

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2014-24**

**RESOLUTION APPROVING AFTER-THE-FACT VARIANCES FOR  
WETLAND/POND AND GRADING BUFFER SETBACKS FOR HOME AND A  
VARIANCE FROM WETLAND/POND GRADING BUFFER SETBACKS FOR A  
SEWAGE SYSTEM LOCATED AT 9200 JEFFERY BOULEVARD N., GRANT, MN**

**WHEREAS**, Parent Custom Homes, LLC (“Applicant”) on behalf of Paul and Kim Vanderwerf (“Owner”) has submitted an application for after-the-fact variances from wetland/pond and grading buffer setbacks of a newly constructed home; and a variance from wetland/pond grading buffer setback for a septic system located at 9200 Jeffery Boulevard N., in the City of Grant, Minnesota with a legal description as identified in **Exhibit A**; and

**WHEREAS**, the home has already been constructed and was issued a building permit from the City of Grant in November of 2013 and is currently unoccupied; and

**WHEREAS**, the after-the-fact variances were brought to light as a result of the request for variance from the grading buffer setback to permit the installation of a septic system to serve the home; and

**WHEREAS**, a Certificate of Occupancy for the home, and a septic permit cannot be issued without the stated variances being granted; and

**WHEREAS**, the Owner has agreed to dedicate a conservation easement around an existing wetland onsite as mitigation for the existing encroachment; and

**WHEREAS**, the City Council has considered the Applicant’s request at a duly noticed Public Hearing which took place on September 2, 2014, and made the subsequent recommendations.

**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 Parent Custom Homes, LLC and Paul and Kim Vanderwerf, based upon the following findings pursuant to Section 32-59 and 32-60 of the City's Zoning Ordinance which provides that a Variance may be granted if a hardship is demonstrated. The City Council's Findings relating to the standards are as follows:

- The Applicant was granted a building permit and the home was constructed in the approved location. Moving the home from the setback areas is unrealistic and cost prohibitive.
- The home is situated outside of the delineated wetland boundary, and no grading or disturbance occurred within the 16.5 buffer strip as required by the Valley Branch Watershed District.
- A large portion of the site contains wetlands which naturally constrain the buildable area onsite.
- Based upon the location of the constructed home makes siting the septic tanks outside of all setbacks difficult.
- The septic system to serve the house must be appropriately sited to serve the home which has already encroached upon the setback and grading buffer area.
- The topography of the site affected the way internal pipes and systems were designed which subsequently relates to elevations for the septic tanks. Based upon this fact, the site's topography constrains the location in which the tanks can be located while still functioning properly with the home systems.
- The proposed conservation easement area is two times the area disturbed as a result of the home and septic system encroachments and meets the intent of the ordinance, and provides adequate mitigation.

**FURTHER BE IT RESOLVED**, the following conditions of approval of the Variances shall be met:

1. The conservation easement shall be submitted for review and approval by the City Attorney prior to the issuance of the Certificate of Occupancy.
2. The conservation easement shall be recorded with Washington County and evidence of recording shall be provided prior to issuance of a Certificate of Occupancy.

Adopted by the Grant City Council this 2nd day of September, 2014.

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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 \_\_\_\_\_, 2014 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 \_\_\_\_\_, 2014.

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Kim Points  
Clerk  
City of Grant

**EXHIBIT A**

**LEGAL DESCRIPTION**

Lot 5, Block 1 Sunnybrook Ponds, Washington County, Minnesota