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# ALEXANDRIA TOWNSHIP

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## BOARD OF ADJUSTMENT

MEETING PACKET FOR  
**October 1, 2012**



**PRELIMINARY AGENDA**  
**Alexandria Township Board of Adjustment**  
**October 1, 2012**  
**7:00 p.m. – Township Conference Room**

**Call to Order**

**Adopt Agenda**

**Approve Minutes**

**Public Hearing**

1. Ben Zacher, applicant. Grace Ljung, owner. Variance request to not sewer all lots (Lot 3 and 4) within a proposed subdivision within the ALASD sewer district. Lots would instead be served by private sewer systems. Property is located on County Road 73 NE, Sec 10, T 128, R37. Property ID: 03-1205-000.

**Adjournment**

\*\*NOTE: This is a preliminary agenda, subject to change at any time.

**LOCATION MAP FOR**  
**SEPTEMBER 24, 2012**                      **OCTOBER 1, 2012**  
**PLANNING COMMISSION**                      **AND**                      **BOARD OF ADJUSTMENT**  
  
**APPLICATIONS**



The public hearing for the preliminary plat will be held on  
September 24, 2012 beginning at 6:00 pm

The public hearing for the variance will be held on  
October 1, 2012 beginning at 7:00 pm.

Both meetings will be held at the Township meeting room at 610 Fillmore Street, Alexandria. Enter in middle of building – same entrance for Trumm Home Medical and AAEDC.

## STAFF REPORT

**Application:** Variance to Allow Private Sewer Systems within ALASD Boundary.

**Applicant:** Ben Zacher

**Agenda Item:** 4(a)

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**Background:** The applicant is requesting a variance to allow private subsurface sewage treatment systems on two lots of the proposed Geneva Country Estates development. The preliminary plat of the development was approved by the Planning Commission at their September 24, 2012 meeting.

The plat consists of four lots ranging in size from 15 to 24 acres. All of the proposed lots are within the Alexandria Lakes Area Sanitary District boundary. The two western lots ("Lot 1" and "Lot 2") are adjacent to East Lake Geneva Road and will be connected to the central sewer system. The eastern two lots ("Lot 3" and "Lot 4") are not adjacent to the central sewer system and the applicant is proposing to allow private sewer systems on those lots. Condition number two of the preliminary plat approval states:

2. Each of the proposed lots shall be connected to the public sanitary sewer, unless a variance is granted allowing private sewer systems on "Lot 3" and "Lot 4." The applicant shall submit plans for extending the sanitary sewer if a variance allowing private sewer systems is not granted. If a variance is granted, the applicant shall submit documentation from a licensed SSTS designer indicating the properties can support private sewer systems.

The proposed lots are both zoned "Urban Residential" and are adjacent to County Road 73. Proposed "Lot 3" is 19.20 acres and contains 15.19 acres of buildable land and proposed "Lot 4" is 15.70 acres and contains 13.67 acres of buildable land. The central sewer in closest proximity to the property is under Donway Drive, located south of the proposed lots. The property between the proposed lots and Donway Drive has been platted and is all privately owned land.

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**Applicable Statutes/ Ordinances:** This application is subject to the criteria applicable to all Subdivision regulations listed at the beginning of this staff report. It is also subject to the requirements of Section V and Section VI.

### SECTION V. PERFORMANCE STANDARDS

#### G. SANITATION.

1. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment. "Other establishments" must meet the requirements of the Douglas County Sanitarian in addition to the sanitation requirements of this Ordinance.
  - a. Publicly-owned sewer systems must be used where available. Availability to be determined by the Township Board.

- b. All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically Chapter 7080 for Individual Sewage Treatment Systems and any applicable local government standards.

## SECTION VI. ADMINISTRATION

### I. VARIANCES.

#### 1. Criteria for Granting of Variances.

- a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance in cases when there are practical difficulties or particular hardships. Hardship in the granting of a variance means:
  - (1.) The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
  - (2.) The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
  - (3.) The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area.
  - (3.) The variance, if granted, will not alter the essential character of the locality.
  - (4.) No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason than a proved hardship. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning-district in which the subject property is located. The Board of Adjustment may impose conditions in granting a variance to insure compliance and to protect adjacent properties and the public interest.
  - (5.) For existing developments within the shoreland, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must

require reconstruction of a nonconforming sewage treatment system.

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**Staff Findings:** We propose the following findings for consideration by the Planning Commission:

1. **Central Sewer Availability.** Proposed “Lot 3” and “Lot 4” are in close proximity to the centralized sewer system but they are not adjacent to it. The nearest connection to the sewer system is via Donway Drive. The property between the proposed lots and Donway Drive has been platted and is all privately owned land.
2. **Reasonable Use.** The property in question is currently undeveloped. In order for the property to be developed with a dwelling, a private sewer system must be installed or the property must be connected to the centralized sewer system.
3. **Plight of the Landowner.** The proposed lots are large tracts of land and each has adequate space to support private sewer systems. In order to make a connection to the centralized sewer, a large amount of infrastructure must be installed.
4. **Property Owner Rights.** The platted developments to the west and south of the proposed development are both served but the centralized sanitary sewer. There are multiple developed properties adjacent to County Road 73 to the north and Liberty Lane NE to the east that are not connected to the centralized sewer system.
5. **Character of Locality.** If the subject property is developed with single family homes in the future, it will not alter the essential character of the locality. The surrounding properties are developed with both small lot and large parcel developments.
6. **Economic Considerations and Use of the Property.** Due to the proposed lot configuration, it would be difficult to connect “Lot 3” and “Lot 4” to the centralized sewer system. Economic considerations alone are not the reason for the requested variance. The subject property is zoned “Urban Residential” and the proposed variance is not for a use that is not allowed in that zone.

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**Board of Adjustment Direction:** The Board of Adjustment can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

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**Staff Recommendation:** The Township has received a letter of correspondence from the ALASD regarding the request stating, “...based on District-wide experience, in 1995 the District member townships did recommend passage of the current county, city and township land use language that requires the provision of central sanitary sewer as a condition of plat approval for all new subdivisions within the District boundary.” The letter also states, “A recent count of made by our Geographic Information System (GIS) lists over 2,000 vacant platted lots with central sanitary sewer and 408 vacant platted lots with central sanitary sewer in Alexandria Township. This inventory should be sufficient to meet local housing needs for many years.”

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Due to the large of the large size of the proposed lots and their lack of accessibility to the centralized sewer staff recommends this application be approved, based on the above findings of fact with consideration given to the following conditions:

1. The applicant shall submit documentation from a licensed SSTS designer indicating the properties can support private sewer systems.
2. Any future subdivision of the property shall require newly created lots to be connected to the centralized sewer system.
3. If the centralized sewer system becomes readily available, the subject properties shall be connected to the system within a timeframe acceptable to the ALASD and Alexandria Township.

Application # <u>2012-0085</u>	Date Application Rec'd <u>9/7/12</u>	Fee Collected \$ <u>400.00</u>
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(for office use only)

**ALEXANDRIA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Ben Zacher Phone 320-760-1712

Property Address (E911#) None

Mailing Address 3380 Pawnee Drive Local Phone \_\_\_\_\_  
(if different than above) (if different than above)

City, State, Zip Alexandria MN 56308

Applicant is: \_\_\_\_\_ Title Holder of Property (if other than applicant)

Legal Owner	<input type="checkbox"/>	<u>Grace Ljung</u>
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input checked="" type="checkbox"/>	<u>1604 6th Ave E</u>
Agent	<input type="checkbox"/>	(Address)
Other	_____	<u>Alexandria MN 56308</u>
		(City, State, Zip)

Signature of Legal Owner, authorizing application (required) See related subdivision application  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): Ben Zacher  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (9 digit # on Tax Statement) \_\_\_\_\_

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Zoning District UR, Lake Name (if applicable) Geneva (part)

What are you proposing for the property? State nature of request in detail:  
ASKING FOR 2 ACREAGES IN A SUBDIVISION TO  
HAVE PRIVATE SEWER

What changes (if any) are you proposing to make to this site?

Building: \_\_\_\_\_

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Township Office (610 Fillmore Street – behind Trumm Drug next to Trumm Home Medical) and online at [www.alexandriatownship.org](http://www.alexandriatownship.org).

**Please complete all of the following questions:**

1. How will **reasonable** use of the parcel be deprived if the variance is not granted? If the variance request were denied, how would you be able to use your property?

Property has not been used and is grown up in grass + weeds - IF this is granted Horses and or Hobby Farm could be used on each lot

2. What are the unique circumstances of the parcel size, shape, topography or other characteristics that make strict interpretation of the Ordinance impractical?

The main sewer line is too far to gain reasonable access

3. Discuss whether the variance is necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area.

Owners across road and neighbors are using their property as residences

4. Describe the character of the area and whether the variance, if granted, would alter the essential character of the locality.

20 and 40 acre Hobby Farms are located adjoining this property - across the road and to the east of this property

5. Discuss whether the variance, if granted, would allow for a use that is prohibited in the zoning district in which the subject property is located.

use is not prohibited

6. What considerations other than economic considerations (i.e. cost) make this variance necessary? What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

considered buying a lot on Donovan Drive to gain access to ALSD which may not be feasible because of the homes and people living on Donovan Drive

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7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

*NONE*

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8. Please include any other comments pertinent to this request.

*These parcels could make nice homes  
and area for families to use.*

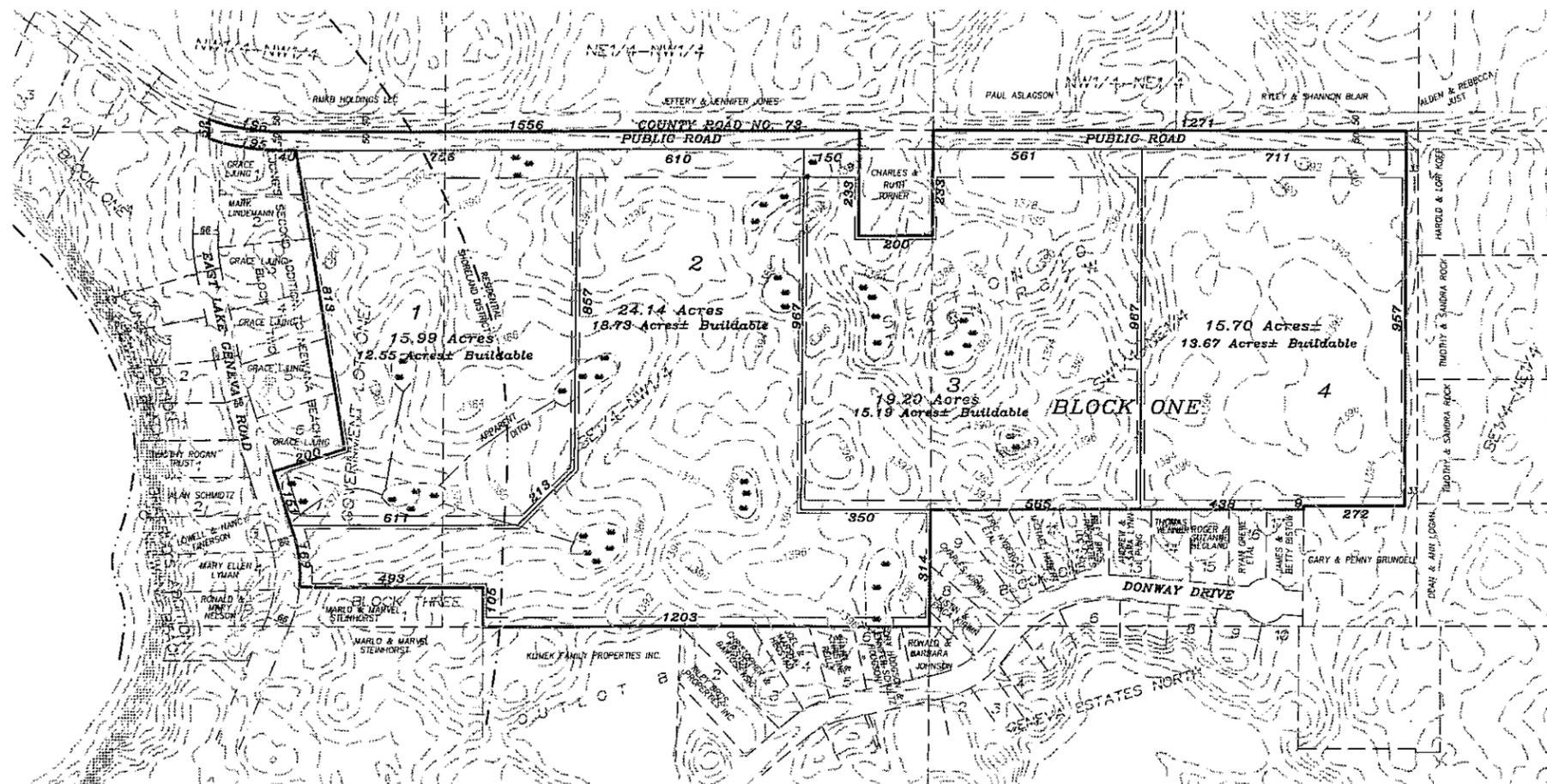
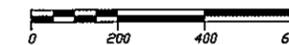
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**PRELIMINARY PLAT  
OF  
GENEVA COUNTRY ESTATES**  
DOUGLAS COUNTY, MINNESOTA  
STOECKEL-JAHNER SURVEYING FILE NO. 5502-A



**DEVELOPMENT DATA:**

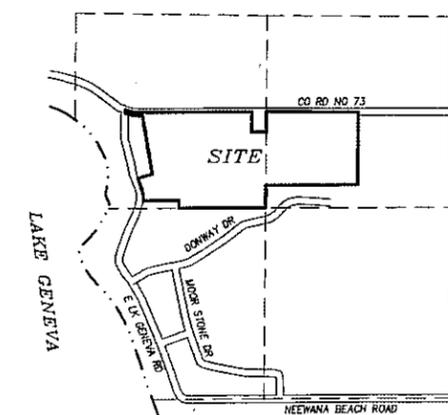
**OWNER:** Ben Zacher  
3380 Pawnee Dr SE  
Alexandria MN 56308  
(320) 760-1712

**SURVEYOR:** Stoeckel-Jahner Surveying Inc.  
1206 3rd Avenue East  
Alexandria MN 56308  
(320) 763-6855

**NOTES:**

1) Wetlands shown are approximate and are taken from aerial photography.

**VICINITY MAP  
(NOT SCALE)**



PROPERTY LOCATED IN SECTION 10,  
TOWNSHIP 128 NORTH, RANGE 37 WEST,  
DOUGLAS COUNTY, MINNESOTA

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*[Signature]*  
44493 License No. 09-10-12 Date

**STOECKEL  
JAHNER**  
SURVEYING INC.

PREPARED FOR: **BEN ZACHER**

MARK F. JAHNER - LICENSE NO. 44493  
1206 3rd Avenue East P.O. Box 336 Alexandria, MN 56308  
Phone: 320-763-6855 Fax: 320-763-6341  
Website: mnsurveying.com Email: msk@mnsurveying.com

SEC. TWP. RANG. 10-128-37  
DATE: 09-06-12  
DRAWN BY: JN  
CHECKED BY: MFJ  
FILE NUMBER: 5502-A