

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2010-10**

**RESOLUTION APPROVING A REQUEST FOR VARIANCE FROM WETLAND
SETBACK REQUIREMENTS FOR THE INSTALLATION OF A SEPTIC SYSTEM
FOR MICHAEL J. HERBST AND HELEN J. COOKE-HERBST**

WHEREAS, Michael J. Herbst and Helen J. Cooke-Herbst (“Applicant”) has submitted an application for a variance from wetland setback requirements for the installation of a mound septic system at 8640 Jamaca Avenue N in the City of Grant, Minnesota; and

WHEREAS, the City Council may hear requests for variances pursuant to Ordinance 50, Section 503.01 which provides that a variance may be granted “in instances where the strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration”.

WHEREAS, the property is legally described in the attached Exhibit A; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on May 4, 2010, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission’s recommendation at its May 4, 2010, regular City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Michael J. Herbst and Helen J. Cooke-Herbst for a variance from Section 12-136 Sewage tank specifications, design, access requirements, which states that on-site sewage system setbacks must be 75 feet from the Ordinary High Water Level (OHWL) from unclassified waterbodies. The City Council’s findings relating to the hardship are as follows:

1. The strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
2. The existing use of the property and associated structures in question cannot be established under the conditions allowed by this Ordinance or its amendments.
3. The existing septic system has failed and cannot be repaired, and the new system cannot be located in the same area.
4. The landowner has the right to continue to use the property for the existing residential uses according to the ordinance, and the constrained physical conditions of the site limit the acceptable locations for the septic system.
5. The plight of the landowner is due to physical conditions unique to the land.
6. The unique conditions of the site were not caused or accepted by the landowner.
7. The request for the variance from wetland setback requirements does not alter the intent and purpose of the Ordinance.
8. Granting the variance will provide no detriment to the public welfare and no impairment of the intended purpose of the Ordinance.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Variance shall be met:

1. That the approved location of the Mound septic system shall be consistent with the attached site plan Exhibit B, and shall permit a variance of 15-feet for the placement of the mound and a 10-foot variance from the wetland for placement of the lift tank.
2. The recommendations and requirements of the Washington County Department of Public Health and Environment shall be followed.
3. The Applicant shall protect existing drainage patterns on the property. Grading and site design near existing accessory structure shall be developed to protect the existing structures and ensure functioning of the new mound septic system.
4. The Applicant shall verify with Rice Creek Watershed District if a permit from that agency is required. If required, the Applicant shall obtain the watershed permit.
5. The Applicant shall verify with Washington County if a grading permit is required. If required, the Applicant shall obtain the grading permit.
6. The Applicant shall pay all fees and escrow.

Adopted by the Grant City Council this 1st day of June, 2010.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on June 3, 2008 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ____ day of _____, 2010.

Kim Points
Clerk
City of Grant