

CERTIFICATE OF CORRECTION

NATURE VIEW SUBDIVISION NO. 3

THE CITY OF NORTH MANKATO

SUBJECT: Certificate of Correction, Nature View Subdivision No.3

APPLICANT: Bolton & Menk

LOCATION: Nature View Subdivision No. 3

EXISTING ZONING: R-1

DATE OF HEARING: March 14, 2019

DATE OF REPORT: March 7, 2019

REPORTED BY: Mike Fischer, Community Development Director

APPLICATION SUBMITTED

Request for approval of Certificate of Correction, Nature View Subdivion No. 3

COMMENT

Attached is a Certificate of Correction for Nature View Subdivision No. 3 which was approved by the Planning Commission and City Council in August of 2018. According to the Surveyor, Bolton & Menk, after the plat was recorded by Nicollet County an error was found related to the scale of the plat. As a result, it is necessary for the Planning Commission and City Council to approve the attached Certificate of Correction.

RECOMMENDATION

Staff recommends approval of the Certificate of Correction

CERTIFICATE OF CORRECTION

NATURE VIEW SUBDIVISION NO. 3

Pursuant to the provisions of Chapter 505.174 Laws of Minnesota, I, Michael M. Eichers, the undersigned, a licensed Land Surveyor under the laws of the State of Minnesota, declares as follows:

1. That I prepared the plat of NATURE VIEW SUBDIVISION NO. 3, filed on the 24th day of September 2018 in the office of the County Recorder, Nicollet County, Minnesota, and recorded as Document No. 325258.
2. That the scale bar located in the LEGEND is shown as a 50 scale annotation, being a number 50 and a number 100. This is incorrect.
3. The scale bar in the LEGEND is hereby corrected to be shown as a 20 scale, being a number 20 and a number 40.

Signed this _____ day of _____, 2019.

Michael M. Eichers, Licensed Land Surveyor
Minnesota License No. 46564

On this _____ day of _____, 2018, before me a Notary Public in and for said County, personally appeared Michael M. Eichers, and being duly sworn did say that he has executed the foregoing instrument.

Notary Public, My Commission expires January 31, 2023

APPROVALS

This CERTIFICATE OF CORRECTION to the plat of NATURE VIEW SUBDIVISION NO. 3 was approved by the Planning Commission of the City of North Mankato, Minnesota, on the _____ day of _____, 2019.

Chairperson

Secretary

This CERTIFICATE OF CORRECTION to the plat of NATURE VIEW SUBDIVISION NO. 3 was approved by the City Council of the City of North Mankato, Minnesota, on the _____ day of _____, 2019.

Mayor

Clerk

SWIMMING POOL SETBACK REVIEW
A REQUEST FROM RICHARD SAWATZKY

THE CITY OF NORTH MANKATO

SUBJECT: Request to amend City Code Section 156.035-
Swimming pool setbacks

APPLICANT: Richard Sawatzky

LOCATION: City Wide

EXISTING ZONING: -

DATE OF HEARING: March 14, 2019

DATE OF REPORT: March 7, 2019

REPORTED BY: Mike Fischer, Community Development Director

APPLICATION SUBMITTED

Request to amend City Code Section 156.035 related to swimming pool setbacks

COMMENT

Attached as Exhibit A is a request from Richard Sawatzky of Sawatzky Pools to reduce the rear yard setback for swimming pools to 10 feet. Listed on Exhibit B are the setbacks for swimming pools within the City Code. In summary, the rear yard setback for either an in-ground or above-ground swimming pool is 15 feet. For ravine properties, the setback for in-ground pools is 25 feet from the ravine breakline.

For reference, attached as Exhibit C is a survey of other area cities rear yard setbacks for swimming pools. As part of the survey process, it was found that several cities who do not implement fixed ravine setbacks rely on provisions in the International Residential Building Code to determine setbacks for buildings and pools which are adjacent to ravines. Attached as Exhibit D is the applicable regulation. According to North Mankato Building Inspectors, these Building Code provisions allow for minimal setbacks from ravines.

In 2000, the City Council amended the City Code to implement a 25 foot rear yard ravine setback for certain buildings, structures, including in-ground pools. The purpose was to establish a setback distance to protect the stability of ravines.

RECOMMENDATION

Based on pool setbacks used by other cities, it appears a reduction of the setback for ravine properties from 25 feet to 10 feet and for non-ravine properties from 15 feet to 10 feet is not unreasonable.

2/6/2019

To: City of North Mankato

From: Richard Sawatzky, Sawatzky Pools Inc.

- * I am requesting to reduce rear yard setbacks to 10 ft. for residential swimming pools.
- * My experience is that North Mankato is the only city in this area that requires a 25 ft. setback for swimming pools.
- * The 10 ft. setback change will not have any impact on ravines because an in ground swimming pool is capable of standing alone without backfill.
- * We have never experienced a situation that a pool has put pressure on a ravine or hillside.
- * The reason for this request is that the majority of the homes in North Mankato are not able to accommodate a swimming pool with a 25 ft. setback.

Sincerely

Richard Sawatzky

§ 156.035 GENERALLY.

(E) *Accessory uses.* Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following accessory uses or structures shall be permitted in any required rear yard in any residential zoning district, provided a 15 foot rear yard setback is maintained:

(a) Decks or elevated platforms, either attached to a dwelling or free standing, with no roof or overhead structure of any type;

(b) Patios or paved areas that are level, flush or at grade with the ground, with no roof or overhead structure of any type, and is not used for parking purposes;

(c) In-ground swimming pools, including aprons, and above-ground swimming pools with attached aprons.

(L) *Ravine setbacks.* For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, above-ground patios, in-ground swimming pools. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction. Permitted uses in the 25-foot setback area are fences, lawn sheds, inground patios, dog kennels, playground equipment or sandboxes that are located a minimum of five feet from the ravine breakline

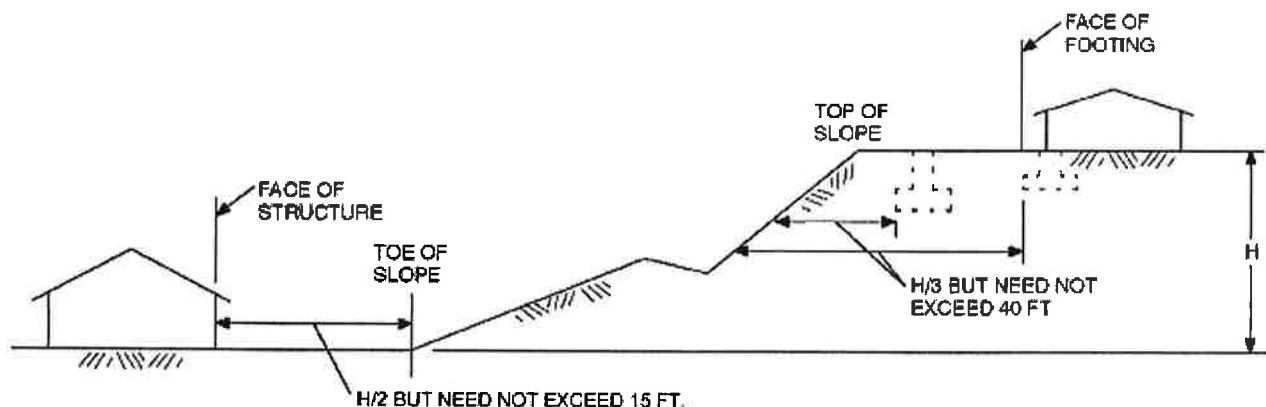
| City | Rear yard setbacks for Pools | Ravine Setback for Inground Pools |
|---------------|---|---|
| North Mankato | 15' | 25' |
| Mankato | 10' | 10' |
| St. Peter | 6' | 6' |
| New Ulm | Not less than 20% of the depth of the lot | 20' when adjacent to State Park |
| Fairbault | 5' | 5' and shall not be located within any utility easement |
| Belle Plaine | 5' | 30' |
| Shakopee | 10' from water of pool | No ravine setback regulation; shall not be within any utility easement |
| Northfield | 5' | No ravine setback regulation; Any pool near a ravine would require engineering documentation from a structural engineer |
| Waseca | 10' | No ravine setback regulation |

R403.1.7 Footings on or adjacent to slopes

The placement of buildings and structures on or adjacent to slopes steeper than one unit vertical in three units horizontal (33.3-percent slope) shall conform to Sections R403.1.7.1 through R403.1.7.4.

R403.1.7.1 Building clearances from ascending slopes

In general, buildings below slopes shall be set a sufficient distance from the slope to provide protection from slope drainage, erosion and shallow failures. Except as provided in Section R403.1.7.4 and Figure R403.1.7.1, the following criteria will be assumed to provide this protection. Where the existing slope is steeper than one unit vertical in one unit horizontal (100-percent slope), the toe of the slope shall be assumed to be at the intersection of a horizontal plane drawn from the top of the foundation and a plane drawn tangent to the slope at an angle of 45 degrees (0.79 rad) to the horizontal. Where a retaining wall is constructed at the toe of the slope, the height of the slope shall be measured from the top of the wall to the top of the slope.



For SI: 1 foot = 304.8 mm.

FIGURE R403.1.7.1

FOUNDATION CLEARANCE FROM SLOPES

R403.1.7.2 Footing setback from descending slope surfaces

Footings on or adjacent to slope surfaces shall be founded in material with an

embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Except as provided for in Section R403.1.7.4 and Figure R403.1.7.1, the following setback is deemed adequate to meet the criteria. Where the slope is steeper than one unit vertical in one unit horizontal (100-percent slope), the required setback shall be measured from an imaginary plane 45 degrees (0.79 rad) to the horizontal, projected upward from the toe of the slope.

R403.1.7.3 Foundation elevation

On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

R403.1.7.4 Alternate setback and clearances

Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate that the intent of this section has been satisfied. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.