

City of Columbus
Public Hearing –Lot 3, Block 1, Deer Marsh Variance (PC-13-107)
(Jason Heinen – owner)
August 21, 2013

The August 21, 2013 Public Hearing to receive testimony regarding the request for a variance at Lot 3, Block 1, Deer Marsh, Columbus, MN (owner John Heinen) was called to order at 7:05 p.m. by Chair Barbara Hvass at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko; Deputy City Clerk Emmy Robinson.

Also in attendance were. Mike Meath, Jason Heinen, Pat Preiner, Mar Jason Heinen,

Hvass: Next we will have a Public Hearing and later a discussion on Lot 3, Block 1 Deer Marsh variance application pages 1 through 9 of our packet and an enclosure.

Hvass: Is there somebody here for this public hearing would you like to step forward?

Heinen: I'm Jason Heinen representing Heinen Homes Incorporated

Hvass: And you have an address?

Heinen: Address of my own personal is 1061 Fall Street Big Lake, MN

Meath: I'm Mike Meath proposing to build a house on Kendall currently living 2028 Willow Circle, in Centerville, we are renting a house.

Hvass: Ok you want to tell us about your application? We need to read the public hearing notice, I'm sorry we'll have Emmy do it.

The Notice was read at this time.

Hvass: Thank you, now you want to proceed?

Heinen: Yes, when we first viewed the lot we noticed it was not a very deep lot, because it goes off in wetlands, we specifically designed the home to be fairly shallow, and also have a 30 degree bend to follow the contour of the road, once we had the house design and actually had a survey come out and realize the position of the house for the required setback, it was much further back into the low land than we had anticipated, the back corner of the house is only 3.7 feet from the line of the wetland, and also the fact that the basement, where the back wall would sit is actually 3 feet below where the basement floor has to be, so in other words the grade is 3 feet below where the basement floor has to be, so that's why we proposed to move the house forward closer to the road basically getting it away from the wetland and saving trees and

Hvass: so the house is gonna have a full basement?

Heinen: yes a full walkout.

Hvass: Ok, you can proceed

Heinen: That's I just tried to make it short and sweet that's kinda the gist of it.

Anderson: I have a question, I was out and looked at the property, and why did you choose that particular lot as opposed to like this lot here or some of these other lots, why was it price

Heinen: They were not for sale at the time.

Meath: Middle lot is sold they're gonna build there later

Anderson: is this the middle lot?

Heinen: Yes

Meath: And then the one on the end is for sale and it's proposed as either as a lot or he'd build a home, As far as I know that's in pending, I haven't heard anything else.

Heinen: the end one was actually not available for sale.

Anderson: This one here

Heinen: Correct

Meath: Yes

Heinen: At the time they'd started the process in purchasing the lot.

Anderson: are these lots primarily all the same price?

Meath: I don't believe so, I the (inaudible) was more I believe but it also wraps around on the other side of the cul-de-sac where that little pond is.

Anderson: Well from what I can see of this lot it's a tough lot to build on,

Heinen: Correct

Anderson: very tough, with the wetland, Ok Thank you.

Krebs: Madam Chair

Hvass: Yes, please.

Krebs: the tape that you have out there on the property is that where you would like the house to be?

Heinen: No, that is actually the proposed septic site space.

Krebs: Oh, that's the septic Ok

Heinen: They have it marked off so no one disturbs the septic site.

Krebs: Ok Ok

Heinen: We're trying to keep the process moving in anticipation that things will work out here.

Krebs: And if the house is moved, that doesn't change that at all.

Heinen: That's the drain field; it shouldn't change that at all.

Krebs: Shouldn't change that at all.

Heinen: It will change the location of the actual tanks, but it shouldn't change the position of the drain field.

Krebs: Ok thank you

Anderson: I have one more question Madam Chair.

Hvass: Go ahead.

Anderson: are all these lots owned by Premier Bank.

Heinen: That I don't know, I just know this lot.

Meath: No the next one up the middle lot is private, somebody else has bought it and the last one I think is private also.

Anderson: Ok

Hvass: Are there other questions?

Organ: What's the total acreage on this?

Heinen: 7.03 I believe, it's actually on the survey.

Organ: I didn't see it that's why

Heinen: Yeah 7.03

Organ: Ok

Heinen: The problem is the wetland. The line where you can no longer touch the property the protected wetland. ...

Hvass: Planning Commission? Do you have additional questions?

Krebs: I do not

Anderson: I have a question or a thought. If we allow a variance for this property then will we also allow variance for the other lots in this area? If they request it?

Hvass: I think we take them individually. Like we always do.

Anderson: No, the precedence will be set if we do allow a less than 75 foot setback, then the precedent would be set and it would be hard for us to deny it.

Hvass: well, I think we can discuss

Anderson: I'm strictly making an observation - ok

Hvass: Ok, we can discuss that during our discussion.

Anderson: Ok.

Heinen: Can I make a comment about that point?

Hvass: Yes.

Heinen: The other lots really won't need it, the wetland disappears, much the other lots are much deeper they're much further away from the wetland, so they really shouldn't need the request.

Anderson: Well I did not walk all the way back, this area here is all wetland can you see this from

(An aerial was displayed at this time) Planning Commission Anderson pointed to the map.

Anderson: That's all wet

Heinen: That's the wetland but it starts where the tree line is, and actually it's about five feet into the tree line.

Anderson: Right here.

Heinen: Yep.

Meath: That's correct.

Anderson: This is high ground here

Heinen: Not really that's where it slopes down.

Anderson: Ok, it starts to slope pretty aggressively.

Heinen: Yeah

Hvass: Any further questions?

Krebs: I have one more question Madam Chair.

Krebs: You haven't had a problem with the wetlands people for where the house is currently recommended to be, correct? I mean they haven't said they aren't going to allow you to build it there. Is that correct?

Heinen: There should be no reason why we couldn't build it there

Krebs: Couldn't build it there

Heinen: I mean we are staying far enough away as far as legal; my point is we're 3.7 feet away, and there it's still mature trees in the protected wetland which I mean you really can't cut those trees down

Krebs: you can't?

Heinen: In a protected wetland I believe it's some major obstacles to touch anything beyond that line, there's signs right in there that you can't touch anything beyond that line, and we're putting a house right up essentially to that line. That's where a lot of concerns come into place.

City Administrator : the wetland was needed to be placard, so the placards that are up is considered wetland and they will have to get a Rice Creek permit or if there's no permit required to build a house then they will be able to build a house.

Krebs: ok thank you

Hvass: Ok, if there are no further questions I'm going to open it up to the public, is there anyone from the public, that wishes to speak now, anyone from the public. No one from the public. Planning Commission?

Preiner: Madam Chair, if this house is put 35 feet from

City Administrator: Are we going to go into discussion now?

Hvass: What?

City Administrator: Are we gonna do discussion now?

Hvass: No, not yet. He

Preiner: I'll wait for discussion.

Hvass: Wait for discussion, ok.

Hvass: So, if there are no further questions I'm going to close the meeting with the right to reopen it if it becomes necessary. And then we'll go into discussion.

Hearing closed at 7:15 p.m.

Respectfully Submitted:

Emilia Robinson
Deputy City Clerk