

Applicants

Dan & Stephanie Buss
20112 523rd Ave
Lake Crystal, MN 56055

Request and Location

The applicants are requesting an after-the-fact variance to reduce the required setback to the centerline of a county road from 130 feet to 93 feet for the purpose of replacing a storm damaged porch. The property is zoned Conservation and is located in the SE ¼ of the SW ¼ of Section 27, Judson Township.

Legal Description

The property is located in the SE ¼ of the SW ¼ of Section 27 Judson Township.

Zoning

The property is zoned Conservation.

General Site Description, Site History, and Land Use Information

The property includes the applicant's home and some outbuildings. During a recent wind storm a tree fell on a pre-existing porch. The structure needed to be replaced. Reconstruction of the porch has started without a permit. The new structure will be 10 feet by 21 feet. The applicants have been contacted and have fully cooperated in the process of obtaining a variance.

Existing Land Use within 1/4 Mile

North: Crop land
South: Minneopa Creek and 200th Street (a Township Road)
East: County Road 114, crop land, and Minneopa Creek
West: crop land

Access No change in access points is proposed.

Surface Hydrology

The site slopes slightly to the south. The property is not located in Floodplain.

Township Review – At the time this report was written no comment had been received from the Township.

Environmental Health Review - See Attachment A-3

Applicable Sections of the County Land Use Ordinance

Sec. 24-138. Height, yard and lot area, width and depth regulations.

(b) *Front yard regulations.* There shall be a front yard setback in the conservation district of 130 feet from the centerline of all... county highways...

Sec. 24-47. Board of adjustment.

(d) *Powers and appeals.*

(1) *Powers.* The board of adjustment shall have power to grant a variance to any of the provisions of this chapter to the extent of the following and no further:

a. To vary or modify the strict application of any of the regulations or provisions contained in this chapter in cases in which there are practical difficulties or unnecessary hardships in the way of such strict

applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this chapter.

(e) *Findings required.* 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 property or improvements in the area adjacent to the property of the applicant.

Applicant's Statement of Hardship

The applicants have indicated that the pre-existing porch was damaged by a tree falling on it and it needs to be replaced. The proposed porch will encroach another six to eight inches closer to the centerline of the county road than the pre-existing porch.

Opinions

Staff has developed the following opinions:

1. That the applicants have demonstrated a need to replace the storm damaged porch and that this is a special circumstance or condition affecting the land, building or use referred to in the appeal that does 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 property or improvements in the area adjacent to the property of the applicant.

Recommendations

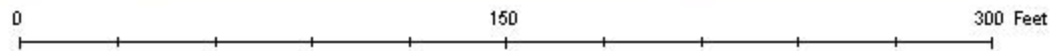
Staff recommends **approval** of the request to reduce the required front yard setback from 130 feet to 93 feet for the purpose of reconstructing a porch, contingent upon the following condition:

1. That the applicants obtain an after-the-fact construction permit prior to resuming construction activities.
2. That the applicant properly seals the large diameter unused well and reseal the previously sealed well in the well pit which has had the grout settle prior to November 30, 2010.

Attachments

- A-1 Site Location
- A-2 Site Map
- A-3 Environmental Health Comments
- A-4 Variance Checklist

A-2 Site Map



**Blue Earth County Environmental Services Department
Land Use and Natural Resources Section
Post Office Box 3566
Mankato, Minnesota 56002-3566
Telephone: (507) 304-4381**

Environmental Health Review

October 21, 2010

R38.07.27.300.008

Daniel & Stephanie Buss – Request for an after-the-fact variance to reduce the required centerline setback from 130 feet to 93 feet for the purpose of replacing a storm damaged porch. The property is zoned Conservation and is located in the SE ¼ of the SW ¼ of Section 27, Judson Township.

General: The addition to the house should not be creating an adverse affect to the existing septic system or well serving the house. There is a need to seal an unused large diameter well just southwest of the barn for water quality protection as well as for safety reasons.

Septic System: The existing septic system was installed in 2001. A compliance inspection was performed by Wayne Friesen in 2010 and the system was found to be compliant

Water Wells: There are three sealed wells (H181719, H181720, & H181721), one unsealed large diameter well, and one in-use well actively serving the property. One of the three sealed wells in the well pit has had the grout settle to a depth of 22 feet and needs to have additional grout pumped into it by a licensed well driller. The large diameter unused well, located southwest of the barn, has a hand pump that has dropped into the well. This well is considered a safety hazard as children or animals could easily fall into this old well. This well is required by State Law to be sealed by a licensed well driller. Blue Earth County has well sealing cost share funds which may be utilized in order to properly seal this well. The well currently servicing the property (Unique # 154626), was completed in 1989.

Wetlands: There are no apparent wetlands in close proximity to the structural house change on this property.

Environmental Health Conditions That Need To Be Addressed As Conditions Of The Variance: Properly seal the large diameter unused well and reseal the previously sealed well in the well pit which has had the grout settle by November 30, 2010.