

City of Columbus
Public Hearing – 6502 W. BROADWAY AVE. NE - VARIANCE (PC 18-110)
Request May 2, 2018

The May 2, 2018 Public Hearing to receive testimony regarding a request for a variance to permit and construct a mound type septic system of “other construction” (Type III) to replace an existing failing system was called to order at 7:21 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko; and Recording Secretary Rochelle Busch.

Also in attendance were John Young, Barbara Bobick, and Larry Lundy

Sternberg: So now we are going to, were going to have a public hearing and discussion for 6502 West Broadway Ave NE variance request pages 1-33 and at this time I would like to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

Sternberg: Thank you. And we have no applicant here. So, has everybody read the packet?

Wolowski: I did

Sternberg: Did we see the letter from, looks like Leon has no issue with it? Did everyone review the calculations and the boring data?

Krebs: Yes

Wolowski: In great detail

Sternberg: Well we could roll into the variance check list. Or do we need to open the hearing to the public first? I’m going to open the hearing to the public for the septic variance request, anyone want to speak? If you could just come forward and state your name and address for the record.

Lundy: My name is Larry Lundy, 6562 West Broadway. I’m the closest property to the one that’s requesting the variance. One of my questions would be how does the variance work in conjunction say wetland delineation on that property.

Sternberg: The variance, Elizabeth that’s a question for you, how would that work

Mursko: There, as far as we know, the wetland was not completed. What we do know is that there is, usually in Columbus the floodplain and the wetland are laid on top of each other. So we did run a floodplain map, and it appears that there’s just a small portion of the land that is not in the floodplain, so we gave planning commission members the floodplain map.

Lundy: And so as far as Columbus is concerned, is the floodplain map is the extent of their concern, with the wetland in relationship to the septic system. What I'm getting at is typically in a situation like that you'd have a wetland delineation at least on new construction. Wetland delineation that takes place where it's flagged off.

Mursko: Well this is an existing lot of record. So for an existing lot of record and there's a house currently on the property. Now we are out of the new construction requirements. Which is why their allowed to apply for a variance for a type III septic system. Because if it was a new lot of record they would have to have a standard septic system and an alternate septic system. In this case we weren't quite sure where the wetland was but we knew there was a house and accessory buildings on the property. And I think the reason why Leon, or I know the reason why Leon did not want to do administrative variance was it was beyond what he was comfortable with as far as separation of soils. So we did run the floodplain map, and if you look at the blue, the blue is the floodplain. And if you look at the house it's the only area where it is not floodplain, because the house is right here. So today, because it's not in floodplain, a house could be built there as long as they could put a septic system. If they can't put a septic system in then the lot is deemed unbuildable. So that's why I was looking for the applicant because I thought they would be able to give us more information about the lot. Because we really don't have a lot of information. You live next door, so are you familiar with?

Lundy: Well I'm familiar enough to know that most of the area that's shown as highland is covered with wetland grasses. There's an area that's extremely small right around the house that doesn't have the wetland grasses around it. I'm not concerned about them getting a variance, am concerned about if the system is going to address it in a manner where it's not going to impact the wetland. That's really what my concern is. Because I've got a lot of wetland on my property too and I don't want an impact coming. His house is just, it's very close to my property line. So, I guess that's the reason I have concern about the wetland aspect of it. And because it is an existing property, there wouldn't be any kind of delineation that would be required by

Mursko: The planning commission can require and put conditions on a variance depending on testimony and depending on what they feel is necessary in order for them to make a decision as to whether or not granting the variance would be appropriate. I think taking into your testimony, they may take that into consideration, ask the applicant to have the watershed district or someone with a little bit more knowledge about the plant type.

Sternberg: Well, wouldn't that be code, though? Because when we had Leon in here the last time, we had there many septic variances ago, they wanted to put the septic in the wetland and it wasn't allowed, I mean it's not allowed by even state law, from what I remember. So, as long as this is not going to be built in the wetland it's being built on the high ground on his property, how does Leon insure that it's not being built in the wetlands? Is that the only way is to have it delineated?

Mursko: We generally have, I don't know if this is Rice Creek or this is Sunrise, we generally would ask the applicant to go to the watershed district and tell us, whether it was or wasn't, we don't have anybody on staff that would know that. So we have people that we use. And in this

case we just haven't had an opportunity to. In my understanding the applicant is a realtor. I don't know who he is representing, we don't know who the property owners are to get more information.

Sternberg: I guess what I was getting at how would Leon enforce, he must have some method of ensuring this thing isn't built in the wetland. You know similar like when you build a house, you got to delineate if you got wetlands or swamp, you got to delineate out the wetlands and you got to mitigate impacts to the wetlands.

Mursko: Yeah, we send everyone to the watershed district, whether it's an accessory. The only exception that you don't go to a watershed district is a deck or an addition because it's so small that your building pad should take in less than 200 sq. feet 250 sq. feet should take it in. So we send everyone when they are accessory building or any of that sort of thing to the watershed district and then the watershed district tells us there isn't any wetland or yeah they need a permit and they're the ones that tell us whether they need to go through a permit. In this particular case, we looked at the floodplain map and knew it was out of the floodplain. Generally the floodplain map and the wetland map over lay each other. In this particular case it may not, and we can certainly ask ACD to look at it and maybe that's something the Planning Commission says you know, we have a concerned resident brought it up, where does the national wetland boundary say it is?

Krebs: Mr. Chair, I think it's a good idea. I did walk that area and that wet, it is very wet, right to the vicinity, of where their projecting this to go, and just because I don't know for sure, whether it is either, I think we need some expert reassurance that it's not going to be in a wetland area.

Watson: Agreed, having walked it as well.

Lundy: I was told by Leon, that you guys had walked the property. Right?

Mursko: I know the council members have, I don't know all the Planning Commission members

Lundy: Okay, and um, do we have any kind of plan that shows where the septic system is going to be located, that I can look at? It would give me a better idea exactly the

Mursko: Sure, you can have that if you'd like.

Lundy: Okay thank you

Sternberg: It says on the picture, for what it's worth, property owner to verify or locate potential wetland locations and or floodplain.

Mursko: Which is why I was hoping the property owner could be here tonight. That's what I said, there's some information

Sternberg: Well if it says that, and that's a concern of public testimony and I guess it sounds like a reasonable thing to ask. I mean obviously we can't build septic systems in the swamp country.

Krebs: We wouldn't want to be liable for approving something like that or recommending it to the City Council either.

Sternberg: So anyone else from the public? Okay, am going to close the hearing with the right to reopen.

Consensus among the Planning Commission members was to continue the discussion for a variance to permit and construct a mound type septic system of "other construction" (Type III) to replace an existing failing system, to the next meeting or until they are able to receive more testimony or wetland delineation from the applicant.

At this time Chair Sternberg closed the Public Hearing. Hearing closed at 7:33 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary