

AGENDA

TUESDAY, SEPTEMBER 13TH, 2016

REDWOOD COUNTY BOARD OF ADJUSTMENT

TIME

8:30 A.M. - Public Hearing on the Variance Application #6-16v of Phil Bryan.

9:00 A.M. - Other Business:

1. Review and approve Minutes from meeting held on August 18th, 2016
2. Any other business



REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

TO: Redwood County Board of Adjustment

FROM: Nick Brozek *NB*
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: September 1st, 2016

RE: Public Hearing on *Application for Variance:*
Phil Bryan

A public hearing will be held on September 13th, 2016, at 8:30 a.m. regarding an *Application for Variance* filed by Phil Bryan pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 10 feet from the 10 foot setback between a structure and a septic tank set forth in Minnesota Rules Chapter 7080.2150, Subpart 2, item F, Table VII, as adopted by reference in Section 16, Subdivision 11 of Redwood County Ordinance (Septic Ordinance).

Mr. Bryan is requesting to build a home addition set back 0 feet from the existing septic tank on the following described property, situated in the County of Redwood, State of Minnesota, to wit: The North five acres of the South three quarters of the West Half of the Southwest Quarter of the Northwest Quarter (N5.A S3/4 W1/2 SW1/4 NW1/4) of Section 36, Township 113 North, Range 36 West, Delhi Township. The property is a rural dwelling on two lots on Laser Avenue, just northwest of the City of Redwood Falls.

Earlier this summer, Mr. Bryan began constructing a 16' x 22' living room/family room addition onto the rear of his residence. He was under the impression from speaking with acquaintances that no permit was required because his property is located outside the city limits. However, realizing his mistake he came in to apply for a permit after-the-fact. During the application process it was determined that the addition, which is substantially complete, does not meet the required ten foot setback from the septic tank.

The addition is constructed on posts and has no basement or foundation. Mr. Bryan located the septic tank and measured from the manhole to the outside wall of the tank. He then placed the outermost support post immediately adjacent to the septic tank. The post positioned under the outside corner of the addition, so the addition and post are right next to the tank, but do not go over the top of the tank.

The setback between septic tanks and structures is in place primarily for two reasons. The first is to avoid contamination from faulty or overflowing tanks entering into dwellings and other structures. The second is to ensure ease of access to septic tanks for maintenance and pumping. In this case, there is minimal concern regarding contamination to the structure because the structure is elevated above the ground. Regarding access to the tank, the close proximity of the addition to the tank prevents access from that side of the tank, but still allows access from the other side. Alternatively stated, granting the variance will make access to the tank more limited than what is typical, but will not prevent access to the tank.

The hearing will be held at Mr. Bryan's residence located at 34735 Laser Avenue, Redwood Falls, MN 56283. A copy of the *Application for Variance* is enclosed for your review.

enclosures

cc: Phil Bryan



www.co.redwood.mn.us

Application for Variance

Permit #: 6-16v Date: 8/19/2016

Location of the Affected Parcel or Property:

Address: 34735 Laser Ave City: Redwood Falls State: MN Zip: 56283
House # Street Name

Parcel Number: 52-036-2100 Township Name: Delhi

Section: 36 Township Number: T-113-N Range: R-36-W

Legal Description:

N 5.A S 3/4 W1/2 SW1/4 NW1/4, 5.A

Information about the Variance Request:

Zoning District: Urban Expansion

General description of the building or request:

Variance of 5 feet from the required 10 foot setback for a septic tank to a structure.

Type of occupancy:

residential

Building Size: (Please enter dimensions in feet)

Width: 16 Length: 22 Diameter: _____
Sidewall Height: 10 Total Height: 10 Bushel Capacity: _____

Setbacks: (Please enter in feet)

Side Yard Setback: 170 Direction: North
Side Yard Setback: 150 Direction: South
Rear Yard Setback: 480 Direction: East

Road Type: Township Setback from the Center of the Road: 150

Right-of-Way Footage: 33

General Contractor:

Name: self City: _____ State: MN

Sewer System Contractor:

Name: n/a City: _____ State: MN

Type of sewer system: in ground

Drainage plan: Will be gutter in the north side and the south side, draining to south.

Water usage (estimated gallons per day): n/a

Soils:

Soil Type 1: _____

Soil Type 2: _____

Estimated Date of Completion: 11/15/2016

Other information:

Applicant Information:

First Name: Phil Last Name: Bryan

Business: _____

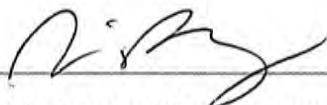
Address: 34753 Laser Ave City: Redwood Falls State: MN Zip: 56283

Home Phone: _____ Cell Phone: (612) 819-1997

Land Owner Information:

First Name: Phil Last Name: Bryan

I affirm that the forgoing information is true and accurate. I understand that if any portion of this information is false or materially misleading, any variance issued in reliance upon this information is voidable at the election of Redwood County.

Land Owner Signature:  Date: Aug. 19, 201

The following must be attached for this to be considered a completed application:

* A detailed site map. This must include: the location of watercourses, setbacks from property lines, current and proposed locations of any structures, well location, location and names of roads, railroads, known tile lines, proposed fences, utility rights-of-way, planned entrances and exits for operation area, and any signs being posted.

Office Use Only: * The section below is to be filled out by the Environmental Office Staff

Variance Fee: \$700.00 Receipt #: 951949 Date Approved: _____

Conditions:

Variance applies to 16' x 22' house addition only, permitted under Land Use/Zoning Permit #71-16d.

Board of Adjustment:

Approved: _____ Date: _____

Disapproved: _____ Date: _____

Permit # _____

Please add the following items to the map:

- 1. New Structure(s)
- 2. Septic System
- 3. Well



I affirm that the forgoing information is true and accurate. I understand that if any portion of this information is false or misleading, any zoning or land use permit issued in reliance upon this information is voidable at the election of the Redwood County Zoning Administrator.

Landowner Signature:  Date: Aug. 19, 2016

Administrator Signature: _____ Date: _____

Redwood County Zoning Administrator



SEPTIC TANK

ADDITION



Factors Regarding an *Application for Variance*

Statutory Factors¹:

- (1) Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
- (2) Is the need for a Variance due to circumstances unique to the property and not created by the property owner?
- (3) Will the issuance of a Variance maintain the essential character of the locality?
- (4) Does the need for a Variance involve more than economic considerations?

Redwood County Ordinance Factors:

- (1) The Board of Adjustment shall have the power to grant a variance to the provisions of this Ordinance in cases where the strict application of any of the regulations or provisions contained in this Ordinance would cause unnecessary hardships or unreasonable difficulties.²
- (2) The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require.
 1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
 2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant.³

¹ Minn. Stat. Section 394.27, subd. 7.

² Requirement of Section 26, Subdivision 2(1) of Redwood County Ordinance.

³ Requirement of Section 26, Subdivision 4 of Redwood County Ordinance.

Application for Variance Checklist

- (1) Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (2) Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (3) Will the issuance of a Variance maintain the essential character of the locality?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (4) Does the need for a Variance involve more than economic considerations?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (5) Does an unnecessary hardships or unreasonable difficulties exist?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

(6) Are there special circumstances or conditions affecting the land, building, or use that do not apply generally to other property in the same vicinity?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

(7) Will the granting of the application have a material adverse effect on the health or safety of persons residing or working in the area adjacent to the property of the applicant and will granting the application be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

DATED: _____

Chair of Redwood County Board of Adjustment

Factors Regarding an *Application for Variance*

Judicial Factors:¹

- (1) How substantial the variation is in relation to the requirement;
- (2) The effect the variance would have on government services;
- (3) Whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties;
- (4) Whether the practical difficulty can be alleviated by a feasible method other than a variance;
- (5) How the practical difficulty occurred, including whether the landowner created the need for the variance; and
- (6) Whether, in light of all of the above factors, allowing the variance will serve the interests of justice.

Redwood County Ordinance Factors:

- (1) The Board of Adjustment shall have the power to grant a variance to the provisions of this Ordinance in cases where the strict application of any of the regulations or provisions contained in this Ordinance would cause unnecessary hardships or unreasonable difficulties.²
- (2) The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require.
 1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
 2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant.³

¹ Factors delineated and established in In re the Matter of the Decision of County of Otter Tail Board of Adjustment to Deny a Variance to Cyril Stadvold and Cynara Stadvold, 754 N.W.2d 323, 331 (Minn. 2008).

² Requirement of Section 26, Subdivision 2(1) of Redwood County Ordinance.

³ Requirement of Section 26, Subdivision 4 of Redwood County Ordinance.

Application for Variance Checklist

- (1) How substantial the variation is in relation to the requirement:
 - Variation is substantial
 - Variation not substantial
- (2) The effect the variance would have on government services:
 - Variance will have effect on government services
 - Variance will not have effect on government services
- (3) Whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties:
 - Variance will cause a substantial change in the character of the neighborhood or substantial detriment to neighboring properties
 - Variance will not cause a substantial change in the character of the neighborhood or substantial detriment to neighboring properties
- (4) Whether the practical difficulty can be alleviated by a feasible method other than a variance:
 - Practical difficulty can be alleviated by a feasible method other than a variance
 - Practical difficulty cannot be alleviated by a feasible method other than a variance
- (5) How the practical difficulty occurred, including whether the landowner created the need for the variance:
 - Landowner created the need for the variance
 - Landowner did not create the need for the variance
- (6) Whether, in light of all of the above factors, allowing the variance will serve the interests of justice:
 - Variance will serve the interests of justice
 - Variance will not serve the interests of justice

- (7) Whether an unnecessary hardships or unreasonable difficulties exist:
- Unnecessary hardship or unreasonable difficulties exist
 - Unnecessary hardship or unreasonable difficulties does not exist
- (8) Whether there are special circumstances or conditions affecting the land, building, or use that do not apply generally to other property in the same vicinity:
- Special circumstances or conditions affecting the land, building, or use which do not apply generally to other property in the same vicinity exist
 - Special circumstances or conditions affecting the land, building, or use which do not apply generally to other property in the same vicinity do not exist
- (9) Whether the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant:
- Granting the application will materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant
 - Granting the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant

DATED: _____

Chair of Redwood County Board of Adjustment



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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MINNESOTA 56283
PH: 507-637-4023

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

TO: Whom It May Concern

FROM: Nick Brozek ^{NB}
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: August 30th, 2016

RE: Notice of Public Hearing on *Application for Variance*.

Please find enclosed a *Notice of Public Hearing* regarding an *Application for Variance* filed by Philip John Bryan requesting a variance, pursuant to Section 26 of Redwood County Ordinance, of 10 feet from the 10 foot setback between a structure and a septic tank set forth in Minnesota Rules Chapter 7080.2150, Subpart 2, item F, Table VII, as adopted by reference in Section 16, Subdivision 11 of Redwood County Ordinance (Septic Ordinance).

The applicant is requesting to build a home addition set back 0 feet from the existing septic tank on the following described property, situated in the County of Redwood, State of Minnesota, to wit:

The North five acres of the South three quarters of the West Half of the Southwest Quarter of the Northwest Quarter (N5.A S3/4 W1/2 SW1/4 NW1/4) of Section 36, Township 113 North, Range 36 West, Delhi Township.

A Public Hearing thereon will be held on Tuesday, September 13th, 2016, at 8:30 a.m. before the Redwood County Board of Adjustment at the above described property (34735 Laser Avenue, Redwood Falls, MN 56283).

Pursuant to Redwood County Ordinance, written notice shall be provided to all property owners of record within five hundred (500) feet of the affected property via U.S. Mail as to the time and place of the public hearing. Further, written notice shall also be provided to the affected board of township supervisors and the municipal council of any municipality within two (2) miles of the affected property.

If you have any questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at the following address: *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283* and/or attend the public hearing at the time and date set forth above and in the enclosed *Notice of Public Hearing*.

Enclosure

cc: Philip Bryan (w/encl)

State of Minnesota

Board of Adjustment

County of Redwood

In the Matter of the Application)
of Philip John Bryan for a Variance)
to Redwood County Ordinance)

NOTICE OF PUBLIC HEARING

An *Application for Variance* has been filed by Philip John Bryan requesting a variance, pursuant to Section 26 of Redwood County Ordinance, of 10 feet from the 10 foot setback between a structure and a septic tank set forth in Minnesota Rules Chapter 7080.2150, Subpart 2, item F, Table VII, as adopted by reference in Section 16, Subdivision 11 of Redwood County Ordinance (Septic Ordinance).

The applicant is requesting to build a home addition set back 0 feet from the existing septic tank on the following described property, situated in the County of Redwood, State of Minnesota, to wit:

The North five acres of the South three quarters of the West Half of the Southwest Quarter of the Northwest Quarter (N5.A S3/4 W1/2 SW1/4 NW1/4) of Section 36, Township 113 North, Range 36 West, Delhi Township.

It is hereby ordered that a Public Hearing thereon will be held on Tuesday, September 13th, 2016, at 8:30 a.m. before the Redwood County Board of Adjustment at the above described property (34735 Laser Avenue, Redwood Falls, MN 56283).

If you have any questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at the following address: *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.*

DATED: August 30th, 2016



Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office

AFFIDAVIT OF SERVICE VIA U.S. MAIL

STATE OF MINNESOTA)
) ss
COUNTY OF REDWOOD)

RE: *Application for Variance* submitted by Philip Bryan; Permit Application No. 6-16v

I, Lali Ortega, a person not less than eighteen (18) years of age, being first duly sworn upon oath, hereby state a copy of the following:

- 1. Notice of Public Hearing on Application for Variance; and**
- 2. Notice of Public Hearing**

were duly served upon:

**PHILIP JOHN BRYAN
34735 LASER AVE
REDWOOD FALLS, MN 56283**

**DEAN D & JOLENE C BUNTING
24674 LASER AVE
REDWOOD FALLS, MN 56283**

**MORTON FARMS, LLC
14 KANSAS RIVER DR
BROWNSVILLE, TX 78520**

**REDWOOD FALLS SPORTSMEN CLUB INC
PO BOX 104
REDWOOD FALLS, MN 56283**

**JOLENE M KRUEGER
34777 LASER AVE
REDWOOD FALLS, MN 56283**

**LAURA L ROHLIK
34551 LASER AVE
REDWOOD FALLS, MN 56283**

**DENNIS V BRATSCH
34575 LASER AVE
REDWOOD FALLS, MN 56283**

**STEVEN M & SANDRA K HEILING
34541 LASER AVE
REDWOOD FALLS, MN 56283**

**EUGENE E & JEANETTE MALECHA
34459 LASER AVE
REDWOOD FALLS, MN 56283**

**TODD & KRISTEN BERAN
34670 LASER AVE
REDWOOD FALLS, MN 56283**

**SHARON DUNNE
34628 LASER AVE
REDWOOD FALLS, MN 56283**

**DELORES BUNTING ET'AL
29770 370TH ST
REDWOOD FALLS, MN 56283**

**DELHI TOWNSHIP BOARD OF SUPERVISORS
%CARRIE WERNER, CLERK
36898 CO HWY 6
REDWOOD FALLS, MN 56283**

**CITY OF REDWOOD FALLS
%KEITH MUETZEL, ADMINISTRATOR
PO BOX 526
REDWOOD FALLS, MN 56283**

**MINNESOTA POLLUTION CONTROL AGENCY
%KRISTI KALK, COMPLIANCE & ENFORCEMENT INSPECTOR
12 CIVIC CENTER PLAZA SUITE #2165
MANKATO, MN 56001**

by enclosing a copy of the same in an envelope, with postage prepaid, and depositing said envelope in a United States Postal Service mailbox located at Redwood Falls, Minnesota on the 30th day of August, 2016.

Lali Ortega

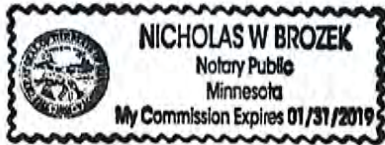
Lali Ortega

Environmental Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 30th day of August, 2016, by Lali Ortega.

Nicholas W. Brozek

Notary Public







REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

REDWOOD COUNTY BOARD OF ADJUSTMENT

MINUTES

Meeting Date: August 18th, 2016

A meeting of the Redwood County Board of Adjustment convened on Thursday, the 18th day of August, 2016. The meeting consisted of one public hearing. The meeting was convened at the residence and building site located at 25288 County Hwy 6, Wabasso, MN 56293, owned by Virginia Salfer. The following Board of Adjustment members were present: John Rohlik and John Schueller. Dan Tauer was absent. The following individuals were also present: Werner Fischer, Chuck Daub, Rod Salfer, Virginia Salfer, Zoning Administrator Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

At 8:30 a.m., the meeting was called to order by Chair John Schueller.

Chair Schueller opened a public hearing on an *Application for Variance*, Permit Application No. 5-16v, submitted by Rod Salfer. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the *Application for Variance*:

1. A public hearing will be held on August 18th, 2016, at 8:30 a.m. regarding an *Application for Variance* filed by Rodney Salfer, o/b/o Virginia Salfer, landowner, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 22 feet from the 67 foot front yard setback for a structure, measured from the public road right-of-way, set forth at Sec. 7, Subd. 5.2.A.(1.) of Redwood County Ordinance.
2. Mr. Salfer is proposing to construct a new grain bin on a concrete pad on the following described property, situated in the County of Redwood, State of Minnesota, to wit: The East 155 Acres of the Southeast Quarter (SE1/4) of Section 14, Township 111 North, Range 37 West, Vail Township.
3. Mr. Salfer currently has six bins at the site, which is a farm building site established long before the road right-of-way setback was put into effect. Of the six existing bins, all but the easternmost bin meet the setback. Mr. Salfer is requesting to construct one additional bin just north of the easternmost existing bin, at the same distance from the road. Additionally, Mr. Salfer may in the future construct two more bins in line with the easternmost existing bin and the proposed new bin, at the same distance from the road (see site plan attached to the Variance Application).
4. Placing the three new bins as indicated on the site map is necessary for expansion of the bin site in order to accommodate the grain trucks and conveyors taking product to and from the bins.
5. The existing grove and tree line to the west and north of the bin site should prevent any additional snow accumulation on the roadway

6. The hearing will be held at Mr. Salfer's residence and farm site located at 25288 County Hwy 6, Wabasso, MN 56293. A copy of the *Application for Variance* is enclosed for your review.
7. Mr. Salfer's variance is proposed to be written to allow him construct one grain bin now and up to two additional bins later, as needed. Alternatively stated, the variance allows the construction of three bins total, set back 45 feet from the edge of the road right-of-way, to match the existing easternmost bin. The variance should also apply to the existing easternmost bin, in case Mr. Salfer ever needs to replace it.
8. The following conditions are proposed to be attached to the variance:
 1. The variance applies only to the three proposed grain bins and one existing grain bin indicated on the site plan.
9. Pursuant to Redwood County Ordinance, written notice shall be provided to all property owners of record within five hundred (500) feet of the affected property via U.S. Mail as to the time and place of the public hearing. Further, written notice shall also be provided to the affected board of township supervisors and the municipal council of any municipality within two (2) miles of the affected property.

The following information was presented to and considered by the Redwood County Board of Adjustment at the public hearing:

Rod Salfer was present to explain the project. He explained that he wants to build a new bin 100 feet from the center line of County Hwy 6, to match the setback of an existing adjacent bin built in the 1990s. This location is necessary so that an auger can be set up from the dryer bin, further back on the bin site, to the proposed bin, while maintaining an access road for grain trucks and semis.

The hearing was held on the location of the proposed bin. The Board of Adjustment viewed the site, including the location of the proposed bin and the layout of the bin site and the other farm buildings on the site.

The Board determined that due to the layout of the existing site, constructing up to three additional bins in line with the existing bin 100 feet from the center line of the road will not change the snow drift patterns on the site or have any negative impact on the surrounding property and land uses.

Werner Fischer was present to represent the Vail Township Board of Supervisors. He stated that the Supervisors had discussed the project at their last meeting and that they support the variance.

Chuck Daub, a neighbor, stated that he also supports the variance.

No members of the public appeared in opposition to the variance.

Rohlik made a motion to approve the variance subject to the proposed conditions. Schueller seconded the motion and it was passed by a 2-0 vote. The public hearing was then closed.

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 6th day of June, 2016. On a motion made by John Rohlik and seconded by John Schueller, it was moved and passed by a 2-0 vote that said minutes be approved as presented.

The meeting was then adjourned.

Nick Brozek, Land Use and Zoning Supervisor
Redwood County Environmental Office

John Schueller, Chair
Redwood County Board of Adjustment