.4212) Maximum sidewall height shall be 12 feet. (PCZO 14.4213) Maximum total height from average grade shall be 17 feet.

Holte stated the applicant would like to construct a 24' x 80' (1,920 sq. ft.) storage building/ garage on his property in Eldred. Currently the property contains three separate parcels and some right of way. The applicant is in the process of working with the Township to abandon the right of way and is going to combine all of the property into one parcel. Once the property is combined it would consist of approximately 33,700 square feet (.77 acres). The applicant currently has a 32' x 49' (1,568 sq. ft.) garage on the property. As proposed the applicant would have a total of 3,488 sq. ft. of accessory storage structures on the property. The proposed structure would have 16' sidewalls with a 4:12 roof pitch. The max height would be 20.5'. The applicant's stated practical difficulty is that the shed will be too small for his camper and storage needs if not 16' tall sidewalls and 24' x 80' in size. The applicant added that the situation is the result of unique land formations because of the small parcels in Eldred there isn't any more land available to buy. The applicant added that he will be deprived reasonable use of the property without the variance since if smaller than 24' x 80' and 16' sidewalls it wouldn't fit his storage needs and there is no other land to purchase.

Holte stated the only comment received was from Rich Sanders, County Highway Engineer, who commented that he doesn't have any concerns with the proposed request.

Holte went over the aerial photos of the site, pictures, and maps of the location of the applicants request.

Holte went over staff recommendations, he stated the staff does not have any major concerns with this variance request. If approved staff would recommend the following conditions: The applicant's property shall be combined into one parcel before the building permit is issued. The applicant shall meet all property line and right of way setbacks.

Powers asked if the applicant was present at the meeting? Josh Gilbertson answered he was present and the alley should be abandoned this coming week so he can add all the parcels together into one lot.

Allan Dragseth, neighboring property owner, stated that be represented the cemetery and he took a poll the other night and everyone was in favor of the variance. He added, Josh is a good neighbor and he lives across the street from the property, he sees no issue with this request.

Gagner asked if the property abutted Highway 75? Gilbertson answered it is on County Highway 16.

Pulkrabek stated that he sees no problems with the request and based on Rich Sanders expertise the request won't affect the roadways function.

Powers asked if there were any more questions or comments from the audience? Hearing none, he stated the public comment period was over.

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

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

Holte stated with 22 no's and 6 yes's the criteria has been met for the Board to either grant or deny the variance request.

Motion to approve the Variance request with staff conditions was made by Gagner. Second by Pulkrabek. All in favor. Variance is approved.

Public Hearing: VARIANCE Lowell & Linda Hurtt Parcel# 30.00353.00

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 a variance to reduce the 40' setback off of the right of way to 24' off Maple Lake Dr SE and to 20' off of 125th Ave SE in order to build a 36' x 36' (1,296 sq. ft.) accessory structure on a back lot in the Shoreland District of Maple Lake.

Holte stated the zoning requirements; (PCZO Section 18.2225) states: Accessory structures. The following standards shall apply to accessory structures in the Shoreland Overlay District property:

(C) On a nonriparian parcel or located a distance of 300 feet or more from the Ordinary High Water mark on a riparian parcel, a maximum size of 2400 sq.ft. for an accessory structure shall be permitted. The combined total of all accessory structures shall not exceed 3200 sq.ft. on a nonriparian parcel. No more than two accessory structures shall be permitted on any nonriparian parcel. The maximum height of the accessory structure(s) shall be twenty-five (25) feet.

(F) A Conditional Use Permit (CUP) is required for one single-story accessory structure over 800 sq.ft on a riparian parcel, or for the placement of an additional single-story accessory structure on any riparian parcel where the total combined square footage of both accessory structures will exceed 800sq.ft. No more than two single-story accessory structures shall be permitted on any parcel. The Conditional Use Permit will be subject to the following criteria:

(G) All accessory structures that are 800 sq.ft. or less with a maximum height of 15 feet shall be setback a minimum of 20 feet from the township road right-of-way.

(H) All nonriparian lot accessory structures between 800 sq.ft. and 2400 sq.ft. and a maximum height of 25 feet shall be setback 40 feet from the township road right-of-way.

Holte went through the pertinent facts: The applicants own a riparian and back lot on Maple Lake. The lot is 31,152 sq.ft. The riparian lot is 16,800 sq. ft. and the back lot is 14,352 sq. ft in size. The applicants would like to build a 36' x 36' (1,296 sq. ft.) garage on their back lot. The applicants currently have a 384 sq. ft garage on the backlot. If the variance is approved they would plan to remove that structure. The backlot is a triangular shaped lot. There is a mound septic system and a well on the backlot that serves the dwelling on the riparian lot. The septic system was installed in 2014. The proposed garage would be 24' off of the right of way of Maple Lake Drive. It would also be 20' off of the right of way of 125th Avenue. The structure is proposed to be 10' off of the easterly property line and 20' from the septic drainfield. The proposed structure would have a height of 20'. The applicants' practical difficulty is that they would not have enough room to store their pontoon, Jet Ski, lawn mower and vehicle. Where their septic mound is located and the triangle size of the lot is why they need to vary from the 40' setback. The applicants added that they have a unique land formation as it is a triangle with road right of ways on 2 sides and a mound system for the septic. They stated they would be deprived of reasonable use of the property without the variance since they would not have storage capability.

Holte stated that no comments were received on the request, although staff did have some discussions with the Maple Lake Improvement District members. The biggest concern was with sight lines for traffic along that intersection.

Holte went over the pictures, aerial photos, and maps of the location of the applicant's request.

Gagner asked if the building currently there would be removed if the variance was passed? Holte responded, yes if approved, it would be placed in a similar position on the site as the existing building.

Mike Schulz, Maple Lake Improvement District, asked how far the existing garage was from the road? Holte replied it is approximately 20 feet.

Holte went over the staff recommendations, he stated staff feels the applicants have other options to place a smaller garage on their riparian lot and/or on their back lot while meeting the setback requirements. Therefore, staff recommends denial of the variance request. If the variance is approved by the BOA, staff would recommend the following conditions be placed on the variance to alleviate some of the setback issues:

1) The existing 384 sq. ft. garage shall be removed from the property.
2) The proposed garage shall be setback at least 34' off of the right of way of Maple Lake Drive and at least 20' off of the right of way of 125th Avenue.
3) The garage shall be setback at least 10' from the mound septic system and 3' from the well.
4) The garage shall be setback at least 10' from the easterly property line.
5) The property shall be surveyed to verify the property boundaries and that all setback requirements noted above are satisfied before any building permit is issued.
6) No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. (This shall include sidewalks, patios, pavers, etc.)

Powers asked if the Hurtts were present in the audience? Lowell and Linda replied they were present.

Gagner asked how close to the well they could build? Holte replied the State Health Dept. requires a 3 feet setback from wells.

Schulz stated the sightline is an issue at that intersection with buildings so close to the roadways.

Franks asked if the building would be moved back 10 more feet would it help the sightlines? Schulz stated anything to help not block view would help.

Gagner asked if it was moved back would it be too close to the north and south roadway? Holte replied, yes the request is to alter both roadway setbacks as the lot is triangular in shape, but if surveyed we would know the exact distances if moved back 10 feet.

Pulkrabek asked if it would infringe on the mound if moved back? Holte we have varied to 10 feet on drain fields before typically with outbuildings. Gagner asked how tall is the mound? Holte replied it is approximately 2 ½ feet tall.

Powers asked if there were any other questions or comments from the public? Hearing none, he stated the public comment period was over.

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

Question	Pulkrabek	Gagner	Franks	Jore	Powers
1.	Yes	Yes	Yes	Yes	Yes

2.	Yes	Yes	Yes	Yes	Yes
3.	Yes	Yes	Yes	No	Yes
4.	Yes	Yes	Yes	Yes	Yes
5.	Yes	Yes	Yes	Yes	Yes
6.	No	No	No	No	No
7.	No	No	No	No	No

Holte stated with 11 no's and 24 yes's the criteria has not been met for the Board to grant the variance request.

Motion to table the Variance request until a survey could be completed was made by Gagner. Second by Franks. Vote was taken in yays; Franks, Jore, and Gagner. Nays; Powers and Pulkrabek.

Lowell Hurtt asked the board to make a decision now as the survey would not change the depth of the lot just its width, so it would only affect the east lot line.

Pulkrabek stated the applicant wants a decision now.

Powers stated to the applicant that if the variance was approved it was to be a condition that you have it surveyed anyway. Lowell Hurtt stated that the survey doesn't guarantee that we will get the variance and they cost a lot of money.

Gagner stated it is in the applicant's favor that we table the matter as we cannot grant the variance based on the voting.

Powers asked if the building was scaled down in size, would they need a variance? Holte replied no variance would be needed if they built a structure less than 800 sq. feet.

Lowell Hurtt stated that they could build a shed right next to the other existing garage and it would take up around the same footprint. Gagner stated that the request would need a survey anyway? Jore added that it could then possibly approved at the next meeting if a few things changed with the plans.

Motion to take action on the tabled request and to deny the variance was made by Jore. Second by Pulkrabek. Vote was taken Yays; Jore, Pulkrabek, Franks, and Powers. Nays; Gagner. Motion passed. The variance is denied.

With no other new business to come before the board the meeting adjourned at 9:50 a.m.