

WABASHA COUNTY BOARD OF ADJUSTMENT

NOTICE OF MEETING

The Wabasha County Board of Adjustment will hold a meeting on **December 13, 2016 at 8:00 p.m.** in the County Board Room located in the Courthouse Annex Building, 625 Jefferson Ave., Wabasha, MN. This meeting is open to the public.

Agenda

1. Call to order.
2. Approval of the agenda.
3. Approval of the minutes from the November 15, 2016 meeting.
4. Public Hearing:
 - Application submitted by Barry Bresee requesting a variance from Chapter 11.02 of the Wabasha County Zoning Ordinance to allow for the construction of a garage located less than 30' to a bluff. The property where the variance is being requested is described as parcel R09.00327.12 located in Sec. 13, T. 109 N., R. 14 W., Town of Mazeppa (56638 County Road 1, Mazeppa).
5. Close public hearing and move to the findings.
6. Take action as necessary on application.
7. Other business.
8. Adjourn

MINUTES OF THE NOVEMBER 15, 2016
WABASHA COUNTY BOARD OF ADJUSTMENT MEETING

1. The meeting was called to order at 7:00 p.m. by Chair Robert Walkes. Other members present were Ken Jacob, Mike Wallerich, Jon Beckman, and Gayle Gillespie.
2. Motion by Jacob/Gillespie to approve the agenda as presented. Motion carried.
3. Motion by Wallerich/Beckman to approve the minutes of the September 13, 2016 meeting. Motion carried.
4. Public Hearing:
 - Application submitted by Judd Lindeen requesting variances from Chapter 7.06 of the Wabasha County Zoning Ordinance; Chapter 11.02(1) and 11.02(2) of the Wabasha County Zoning Ordinance; Article 13, Section 8, Subd. 4 of the Wabasha County Zoning Ordinance; and Article 13, Section 9, Subd. 5 of the Wabasha County Zoning Ordinance to allow for the construction of a new dwelling. The property where the variance is being requested is described as parcel R17.00299.06 located in Sec. 34, T. 109 N., R. 14 W., Town of Zumbro (40280 Ryan's Bay Road, Zumbro Falls).
5. Motion by Beckman/Jacob to close the public hearing. Motion carried.
6. Motion by Beckman/Wallerich to move to the findings. Motion carried.
7. Motion by Beckman/Wallerich to approve the Lindeen variance request as presented with four conditions. Motion carried. The conditions of approval are as follows:
 1. A shoreland buffer of native vegetation shall be established along the shoreline on the property to an average depth of twenty-five feet (measured landward and running parallel to the normal pool level) except for an area approximately 15' wide (measured parallel to the normal pool level) which can serve as an access corridor to the lake. Any retaining wall located in the buffer area shall consist of stacked natural limestone to provide a more natural characteristic to the buffer area. The restoration plan shall be designed by an accredited landscape architect and shall include a timeline for installation prior to any land use permits being issued for the property. A document shall be recorded on the parcel for the buffer to remain as required by this decision.
 2. The stormwater run-off from any impervious surface that is in excess of the 25% limit shall be directed to a rain garden or subsurface drainage system. The stormwater system shall be designed by a Minnesota licensed engineer and shall accommodate the stormwater for the 24 hour-2 year return cycle storm event.
 3. The landowner shall abide by all representations and commitments presented in the application or presented to the Board of Adjustment.
 4. Granting of the variance does not guarantee that the applicant will be issued a permit for any land use activity on lands owned by others.

8. The next meeting is scheduled for December 13th at 7:00 p.m.
9. Motion by Beckman/Wallerich to adjourn at 7:50 p.m. Motion carried.

Chair

Date



Wabasha County Zoning Department
625 Jefferson Avenue
Wabasha, MN 55981
Phone: 651-565-3062 Fax: 651-565-3159

To: Wabasha County Board of Adjustment
From: Kevin Krause, Wabasha County Zoning Administrator
Re: Barry Bresee variance request
Date: December 7, 2016

On November 14, 2016 an application was submitted by Barry Bresee requesting a variance from Chapter 11.02(2) of the Wabasha County Zoning Ordinance to allow for the placement of a garage within 30' of a bluff impact zone. The property on which the request is being made is described as parcel R09.00327.12 located in Section 31, Township 109 North, Range 14 West, Town of Mazeppa (56638 County Road 1, Mazeppa).

Chapter 11.02(2) of the Wabasha County Zoning Ordinance prohibits any structure from being located less than 30' to the top or toe of any bluff. The property is mostly located in a bluff impact zone (see attached map). The areas that are not in a bluff impact zone on the property are in a general floodplain zone and located less than 100' to the creek or located in a road ditch and located within the setback to the road plus also within the setback to the bluff impact zone. Both areas are subject to flooding and a Conditional Use Permit is required for the placement of any structure in a general floodplain area.

The proposed location of the garage is in an area where the slope now is less than 18%, but it cannot meet the 30' setback to a bluff. The proposed location is clearly an altered area that had a slope greater than 18% before development, but the construction of the house on the property and the alteration of the slope were completed before the adoption of the Wabasha County Zoning Ordinance (2001) to regulate all bluff areas.

There are still concerns for slumping or mass failure of the bluff area even with development of the site which includes a house. If the Board of Adjustment decides to grant the variance, I recommend two conditions as follows:

1. A site development design bearing the signature of a Minnesota licensed engineer shall be submitted with the building/land use permit which indicates the project as proposed will not result in a mass failure of the slope so as to remove any liability being placed on Wabasha County for the construction of a garage in a bluff impact zone.
2. The individual wishing to exercise the variance shall abide by all representations and commitments presented in the application or presented to the Board of Adjustment and shall adhere to all conditions as approved by the Board of Adjustment.

Mapped Floodplain



Overview



Legend

- Highways/Roads
 - FEDERAL
 - FEDERAL DIVIDED
 - STATE
 - COUNTY
 - TOWNSHIP
 - ISLAND
 - OTHER
 - CITY
 - PRIVATE
 - STATE FOREST RD
- Flood Zone
- Slope > 18%
- Parcels
- Section Lines
- Lakes/Rivers
- Cities Boundary
- Townships Boundary

Parcel ID	R09.00327.12	Alternate ID	n/a	Owner Address	BRESEE,BARRY A
Sec/Twp/Rng	31-109-014	Class	201 - RESIDENTIAL		56638 COUNTY ROAD 1
Property Address	56638 COUNTY ROAD 1	Acreage	6.49		MAZEPPA, MN 55956
	MAZEPPA				
District	n/a				
Brief Tax Description	Sect-31 Twp-109 Range-014 6.49 AC EX RD, 6.49 AC PARCEL E OF CSAH # 1 AS DESC IN B165 P351				
	<i>(Note: Not to be used on legal documents)</i>				

The parcel boundaries are created and drawn by Wabasha County GIS and are continually updated. The parcels are drawn as accurately as possible, but should not be considered a replacement for a professional land survey.

Aerial Photos were collected in Spring 2016 by Pictometry International and are 6"/3" resolution.

Date created: 12/7/2016
Last Data Uploaded: 12/7/2016 1:55:29 AM

paid \$300 / receipt # 6449

RECEIVED NOV 14 2016

Parcel ID # R 09.00327.12

Wabasha County Application for Variance or Appeal

- An accurate and complete application for a variance or appeal shall be submitted along with a \$300 application fee to begin processing the application. **Incomplete applications will not be processed.**
- A plot plan shall be submitted with all applications.
- Applications must be received by the Zoning Department on or before the 15th day of the month in order to be considered by the Board of Adjustment at the meeting in the **proceeding** month.
- As per state statute, notice of the public hearing for your request will be sent to all landowners within 500 feet of the property upon which the variance is being sought.

Applicant's name: Barry A Bresee

Phone number: 608-320-4433

Applicant's address: 56638 County Road 1, Mazeppa, MN 55956

Address of property: 56638 County Road 1, Mazeppa, MN 55956

Legal description: Sec. 31, T. 109, R. 014, Township of Mazeppa

The following questions shall be answered in order to consider your application.

1. List the appeal or variance(s) being requested: _____

I would like to build a garage that would be located less than 30' to a bluff zone.

2. For a variance request, explain the unique circumstances or conditions that cause you to seek a variance as opposed to finding an alternative that would comply with the Zoning Ordinance. _____

The property is basically a wooded hillside. I have learned that this is considered a bluff zone. There is a relatively flat area just south of the house, where I would like to build a garage. I have learned from Kevin Krause, Zoning Administrator, that the garage would be located less than 30' to a bluff zone. This caused my permit application to be denied. I met Kevin at the site on 10/24/16 and his initial findings were confirmed. We toured the entire property to see if there are any other possible sites to build the garage. None were found. The only part of the property that is not considered a bluff zone is the ditch by the street. I would like to build a 24' x 30' garage to protect my car, truck and other outdoor equipment. The area for the garage is mostly gravel and appears to have been used for vehicle parking by the previous owners. The area will need to be infilled with additional gravel to create a level surface for the concrete. I do not believe there will be any excavating. The only other garage space currently on the property is a small under-house garage space that is best used for storage, not vehicles.

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3. Explain the general character of the surrounding properties and how your variance request(s) will not have an adverse effect on the character and quality of the area if granted.

This property is located in a rural, mostly agricultural area. The property is basically a wooded hillside with the house being located near the top of the hill, near the east property line. East of the property is pasture land with no houses or other buildings visible. All that is seen is the crest of the hill. To the north is heavily wooded extending to Dry Run Creek. The creek is not visible from the house. No houses or buildings are visible from the house. To the south is heavily wooded with no houses or other visible buildings. To the west is County Road 1, not visible through the woods and down the hillside. The garage will be built just south of the house. It will not be visible except from the pasture to the east. Thus, the garage will have no adverse effect on the character and quality of the area.

4. Indicate the local township official notified of your request(s) (see clerk list on back of application), the date the official was notified, and any applicable permits you may have received from the township. _____

SEE ATTACHED

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of the Wabasha County Zoning Department to enter onto the property on which the variance is being proposed by this application during daylight hours to collect information relative to my proposal. I further agree to withdraw this application if substantive false or incorrect information has been included. I also understand that the \$300 fee is nonrefundable once a public hearing has been conducted on my proposal.



SIGNATURE OF APPLICANT

11/8/10

DATE

OFFICE USE ONLY

Zoning District: A-1 A-2 A-3 R-1

Variance or appeal from section: _____

Date submitted: _____

Date of public hearing: _____

Date recorded: _____

Plot Plan

NOTE: Indicate the location of the variance request, distances from buildings currently on property or being proposed (provide building dimensions also), location of public roadways, all impervious surfaces, and the location of the sanitary sewer system.

SEE ATTACHED



North

APPROVED TOWNSHIP PERMIT
MAZEPPA TOWNSHIP, WABASHA COUNTY, MINNESOTA

This permit is required for the erection of any structure in Mazeppa Township, which will be permanently attached to the ground or attached to an existing structure that is permanently attached to the ground. Also required for the replacement of structures.

1. Name of Applicant: BARRY BRESEE Tele.# 608-320-4433
2. Home Address: 56638 City Rd 1
MAZEPPA, MN 55956
3. Address of planned structure: 56638 City Rd 1
MAZEPPA, MN 55956
4. Size of lot or parcel: _____ ft. by _____ ft or 6.5 acres
5. Cost or value of structure (give highest figure) \$30,000
6. Describe the structure and it's planned use:
GARAGE - VEHICLE PROTECTION
7. Size of structure: Height: 15' Width: 30' Length: 24'
8. County Zoning Classification: _____
9. Set back from lot lines:
- Side yard set back: 15'
 - Rear yard set back: 65'
10. Set back from road-right-of-way (50 ft. min) _____ ft.
11. Estimated construction: Start date: 12/15/16 End date: 12/31/16

I hereby declare that I am the owner or authorized agent of the owner of the described property and I agree to construct the structure or use here in described in accordance with this permit and Township and Wabasha County regulations in effect on this date. I further certify that all information presented here is true and accurate. I further understand that I may be required to obtain a separate permit from Wabasha County authority and that I should clear my intentions with the Wabasha County Zoning Administrator prior to the start of construction.

Signed: [Signature] Date: 11/7/16

Permit fee of 0 has been paid and the permit has been reviewed and approved. Fees are \$1.50 per \$1,000 of value (\$25.00 minimum)

Mazeppa Township Chair [Signature] Date: 11/7/16
Mazeppa Township Clerk [Signature] Date: 11/7/16

Void if not used within one year
• Reference the culvert and driveway inspection

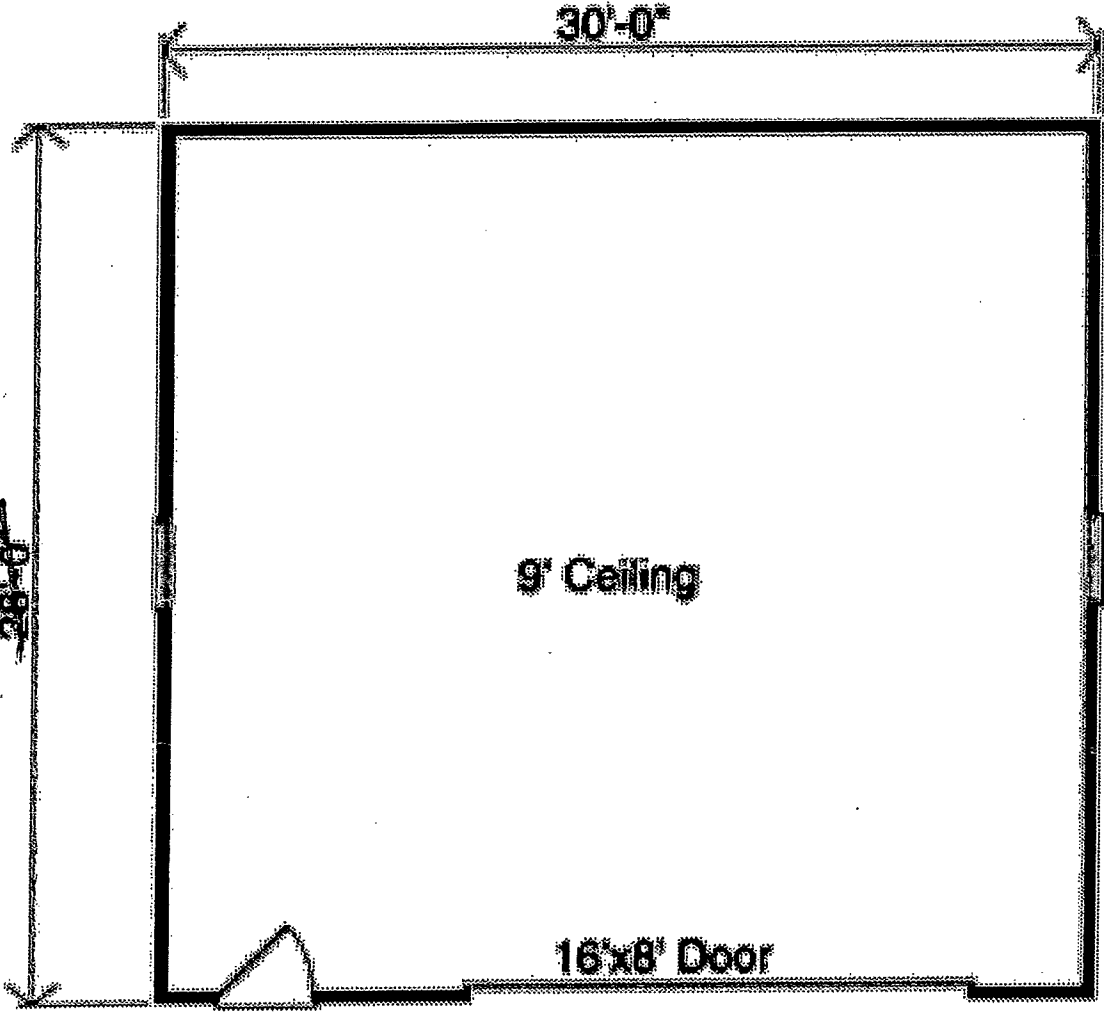
24'-0"

~~28'-0"~~

30'-0"

9' Ceiling

16'x8' Door







Wabasha County Environmental Services
 County Courthouse
 625 Jefferson Avenue
 Wabasha MN 55981
 Telephone: (651) 565-3062

SITE SKETCH

Parcel # R09.0032.17

Name of Applicant Barry Broese Phone No. 508-320-4433

Applicant Address 51638 Cty Rd 1 City Mazeppa State MN Zip 55956

Make a sketch to scale of all existing and proposed structures on the building site. Indicate the dimensions of the proposed structure and its distance from all property lines, road right-of-ways, other structures and septic drain fields. Your sketch should include the following items, if applicable:

roads/highways/driveways
 sewage treatment system/wells

North
 lakes/ponds/wetlands

site drainage/ditches
 rivers/streams

Be prepared to submit building plans, floor plans, building elevations and septic design plans.

SEE PAGE 2

The undersigned certifies that the above information is correct.

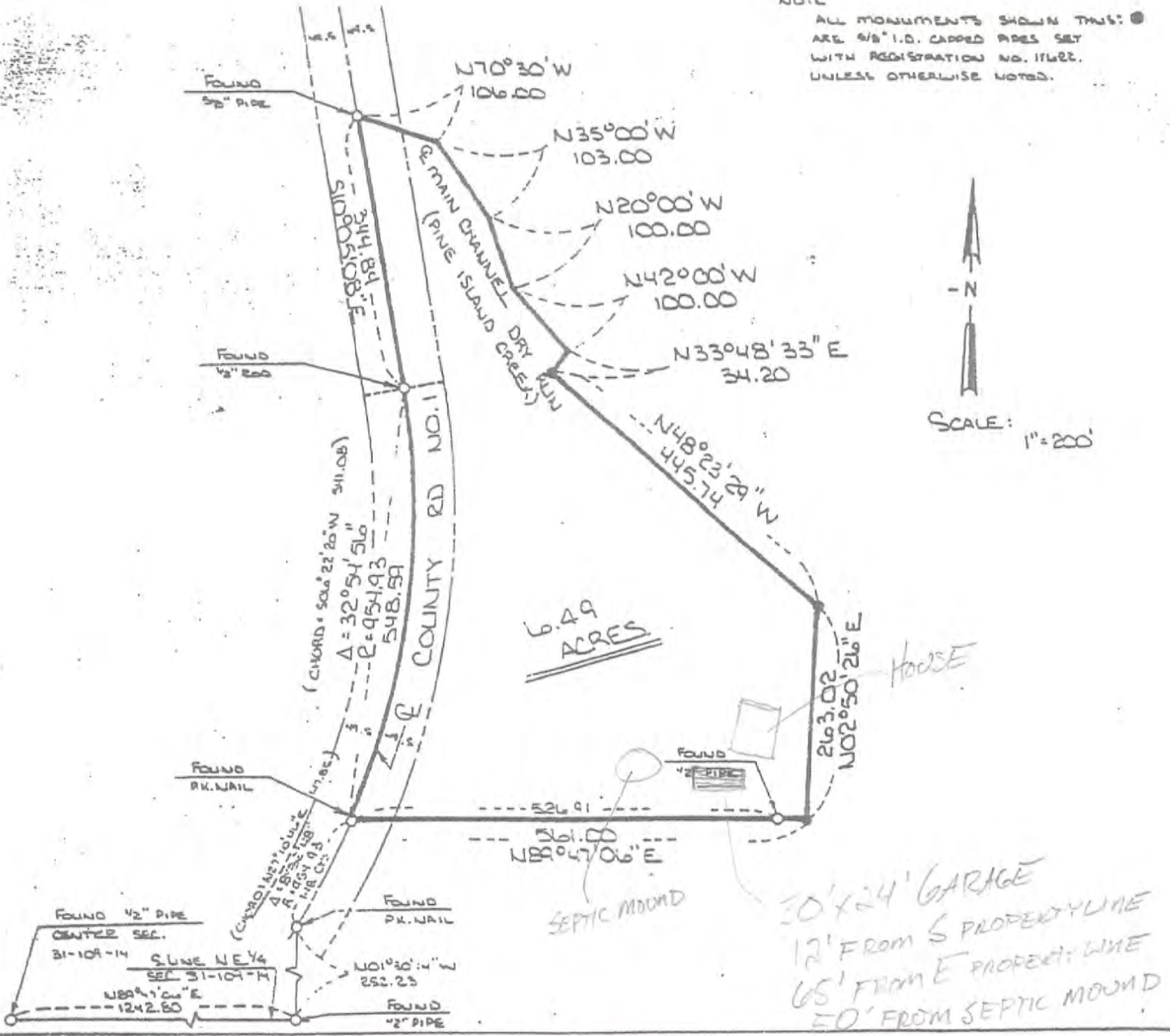
Name [Signature] Date 10/12/16

NOTICE: Property owner is responsible for determining location of property lines and public and private utility easements.

CERTIFICATE OF SURVEY

DESCRIPTION:
SEE ATTACHED

NOTE:
ALL MONUMENTS SHOWN THIS: ●
ARE 1/2" I.D. CAPPED PIPES SET
WITH REGISTRATION NO. 111622.
UNLESS OTHERWISE NOTED.



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MONUMENTS: ○ FOUND, ● SET
DATE SURVEYED: 1/26/79
FOR: DUANE TUPPER
MAZEPPA, MINN.

James E. Swanson

McGHIE & BETTS, INC.
ROCHESTER MINNESOTA

Date: 2-7-79
Reg. No.: 111622
SCALE: 1" = 200'
DRAWN: C. JOHNSON
DATE: 2/4/79
ACCT. NO.: 9014



Google