

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066



Building | Planning | Zoning
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To: Board of Adjustment
From: Land Use Management
Report Date: October 14, 2016
Meeting Date: October 24, 2016

Application Information:

Applicant: Judy Webster
Address of Zoning request: 9071 E. Mississippi Ave.
Zoning district: R1
Township Information: Florence Township has not signed the application.

Attachments:

Application with Applicant Statement
Site Map
Sewer design plan
Goodhue County Zoning Ordinance: MN Rules 7080

Notice: Judy Webster Variance request from the MN Rules 7080 required 20 foot setback from the dwelling to place a septic system within 10 feet of the dwelling at 34778 Sumner Street; Lots 4, 5 & 6 Block 36 Town of Frontenac in Florence Township.

Background: The purpose of this variance is to place a replacement septic system within the 20 foot setback from the dwelling on parcel 32.130.1570. Parcels under MN Rules 7080 are required to maintain a 20 foot setback from the dwelling when installing a septic system. The Applicant's proposed design is within 10 feet of the dwelling.

Goodhue County Well and Septic Inspector: Supports the variance so long as a complete design is provided with the application for a septic system.

Findings of Fact:

Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case. Variances shall only be permitted when:

- 1) They are in harmony with the general purposes and intent of the official control; **The intent of the official controls under MN Rules 7080 that require a 20 foot setback from the dwelling is to decrease the likelihood of drain field matter entering and contaminating the dwelling. Goodhue County Well and Septic Inspectors have reviewed the site (including test holes) and determined that the drain field matter would not enter nor contaminate the building because the storm water runoff and site specific elements would not compromise the drain field.**

- 2) The variances are consistent with the comprehensive plan;
The variance request does not conflict with any objectives or implementation measures found in the 2016 Comprehensive Plan.
- 3) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.
The intent of the provision is to allow the safe instillation and use of septic systems within the Goodhue County and Minnesota; specifically the continued use of the system without impacting the users or neighbors use of the land.

The lots within the Towns of Frontenac Plat were platted smaller than today's standards would allow. Many lots within the neighborhood have little if any area to replace or improve septic systems after taking into account setback requirements from existing structures, driveways, wells, and lot lines.

The homeowner/Applicant desires to continue to use the property as a dwelling site. Denial of the septic variance may restrict the ability of the owner to continue to use the property as a dwelling site.

- 4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
The Applicant purchased a normal size lot for the Town of Frontenac Plat and did not cause the system to fail. The need comes from the small lot size and requires encroachment within the dwelling setback requirement.
- 5) The variance, if granted, will not alter the essential character of the locality.
The surrounding neighborhood's character will not change.
- 6) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
There is no use change.
- 7) The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
If the variance is approved than, in accordance with this provision, the Board will include conditions to ensure implementation of the variance is consistent with the variance request and in conformance with other applicable rules and regulations.

The following should be edited to reflect any concerns raised at the October 24, 2016 BOA meeting and public hearing:

Staff Recommendation:

Staff recommends the Board of Adjustment:

- Adopt the staff report into the record (dated October 14, 2016);
- Adopt the findings of fact; and
- Based on the application, testimony, exhibits, and other evidence presented:

APPROVE the variance request of Judy Webster from the MN Rules 7080 required 20 foot setback from the dwelling to place a septic system within 10 feet of the dwelling at 34778 Sumner Street; Lots 4, 5 & 6 Block 36 Town of Frontenac in Florence Township.

Subject to the following conditions:

1. Conformance with the application submitted to Goodhue County Land Use Management Office dated September 15, 2016,
2. Compliance with all necessary State and Federal permits and licensing,
3. Compliance with the Environmental Health Inspectors expectations for a septic system site design
4. To encroach on the dwelling setback as least as possible

APPLICATION FOR

Variance

Application # 16-0077
 15575

1. Owner/Applicant Information

PROPERTY OWNER'S NAME

Judy Webster

PROPERTY OWNER'S ADDRESS

9011 E. Mississippi Ave
 # 27B
 Denver CO 80247

[Redacted]

EMAIL

[Redacted]

APPLICANT'S ADDRESS

TELEPHONE

()

EMAIL

CONTACT FOR PROJECT INFORMATION

Tom Johnson

ADDRESS

29219 Garrard Ave.
 Fratenac mn. 55026.

TELEPHONE

[Redacted]

EMAIL

2. Location and Classification

STREET ADDRESS OF PROJECT

34778 Summer St. Fratenac 55026
 #32.130.1570

LEGAL DESCRIPTION

IF YOU ARE NOT SURE OF THE EXACT NATURE OF THE FINAL PROJECT, PROVIDE THE MAXIMUM ESTIMATES
 ZONING (DISTRICT) LOT AREA (SQ. FT.) LOT DIMENSIONS STRUCTURE DIMENSIONS (if applicable)

#32.130.1570

- ADDITIONS TO BUILDING
- New Building on vacant land Rear
 - New Addition to existing building Front
 - Animal Building Side
 - Storage building Other (specify)

PARENT OR PREVIOUS USE

PROPOSED USE

BUILDING APPLICATION PERMIT TAG (if used) DATE FILED

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the variance request.

TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE TOWNSHIP OFFICIAL'S SIGNATURE DATE

3. Applicant's Affidavit

Under penalty of perjury, the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Signature: Judy Webster

Date: 9-15-16

Print name: Judy Webster (owner) or authorized agent (circle one)

Project Summary (this information should have already been provided)

Please state which section(s) of the Ordinance from which you are requesting a variance

Variance Findings

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding. The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. The responsibility for completing the variance questionnaire rests solely with the applicant. If the description of how the project meets all of the criteria are not fully supported with written information and appropriate drawings or pictures, the Board may find the information insufficient and the criteria are not satisfied.

Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT

1. What are the special circumstances of the proposal site which distinguish it from nearby properties with the same zoning? (relating to size, shape, topography, location, surroundings and features of the subject property).
A replacement septic system is necessary. The lot size requires that the drainfield be left as the house rather than the required 20 ft.
2. Who or What created the circumstances?
setback requirement create the circumstances
3. What is the character of the area (i.e. rural, residential, agricultural, commercial, etc.) and how is the request consistent with this character?
This home is located in a residential area. No neighboring properties were affected.
4. Describe how the rules in the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district.
small lot with a private well. setback requirement do not allow replacement system
5. Indicate why the requested variance will not result in your receiving any special privileges that are denied by the zoning ordinance to others in the same zoning district.
There are no other options for a replacement septic system
6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.
Yes. This system is the smallest available for this home
7. Is the sole reason for the proposed variance based on a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship? Please explain.
No. The only reason is to allow a replacement septic system.

PID #32-130-1570
 Zoning District: R1 and Historic

The following information is required for a Site Plan:

1. Location, size and shape of any structures and proposed; Clearly distinguish between existing and proposed;
2. Distances from structures to property lines;
3. Distances between structures, porches and decks;
4. All wells and sanitary sewer systems (including any abandoned) and the distance to nearby structures;
5. The existing and intended use of the property;
6. All landscape, screening, and fencing plans;

Upon review, projects may require other information

Stream Center Line
 STATUS

Proposed

Zoning Temp

Tax Parcel

Section Line

Road

2014 Parcel Data

Municipal Boundaries

Welling Point

% Slope

20

30

Shoreline

Special Flood Hazard Area
 FLD_ZONE

02 POTENTIAL CHANGE FLOOD HAZARD

A

AE

AO

X

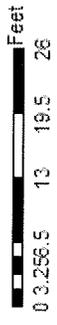
Goodhue_Co_2016.sid

RGB

Red Band_1

Green Band_2

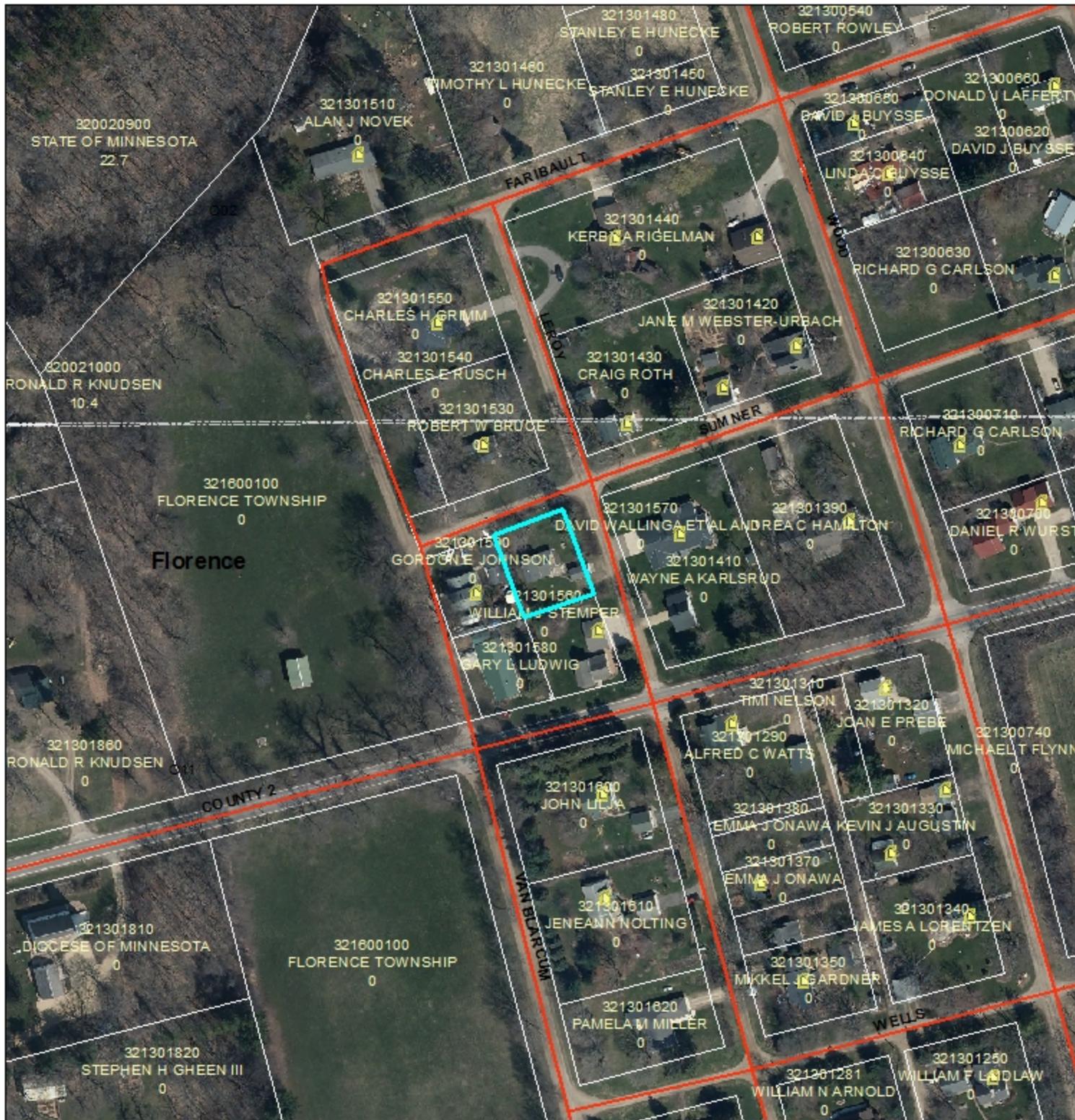
Blue Band_3



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PUBLIC HEARING: Judy Webster –
 Variance request from the MN Rules 7080
 required 20 foot setback from the dwelling to
 place a septic system within 10 feet of the
 dwelling at 34778 Sumner Street, Frontenac
 in Florence Township.



- Legend**
- Municipal Boundaries
 - Road
 - Section Line
 - Tax Parcel
 - Dwelling Point
- 2016 Aerial Imagery**
- RGB
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



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