

Le Sueur County, MN

Thursday, March 17, 2016 Regular Session

Item 1

Le Sueur County Parks-Gelder Sawmill Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT:

Le Sueur County Parks Department-Geldner Saw Mill

OWNER:

Le Sueur County

911 ADDRESS:

46542 Beaver Dam Rd

EXTENSION

VARIANCE REQUEST:

To allow the applicant to construct an addition to a non-conforming structure 58 feet from the road Right-Of-Way (ROW) 141 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER:

15020

PARCEL NUMBER:

04.999.0030

SITE INFORMATION

LOCATION:

Part of Government Lot 2, Section 5, Elysian Township

ZONING & PURPOSE:

Special Protection

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GENERAL SITE

DESCRIPTION:

Shoreland, recreational

ACCESS:

Existing off County Road 13, Beaver Dam Road

LAKE:

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:

Regulatory Flood Protection Elevation: 1022.86 Lowest floor must meet RFPE.

ATTACHMENTS

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

STAFF FINDINGS

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

1. Variance:

Request:

Required:

Ordinance:

Page:

a. Structure to road ROW:

58 feet

60 feet

Section 13, Subdiv. 5.A.1.

13-30

b. Structure to OHWL:

141 feet

150 feet

Section 13, Subdiv. 5. E. 1.

13-31

2. Refer to DNR Guidance Letters:

a. The Role of the Variances in Shoreland Management Ordinances

pg. 9

Page 1 of 2

- b. Structure Setback Requirements
- 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

LE SUEUR COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

	ON DATE: 2/1 ING DATE: 4	7/2015 P /17/2015	ERMIT NUMBE	CR 15020	FEE:	\$646.00
ADDRESS:	88 SOUTH PAR		PROPERTY O	88 SOUTH PAR	EUR COUI K AVE	NTY
CITY: STATE: PHONE:	LE CENTER MN 507-357-2251	ZIP: 56057	CITY: STATE: PHONE:	LE CENTER MN 507-357-2251	ZIP:	56017
PARCEL NO:	04.999.0030	TOWNSHII	e: ELYSIAN	911: 46542	BEAVER I	DAM RD
SEC:	5	SUBDIV:	NA			
TWP:	109	LOT:	NA	ZONE:		SP /
RANGE:	24	BLOCK:	NA	FEMA PA		27079C0300L
Q/Q:		ROAD:	CNTY	FLOOD Z	ONE:	X OUTSIDE
following facts are presented: 1.) Reason for Requested Variance: To allow the applicant to construct an addn on a non-conforming structure 58 ft from the ROW and 141 ft from the OHWL. 2.) Reasons for Approval or Denial of Request as Listed in Findings.						
REC		ESCRIPTION OF	PROPERTY MUST B DITIONAL CONDITI			15
1	APPLICANT/F	ROPERTY OWN	NER .		DATE	
LESUEUR C	2000 DUNTY PLANNIN	M ng and zonin	G AUTHORITY	2 17	DATE	
1		** FEES	ARE NON-REFUNDA	BLE**		
	ON-SIT	E TOUR DA	ГЕ:	-		,
PUBLIC I	HEARING DAT	'E:3	/19/2015	ACTION:	ppror	red
	AS WRITTEN			WITH CO	ONDITION	S
_ Jum	OARD OF ADJUS	M THENT CHAIR	MAN	<u>3.+19-15</u>	- DATE	

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.

VARIANCE FINDINGS OF FACT

Name of Applicant: LE SUEUR COUNTY

Variance # 15020

Variance Request: To allow the applicant to construct an addn on a non-conforming structure 58 ft from the ROW and 141 ft from the OHWL.

- 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.

(A)	1.	Does the property owner propose to use the property in reasonable manner?	JM JW JD CH_FC
		Explain	
(Y)N	2.	Is the alleged practical difficulty unique to the property?	
~		Explain	JW JW JD CH FC
(Y) N	3.	Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?	, , , ,
2		Explain	JM JW JD CH FC
(X) N	4.	Will the issuance of the Variance maintain the essential character of the locality?	JM JW JD CH FC
		Explain	الله الله الله الله
(Y) N	5.	Does the alleged practical difficulty involve more than economic considerations?	JM JW JD CH FC
		Explain	本本本本
F. Variance		shall only be permitted when they are in harmony with the general purposes and in	
₩ N	6.	Is the Variance consistent with and supported by the statement of purposes, policies, of the Ordinance?	joal and objectives in
		Explain	JM JW JD CH FC
Y N	7.	Is the Variance consistent with the Comprehensive Plan?	JM JW JD CH FC
		Explain HE ANSWERS ARE " <u>YES",</u> THE CRITERIA FOR GRANTING THE VARIANCE	personal personal personal personal
G. IF ALL	_T	HE ANSWERS ARE " <u>YES",</u> THE CRITERIA FOR GRANTING THE VARIANCE	HÁVE BEEN MÉT.
\sim	API	PROVED () DENIED	
CON	OITI	ONS:	
Appl	icar	nt response to conditions: Agree () Disagree ()	
Rea	son	s:	
Boar	W of	Adjustment Chairman Date	15

Le Sueur County

Va	riance Application
ī.	Applicant: Name LE SUEUR COUNTY Mailing Address 88 SOUTH PARK AVE City LE CENTER State MN Zip 56057 Phone # 507 - 357 - 8201 Phone #
II.	Name State Zip Property Address Phone #
III.	Parcel Information: Parcel Number <u>04-999-0030</u> Parcel Acreage <u>4-44</u> Legal Description-Full legal description must be attached (not from tax statement)
IV. V.	Variance Request: THE COUNTY WOULD LIKE TO ADD ON AN ADDITION TO THE SOUTH END OF THE EXSISTING BOILER ROOM, THIS NEW ADDITION WOULD HOUSE THE NEW BOILER. THE OLD BOILER WOULD STPY RIGHT WARE IT IS, WOULD DOT BE USED Township Notification: Township must be notified of proposed request prior to application.
	Township Name) Township Name) Township Name) Township IS OK
	Board Member <u>DouG SWEDBERG</u> regarding the proposed request. WITH VARIABLE (Name)
VI.	Quantities and Submittal Formats:
	a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
	 Ten (10) copies must be submitted, if in <u>color</u>, an <u>aerial</u>, or <u>larger than 8.5" x 11" in size</u>,
	c. Electronic version of any supporting documents if available.

- d. Additional copies may be requested as deemed necessary by the Department.
- e. 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**.
- f. All required information must be correct and submitted <u>at the time of application</u>, or the application will not be accepted.
- g. Applications will not be accepted by mail.

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VII. Site Plan-must be a survey and shall include but not limited to the following: North point Lakes Existing structures (within and adjacent to project area) Proposed Structures Setbacks Rivers Property lines Wetlands Lot Dimensions · Road Right-Of-Way Streams Septic System NON € Easements Ponds · Well NONE Access • Impervious Surface -- Itemized current & proposed with total percentages (If in Shoreland) • Location of significant trees to be removed (If in Shoreland) NOVE Note how disturbed areas will be restored (If in Shoreland) • Landscape, screening and buffering (If applicable) 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 d. Floor plans and/or blue prints (For structures) THERE IS b. Full legal description ▼ e. Septic System Compliance Inspection NoDE NO SEPTIL Access approval SAME CHAPGE of. Erosion control plan g. Written Detail of Variance IX. Fee: Must be paid at the time of application. Variance: \$ 600 After-The-Fact meeting fees are doubled. Filing Fee: \$ 46 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. Variances shall only be permitted when they are in harmony with the general XI. 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



following criteria:

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

 THE VARIANCE IS THE MINIMUM NECESSARY TO MEET OUR GOAL.

 AT THIS POINT THERE IS NO OTHER WAY WE CAN DO THIS EXCEPT TO

 ADO A NEW BOILER ROOM.
- 2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

 THE STATE BOILER INSPECTORS WILL DOT ALLOW LESUEUR COUNTY TO PUT THE NEW BOILER MAKE AT THE ORIGINAL PLACE IT IS AT NOW NEW RULES PREVENT THE COUNTY TO PUT IT BACK THE WAIT IT IS NOW.

 NOT ENOUGH ROOM UNDER THE NEW LAWS.
- 3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

 NEW LAWS THAT RECULATES THE BOILER INDUSTRY THAT

 PREVENTS LE SUEUR COUNTY FROM USING THE ORIGINAL ROOM.

 THE ORIGINAL BOILER ROOM IS TO SIMPLE TO PUT NEW BOILER IN (SPME 512E BOILER)
- 4. How will the request maintain the essential character of the locality?

 THE GELDNER SAW MILL IS D HISTORICAL BUILDING AND IS

 MONITORED BY THE STATE HISTORICAL SOCIETY. THEY WILL HAVE TO

 APPROVE THE NEW ADDITION; WE WILL BE BUILDING IT TO LOOK MUCH

 LIKE THE OLD PART OF THE SAW MILL.
- 5. Does the alleged practical difficulty involve more than economic considerations?

 YES, UNDER NEW LAWS, PREVENTS THE COUNTY FROM PUTTING
 BOILER BACK THE YAY IT IS NOW. IT WILL ACTUBLY COST

 MORE TO MOR THIS APOITIONS.
- 6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

 T. WOULD HOVE TO SAY YES TO THIS QUESTION. WE ARE NOT TAKING DAY ACICULTURAL LAND OUT OF PRODUCTION. ANY FEED LOTS IN THE AREA WILL NOT MATTER TO THIS PROJECT. WE ARE NOT IN A BLUFF AREA. WHITE QUALITY IS NOT A 155UE. WE PO NOT HAVE A SEPTIC SYSTEM. OR DINANCE TAIKS ABOUT PUBIC PARES LOFEN SPACES FOR PEOPLE TO USE AND THAT IS WHAT WE HAVE HERE.

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

 IN THE LE SHEUR COUNTY LAND USE PLAN ON PAGE 26, GOAL # 7 SAYS

 PARKS AND OTHER COUNTY OWN OPEN SPACES ARE VALUABLE RESOURSES THAT NEED

 TO BE IMPROVED AND DEVELOPED TO SERVE COUNTY RESIDENTS. THE GELDNER SAW MILL

 PROTECT DOES NEED IMPROVING TO SERVE COUNTY RESIDENTS. HISTORY OF OUR COUNTY
- 8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

 NO SEPTIC SYSTEM NO WATER 15

BROYGHT IN THE DAYS THE SAW MILL IS RUDING,

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

WE ARE ONLY BUILDING THE ADDITION BIG ENDIGH TO FIT THE

BOILER IN IT. THE STATE INSPECTORS NEW THREE (3) FEET ON ALL

SIDES OF THE BOILER TO WALK AROUND IT. AND SEVEN FEET (7) OF

HEDD ROOM

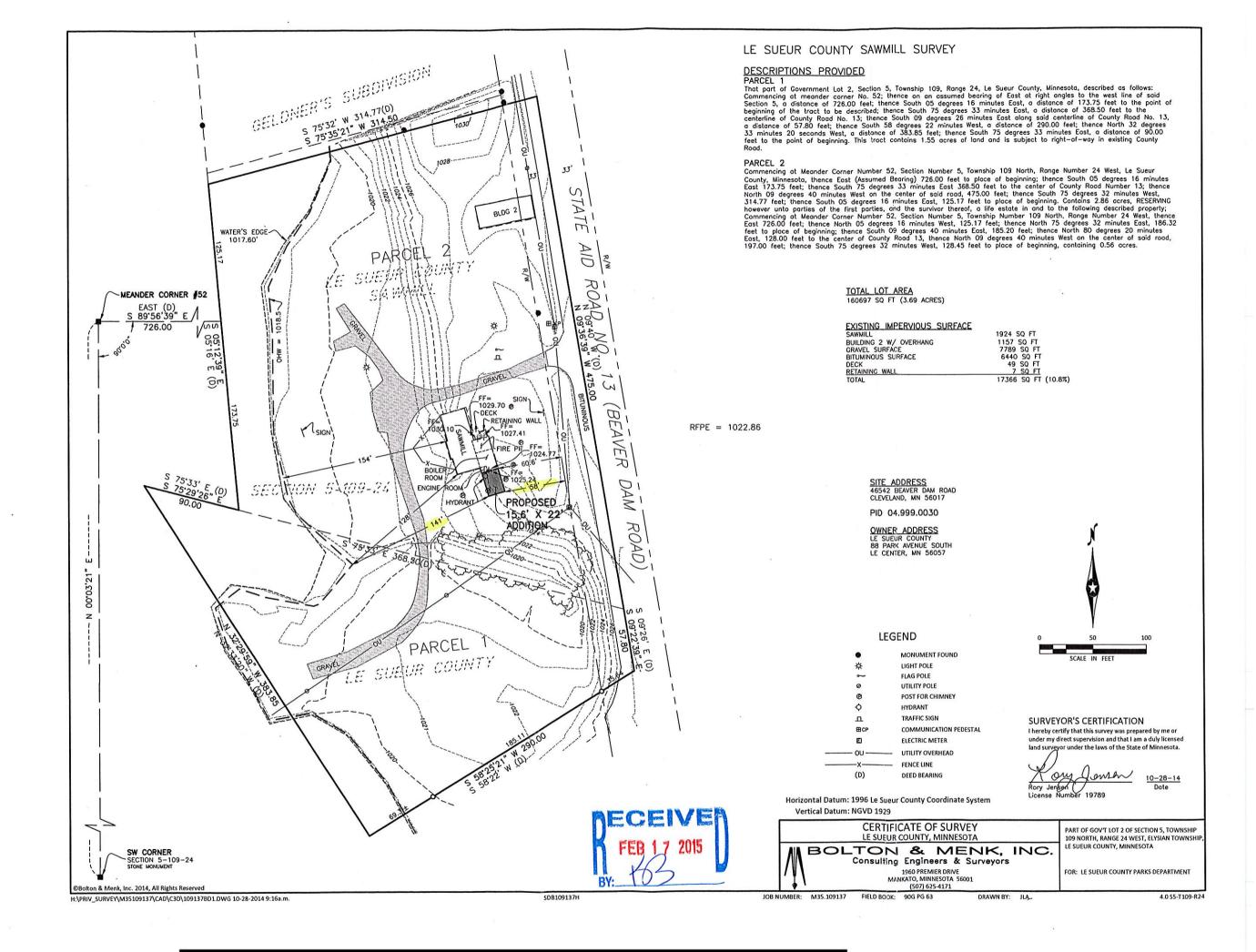
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.
Applicant signature Date
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. The Real Fol LE SUEUR Courty 10/20//4
Land Owner signature Date

\ \	OFFICE USE ONLY		~
Date received 2 15 15	Present Zoning Classification 5P	Feedlot within 500'	1000' (N
Meeting date 3/19	Lake Classification	Erosion Control Plan	n Y N
60 Day 4/10	Lake	Water courses	√ N
FEMA Panel # 270	Flood Zone (Child (Addr)	Bluff	Y (N)
Surveyor Certificate	☐ Ordinance	□ Septic c	I / DESIGN
Site Plan -survey	☐ Access approval CH	□ Fee \$ A	TF / SPEC MTG
Full legal	☑ Blue Prints	☐ Other	
Application complete	Written Detail of Var		
Konaliwan	2 17	15 2	15020
Planning & Zoning Department Signa	ature Date	Permit	#

FEB 1 7 2015

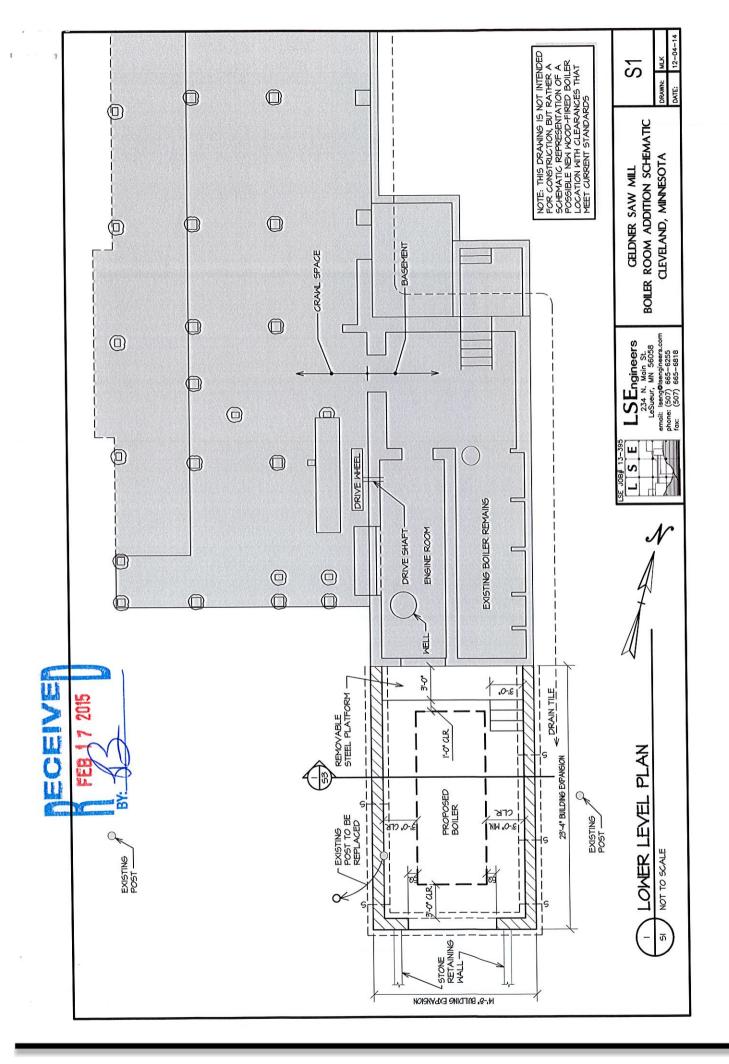
04-15-13

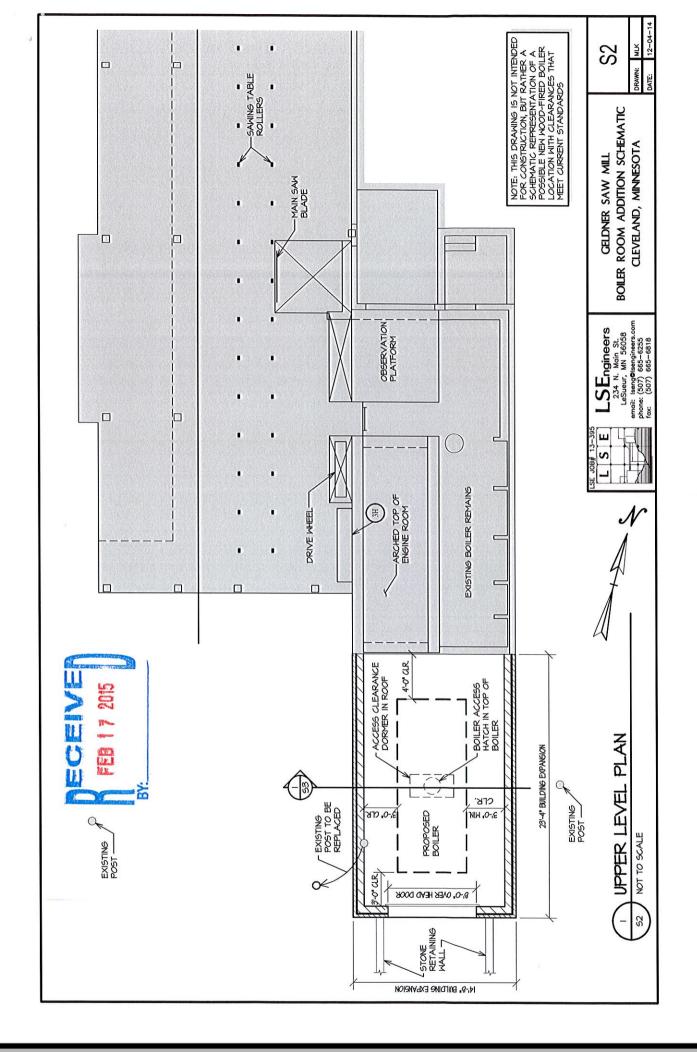
XII. Signatures:

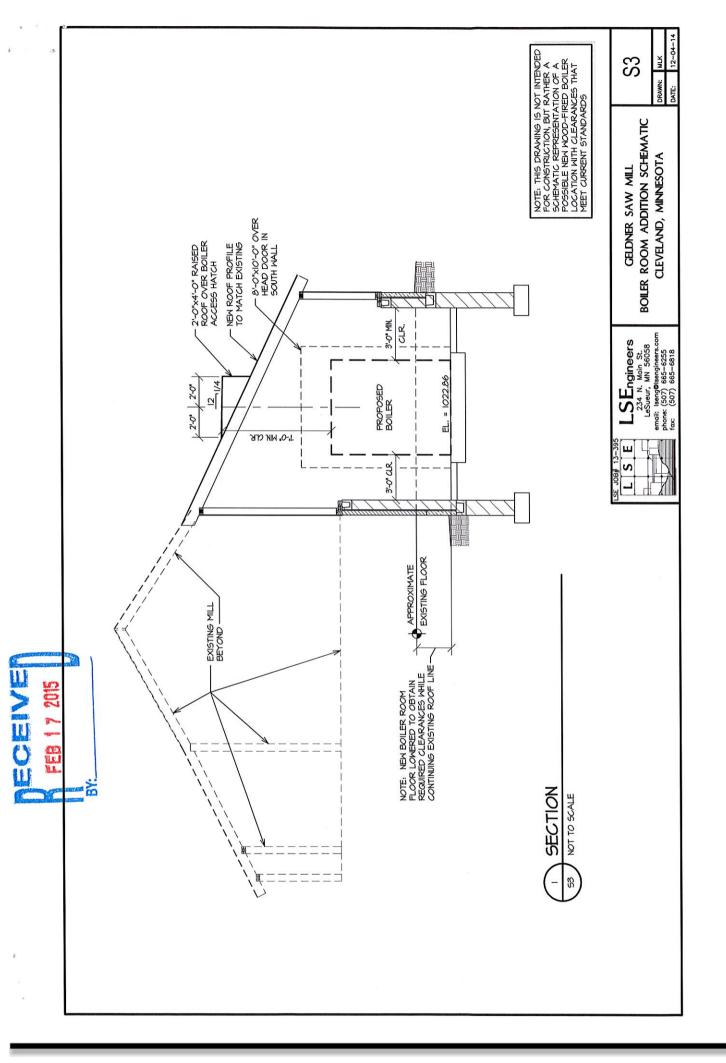


Le Sueur County

SI	urveyor Certification
1.	Applicant: Name Le Sueur County Parks
11.	Property Owner (s), if different from above: Name
	Name Property Address City State Zip
Ш.	Parcel Information: Parcel Number <u>04.999.0030</u>
IV.	 Quantities and Submittal Formats: a. One reproducible 8.5" x 11" copy of the request and all other supporting documents. b. If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted. c. Electronic version of any supporting documents, if available. d. Additional copies may be requested as deemed necessary by the Planning & Zoning Department. e. All required information must be correct and submitted at the time of application, or the application will not be accepted.
٧.	Site Plan-must be a survey:
3	BUILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED. Site plan shall include but not limited to: North point Iakes Proposed structures (within and adjacent to project area) property lines Proposed structures Indicates Proposed structures Proposed structures Indicates Indi
Ví.	The proposed improvements have been physically staked onsite then surveyed on $\frac{10/28/14}{2}$, 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. 10/28/14
Date	OFFICE USE ONLY Planning & Zoning Authority signature
10-01-	FED 1.7 2015







Special Protection c-outside

NAME: PID: DATE: FIRM #: F-Zone: RFPE: District: Incorporated Townships Sections Parcel

LE SUEUR COUNTY ENVIRONMENTAL SERVICES 507-357-8538

accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.

480

320

160

80

These maps should not be used for navigational, engineering, legal, or any other site-specific use. 'The maps are date specific and are intended for use only at the published scale.



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

Le Sueur County

Regular Session - 3/17/2016

ELYSIAN

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