

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2008-03**

**DENIAL OF RITT REQUEST FOR VARIANCE
FROM WETLAND SETBACK FOR EXISTING POOL AND RETAINING WALL**

WHEREAS, Steve Ritt (“Applicant”) has made application for an after-the-fact variance from the City’s wetland setback requirements for an existing pool and retaining wall structure constructed without City authorization; and

WHEREAS, the property is located at 11969 Ironwood Avenue and is legally described as Lot 002, Block 002 of the Chestnut Addition;

WHEREAS, the Planning Commission reviewed the Applicant’s request at a duly noticed public hearing held on January 14, 2008; and

WHEREAS, the City Council reviewed the Applicant’s request at its February 4, 2008 City Council meeting; and

WHEREAS, the City Council reviewed the location of the pool and retaining wall within the required setback from the adjacent wetland; and

WHEREAS, the Applicant did not obtain the required Certificate of Compliance or Pool Permit from the City before construction of the pool and retaining wall;

WHEREAS, the City Council determined that other feasible options for the location of the pool on the property were available outside the wetland setback, and therefore the request did not meet the definition of “hardship” required to approve a variance;

WHEREAS, the Code of Ordinances for the City of Grant seeks to protect surface waters such as wetlands by requiring reasonable setbacks for structures; and

WHEREAS, the City Council has directed staff to prepare this resolution denying Applicant’s request on the basis that the request fails to meet the definition of “hardship” in the City’s Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED, the Grant City Council does hereby deny the variance with the following findings:

1. The pool and retaining wall were constructed within the wetland setback.
2. The Applicant was informed of the requirement for a Certificate of Compliance and Pool Permit before construction of the structures. The Applicant had submitted a COC application to the City, but did not obtain the COC or Pool Permit before constructing the pool and retaining wall.

3. The dimensional requirements of the Ordinance and characteristics of the property do not create unique conditions sufficient to create a “hardship” and present the need for a variance.
4. While the Applicant’s wife has suffered an accident and the Applicant indicates that this affects her mobility and the need to construct the pool in a location that can be accessed from the home and deck, the health conditions described by the Applicant do not satisfy the legal definition of “hardship”, as defined in the City’s Code. The pool location could have been modified, allowing access off the existing deck, and at the same time, keeping the pool and retaining wall outside the wetland boundary. Strict enforcement of the Ordinance does not create a hardship unique to this property, and the granting of the request for variance does not meet the spirit or the intent of the Ordinance.
5. The City’s Building Inspector shall determine if the pool requires a fence or cover for safety under the City’s Code, and whether the location of the pool relative to the house and deck footings meets the Code requirements.

Adopted this 4th day of February, 2008.

BY THE CITY COUNCIL

Tom Carr, Mayor

Attest: _____
Kim Points, Clerk