



Le Sueur County, MN

Thursday, January 21, 2016

Regular Session

Item 1

Seppmann/Frankenberry Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Jadd Seppmann & Sons
OWNER: Don Frankenberry
911 ADDRESS: 26880 Sioux Trail, Madison Lake MN
VARIANCE REQUEST: To allow the applicant to install a holding tank 1 foot from the dwelling, 8 feet from the property line, and 45 feet from the OHWL.
VARIANCE NUMBER: 15240
PARCEL NUMBER: 13.490.0120

SITE INFORMATION

LOCATION: Lot 14, Indian Meadows Subdivision, Section 2, Washington Township
ZONING & PURPOSE: Recreational Residential

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing access off Sioux Trail
LAKE: Jefferson, Recreational Development lake

Recreational Development Lake - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

RFPE: NA.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact,

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic tank to structure:	1 foot	10 feet	Section 17, Subdiv. 4.D.1.b.	17-9
b. Septic tank to property line:	8 feet	10 feet	Section 17 Subdiv. 4.D.2.	17-9
c. Septic tank to OHWL:	45 feet	75 feet	Section 17, Subdiv.. 4.D.5.b.3.	17-9
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9

Page 1 of 2

3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed prior to the Variance expiration, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE FINDINGS OF FACT

Name of Applicant: Jadd Seppmann & Sons

Variance # 15240

Variance Request: To allow the applicant to install a holding tank 1' from the single family dwelling, 8' from the property line and 45' from the ordinary high water level.

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 2. Is the alleged practical difficulty unique to the property?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 5. Does the alleged practical difficulty involve more than economic considerations?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 7. Is the Variance consistent with the Comprehensive Plan?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

() APPROVED

() DENIED

CONDITIONS: _____

Applicant response to conditions:

Agree ()

Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

Le Sueur County



Variance Application

I. Applicant:

Name Jacob Seppmann & Sons
Mailing Address 154043 State Hwy 68
City Mankato State MN Zip 56001
Phone # 507-625-4306 Phone # _____

II. Land Owner (s), if different from above:

Name Don Frankenberg
Property Address 26880 Sioux Trail
City Madison Lake State MN Zip 56063
Phone # 1-507-676-3545 Phone # _____

III. Parcel Information:

Parcel Number 13,490.0120 KB Parcel Acreage _____
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:

to install Holding tank closer than 75' from the other lake 1' from deck 8' from side yd property line

V. Township Notification: Township must be notified of proposed request prior to application.

Washington Township notified on 9-18-15
(Township Name) (Date)

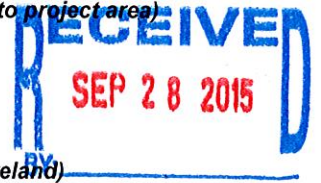
Board Member Gregory Davis regarding the proposed request.
(Name)

VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
- All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- Applications **will not** be accepted by mail.

VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well



Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

- ☐ a. Site Plan-**survey**
- ☐ b. Full legal description
- ☐ c. Access approval
- ☐ d. Surveyor Certification
- ☐ e. Floor plans and/or blue prints *(For structures)*
- ☐ f. Septic System Compliance Inspection
- ☐ g. Erosion control plan
- ☐ h. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600
Filing Fee: \$ 46

After-The-Fact meeting fees are doubled.

Additional Fees:

Special Meeting: \$1,200
After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

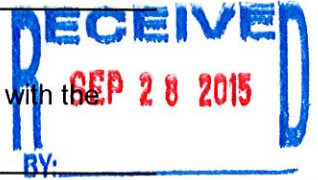
A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

up date holding tank - can not meet
set back requirements

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

lots are too small



3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

need to be 50' from well -
county required update

4. How will the request maintain the essential character of the locality?

nothing will change - all lots have
small cabins

5. Does the alleged practical difficulty involve more than economic considerations?

No

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

septic upgrade - can only install holding
tank

7. Describe how the request is consistent with the Comprehensive Land Use Plan.

up grading septic - County required

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

has water well in corner of lot - has
only room for holding tank

9. Explain why this request is the minimum variance amount to afford relief.

have to stay 50' from well - that force
holding tank toward lake - not enough room
between property line + cabin or deck

XII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

[Signature]
Applicant signature

9-18-15
Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

X [Signature]
Land Owner signature

9-28-15
Date

OFFICE USE ONLY

Date received 9/28/15 Present Zoning Classification RR Feedlot within 500' 1000' N
Meeting date 12/17/15 Lake Classification RD Erosion Control Plan Y N
* 60 Day 11/29/15 Lake Jefferson Water courses Y N
FEMA Panel # 270700270 Flood Zone X outside Bluff Y N

☒ Surveyor Certificate

☐ Ordinance

☒ Septic

CI / DESIGN

☒ Site Plan -survey

☐ Access approval

☒ Fee \$ 476

ATF / SPEC MTG

☒ Full legal

☐ Blue Prints

☐ Other

☐ Application complete

☒ Written Detail of Var

K. Brockway
Planning & Zoning Department Signature

9/28/15
Date

15240
Permit #

04-15-13

* attached 60-day waiver



September 28, 2015

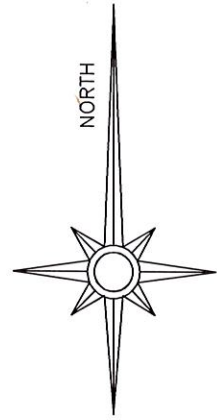
To whom it may concern:

I am needing to file for a variance for a replacement of my holding tank. LeSueur County had requested a Compliance Inspection. The Compliance failed my holding tank so I am replacing my holding tank and a variance is needed because I do not meet all the set backs.

Thank you,

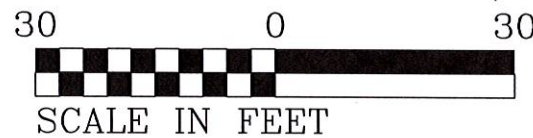
Donald H. Frankenburg, Jr. 9/28/15
Charlotte Frankenburg 9-28-15





LEGEND

- INDICATES FOUND IRON MONUMENT
- INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820
- ⌘ SEPTIC CORNER FLAG PLACED BY JADD SEPPMANN & SONS



Area Computation

Total Property Area 6474 SqFt
(25% Impervious Coverage Allowed)
 $6474 \times 25\% = 1618.5 \text{ SqFt}$

Existing Impervious Surface

House: 676 SqFt
Boat House: 150 SqFt
Deck: 526 SqFt
Gravel Drive: 259 SqFt
Total Impervious: 1611 SqFt
 $1611 / 6474 = 24.9\% \text{ Coverage}$

Building Setback

10' Side Setback
65' Front Setback
100' Rear from OHWL

Note Building setback are not mapped because current lot is Nonconforming (front and rear setback overlap each other.)

Existing Legal Description

Recorded Deed Doc. NO 268572

Lot 14, INDIAN MEADOWS, being part and portion of Government Lot 4 and Lot 5, of Section 2, Township 109 North, Range 25 West, Le Sueur County, Minnesota.

Note:

Proposed Septic Holding Tank will be restored to design standards or close to what currently exist. Septic design will be installed by Jadd Seppmann & Sons.

Lake Jefferson
(9-22-2015 - 1018.80 NGVD 29)

Ordinary High Water Line
(1018.50 NGVD 29)

100 Year Flood Zone:
BFE = 1021.9 (NGVD 29)

subdivision survey line

26890
Sioux Trail

26880
Sioux Trail

SIoux TRAIL
(66 foot - Public Right-of-Way)

CERTIFICATE OF SURVEY

DONALD & CHARLOTTE FRANKENBERRY

26880 Sioux Trail, Madison Lake, MN 56063

Lot 14, Indian Meadows, Lake Jefferson
Washington Township, Le Sueur County, Minnesota
Record Deed Doc. No. 268572

FIELD BOOK: JDV
CRD FILE: 1431 Frankenberry JOB No: 15-1431
FILING: Le Sueur Co., SW/4 Section 2-109-25
REV. DATES: 09-23-2015 Prop Septic to Deck

1431 Frankenberry Survey.dwg Sep-29-2015 - 8:48 am

Prairie Land Surveying

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

1047 East Main Street
Mankato, MN 56001
jveroeven@charter.net
(507) 469-5997
PrairieLandSurveying.com

Reliable, On-Time Surveys.



Le Sueur County

Surveyor Certification

- I. Applicant:
Name JOHN VERVOREN
- II. Land Owner (s), if different from above:
Name DONALD FRANKENBERRY
Property Address 26880 SIOUX TRAIL ~~RD~~
City MADISON LAKE State MN Zip 56063
- III. Parcel Information:
Parcel Number 13.490.0120
- IV. Quantities and Submittal Formats:
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
 - Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
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 - Access
 - Impervious Surface -- Itemized current & proposed with total percentages (If in Shoreland)
 - Location of significant trees to be removed (If in Shoreland)
 - Note how disturbed areas will be restored (If in Shoreland)
 - Landscape, screening and buffering (If applicable)
 - Lakes
 - Rivers
 - Wetlands
 - Streams
 - Ponds
 - Existing structures (within and adjacent to project area)
 - Proposed Structures
 - Lot Dimensions
 - Septic System
 - Well

Building site shall be physically staked by the surveyor or the application will be tabled.

- VI. The proposed improvements have been physically staked onsite then surveyed on _____, to reflect an accurate account of current and proposed conditions of the property identified above.
- VII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

John Vervoren 09/23/2015 41820
Surveyor's signature Date Lic #

OFFICE USE ONLY

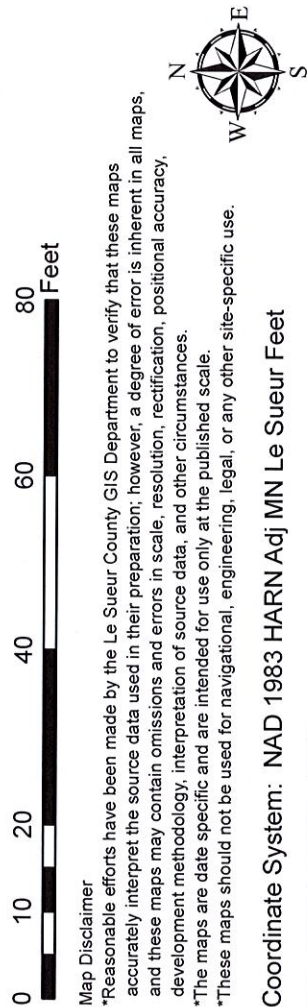
Date Received

04-15-13

Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Frankenberg
 PID: 13.490.0120
 DATE: 01-04-16
 FIRM #: 27079C0270D
 F-Zone: Xoutside
 RFPE: na
 District: Recreational
Residential



25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
19							19

Cadastral_Line	<all other values>
AlphaTag	
Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
Pol Twp Line	
Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW Vac	
Section Line	
Sub Line 400	
Water	
Incorporated	
Townships	
Sections	
Parcel	

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

Created By: MRM