

Polk County  
Board of Adjustment  
August 27, 2021

Call to Order: 9:45 a.m.

Members in Attendance: Robert Franks, Donovan Wright, Rolland Gagner, Mike Powers,  
and Tom Noah.

Members Absent:

Minutes: A motion was made to approve the Board of Adjustment minutes from the July 23,  
2021 meeting by Franks. Second by Gagner. All in favor

Also Present: Polk County Environmental Services staff: Jacob Snyder

**Public Hearing:            Variance Eric Kanten            Parcel #74.00790.00 & 74.00791.00**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the hearing  
over to Snyder.

Snyder stated that the applicant is requesting a variance to reduce the setback off the OHWL of  
Union Lake from 75' to 65' to place a new septic tank to upgrade 3 existing septic systems on  
three individual parcels located on a point on Union Lake in section 26 of Woodside Township.

Ordinance requirements for this request are in PCZO Sections 21.0300 and 8.2030, 8.2040 and  
8.2050.

Snyder stated that the applicant owns two riparian parcels on Union Lake, parcel #74.00790.00 –  
approximately 11,326 sq ft in size and parcel #74.00791.00- approximately 12,197 sq ft in size.  
Three parcels, #74.00789.01. #74.00790.00 and #74.00791.00, are planned to be tied into a  
shared “cluster” septic system and are in section 26 of Woodside Township. The property where  
the septic tanks will be located is parcel #74.00790.00 and #74.00791.00. The parcels are  
located on a point on Union Lake making meeting the setbacks very difficult. The widest part of  
the parcel is approximately 150 feet from lake to lake.

Snyder said the existing septic systems for these parcels are “bad” septic systems. Preliminary  
evaluations conclude that they are not watertight tanks and have drain fields with little separation  
from the water table. The new septic design calls for a shared septic tank placed on parcel

#74.00790.00 with a lift pump that pumps it away from the lake to a backlot, specifically parcel #74.01008.00. Based on the septic design, the properties tied into the septic system (parcels 74.00789.01, 74.00790.00 and 74.00791.00) are all sized for seasonal cabins, not year-round homes.

Snyder stated the applicants have an easement agreement in place for the parcels to use the backlot for the shared septic system and this document has been recorded with the property deeds. The applicants stated that the practical difficulty is that there is no room to place three new septic systems on the parcels. The applicants noted that the septic design meets as much of the setback as possible and is consistent with the comp plan as it is upgrading three properties septic systems. They added that this request puts the properties to reasonable use allowing them to remain seasonal cabins. The variance was not created by the landowners as the properties are on a point, so the setbacks create the need for a variance. There will be no visual changes to the 3 properties, the variance would allow them to improve the septic systems and there are no other options that do not require a variance.

Snyder said that there were no comments received on this request. Snyder then went over slides showing application, property location, proposed septic sketch, recorded agreement and property photos.

Snyder then stated that Staff feels that there are no other options that do not require variances to upgrade the septic systems. The variance is consistent with the zoning ordinance as it meets as much of the setback as possible and the property being located on a unique land formation, point on Union Lake, is the driving force for the variance. The variance allows the property to continue to be used as seasonal recreational cabins and thus staff recommends that the Board of Adjustment approve the variance with the following conditions:

- 1) The applicants shall add two contiguous lots of record under the same ownership, specifically parcels 74.00790.00 & 74.00791.00, together as independent parcels as these lots are not suitable for independent sewage treatment systems consistent with section 21 of the PCZO. This shall be completed prior to December 31, 2021.

Powers opened the meeting to comments or questions. Powers asked if we have other shared sewer systems. Snyder said yes, although most are two cabins sharing a system. Powers asked about the 1½ inch bore line and what the is the size of the sewer line. Olson, the septic designer answered Powers and other questions. All was done to MN Dept of Labor and Industry requirements as the lines come within 50' of an existing well. Snyder said that this proposal will fix three current systems that are not working properly.

Powers asked if anyone had further questions. Hearing none, Powers then closed the meeting for public testimony. With no other questions or comments from the Board, Snyder asked the Board the variance Questions.

Question	Franks	Gagner	Noah	Wright	Powers
1.	Yes	Yes	Yes	No	Yes
2.	Yes	Yes	Yes	Yes	Yes
3.	Yes	Yes	Yes	Yes	Yes
4.	Yes	Yes	Yes	Yes	Yes
5.	Yes	Yes	Yes	Yes	Yes
6.	Yes	Yes	Yes	Yes	yes

Snyder stated with 29 yes's and 1 no's, that the criteria to either grant or deny the variance has been met.

A motion was made by Franks to approve the variance request with staff conditions. Second by Wright.

Ayes: all

Nays: none

**Public Hearing:                    Variance    Dennis & Rose Koch                    Parcel #30.00335.00**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the hearing over to Snyder.

Snyder stated that the applicant is requesting a variance to reduce the setback off the lot line and dwelling setback from 10' to 5' for a new septic system to upgrade the existing septic system located on Maple Lake in section 12 of Godfrey Township.

Ordinance requirements for this request are in PCZO Section 21.0300.

Snyder stated that the applicant's own a riparian lot on Maple Lake, parcel #30.00335.00 – approximately 19,602 sq ft in size – located in section 12 of Godfrey Township. The existing septic system failed a compliance inspection on 7-16-2020 as the existing septic system is split into two distinct systems, one system directing sewage from the basement between the house and Maple Lake, and the other septic system directs main floor plumbing to a septic drain field between the house and neighboring property line. Due to the existing well locations, the new septic system has been designed in the only space left available along the driveway and east property line.

Snyder said the septic design calls for a new 2 compartment septic tank to be placed next to the existing septic tank and pumped into a planned mound septic system. The interior plumbing needs to be reworked to install a lift station to get the sewage up to the existing septic tank. The applicants are requesting a variance to reduce the setback of the lot lines and dwelling from 10'

to 5' for the new septic tank and mound distribution area. The applicant stated that the practical difficulty is that there is no room to place the new septic systems on the parcel due to the well setbacks. They have explored locating it on the backlot, but this is not an option as they don't own the backlot parcel and there is a residential home located on the backlot parcel. The applicant noted that the septic system design meets as much of the setback as possible and is consistent with the comp plan as it is upgrading the septic system. They add that this requirement puts the properties to a reasonable use and the variance was not created by the landowners. The essential character will remain the same and County regulations are the driving force for the septic upgrade. The variance would allow them to improve the septic systems and there are no other options that do not require a variance.

Snyder stated no comments have been received on this request. He then went over slides showing the application, property location, sketch of proposed septic design and property photos.

Snyder said that staff feels that there are no other options that do not require a variance to upgrade the septic system. The variance is consistent with the zoning ordinance as it meets as much of the setback as possible, and the existing well location is the driving force for the variance. The variance allows the property to continue to be used as a permanent residence and thus staff recommends that the Board of Adjustment approve the variance with the following condition:

1. The existing failing septic system serving the dwelling must be upgraded before July 16, 2022. Due to the fact the Notice of Noncompliance indicated on the compliance inspection was conducted on 7-16-2020 and the PCZO allows 2 years to upgrade the septic system.

Powers asked if there were any comments or questions. Snyder stated that the applicant was unable to attend the meeting, but the septic designer, Tim Olson, is present on their behalf.

Powers asked why the system failed? Snyder said soil separation. There really is no ideal location and that the landowner/ designer & County staff have worked hard to find a suitable alternate location for the new system. Powers asked how far from house to mound? Olson said not sure exactly, but about 35 feet. The lake side sewer has already been eliminated. We also must deal with the applicant's well as well as the neighbors well for setback purposes.

Powers then closed the meeting for public testimony.

With no other questions or comments from the Board, Snyder asked the Board the variance Questions.

Question	Franks	Gagner	Noah	Wright	Powers
1.	Yes	Yes	Yes	Yes	Yes
2.	Yes	Yes	Yes	Yes	Yes
3.	Yes	Yes	Yes	Yes	Yes

4.	Yes	Yes	Yes	Yes	Yes
5.	Yes	Yes	Yes	Yes	Yes
6.	Yes	Yes	Yes	Yes	Yes

Snyder stated with 30 yes's and 0 no's, the criteria to either grant or deny the variance has been met.

A motion was made by Franks to approve the variance request with staff recommendations.

Second by Wright.

Ayes: all

Nays: none

Meeting adjourned.