

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT HELD **THURSDAY, DECEMBER 12, 2019, ST. LOUIS COUNTY PUBLIC WORKS, LOWER-LEVEL TRAINING ROOM, VIRGINIA, MN.**

9:05 AM – 9:30 AM

Board of Adjustment members in attendance: James McKenzie
Sonya Pineo
Roger Skraba
Ray Svatos
Diana Werschay, Chair

Board of Adjustment members absent: Steve Filipovich
Dave Pollock

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

A. Richard Hasbrook – S34, T63N, R16W (Greenwood)

OTHER BUSINESS:

Motion by Svatos/McKenzie to approve the minutes of the November 14, 2019 meeting.

In Favor: McKenzie, Pineo, Svatos, Werschay – 4

Opposed: None – 0

Abstained: Skraba - 1

Motion carried 4-0-1

Jenny Bourbonais, Acting Secretary, stated that the January 9, 2020 Board of Adjustment hearing will be located at the new Government Services Center in the Liz Prebich room.

NEW BUSINESS:

Case 6204 – Richard Hasbrook

The only hearing item was for Richard Hasbrook, property located in S34, T63N, R16W (Greenwood). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.6, to allow an addition to an occupied structure that will not meet minimum setback requirements of the St. Louis County sewage treatment standards and St. Louis County SSTS Ordinance 61, Article I, Section 4, to allow an occupied structure at a reduced setback per MN Rule 7080.2150 requirements.

Mark Lindhorst, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is to allow an occupied structure located 5 feet from a septic tank where 10 feet is required.

- B. The applicant is proposing to construct an addition which would be located 5 feet from the septic tank.
- C. The property is water-access only.

Mark Lindhorst reviewed staff facts and findings as follows:

A. Official Controls:

- 1. Zoning Ordinance 62, Article III, Section 3.6 states that all occupied structures shall meet the minimum setback requirement of the St. Louis County sewage treatment standards.
- 2. SSTS Ordinance 61, Article I, Section 4, adopts Minnesota Rules 7080, 7081, 7082 and 7083 in their entirety. MN Rules 7080.2150 Table VII, require a 10 foot setback for septic tanks from structures. The applicant is requesting 5 feet.
- 3. The Comprehensive Land Use Plan under LU-6.1 states to direct residential development toward areas with soils which are suitable for septic installation as permitted in the subsurface sewage treatment system ordinance. The property received a septic permit in 2017 for a two bedroom cabin.

B. Practical Difficulty:

- 1. The applicant has several alternatives that would not require variance. Therefore, a practical difficulty other than self-created does not exist.
- 2. An addition can be placed to the front, rear or opposite site of the structure without variance. The applicant has stated future plans to expand the structure to the opposite side.
- 3. Septic tanks can be moved. The applicant has stated that the property contains bedrock that may limit tank placement options near the cabin.

C. Essential Character of the Locality:

- 1. The surrounding area consists of large parcels with limited residential development.

D. Other Factors

- 1. The applicant has alternatives that would not require a variance. Per Zoning Ordinance 62, Article VIII, Section 8.6 C, absent a showing a practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variances.
- 2. The Environmental Services Department has stated that they would allow infringing on the septic tank if the following precautions are taken:
 - a. The tank is no closer than 5 feet from the tank.
 - b. The addition footings to the septic tank are no closer than 10 feet.
 - c. The distance from the footings to the sewer line that enters the septic tank is maximized.

Mark Lindhorst noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow an addition 5 feet from the septic tank, the following condition shall apply:

1. No further expansion of the structure is allowed unless the septic tank meets the required 10 foot setback.

Richard Hasbrook, the applicant, stated that the septic tank can be accessed from all sides. The tank starts at the back of the house and then goes out. He is using diamond pier footings which will not require digging into the ground around the tank. The house is already on the diamond pier footings. Because the house was built on ledgerrock, it is harder to dig in. The pilings are 5 feet long and will not be any closer to the tank. This cabin was originally meant to be a guest house. However, they did not have enough land in order to build two dwellings and have been working to make the cabin their primary residence. They are adding a laundry room and additional storage. The location of the laundry room will prevent the sewer line from freezing. The tank is already in the only place it fits on the property. The alternative would require extending existing septic lines and adding another pumper. Venting for the tank exists on the opposite side away from the house.

DECISION

Motion by Skraba/Svatos to approve a variance request to allow an addition 5 feet from the septic tank, based on the following facts and findings:

A. Official Controls:

1. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

1. The cabin is located on ledgerrock which would make building elsewhere hard.
2. The addition will be cantilevered over the septic tank and the foundation will not be on top of the septic tank
3. The septic vent is located away from the proposed addition.
4. This is the best location for the addition due to safety issues with the septic venting location.

C. Essential Character of the Locality:

1. The surrounding area consists of large parcels with limited residential development.
2. The variance will not alter the essential character of the locality.

The following conditions shall apply:

1. No further expansion of the structure is allowed unless the septic tank meets the required 10 foot setback.
2. The addition shall go no closer than 5 feet towards the septic tank.
3. The foundation shall meet the 10 foot setback.
4. The setback distance from the proposed footing to the sewer line that enters the tank shall be maximized to the greatest extent possible.

In Favor: McKenzie, Pineo, Skraba, Svatos, Werschay - 5

Opposed: None - 0

Motion carried 5-0

Motion to adjourn by Pineo. The meeting was adjourned at 9:30 a.m.