




POLK COUNTY

ENVIRONMENTAL SERVICES

Waste Management/Planning and Zoning

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 Printed on recycled paper

NOTICE

Notice is hereby given that a hearing has been set for February 23, 2024 at 9:25 a.m. in the meeting room at Polk County Environmental Services, 320 Ingersoll Ave, Crookston, Minnesota, to consider the of application Kyle Schafer, 1110 Walsh Street, Crookston, MN 56716 for a **Variance** to reduce the property line setback from 10' to 5' for a septic tank on a parcel of land located at: 14259 Maple Inn Road SE, Mentor, MN 56736 on the backlot parcel which is described as: Lot 21, Second Bliven Subdivision in Government Lot 7, Section 5, Township 148, North of Randy 43, West of the Fifth Principal Meridian, according to the Official Plat thereof on file and of record in the Office of the County Recorder in and for the County of Polk and State of Minnesota, parcel #74.00814.00. All property owners within 500 feet of the proposed Variance are invited to appear at said hearing.

Dated: February 1, 2024

Jacob J. Snyder

Planning & Zoning Administrator

VARIANCE APPLICANT INFORMATION

NAME: Kyle Schater Parcel #: R74.00814.00 DATE: 11-27-23

The above named individual, firm or corporation hereby respectfully submits the following supplemental data in support of the preliminary information provided on the accompanying Land Use/Zoning Permit Application dated _____ for the purpose of securing a variance from existing land use zoning controls.

A variance may be granted only when it is in harmony with the general purposes and intent of the zoning ordinance, consistent with the comprehensive plan and where the strict enforcement of the county ordinance will result in a practical difficulty. Determination that a practical difficulty exists is based upon the consideration of the following criteria as defined in MN Statutes, Section 394.27:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties.
5. No variance may be granted for the property that would allow any use that is not allowed in said zoning district.
6. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

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1. Specify the section of the ordinance from which the variance is sought: 21.0300

2. Explain how you wish to vary from the provisions of the ordinance: place a septic Holding tank 5 FT instead of 10 FT from property line

3. Explain the "practical difficulty" imposed if strict application of the ordinance is enforced: we would have to drill a new well. 15yr old well,

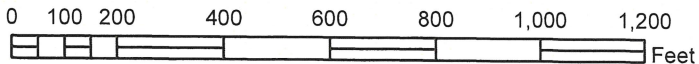
Please answer the following questions to determine if a "practical difficulty" exists. Why or why not?

1. In your opinion, is the variance consistent with the Polk County Zoning Ordinance? Yes No
we meet 30% of the current rule
2. In your opinion, is the variance consistent with the Comprehensive Plan? Yes No
a new holding tank would release some pressure.
3. In your opinion, does the proposal put the property to use in reasonable manner? Yes No
yes we will have water and bathroom for office in the garage
4. In your opinion, are the circumstances unique to the property, not created by the landowner? Yes No
we have tried to obtain more property to the north and east but property owner will not sell.
5. In your opinion, will the variance maintain the essential character of the locality? Yes No
It will not effect neighboring properties.
6. In your opinion, does the need for the variance involve more than just economic considerations? Yes No
convenience. we didnt choose the well location
7. In your opinion, is there another feasible method to alleviate the need for a variance? Yes No
There is no other feasible way to drill a new well.


FOR OFFICE USE ONLY - ORDER GRANTING OR DENYING VARIANCE

In accordance with the findings stated in the Board of Adjustment minutes, the Board of Adjustment of Polk County hereby () approves, () denies the foregoing Application for Variance. If approved, said approval is subject to the provisions following section 5 of the Zoning Ordinance.

By: [Signature] (Authorized signature) _____ (Title) _____ (Date)



Legend

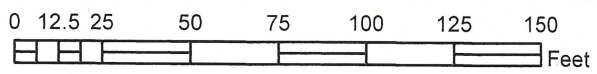
-  E911_Road
-  Polk_GIS.DBO.Parcels
-  Shoreland District
-  Sections
-  Indicates project location

*NOTE: Proposed request is located in the shoreland overlay zoning district created by Maple Lake.





VARIANCE & Conditional Use Permit Request:
 The applicant is requesting a variance for a septic tank to be located 5 feet from a property lot line instead of the required 10 feet.

The applicant is also applying for a CUP to hook the septic tank to an accessory structure on parcel # 74.00814.00. Located in section 5 of Woodside Township.

Map Created 2/1/2024
 By: Jacob Snyder
 Planning & Zoning Admin.



Legend

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Map Created 2/1/2024
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Protecting, Maintaining and Improving the Health of All Minnesotans

November 21, 2023

Refer to: TN 6452
MPCA License No. L1620

Mr. Kyle Schafer
14259 Maple Inn Road
Mentor, Minnesota 56736

Mr. Tim Olson
Olson & Sons Excavating
43666 102nd Avenue Southwest
Fertile, Minnesota 56540

Dear Mr. Schafer and Mr. Olson:

Subject: Variance from Minnesota Rules, Chapter 4725, for Installation of a Sewage Holding Tank at 14258 Maple Inn Road, Mentor, Polk County, Minnesota, Property Identification Number 24.00814.00

This letter is in response to your request to the Minnesota Department of Health (MDH) for a variance from Minnesota Rules, chapter 4725, to install a 1,500-gallon sewage holding tank on the subject property at a location 36 feet from an existing water-supply well located on the subject property (Minnesota Unique Number 765986).

Minnesota Rules, part 4725.4450, subpart 1, item E (8) requires that a water-supply well must be located no less than 50 feet from a watertight sewage holding tank.

Minnesota Statutes, section 103I.205, subdivision 6 requires that a person may not place, construct, or install, an actual or potential source of contamination any closer to a well than the isolation distances prescribed by the commissioner of health by rule unless a variance has been prescribed by rule.

On September 26, 2023, Mr. Chris Prokosch, MDH Bemidji District Office Hydrologist, and Mr. Dylan Hensch of Polk County Environmental Services, met at the subject property to determine the placement of a new sewage holding tank. Mr. Prokosch reported that there is no practical location on the subject property for the proposed sewage holding tank that satisfies all isolation distance requirements of Minnesota Rules, chapter 4725. The proposed location of the new sewage holding tank is on the north side of the garage located on the subject property and 36 feet north of a water-supply well located on the subject property. This location appears to provide the greatest available separation between the proposed sewage holding tank and the existing well without creating setback violations to other neighboring wells. Mr. Prokosch noted there were no other sanitary or compliance issues visible at the time of his inspection. Minnesota Unique well number 765986 is 100 feet deep and is constructed with 95 feet of 4-inch Diameter PVC casing. Reported geologic information shows a significant confining layer is present from 1 to 75 feet below ground surface.

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Based on Mr. Prokosch's inspection, well construction information, information provided in the variance application, and in accordance with Minnesota Rules, chapter 4725, **a variance is granted to install a 1,500-gallon sewage holding tank on the subject property not less than 36 feet from the existing water-supply well on the subject property.** The isolation distance between the proposed sewage holding tank and the water-supply well is less than required in rule. Therefore, additional construction methods and precautions are required to reduce the potential for contamination of the well and groundwater. Adherence to the following list of additional conditions and requirements should provide the necessary additional protection for the well and groundwater.

The variance is granted with the following conditions:

1. You must notify Mr. Prokosch at 218-308-2114 or Mr. Mark Malmanger, MDH Northern Regional Supervisor, at 218-308-2118 at least 24 hours prior to beginning installation of the proposed sewage holding tank to schedule an inspection.
2. The proposed sewage holding tank must be located to maximize the distance from water-supply wells and must be installed no less than 36 feet from Minnesota unique well number 765986.
3. You must verify that all new buried sewers located less than 50 feet from any water-supply well are constructed of approved materials and have been successfully pressure tested in accordance with Minnesota Plumbing Code requirements. Pressure testing must be performed by a Minnesota licensed and bonded plumber or pipe layer (building sewer only) who shall provide a signed statement identifying the sewer materials and documenting that the sewer lines were successfully tested, as per Minnesota Plumbing Code requirements.

A copy of a pressure test reporting form is enclosed for your convenience. Please return a scanned image of the document to Mr. Prokosch at chris.prokosch@state.mn.us.

4. The proposed sewage holding tank must be installed, operated, and maintained in accordance with all state and local permitting and construction requirements. The property owner must maintain a contract for disposal and treatment of the sewage and the holding tank must have an alarm device to minimize the chance of accidental sewage overflows, in accordance with Minnesota Rules, part 7080.2290.
5. All other provisions of Minnesota Rules, chapter 4725, are in effect.

Alternative measures or conditions attached to a variance have the force of law and effect of applicable rule. If a party violates the alternative measures or conditions attached to the variance, the party is subject to enforcement actions and penalties provided in the applicable law or rule. Failure by the applicant to comply with the conditions prescribed in the variance will result in the immediate expiration of the variance.