

WABASHA COUNTY BOARD OF ADJUSTMENT

NOTICE OF MEETING

The Wabasha County Board of Adjustment will hold a meeting on **May 9, 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. Approval of the agenda.
3. Approval of the minutes from the April 11, 2017 meeting.
4. Public Hearing:
 - Application submitted by James and Susan Smith requesting a variance from Chapter 394.36, Subd. 4 Minn. Stats. to allow for the expansion of a nonconforming dwelling. The property on which the request is being made is described as parcel R05.00687.00 located in Section 3, Township 110 North, Range 10 West, Town of Greenfield.
5. Close public hearing and move to the findings.
6. Take action as necessary on application.
7. Public Hearing:
 - Application submitted by Kirk Wickersham requesting a variance from Chapter 394.36, Subd. 4 Minn. Stats. and Chapter 13.10(4)(d) 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 R05.00633.00 located in Sec. 2, T. 110 N., R. 10 W., Town of Greenfield (67820 County Road 76, Wabasha).
8. Close public hearing and move to the findings.
9. Take action as necessary on application.
10. Other business.
11. Adjourn

MINUTES OF THE APRIL 11, 2017
WABASHA COUNTY BOARD OF ADJUSTMENT MEETING

1. Chair Robert Walkes called the meeting to order at 7:00 p.m. Other members present were Gayle Gillespie, Jon Beckman, Mike Wallerich, and Ken Jacob.
2. Motion by Gillespie/Jacobs to approve the agenda as presented. Motion carried.
3. Motion by Wallerich/Gillespie to approve the minutes of the March 21, 2016 meeting as amended. Motion carried.
4. Motion by Gillespie/Jacob to open the public hearing for the application submitted by Andrew and Debra Schouweiler requesting a variance from Chapter 11.02(1) and Chapter 11.02(7) of the Wabasha County Zoning Ordinance to allow for the placement of a new home and driveway in a bluff impact zone. The property on which the request is being made is described as parcel R05.00126.09 located in Section 15, Township 110 North, Range 10 West, Town of Greenfield. Motion carried.
5. Motion by Gillespie/Jacob to close the public hearing and to move to the findings. Motion carried.
6. Motion by Jacob/Gillespie to deny the variance request as presented based upon the findings and four additional items. Motion carried. The additional findings area as follows:
 - There are other building sites located on the property.
 - The request is not in harmony with the Zoning Ordinance or Comprehensive Plan.
 - The request, if approved, would alter the essential character of the locality.
 - The plight of the landowner is created by the landowner. There are other buildable sites on the property.
7. Public hearing for the application submitted by Steve Jech requesting a variance from Article 13, Section 9, Subd. D of the Wabasha County Zoning Ordinance to allow for placement of rock riprap in the shore impact zone that will have a final slope greater than 30% and will be located more than 10' landward of the ordinary highwater level. A second variance is being requested from Chapter 394.36, Subd. 4 Minn. Stats. to allow for the expansion of a nonconforming dwelling which is located less than 75' to the ordinary highwater level. The property on which the requests are being made is described as parcel 05.00604.03 located in Section 2, Township 110 North, Range 10 West, Town of Greenfield.
8. Motion by Gillespie/Beckman to close the public hearing and to move to the findings. Motion carried.
9. Motion by Wallerich/Jacob to approve the request to allow for the expansion of the nonconforming dwelling with three conditions (the applicant agreed to withdraw request for the riprap). Motion carried. The three conditions are as follows:

- The existing riprap shall be removed and a shoreland buffer of native vegetation shall be established along the shoreline on the property to an average depth of 37.5' (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.
- If the deck on the existing dwelling is ever reconstructed, it shall not be expanded to be closer to the water, but may be expanded to the southeast to be located in front of the new addition.
- The landowner shall abide by all representations and commitments presented in the application or presented to the Board of Adjustment.

10. Motion by Gillespie/Jacob to open the public hearing for the application submitted by Schumacher Farms of Plainview requesting a variance from Chapter 4.06 of the Wabasha County Zoning Ordinance to allow for the placement of a dwelling less than 1,000' to a registered feedlot. The property on which the request is being made is described as parcel 12.00272.00 located in Section 26, Township 109 North, Range 12 West, Town of Oakwood. Motion carried.

11. Motion by Beckman/Jacob to close the public hearing. Motion carried.

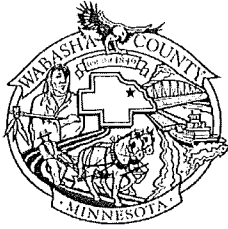
12. Motion by Jacob/Gillespie to approve the request as presented with one condition. Motion carried. The one condition is as follows:

- Any dwelling placed on parcel 12.00272.00 shall meet all other setback requirements established in the Wabasha County Zoning Ordinance.

13. Motion by Jacob/Beckman to adjourn at 8:11 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: James and Susan Smith variance request
Date: April 27, 2017

On April 6, 2017 an application was submitted by James and Susan Smith requesting a variance from Chapter 394.36, Subd. 4 Minn. Stats. to allow for the expansion of a nonconforming structure. The property on which the request is being made is described as parcel R05.00687.00 located in Section 3, Township 110 North, Range 10 West, Town of Greenfield (67354 166th Ave., Wabasha).

The existing dwelling in question is located 13' from 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.

If the Board of Adjustment decides to approve the variance, I have two 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 landowner shall abide by all representations and commitments presented in the application or presented to the Board of Adjustment.

Paied receipt ~~6497~~
6497

Parcel ID # R 05.00687.00

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 statue, 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: James and Susan Smith Phone number: 507-429-3953

Applicant's address: 67354 166th Avenue, Wabasha, MN 55981

Address of property: 67354 166th Avenue, Wabasha, MN 55981

Legal description: Sec. 03, T. 110, R. 010 Hiawatha Valley Estates, Lot-050& Lot 51&Lot 52, 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 would like to expand our existing second story deck located on the south side of the house from a 6 ft by 20 ft deck to a 10 ft by 42 ft deck. The proposed deck would replace the existing deck and would go across the south side of the house. From this deck, there is currently a stairway leading from the second story to the ground which we would also like to replace.

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 existing deck is small because it is only 6 feet away from the house. We are not able to use it except for sitting. By expanding the deck, we would have room for a table and chairs for an eating area. We would like to expand the deck from 6 to 10 feet from the house and continue the deck across the side of the house. We would incorporate a new stairway to replace the narrow and out of code stairway that we currently have. This would give us a covered walkway below for us to use as we come to and from our garage to the house.

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. __

There are vacant lots on the north and south sides of our home. Robinson Lake is east of the property and the Wabasha-Kellogg softball field and 166th Avenue are to the west.

If required, we are happy to install a rain garden or use rain barrels. We have rain gutters on all sides of the house and garage that converge in an area on the north side between the house and the garage. We would collect the run off water in rain barrels to be used in our garden and or build a rain garden to collect the water, in order to fulfill any requirements. _

We feel the expanded deck, if approved, would improve the aesthetics of the house and property.

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. _

We met with Kevin Krause on Monday, March 27th, 2017 at his office in the Wabash County Building in regard to our proposed deck.

A permit for a new septic system was submitted by Wabash Complete Septic Service and approved. This project will be completed this spring 2017 prior to the deck being built if the variance is approved.

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.

Susan Smith

SIGNATURE OF APPLICANT

James M Smith

DATE

4/6/17

OFFICE USE ONLY

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

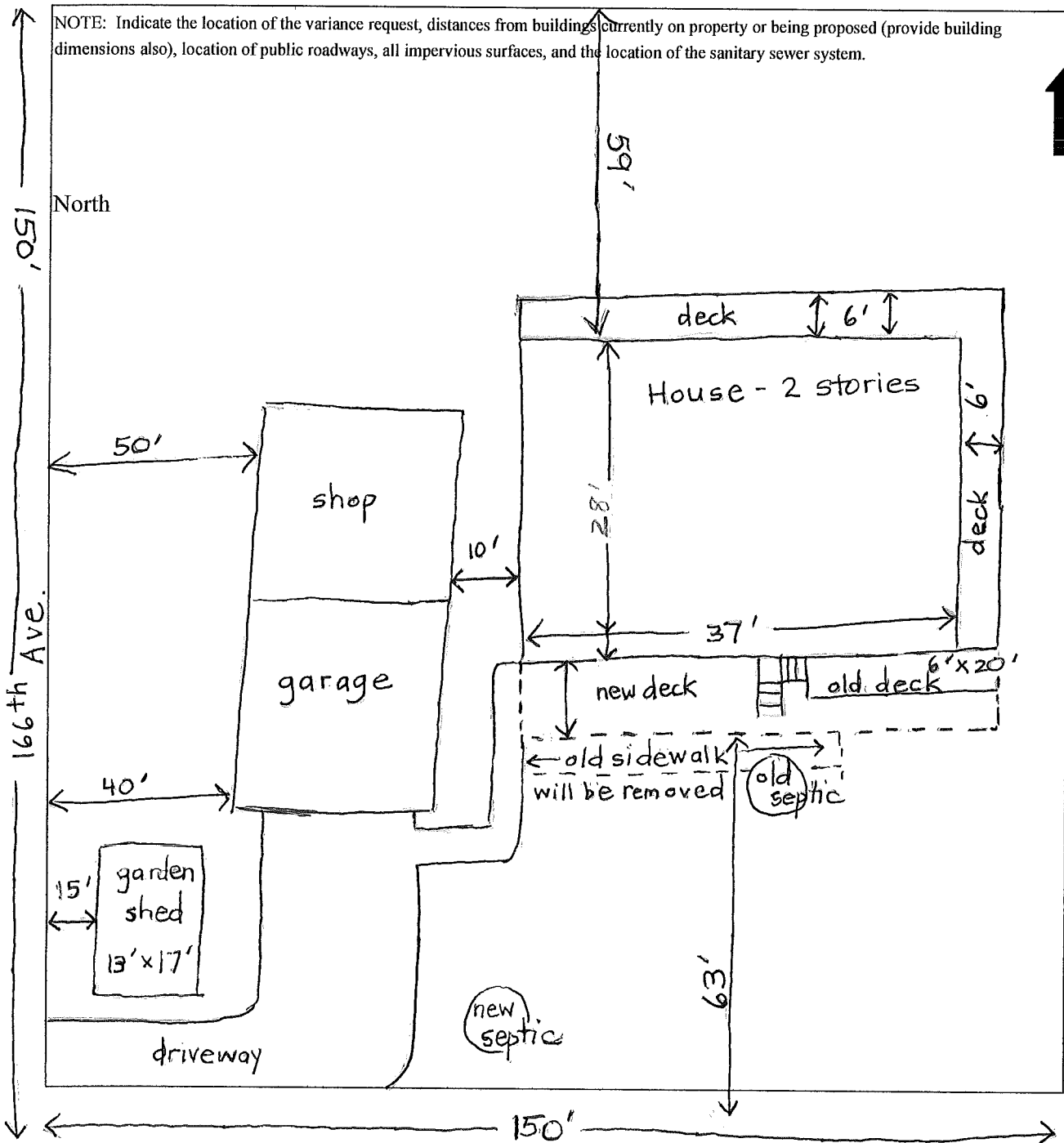
Variance or appeal from section: _____

Date submitted: _____

Date of public hearing: _____

Date recorded: _____

Plot Plan



Lot is approximately 23' above high water line.

Robinson Lake

$$13 \times 27 = 351$$

$$13 \times 17 = 221$$

$$20 \times 40 = 800$$

$$30 \times 47 = 1410$$

$$10 \times 60 = 600$$

$$42 \times 49 = 2058$$

sub

$$\text{Total} = 5440$$

Removing gravel
planting grass

$$2 \times 28 = -56$$

$$2 \times 18 = -36$$

sub

$$\text{total} -92$$

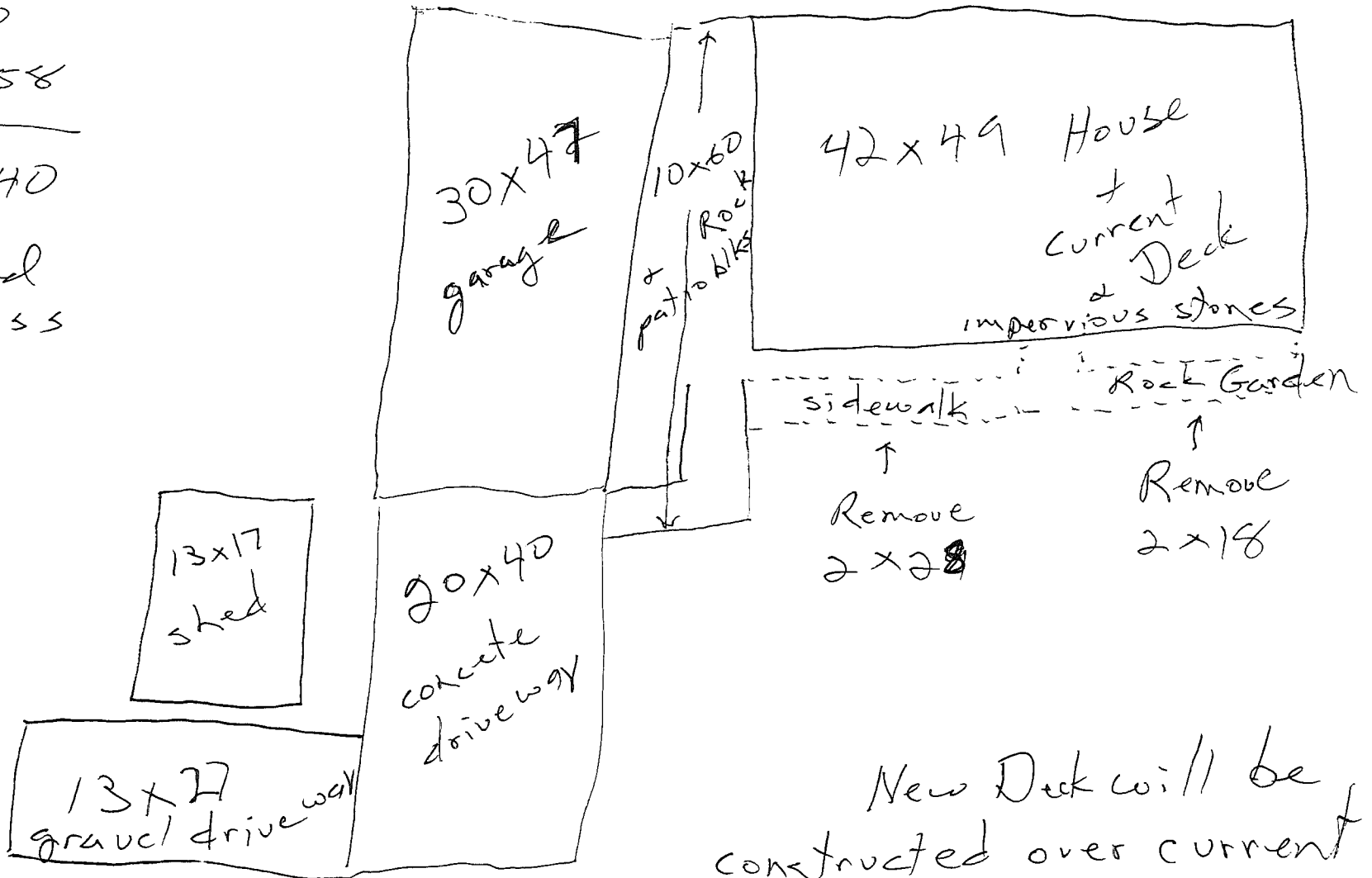
$$5440$$

$$-92$$

$$5348$$

Total

impervious



New Deck will be constructed over current impervious area. No new impervious areas.



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: Kirk Wickersham variance request
Date: April 27, 2017

On April 18, 2017 an application was submitted by Kirk Wickersham 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 also result in a parcel having more than 25% impervious surfaces. The property on which the request is being made is described as parcel R05.00633.00 located in Section 2, Township 110 North, Range 10 West, Town of Greenfield (67820 Cnty. Rd. 76, Wabasha).

The existing dwelling in question is located approximately 60' to the ordinary highwater level of the water (75' required setback) and located less than 15' to the property line. 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. Also, the property is currently composed of 39% impervious surfaces. The design for the addition as submitted will not increase the percentage of impervious surfaces, but the allowable limit is 25% for each parcel.

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

1. A shoreland buffer of native vegetation shall be established along the shoreline on the property to an average depth of 30 feet (measured landward and running parallel to the normal pool level) except for an area approximately 10' 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.

RECEIVED APR 18 2017

Parcel ID # R05.00633.00

Paid \$300 receipt 6503

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: KIRK WECKERSHAM Phone number: 507-254-1022

Applicant's address: 67820 CTY RD 76 WABASHA MN 55981

Address of property: SAME

Legal description: Sec. 2, T. 110^{NORTH}, R. 10^{WEST}, Township of GREENFIELD

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


1. List the appeal or variance(s) being requested: EXPANSION OF NON-CONFORMING
STRUCTURE. (less than 15' to Property Line) (2). Impervis
SURFACE Greater than 25%

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. EXISTING GARAGE
WAS CONSTRUCTED NOT TO ALLOW FOR A VEHICLE
TO PARK IN IT. THE STAIRWAY IS IN GARAGE
ONLY ACCESS TO BASEMENT. WOULD LIKE TO HAVE INDOOR
ACCESS TO GO TO BASEMENT. WOULD LIKE TO HAVE GARAGE
SIZE FOR SPACE TO HOLD 3 CARS LAWNMOWERS, BIKES,
Etc.

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. Most structures are within 15' of property line not meeting set back structures

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. I spoke to James O'Brien on 4-17-17 and discussed variance

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

3-20-17
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: _____



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

Township Approval Form

Permit # _____
 Parcel # R05.00633-00

Name of Applicant Kirk Wickersham Phone # (507) 254-1022
 Mailing Address 5012 Viola Rd NE City Rochester State MN Zip 55906
 911/Fire Address 67820 Cty Rd 76 Wabasha, MN 55981
 Subdivision Name Wilcox's Riverview Second Add. Lot 2 Block _____
 Section 2 Township 110 North Range 10 West 1/4 Section _____
 New Construction _____ New Addition X Remodel/ repair _____
 Land split _____ Other _____

For activity involving splitting property a letter of approval from a Township officer is required or their signature on this form. A list of current Township Officers is available at

http://www.co.wabasha.mn.us/images/pdf/docs/auditor_treas/2015_Directory.pdf

Below are contacts for townships that may be more restrictive than the County in some areas of zoning and subdivision activity.

CHESTER TOWNSHIP	..... Dennis Klindworth	507-753-2785
ELGIN TOWNSHIP	..... L a Vonne Beck	507-696-4095
MAZEPPA TOWNSHIP	..... Beau Kennedy	507-301-1545
PLAINVIEW TOWNSHIP	..... Chris McCaleb	507-534-2992
ZUMBRO TOWNSHIP	..... Mark Fjelstad	507-753-2502
GREENFIELD TOWNSHIP**	..... James O'Brien	651-565-3316
MT. PLEASANT TOWNSHIP	..... Duane Hansen	651-345-4808
LAKE TOWNSHIP	..... John Brinkman	651-345-3223

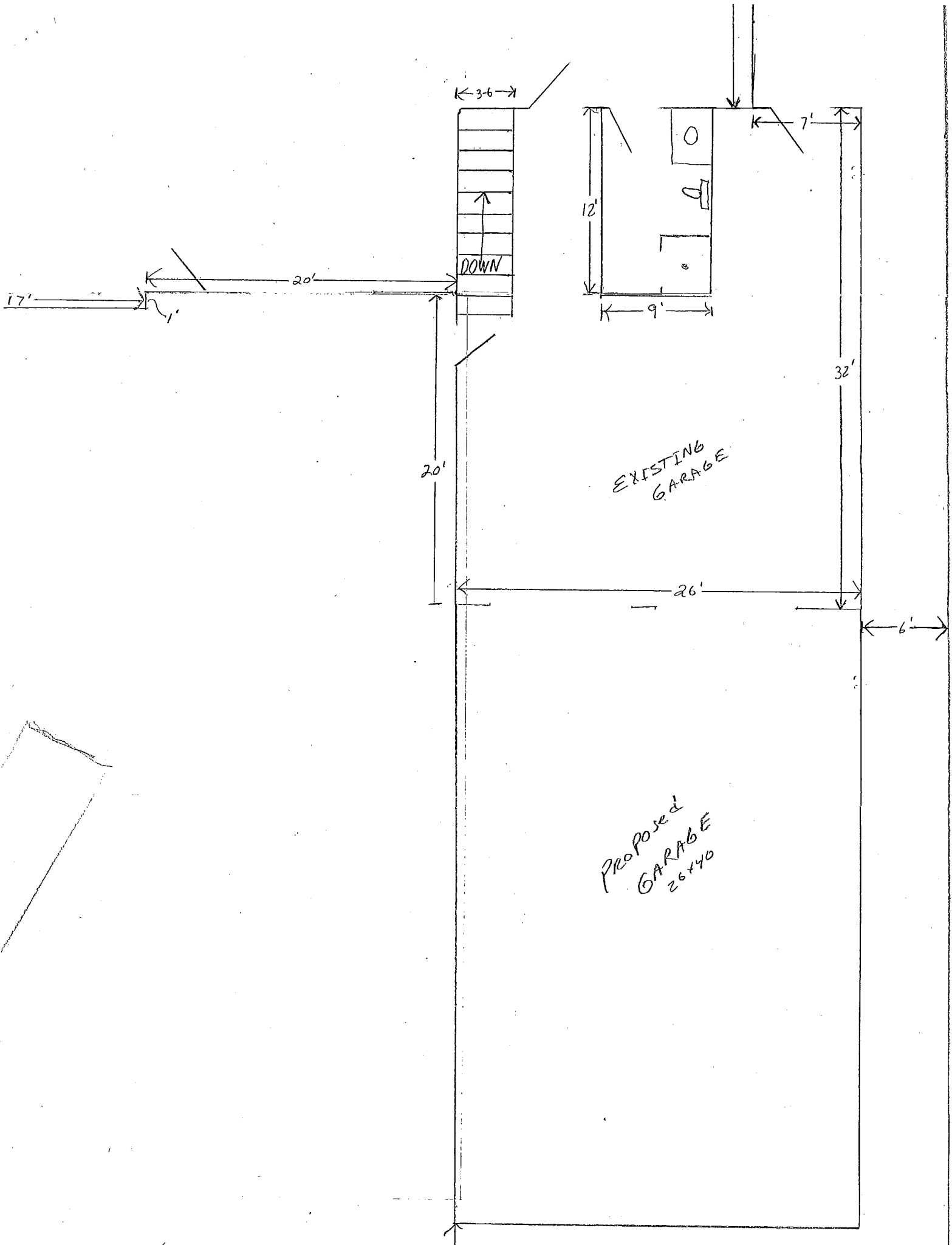
The above activity meets the requirements of our Township Zoning Ordinance/Regulation and is hereby approved.

Township Official Signature James A. O'Brien Date 4-17-17
 Notes: _____

**GREENFIELD TOWNSHIP has an Ordinance for Road Excavation which requires a permit to install or connect a driveway or other private road to a Township street, alley, road or cartway. The Township Supervisors do not have to sign and return this form

THIS FORM MUST BE SIGNED BY A TOWNSHIP SUPERVISOR OR TOWNSHIP ZONING ADMINISTRATOR AND RETURNED TO:

WABASHA COUNTY ZONING ADMINISTRATOR
 625 JEFFERSON AVENUE
 WABASHA, MN 55981



EXISTING GARAGE

PROPOSED GARAGE
26' x 40'

OP. DEATH / TRAP