

WABASHA COUNTY BOARD OF ADJUSTMENT

NOTICE OF MEETING

The Wabasha County Board of Adjustment will hold a meeting on **March 21, 2017 at 7:00 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. Election of officers.
3. Approval of the agenda.
4. Approval of the minutes from the December 13, 2016 meeting.
5. Public Hearing:
 - Application submitted by Alan Thorson requesting a variance from Chapter 394.36, Subd. 4 Minn. Stats. and Article 13, Section 9, Subd. 5 of the Wabasha County Zoning Ordinance to allow for the expansion of a nonconforming structure which will result in a lot having more than 25% impervious surfaces. The property where the variance is being requested is described as parcel R05.01077.00 located in Sec. 32, T. 110 N., R. 9 W., Town of Greenfield (12976 622nd Street, Kellogg).
6. Close public hearing and move to the findings.
7. Take action as necessary on application.
8. Other business.
9. Adjourn

MINUTES OF THE DECEMBER 13, 2016
WABASHA COUNTY BOARD OF ADJUSTMENT MEETING

1. The meeting was called to order at 8:00 p.m. by Vice-Chair Jon Beckman. Other members present were Ken Jacob, Mike Wallerich, and Gayle Gillespie.
2. Motion by Jacob/Wallerich to approve the agenda as presented. Motion carried.
3. Chair Robert Walkes arrived at 8:02 p.m. and proceeded to preside over the meeting.
4. Motion by Beckman/Jacob to approve the minutes of the November 15, 2016 meeting. Motion carried.
5. 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).
6. Motion by Beckman/Jacob to close the public hearing and to move to the findings. Motion carried.
7. Motion by Jacob/Gillespie to approve the Bresse variance request as presented with two conditions. Motion carried. The conditions of approval are 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.
8. Motion by Gillespie/Jacob to adjourn at 8:18 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: Alan Thorson variance request
Date: March 9, 2017

On February 22, 2017 an application was submitted by Alan Thorson requesting a variance from Chapter 394.36, Subd. 4 Minn. Stats. and Article 13, Section 9, Subd. 5 of the Wabasha County Zoning Ordinance to allow for the expansion of a nonconforming structure which will result in a parcel having more than 25% impervious surfaces. The property on which the request is being made is described as parcel R05.01077.00 located in Section 32, Township 110 North, Range 9 West, Town of Greenfield (12976 622nd Street, Kellogg).

The dwelling on which the applicant wishes to construct an addition is located approximately 60' to the ordinary highwater level of the water (75' required setback) and located approximately 20' to a shoreland bluff (30' required setback). With the dwelling not meeting the minimum requirements, it is considered a nonconforming structure and cannot be expanded as per Chapter 394.36 Minn. Stats.

The applicant currently owns three parcels, which all abut each other. The parcels are nonconforming and as per Chapter 394.36, Subd. 5 they must be combined. The problem is that two of the parcels are platted and the remaining parcel is not platted. Platted and un-platted parcels cannot be combined as one tax parcel. The three parcels combined consist of an area approximately 84,981 square feet in size. The impervious surface limit of 25% as required by Article 13, Section 9, Subd. 5 of the Wabasha County Zoning Ordinance would be

approximately 21, 245 sq. ft. of area. The calculated impervious surface now is 20,672 sq. ft. of area. A 28'x37' addition would put the impervious surface of the three parcels at 26%.

If the Board of Adjustment decides to approve the variance, I have four recommendations for conditions. The conditions are as follows:

1. The shoreland bluff and shoreland impact zone shall consist of native vegetation and any cutting of vegetation shall comply with the shoreland rules found in the Wabasha County Zoning Ordinance.
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. Parcels 05.00418.00, 05.01077.03, and 05.01077.00 shall each have a deed restriction recorded prior to the issuance of any land use/building permit which prohibits any individual parcel from being sold separately from the other parcels.

RECEIVED FEB 22 2017

Parcel ID # 05.00418.00
05.01077.03
05.01077.00

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: ALAN H. THORSON Phone number: 507-884-5719

Applicant's address: 12660 622ND STREET KELLOGG, MN 55945

Address of property: 12976 622ND STREET

Legal description: Sec. 32, T. 110, R. 9, Township of GREENFIELD

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

1. List the appeal or variance(s) being requested: WE HEREBY REQUEST A VARIANCE TO ALLOW EXPANSION OF A NONCONFORMING STRUCTURE AND VIEW EXISTING 3 PARCELS AS ONE FOR IMPERVIOUS SURFACE STANDARD. THE EXISTING STRUCTURE IS 27' VS 30' FROM SHORELINE BLUFF AND 71' VS 75' TO THE ORDINARY HIGH WATER LEVEL OF MISSISSIPPI RIVER.
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. WE ARE MOVING INTO THE HOUSE AS A PERMANENT RESIDENCE. THE ADDITION TO THE HOUSE ALLOWS US TO HAVE AN ATTACHED GARAGE WHICH IS NECESSARY FOR WINTER SINCE WE ARE OLDER. IT ALSO ALLOWS US TO HAVE ANOTHER BEDROOM FOR A BROTHER THAT PERMANENTLY LIVES WITH US AND DOESN'T WALK WELL.

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. THE ADDITION

WILL NOT ALTER THE CHARACTER OF SURROUNDING AREA.
2 STORY HOUSES FIRST TO THE SOUTH. NO RESIDENCES ARE TO
THE NORTH, WEST, OR EAST.

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. _____

MARK LAVIGNE NOTIFIED 2/21/2017 AND NO SPECIAL
GREENFIELD TWP PERMITS NEEDED.

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for Wabasha County Zoning Department staff and Board of Adjustment members 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

2/22/2017

DATE

OFFICE USE ONLY

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

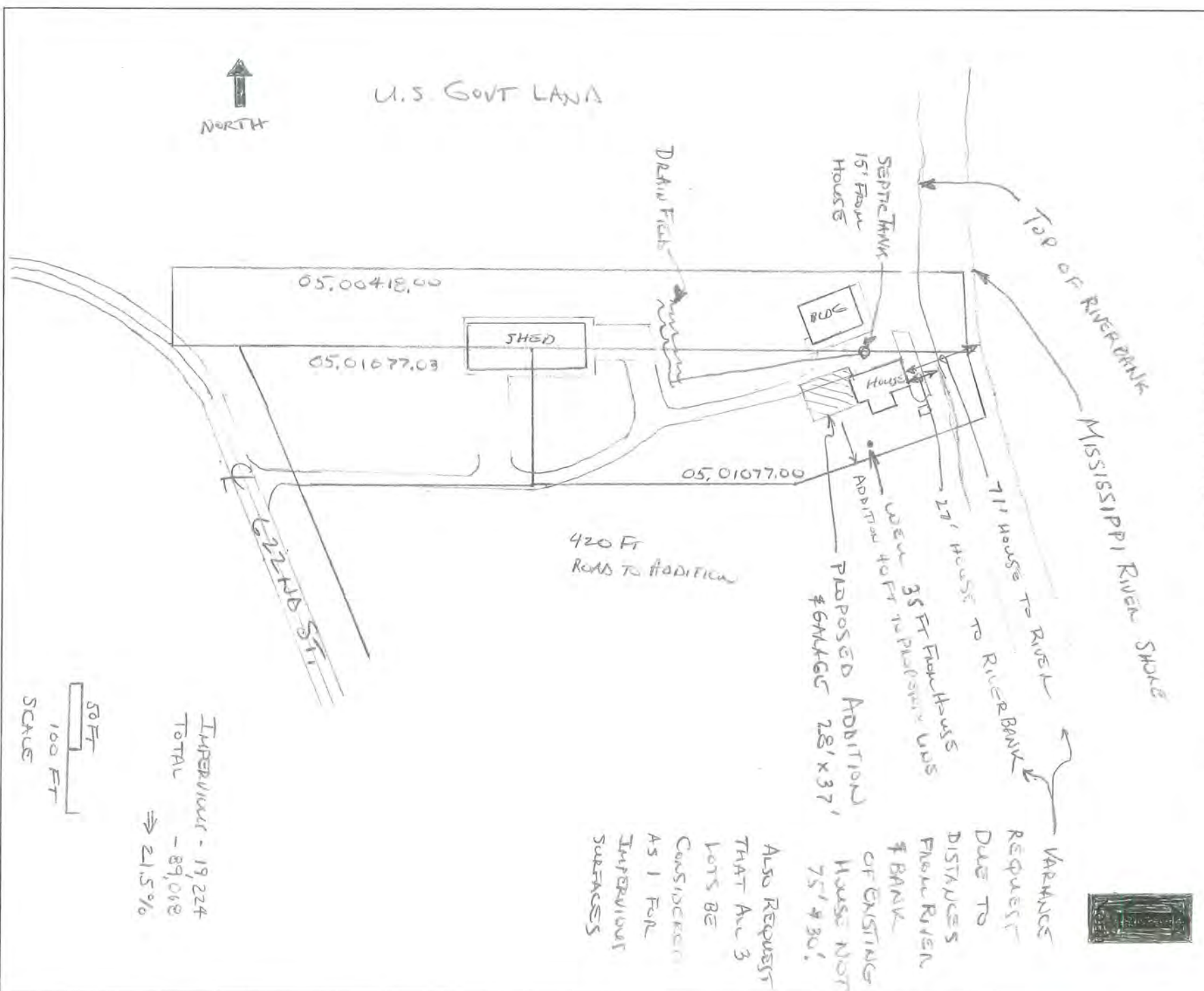
Variance or appeal from section: _____

Date submitted: _____

Date of public hearing: _____

Date recorded: _____

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.



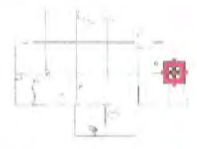
IMPERVIOUS - 19,224
 TOTAL - 89,012
 ⇒ 21.5%

ALSO REQUEST THAT ALL 3 LOTS BE CONSIDERED AS 1 FOR IMPERVIOUS SURFACES

VARIANCE REQUEST DUE TO DISTANCES FROM RIVER BANK OF EXISTING HOUSE NOT 75' x 30'



Overview



Legend

- Highways/Roads**
 - FEDERAL
 - FEDERAL DIVIDED
 - STATE
 - COUNTY
 - TOWNSHIP
 - ISLAND
 - OTHER
 - CITY
 - PRIVATE
 - STATE FOREST RD
- Parcels**
- Section Lines**
- Lakes/Rivers**
- Cities Boundary**
- Townships Boundary**

Parcel ID R05.00411.06 Alternate ID n/a Owner Address UNITED STATES OF AMERICA
 Sec/Twp/Rng 31-110-009 Class 941 - FOREST,PARK,WILDLIFE REFUGE
 Property Address KELLOGG Acreage 149
 District GREENF-SCH-811
 Brief Tax Description Sect-31 Twp-110 Range-009 149.00 AC EX 0.6 AC IN SW COR LYING STWN RD; N1/2SE1/4 & G L 4
 (Note: Not to be used on legal documents)

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: 2/10/2017
 Last Data Uploaded: 2/9/2017 8:38:31 PM