

**WASHINGTON COUNTY
BOARD OF ADJUSTMENT AND APPEALS
MEETING SUMMARY, JULY 25, 2013**

CALL TO ORDER

Chair Melander called to order the meeting of the Board of Adjustment and Appeals on July 25, 2013 at 5:00 p.m. The meeting was held at the Washington County Government Center, located at 14949 62nd Street North, Stillwater, Minnesota.

Chair Melander asked the Board members to introduce themselves and explained the hearing process. The following individuals were in attendance at the meeting:

Chair:

Harry Melander

Commissioners:

Shane Bauer (absent)
Mark Doneux (absent)
Maynard Kelsey
Anthony Tedesco

Staff:

Dennis O'Donnell, Senior Planner, Survey & Land Management
Michael Welling, County Surveyor
Linda Krafthefer, Assistant County Attorney
Linda Kascht, Office Specialist and Recording Secretary

Others present: Jason Aume, Josh Hanson, Matt Hieb, Katherine Hillbrand, and Stephen Linn

Hanson Variance Request

Mr. O'Donnell gave a brief description of the property owned by Josh and Trish Hanson as described in his memorandum of July 17, 2013. The applicant is seeking a variance for bluffline setback to remove the existing home and carriage house on the property and construct a new home. He distributed copies of a letter from the Carnelian-Marine-St. Croix Watershed District, a grading plan, and revised house plans. Mr. O'Donnell showed a survey of the property with the bluffline highlighted in green, an aerial photo of the property and area, and photos of the property.

Katherine Hillbrand, Sala Architects, 904 South 4th Street, Stillwater

Jason Aume, LHB Architect, 250 3rd Avenue North, Minneapolis

Ms. Hillbrand commented that it is a wonderful piece of property and they have tried to respect it in every regard. She stated the drawings submitted are somewhat conceptual because they haven't finished designing the house; however, the footprint is generally depicted in the drawings submitted. She added that they might have to shorten the house a bit.

Mr. Aume stated the house design is unique in nature and is held together with a bridge. Ms. Hillbrand showed a diagram of the proposed landscaping. Mr. Aume addressed the grading plan stating it is conceptually very close in nature; the forms may not be exact but the grades are close. He stated the finished floor elevation of the garage portion of the house is just about where the finished floor elevation of the current house is. There are multiple levels within the house and

a level beneath the house. Ms. Hillbrand stated rather than doing a walkout that faces the lake, they did a walkout that faces inward because they didn't want to start digging into the hill. Mr. Aume stated there are two halves to the house with one of them being open. Basically there is a small valley graded underneath the house that could be used for harvesting stormwater to be used for irrigating the landscape. He stated they wanted to decrease the amount of impervious surface and the driveway is very large. The plan is to reinstitute the driveway with a courtyard feel and planting areas. There will be a retaining wall that stays within the existing footprint to protect the bluff slope. There will be a courtyard interior to the home with some slight stairs going up and a small terrace. He described the landscape as looking more like a prairie or woodland rather than a mowed surface. Mr. Aume stated the overall area of disturbance will be less than one acre, and the impervious surface will decrease. During the construction phase, silt fence and best management practices for erosion control will be used to protect the lake.

Chair Melander asked if a product allows water to run through it would still be considered in the lot coverage calculation for impervious surface. Mr. O'Donnell answered yes.

Chair Melander opened the public hearing.

No one from the public spoke.

Chair Melander closed the public hearing.

Chair Melander identified the following exhibits:

- Exhibit A1 - A3 is the memorandum from Mr. O'Donnell, dated 7/17/13
- Exhibit B is the application, dated 6/28/13
- Exhibit C is the Statement of Practical Difficulties letter from Sala, dated 6/27/13
- Exhibit D1 - D3 are the color photos of the existing property
- Exhibit E is the 11x17 aerial/topography print
- Exhibit F1 - F4 are the 11x17 building elevation and plans, dated 5/23/13
- Exhibit G is the 11x17 partial copy of the survey with elevations, dated 6/28/13
- Exhibit H is the Certificate of Survey, dated 6/28/13
- Exhibit I is the site grading concept, dated 7/18/13
- Exhibit J1 - J2 are the building elevations, dated 7/18/13
- Exhibit K is the letter from the Carnelian-Marine-St. Croix Watershed District, dated 7/22/13.

MR. TEDESCO MOVED TO APPROVE THE REQUEST WITH THE FOLLOWING CONDITIONS:

- 1) The applicant shall undertake the project according to the plans and site plan submitted to the County with the application.
- 2) The permit is invalid, or expires, if the holder has not substantially started construction on the home within one year of granting of the variance.

- 3) The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
- 4) The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all applicable statutes, rules, and ordinances.
- 5) All recommendations of the Washington Conservation District shall be followed. Erosion control barriers shall be installed downslope of any construction activity prior to any construction activity beginning.
- 6) A certificate of compliance must be obtained from Washington County and a building permit obtained from May Township.
- 7) A permit from the Carnelian-Marine St. Croix River Watershed District must be obtained.
- 8) The owner must consult with the Washington County Department of Health to determine if the existing septic system must be upgraded.
- 9) Grading must comply with the plan submitted.

MR. KELSEY SECONDED THE MOTION.

Mr. Welling requested an additional condition for a signed copy of the survey. Chair Melander agreed.

- 10) A signed copy of the survey must be submitted to the Washington County Survey and Land Management office.

Mr. Kelsey stated the following supporting facts:

1. The property owner is proposing to use the property in a reasonable manner that is not permitted by the Development Code without a variance.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality. The property is unique but the variance will not alter the essential character.
4. Economic conditions alone do not constitute the need for the variance.

Chair Melander added:

5. The variance is in harmony with the general purpose and intent of the Comprehensive Plan and the Ordinance.

CHAIR MELANDER CALLED THE QUESTION. ALL IN FAVOR. MOTION CARRIED 3-0.

Linn Variance Request

Mr. O'Donnell gave a brief description of the property owned by Stephen and Brenda Linn as described in his memorandum of July 17, 2013. The applicant is seeking a variance from the Washington County Subdivision Ordinance – Section 9.2 (6) in order to subdivide the property. He showed an aerial photo and photos of the property.

Mr. Kelsey asked if the photo with the roadway shows how far back the pavement goes. Mr. O'Donnell answered yes; there is an existing gravel path that extends off the blacktop and goes back into the property.

Mr. Tedesco asked what the main concern of the neighbors is. Mr. O'Donnell stated the traffic and additional development in the area. He stated he believes they would like the road to go all the way through.

Matt Hieb, ACA Engineering, 2920 Enloe Street, Hudson, WI

Mr. Hieb stated the plan is to extend the roadway 800 feet as discussed and create three lots. We've been to the Township, submitted to the Watershed District, and have submitted the plat to Washington County for final review, pending tonight's outcome.

Chair Melander asked if the proposed larger lot could be resubmitted for additional lots or future development. Mr. O'Donnell stated they would have to come back before the Board to get a variance to extend the road.

Mr. Welling requested an additional condition for a signed copy of the survey.

Chair Melander opened the public hearing.

No one from the public spoke.

Chair Melander closed the public hearing.

Chair Melander identified the following exhibits:

- Exhibit A1 - A3 is the memorandum from Mr. O'Donnell, dated 7/17/13
- Exhibit B is the application, dated 7/1/13
- Exhibit C is the Natures Gate project overview, received 7/2/13
- Exhibit D is the preliminary plat for Nature's Gate, received 7/2/13
- Exhibit E is the overall site plan, received 7/2/13
- Exhibit F is the aerial overlay
- Exhibit G1 - G6 are the six color photos

Mr. Kelsey commented that he likes the name of the plat.

MR. KELSEY MOVED TO APPROVE THE REQUEST WITH THE FOLLOWING CONDITIONS:

- 1) The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
- 2) The permit is invalid, or expires, if the holder has not received subdivision approval within one year of granting of the variance.
- 3) The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
- 4) The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all applicable statutes, rules, and ordinances.
- 5) The applicant must obtain approval from Stillwater Township and Washington County for subdivision plat approval.
- 6) A signed copy of the survey must be submitted to the Washington County Survey and Land Management office.

MR. TEDESCO SECONDED THE MOTION.

Mr. Kelsey commented that the request is straight forward. This cul-de-sac seems to make sense for three additional homes and certainly isn't going to be an additional traffic hazard. He added the following supporting facts:

1. The property owner is proposing to use the property in a reasonable manner that is not permitted by the Development Code without a variance.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic conditions alone do not constitute the need for the variance.
5. The variance is in harmony with the general purpose and intent of the Comprehensive Plan and the Ordinance.

CHAIR MELANDER CALLED THE QUESTION. ALL IN FAVOR. MOTION CARRIED 3-0.

Business Meeting

MR. KELSEY MOVED TO APPROVE THE MINUTES FROM THE 2/28/13 MEETING. MR. TEDESCO SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED 3-0.

Mr. Kelsey clarified on the Findings of Fact that Chair Melander was not present at the meeting. Ms. Krafthefer advised Mr. Kelsey to cross out Chair Melander's name and initial the change.

Chair Melander asked if there was a motion to approve the Findings of Fact, Conclusions of Law and Order Granting Variance and directing the acting vice chair to sign in the Lee and Rose Warner Nature Center and Manitou Fund variance request.

MR. TEDESCO MOVED TO APPROVE. MR. KELSEY SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED 3-0.

The next meeting, if necessary, is scheduled for Thursday, August 22nd.

ADJOURNMENT

MR. KELSEY MADE MOTION TO ADJOURN. MR. TEDESCO SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED 3-0.

The meeting adjourned at 5:45 p.m.

Minutes transcribed by:

Linda Kascht, Recording Secretary
Public Works Department
Survey and Land Management Division