

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2020-34**

**RESOLUTION APPROVING A VARIANCE FROM TRIBUTARY STREAM SETBACKS FOR
INSTALLATION OF A REPLACEMENT SUBSURFACE SEWAGE SYSTEM LOCATED AT
9440 71ST STREET NORTH, GRANT, MN**

WHEREAS, Jesse Kloepfner (“Applicant”) on behalf of Lawrence Tomai (“Owner”) has submitted an application for a variance from tributary stream setback to install a replacement subsurface sewage system located at 9440 71st Street N., in the City of Grant, Minnesota; and

WHEREAS, the home was constructed in 1969 and the existing subsurface sewage treatment system is assumed to have been installed in or around that time; and

WHEREAS, the existing septic system is noncompliant and is failing; and

WHEREAS, the Applicant contacted Washington County because they are the permitting authority for septic systems in the City of Grant; and

WHEREAS, the Applicant must remedy the noncompliant septic system and install a new replacement system which complies with the rules and regulations of Washington County; and

WHEREAS, a septic permit for the replacement system cannot be obtained from Washington County without the stated variance from the City’s ordinances being granted; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on August 12, 2020; and

WHEREAS, the City Council considered the recommendation of the Planning Commission at their regular meeting September 1, 2020.

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 Jesse Kloepfner and Lawrence Tomai, 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/practical difficulty is demonstrated. The City Council’s Findings relating to the standards are as follows:

1. The Applicant must replace the failing system to comply the standards of the Washington County Department of Public Health and Environment, and for the safety of the home and any of its occupants.

2. Replacement of the failing system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current, and any future, homeowners as well as any adjacent properties which could be affected if the noncompliant system were to remain.
3. The subject property is considered a legal non-conforming lot with respect to size, area and dimensions which constrains the buildable area on the site and limits the available locations to site a replacement septic system.
4. The available area to site a replacement system is constrained given the existing home, accessory buildings, driveway and wetland/pond area onsite.

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

1. The Applicant shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
2. The replacement system must be placed outside of all stream and/or wetland areas on the site.
3. The Applicant shall be required to obtain any necessary permits and/or approvals from the Valley Branch Watershed District prior to installation. A copy of any correspondence or permits shall be provided to the city prior to installation of the new system.

Adopted by the Grant City Council this 1st day of September 2020.

Jeff Huber, 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 _____, 2020 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 _____, 2020.

Kim Points
Clerk
City of Grant