

SECTION 7 VARIANCES

Variance Requests

A property owner may request a variance from the standards as specified in this Ordinance pursuant to the Aitkin County Zoning Ordinance, Section 10.

7.2 State Agency Variance Requests

Variations that pertain to the standards and requirements of the State of MN must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the County until all required State Agency variances have been approved.

7.3 Board of Adjustment Decisions

The Board of Adjustment shall have the authority only to consider variances to horizontal setbacks from ordinary high water levels, property lines, rights of way, structures, or buildings and other standards and criteria per 2006 MN Rules Chapter 7080.0030, Subp. 3. Variances to wells and water supply lines, MN Statutes 4720, 4725, 6105, and 6120 must be approved by the MN Department of Health.

7.4 Department Decisions

The Department may grant an exception to these standards for reduced setback distances to structures when an application is accompanied by an approval from a Registered Engineer of the State of Minnesota approving of the reduced setback distance. The report must address, among other considerations, any impacts to the structural integrity of the structure and septic/pump/holding tank, and contamination from the effluent to the interior of the structure.

The Department may grant an exception to these standards for reduced setback distances to road right-of-ways and easements when an application is accompanied by a letter from the road authority or easement holder(s) approving of the reduced setback distance.

SECTION 8 SSTS PERMITS AND PLANS

8.1 SSTS Permits Required

A SSTS Permit shall be obtained by the property owner or an agent of the property owner from the Department prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

No Zoning/Land Use/Building Permit, where an SSTS is required, shall be issued until after the SSTS permit is approved and issued.

No dwelling, commercial, business, institutional or industrial unit shall be redesigned or enlarged if such redesign or enlargement results in exceeding the design capacity of the SSTS unless a permit has been granted by the Department to redesign or enlarge the SSTS to accommodate the expected increase in sewage.