

**Board of Adjustment
MINUTES
May 21st, 2020**

PRESENT: Marvin, Dan, Jane

Applicants: Scott Johnson, Erik and Jessie Wheeler were present remotely.

1. Jane called the meeting to order followed by the Pledge of Allegiance.
2. Dan moved to approve the agenda. Marvin seconded and the motion carried.
3. Marvin moved to approve the minutes from the April 16th, 2020 meeting. Dan seconded and the motion carried.
4. File #20-179, Scott Johnson requesting a variance to construct a septic system with the absorption area 15ft from the dwelling (20ft required) and 0ft from the property line (10ft required) in the Agriculture District. Pursuant to Sections 9.22.7(E) and 11.5. The affected property is described as follows: W475ft of N480ft of NW1/4 NW1/4, Section 31, Maywood Township.

Roxanne showed an aerial of the site. He has two dwellings on one lot. In 2007 the dwellings were split from the rest of the property. Both lots are owned by the applicant. The second dwelling was placed there with a conditional use permit for farm help. The second dwelling needs a new septic system. There is a gas line west of the second dwelling, a driveway to the north and a water line to the east. Adjusting the property line to the south would require a variance to the setback to the barn.

Scott Johnson, 6430 135th Ave NE, requesting a variance to install a new septic system with the absorption area 0ft to the property line and 15ft to the dwelling. The gas line to the west and the water line to the east makes this the best location for the septic.

No one spoke in favor, opposition or with general comments. Marvin moved to close the public hearing. Dan seconded and the motion carried.

In reviewing Section 11.5 the vote was as follows:

- 1) Jane stated that the use is not prohibited. Compliant septic systems are a requirement according to Section 9.22 of the Development Code and MPCA standards. The vote was unanimous that the proposed use is not prohibited in the zoning district in which the subject property is located.
- 2) Marvin cited Section 2.1.1 (A), (C) & (L). The vote was unanimous that the variance is in harmony with the general purposes and intent of the official controls.
- 3) Dan cited Quality of Life Goal #2: Housing Stock. Policy #2. Life Cycle Housing and Environment and Natural Resources Goal #3: Water Resources. Policy #7. Individual Treatment Systems. The vote was unanimous that variance is consistent with the comprehensive plan.
- 4) a. Marvin stated that the installation of a compliant septic system is necessary and required. The vote was unanimous that the Property Owner proposes to use the property in a reasonable manner not permitted by an official control
b. Jane stated that the land was split for financing purposes some years ago. Marvin stated that mortgage splits were permitted years ago. This was done for financial purposes the property became two separate lots and that is why the variance is needed. The vote was unanimous that the plight of the landowner is due to circumstances unique to the property not created by the landowner.
c. Dan stated that the septic will not affect the character of the area. The vote was unanimous that the variance will not alter the essential character of the locality.
d. Marvin stated that the variance is needed to install a compliant septic system which is required by code. The vote was unanimous that the need for the variance involves more than economic considerations.

Dan moved to include the development conditions. Jane seconded and the motion carried.

Dan moved to accept the findings and conditions and approve Variance #20-179. Marvin seconded and the motion carried.

5. File #20-171, Erik and Jessie Wheeler requesting a variance to construct a dwelling 79ft from the centerline of a county road (125ft required) in the R-3 Residential District. Pursuant to Sections 7.6.6(B)(1)(a) and 11.5. The affected property is described as follows: part of Gov't Lot 1, Section 22, Watab Township.

Roxanne stated that this is a lot of record. The house was constructed in 1955 along CR55. Roxanne showed the survey submitted by the applicants with the proposed house location on the lot. On the survey she identified the potential future ROW line if CR55 is upgraded. The building envelop of the lot is very limited with the setback to the

river and to the county road. She showed two options that staff came up with for the house location with greater setbacks. This lot can't be built on without a variance to the setbacks. The existing septic is on the west. If the house was built in the exact same location with no expansion no variance would be needed. She showed pictures of the lot. Marvin stated that there are houses to the east that are closer to the road. An email from the County Engineer was included in the packet. The future needs of the roadway should be considered for a variance request to the road setback.

Erik and Jessie Wheeler, 7855 NE River Rd, stated that they are looking at updating their house and bring it closer to the road. Jessie stated that they tried to stay within the limits. To move the house to the west the driveway would need to be realigned, to the east would require removal of trees. They feel the house is moved back as far as possible.

Roxanne stated that Steve Wollak, Watab Twp Supervisor, sent an email in favor. And Julie Johnson, Watab Twp Chair, stated that the house should be moved back as far as possible.

Dan moved to close the public hearing. Jane seconded and the motion carried.

Jessie stated that the garage would be the part of the house closest to the road. Erik's father would be moving in. There would be a basement. Jane asked if they considered flipping the layout of the house which would move the house further from the road. Jessie stated that the garage faces the west. Flipping the house she felt they would lose their front yard and the house would face into the trees. She said they would have to redesign the house. Erik stated that their proposal is setup ideal for their situation. Jane stated that the variance as requested this is difficult to grant. She feels it would be best to table and come back with something less intrusive.

Jane moved to table the request for the applicant to work with staff on another option that is less intrusive. Dan seconded and the motion carried.

6. Dan moved to adjourn at 7:54 p.m. Marvin seconded and the motion carried.

Respectfully submitted,

Karen Loehrer
Administrative Secretary