

Variance Request

Property Owner: Joshua Dockter

Location: Parcel ID: 313570000172 Township: Randolph

Address: 29715 Gerlach Way Cannon Falls, MN 55009

Type of Variance requested: Property line and structure setbacks

Code language requesting a variance to:

Ordinance 113 Subsurface Sewage Treatment Systems 6.01 Standards adopted by reference

Minn. Rules 7080.2150 Final Treatment and Dispersal F. Table VII: Minimum setback distance

Table VII: Minimum setback distances (feet)			
Feature	Sewage tank, holding tank, or sealed privy	Absorption area or unsealed privy	Building sewer or supply pipes
Water supply wells	*	*	*
Buried water lines	*	*	*
Structures	10	20	
Property lines***	10	10	
Ordinary high water level of public waters	***	***	

Summary:

The property owner must build a new septic system to replace a system that has worn out. Due to the size of the lot, placement of neighboring wells, and other infrastructure the only remaining area available would encroach upon the property line to the township road and to the property owners attached garage. The placement of the proposed septic system would cover most of the same area as the existing system which must be completely removed. Strict adherence to the ordinance would prohibit construction of a septic system of appropriate capacity for the structure.

Alternatives include installing a more costly system that would operate at a lower capacity or a holding tank system that would require pumping several times a month. The property is in a neighborhood where acquiring additional property is infeasible as every neighbor has similar restrictions. Denial of the variance would limit the owner's ability to maintain their residence on the lot.

Finding of Fact:

Factors required for approval in Dakota County ordinance No. 113

1. The conditions causing the demonstrated hardship are unique to the property and were not caused by the action of the applicant;
 - *The conditions were not caused by the applicant*
2. The granting of the variance will not be contrary to the public interest or damaging to the rights of other person or to property values in the vicinity;
 - *Granting of the variance would not be damaging to other properties in the area*
3. The property owner would have no reasonable use of the land without the variance;
 - *Without a variance the landowner would have limited ability to maintain a residence on the property*
4. The granting of the variance would not allow a prohibited use; and
 - *The variance would not allow a prohibited use*
5. The granting of the variance would be in accordance with Minn. R. chs. 7080, 7081, and 7082.
 - *The variance would allow a Type III septic system that would meet all other provisions of the ordinance and Minn R. 7080-7082*

Staff review:

The attached garage that the septic drainfield would encroach upon is without a basement and unlikely to have any negative affects from wastewater infiltration. Randolph Township had no comments or concerns regarding encroachment upon the right of way with Gerlach Way.

“The township does not have concerns for a variance to reduce the setback for this reason, as long as the septic area does not encroach on the road right-of-way.” John Wiik - Randolph Township Planning Commission

Based on the review of the application and findings of fact staff recommends approval of the variance.

Property map: Showing estimate of proposed septic system and associated setbacks

