LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
(507) 357-8538

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: **MARCH 17, 2016**

TIME: **3:00 PM**

PLACE: **LE SUEUR COUNTY ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER MN**

PURPOSE: To hear testimony from interested parties and consider Variance Applications as provided by the Zoning Ordinance of Le Sueur County as described below:

ITEM #1 **Le Sueur County Board of Adjustment Notice of Public Hearing**

ITEM #2 **Le Sueur County Board of Adjustment Agenda**

ITEM #3 **Le Sueur County Parks-Gelder Sawmill Packet**

ITEM #4 **Lueck Packet**

ITEM #5 **Approved March 17, 2016 Meeting Minutes**

INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT
APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT **March 17, 2016.**

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR

Le Sueur County, MN

Thursday, March 17, 2016

Regular Session

Item 1

Le Sueur County Board of Adjustment Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
(507) 357-8538

TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: **MARCH 17, 2016**

TIME: **3:00 PM**

PLACE: **Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.**

PURPOSE: To hear testimony from interested parties and consider Variance and Appeal Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **MARCH 8, 2016**.

ITEM #1: LE SUEUR COUNTY PARKS DEPARTMENT, LE CENTER, MN, (APPLICANT); LE SUEUR COUNTY, (OWNER): Request that the County grant an extension for an existing Variance #15020 from the Le Sueur County Zoning Ordinance to allow the applicant to construct an addition to a non-conforming structure (Geldner Sawmill) 58 feet from the road Right-Of-Way (ROW) and 141 feet from the Ordinary High Water Level (OHWL) in a Special Protection **"**SP" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 2, Section 5, Elysian Township. **VARIANCE IS FOR EXPANSION OF A NON-CONFORMING STRUCTURE, ROAD ROW AND OHWL SETBACKS.**.

ITEM #2: WILLIAM LUECK, ST PETER, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 71 feet from the Ordinary High Water Level (OHWL) and construct a septic drainfield 44 feet from the OHWL and 18 feet from the neighbor's structure in a Recreational Residential **"**RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 28, 29, & 30, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACKS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT **March 17, 2016**

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR

Le Sueur County, MN

Thursday, March 17, 2016

Regular Session

Item 1

Le Sueur County Board of Adjustment Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY
BOARD OF ADJUSTMENT

Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

MEETING AGENDA

Meeting Date: March 17, 2016
Meeting Time: 3:00 pm

Onsite Date: March 17, 2016
Onsite Time: 2:00 pm

ITEM #1: Le Sueur County Parks-Geldner Sawmill

ITEM #2: William Lueck

Discussion Items: Minutes

ADJOURN

Board of Adjustment Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed ***to the board, not the applicant.*** After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.

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

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

APPLICATION DATE: 2/17/2015 **PERMIT NUMBER** 15020 **FEE:** $646.00
60 DAY RULING DATE: 4/17/2015

APPLICANT:	LE SUEUR COUNTY		**PROPERTY OWNER:**	LE SUEUR COUNTY	
ADDRESS:	88 SOUTH PARK AVE		**ADDRESS:**	88 SOUTH PARK AVE	
CITY:	LE CENTER		**CITY:**	LE CENTER	
STATE:	MN	**ZIP:** 56057	**STATE:**	MN	**ZIP:** 56017
PHONE:	507-357-2251		**PHONE:**	507-357-2251	

PARCEL NO:	04.999.0030	**TOWNSHIP:**	ELYSIAN	**911:**	46542 BEAVER DAM RD
SEC:	5	**SUBDIV:**	NA		
TWP:	109	**LOT:**	NA	**ZONE:**	SP
RANGE:	24	**BLOCK:**	NA	**FEMA PANEL #:**	27079C0300D
Q/Q:		**ROAD:**	CNTY	**FLOOD ZONE:**	X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the 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.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:

Don Reak, PARKS — APPLICANT/PROPERTY OWNER — 2/17/15 — DATE

Cathy Brockway — LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY — 2/17/15 — DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: _____

PUBLIC HEARING DATE: 3/19/2015 **ACTION:** Approved

☑ AS WRITTEN ☐ WITH CONDITIONS

James T. Doherty — BOARD OF ADJUSTMENT CHAIRMAN — 3-19-15 — 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.**

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

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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?

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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

JM JW JD CH FC

Explain _____ Y Y Y Y Y

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

(X) **APPROVED** ( ) **DENIED**

CONDITIONS: _____

Applicant response to conditions: Agree ( ) Disagree ( )

Reasons: _____

Board of Adjustment Chairman

3-19-15
Date

Le Sueur County

Variance Application

I. **Applicant:**
Name LE SUEUR COUNTY
Mailing Address 88 SOUTH PARK AVE
City LE CENTER State MN Zip 56057
Phone # 507-357-8201 Phone #

II. **Land Owner (s), if different from above:**
Name SAME
Property Address
City State Zip
Phone # Phone #

III. **Parcel Information:**
Parcel Number 04-999-0030 Parcel Acreage 4.44
Legal Description-Full legal description must be attached *(not from tax statement)*
attached

IV. **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 STAY RIGHT WARE IT IS, WOULD NOT BE USED

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

ELYSIAN Township notified on OCTOBER 16, 2014
(Township Name) *(Date)*

Board Member DOUG SWEDBERG regarding the proposed request. TOWNSHIP IS OK WITH VARIANCE
(Name)

VI. **Quantities and Submittal Formats:**

a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.

b. Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size,

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 ***at the time of application,*** or the application will not be accepted.

g. **Applications will not be accepted by mail.**

RECEIVED
FEB 17 2015
BY:

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
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures ***(within and adjacent to project area)***
- Proposed Structures
- Lot Dimensions
- Septic System NONE
- Well NONE
- Impervious Surface -- Itemized current & proposed with total percentages ***(If in Shoreland)***
- Location of significant trees to be removed ***(If in Shoreland)*** NONE
- 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:

- [x] a. Site Plan-***survey***
- [x] b. Full legal description
- [x] c. Access approval SAME. NO CHANGE
- [x] g. Surveyor Certification
- [ ] d. Floor plans and/or blue prints *(For structures)*
- [x] e. Septic System Compliance Inspection NONE — THERE IS NO SEPTIC SYSTEM AT SAW MILL
- [x] f. Erosion control plan
- [x] g. Written Detail of Variance

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

Variance:	$ 600	**After-The-Fact meeting fees are <u>doubled</u>.**
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.

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:

RECEIVED FEB 17 2015 BY:

1. 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 ADD 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 NOT ALLOW LE SUEUR 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 REGULATES THE BOILER INDUSTRY THAT PREVENTS LE SUEUR COUNTY FROM USING THE ORIGINAL ROOM. THE ORIGINAL BOILER ROOM IS TO SMALL TO PUT NEW BOILER IN. (SAME SIZE BOILER)

4. How will the request maintain the essential character of the locality?
THE GELDNER SAW MILL IS A 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 WAY IT IS NOW. IT WILL ACTUALLY COST MORE TO ADD THIS ADDITIONS.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
I WOULD HAVE TO SAY YES TO THIS QUESTION. WE ARE NOT TAKING ANY AGICULTURAL LAND OUT OF PRODUCTION. ANY FEED LOTS IN THE AREA WILL NOT MATTER TO THIS PROJECT. WE ARE NOT IN A BLUFF AREA. WATER QUALITY IS NOT A ISSUE. WE DO NOT HAVE A SEPTIC SYSTEM. ORDINANCE TALKS ABOUT PUBIC PARKS & OPEN 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.
IN THE LE SUEUR 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 PROJECT 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, WATER IS BROUGHT IN THE DAYS THE SAW MILL IS RUNNING. ON SITE PORT-A-JOHN IN SUMMER

9. Explain why this request is the minimum variance amount to afford relief.
WE ARE ONLY BUILDING THE ADDITION BIG ENOUGH TO FIT THE BOILER IN IT. THE STATE INSPECTORS NEED THREE (3) FEET ON ALL SIDES OF THE BOILER TO WALK AROUND IT. AND SEVEN FEET (7) OF HEAD ROOM.

RECEIVED
FEB 17 2015
VKB

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.

Don Reck — Applicant signature

10/20/14 — 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.

Don Reck FOR LE SUEUR COUNTY — Land Owner signature

10/20/14 — Date

OFFICE USE ONLY

Date received 2/17/15 | Present Zoning Classification SP | Feedlot within 500' 1000' (N)

Meeting date 3/17 | Lake Classification RD | Erosion Control Plan Y N

60 Day 4/17 | Lake Jeff | Water courses (Y) N

FEMA Panel # 270 | Flood Zone Outside (Addn) | Bluff Y (N)

☑ Surveyor Certificate | ☐ Ordinance | ☐ Septic NA | CI / DESIGN

☑ Site Plan -survey | ☐ Access approval EXT | ☐ Fee $ 0 | ATF / SPEC MTG

☑ Full legal | ☑ Blue Prints | ☐ Other

☑ Application complete | ☑ Written Detail of Var

KBrockway — Planning & Zoning Department Signature

2/17/15 — Date

2015020 — Permit #

04-15-13

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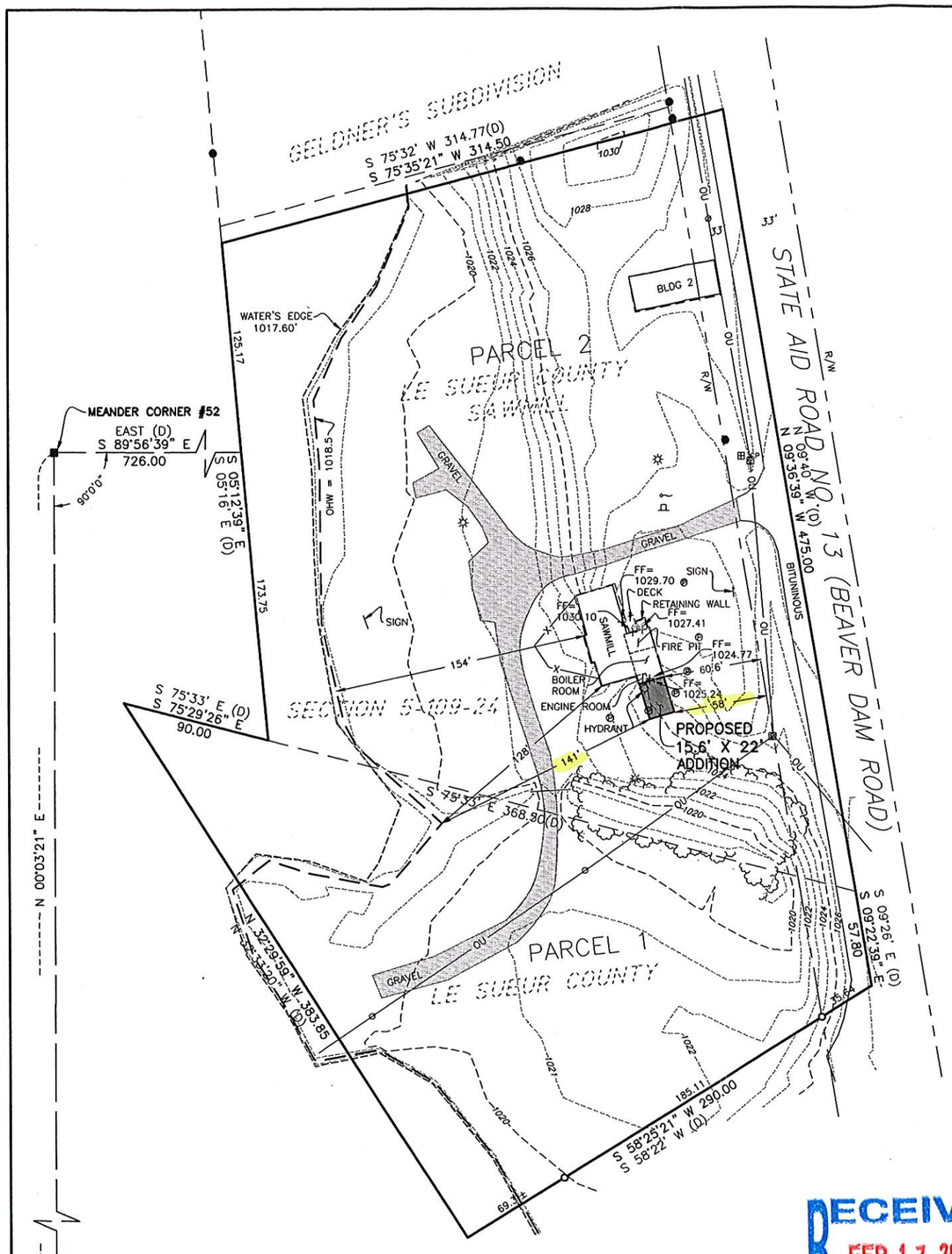

LE SUEUR COUNTY SAWMILL SURVEY

DESCRIPTIONS PROVIDED

PARCEL 1

That part of Government Lot 2, Section 5, Township 109, Range 24, Le Sueur County, Minnesota, described as follows: Commencing at meander corner No. 52; thence on an assumed bearing of East at right angles to the west line of said Section 5, a distance of 726.00 feet; thence South 05 degrees 16 minutes East, a distance of 173.75 feet to the point of beginning of the tract to be described; thence South 75 degrees 33 minutes East, a distance of 368.50 feet to the centerline of County Road No. 13; thence South 09 degrees 26 minutes East along said centerline of County Road No. 13, a distance of 57.80 feet; thence South 58 degrees 22 minutes West, a distance of 290.00 feet; thence North 32 degrees 33 minutes 20 seconds West, a distance of 383.85 feet; thence South 75 degrees 33 minutes East, a distance of 90.00 feet to the point of beginning. This tract contains 1.55 acres of land and is subject to right-of-way in existing County Road.

PARCEL 2

Commencing at Meander Corner Number 52, Section Number 5, Township 109 North, Range Number 24 West, Le Sueur County, Minnesota, thence East (Assumed Bearing) 726.00 feet to place of beginning; thence South 05 degrees 16 minutes East 173.75 feet; thence South 75 degrees 33 minutes East 368.50 feet to the center of County Road Number 13; thence North 09 degrees 40 minutes West on the center of said road, 475.00 feet; thence South 75 degrees 32 minutes West, 314.77 feet; thence South 05 degrees 16 minutes East, 125.17 feet to place of beginning. Contains 2.86 acres, RESERVING however unto parties of the first parties, and the survivor thereof, a life estate in and to the following described property; Commencing at Meander Corner Number 52, Section Number 5, Township Number 109 North, Range Number 24 West, thence East 726.00 feet; thence North 05 degrees 16 minutes West, 125.17 feet; thence North 75 degrees 32 minutes East, 186.32 feet to place of beginning; thence South 09 degrees 40 minutes East, 185.20 feet; thence North 80 degrees 20 minutes East, 128.00 feet to the center of County Road 13, thence North 09 degrees 40 minutes West on the center of said road, 197.00 feet; thence South 75 degrees 32 minutes West, 128.45 feet to place of beginning, containing 0.56 acres.

TOTAL LOT AREA
160697 SQ FT (3.69 ACRES)

EXISTING IMPERVIOUS SURFACE

SAWMILL	1924 SQ FT
BUILDING 2 W/ OVERHANG	1157 SQ FT
GRAVEL SURFACE	7789 SQ FT
BITUMINOUS SURFACE	6440 SQ FT
DECK	49 SQ FT
RETAINING WALL	7 SQ FT
TOTAL	17366 SQ FT (10.8%)

RFPE = 1022.86

SITE ADDRESS
46542 BEAVER DAM ROAD
CLEVELAND, MN 56017

PID 04.999.0030

OWNER ADDRESS
LE SUEUR COUNTY
88 PARK AVENUE SOUTH
LE CENTER, MN 56057

LEGEND

- MONUMENT FOUND
- LIGHT POLE
- FLAG POLE
- UTILITY POLE
- POST FOR CHIMNEY
- HYDRANT
- TRAFFIC SIGN
- CP COMMUNICATION PEDESTAL
- ELECTRIC METER
- OU UTILITY OVERHEAD
- X FENCE LINE
- (D) DEED BEARING

0 50 100
SCALE IN FEET

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Rory Jenson
License Number 19789

10-28-14
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System
Vertical Datum: NGVD 1929

RECEIVED
FEB 17 2015
BY:

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF GOV'T LOT 2 OF SECTION 5, TOWNSHIP 109 NORTH, RANGE 24 WEST, ELYSIAN TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

FOR: LE SUEUR COUNTY PARKS DEPARTMENT

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H:\PRIV_SURVEY\M35109137\CAD\C3D\109137BD1.DWG 10-28-2014 9:16a.m. SDB109137H JOB NUMBER: M35.109137 FIELD BOOK: 90G PG 63 DRAWN BY: JLA 4.0 S5-T109-R24

Le Sueur County

Surveyor Certification

I. Applicant:
Name Le Sueur County Parks

II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____

III. Parcel Information:
Parcel Number 04.999.0030

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.

V. Site Plan-must be a survey:

BUIILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED.

Site plan shall include but not limited to:

- North point
- setbacks
- property lines
- road right-of-way
- easements
- lakes
- rivers
- wetlands, ponds
- streams
- well
- existing structures *(within and adjacent to project area)*
- proposed structures
- lot dimensions
- septic system
- access
- current & proposed impervious surface-Itemized with percentages *(if in shoreland)*
- landscape, screening and buffering *(if applicable)*
- location of significant trees to be removed *(if applicable)*
- note how disturbed areas will be restored *(if applicable)*

VI. The proposed improvements have been physically staked onsite then surveyed on 10/28/14, 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.

Surveyor's signature _____ Date 10/28/14 Lic # 19789

2/17/15
Date received

OFFICE USE ONLY

K Brockway
Planning & Zoning Authority signature

10-01-11

RECEIVED
FEB 17 2015
BY: KB

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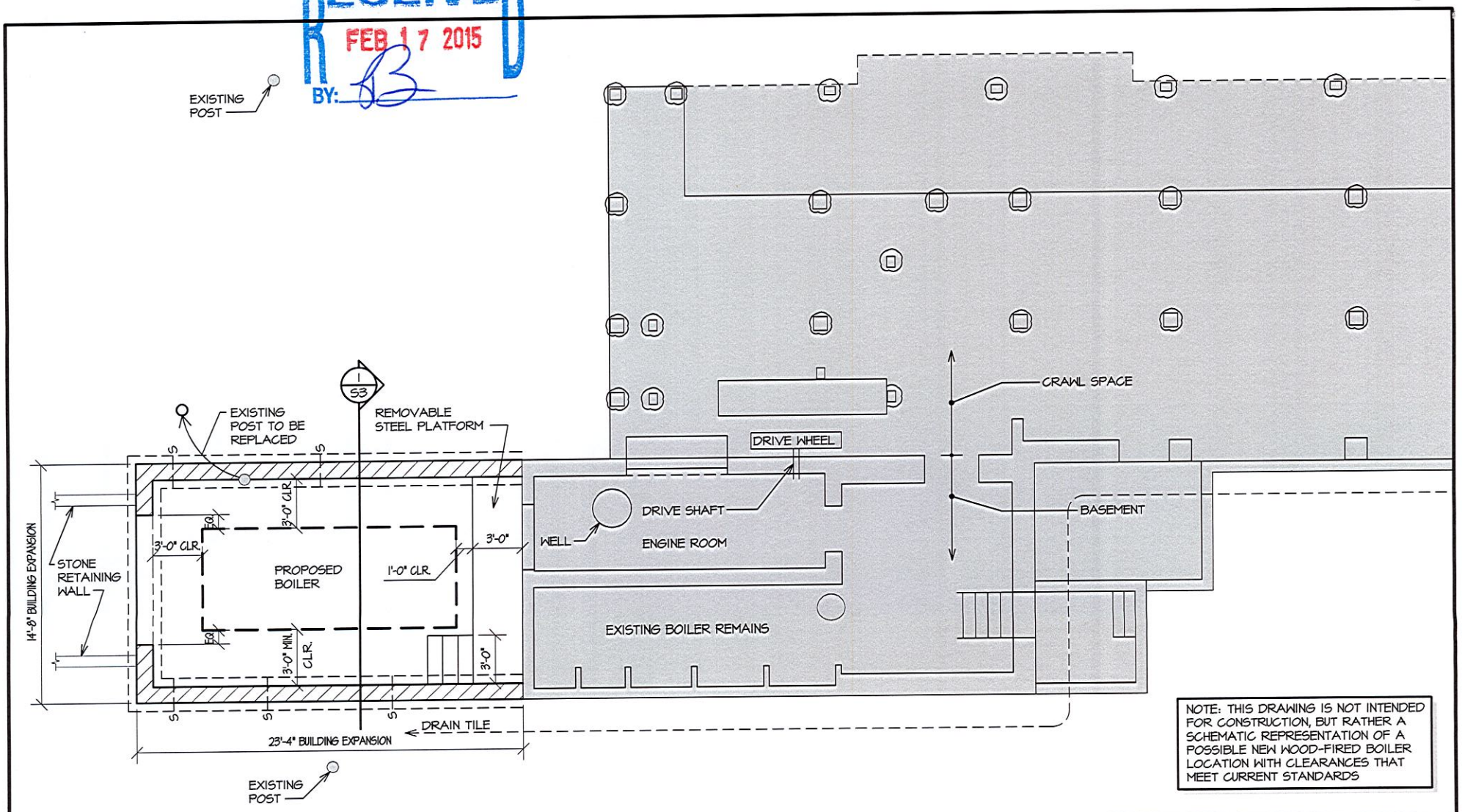
FEB 17 2015
BY:



1/S1 LOWER LEVEL PLAN
NOT TO SCALE

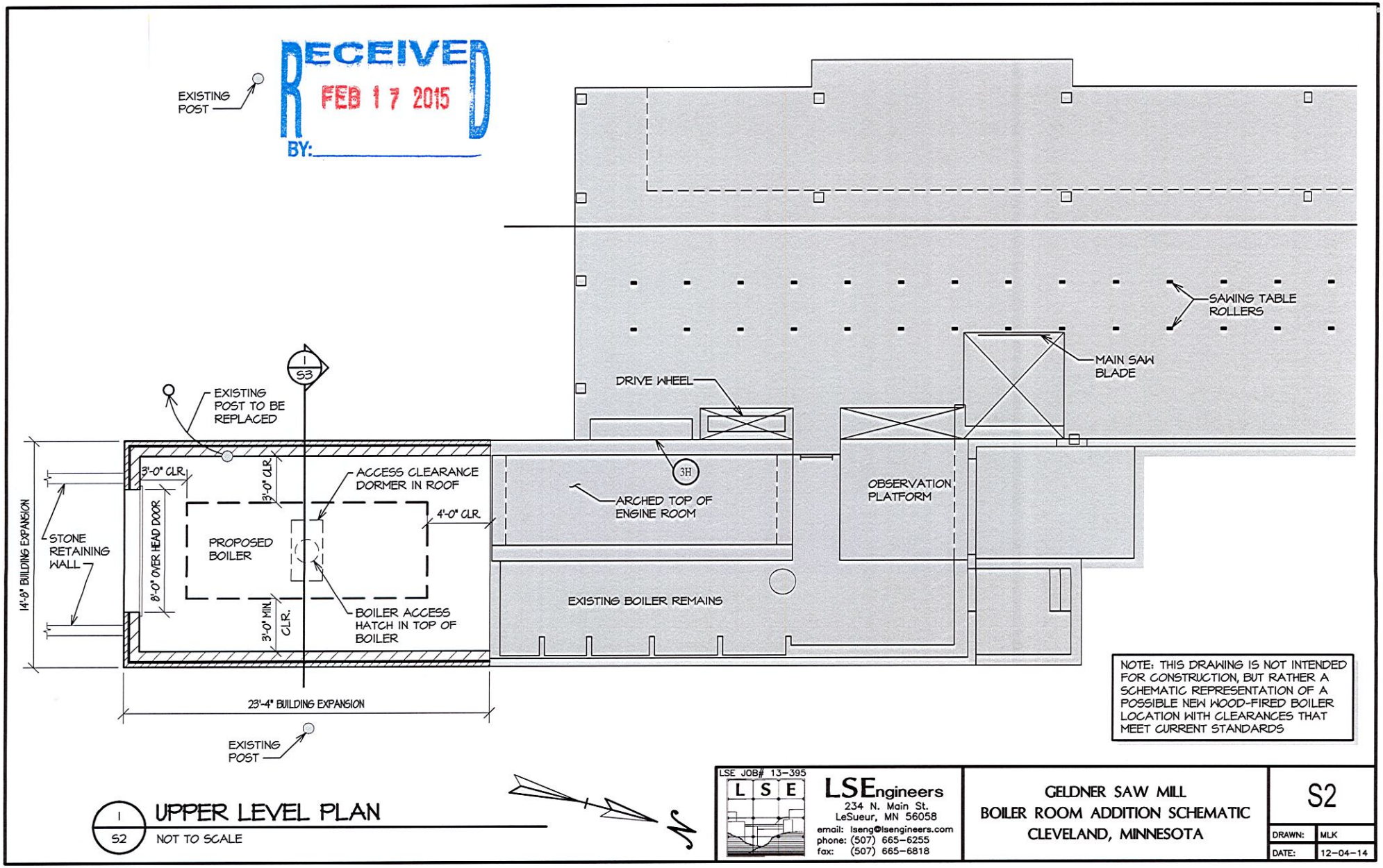
LSE JOB# 13-395

LSEngineers
234 N. Main St.
LeSueur, MN 56058
email: lseng@lsengineers.com
phone: (507) 665-6255
fax: (507) 665-6818

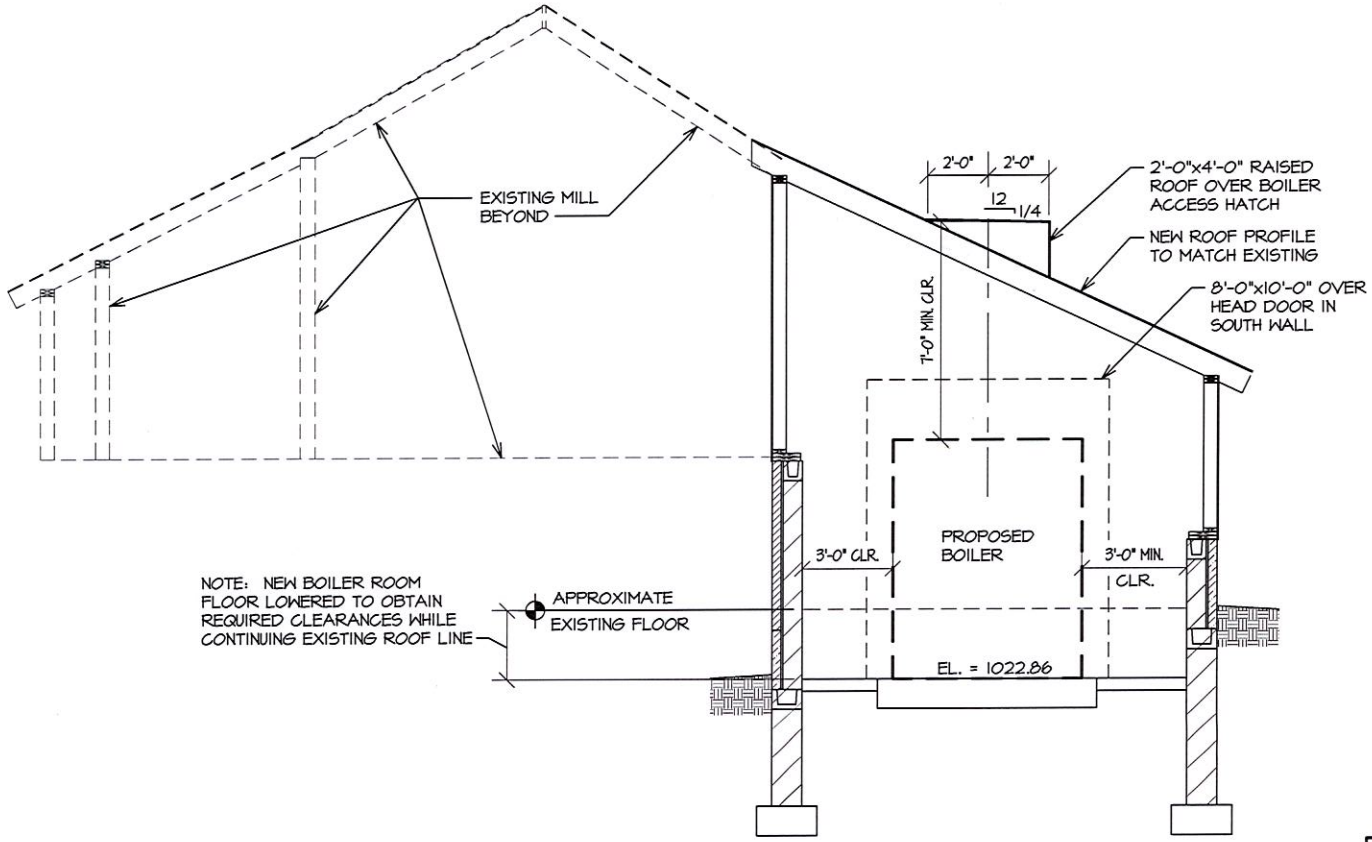
GELDNER SAW MILL
BOILER ROOM ADDITION SCHEMATIC
CLEVELAND, MINNESOTA

S1

DRAWN: MLK
DATE: 12-04-14


RECEIVED
FEB 17 2015
BY:
EXISTING POST
EXISTING POST TO BE REPLACED
EXISTING POST
1
S3
3'-0" CLR.
3'-0" CLR.
ACCESS CLEARANCE DORMER IN ROOF
4'-0" CLR.
PROPOSED BOILER
8'-0" OVER HEAD DOOR
14'-8" BUILDING EXPANSION
STONE RETAINING WALL
3'-0" MIN. CLR.
BOILER ACCESS HATCH IN TOP OF BOILER
23'-4" BUILDING EXPANSION
DRIVE WHEEL
3H
ARCHED TOP OF ENGINE ROOM
EXISTING BOILER REMAINS
OBSERVATION PLATFORM
MAIN SAW BLADE
SAWING TABLE ROLLERS
NOTE: THIS DRAWING IS NOT INTENDED FOR CONSTRUCTION, BUT RATHER A SCHEMATIC REPRESENTATION OF A POSSIBLE NEW WOOD-FIRED BOILER LOCATION WITH CLEARANCES THAT MEET CURRENT STANDARDS
1
S2
UPPER LEVEL PLAN
NOT TO SCALE
LSE JOB# 13-395
L S E
LSEngineers
234 N. Main St.
LeSueur, MN 56058
email: lseng@lsengineers.com
phone: (507) 665-6255
fax: (507) 665-6818
GELDNER SAW MILL
BOILER ROOM ADDITION SCHEMATIC
CLEVELAND, MINNESOTA
S2
DRAWN: MLK
DATE: 12-04-14

RECEIVED
FEB 17 2015
BY:



1/S3 SECTION

NOT TO SCALE

NOTE: THIS DRAWING IS NOT INTENDED FOR CONSTRUCTION, BUT RATHER A SCHEMATIC REPRESENTATION OF A POSSIBLE NEW WOOD-FIRED BOILER LOCATION WITH CLEARANCES THAT MEET CURRENT STANDARDS

LSE JOB# 13-395

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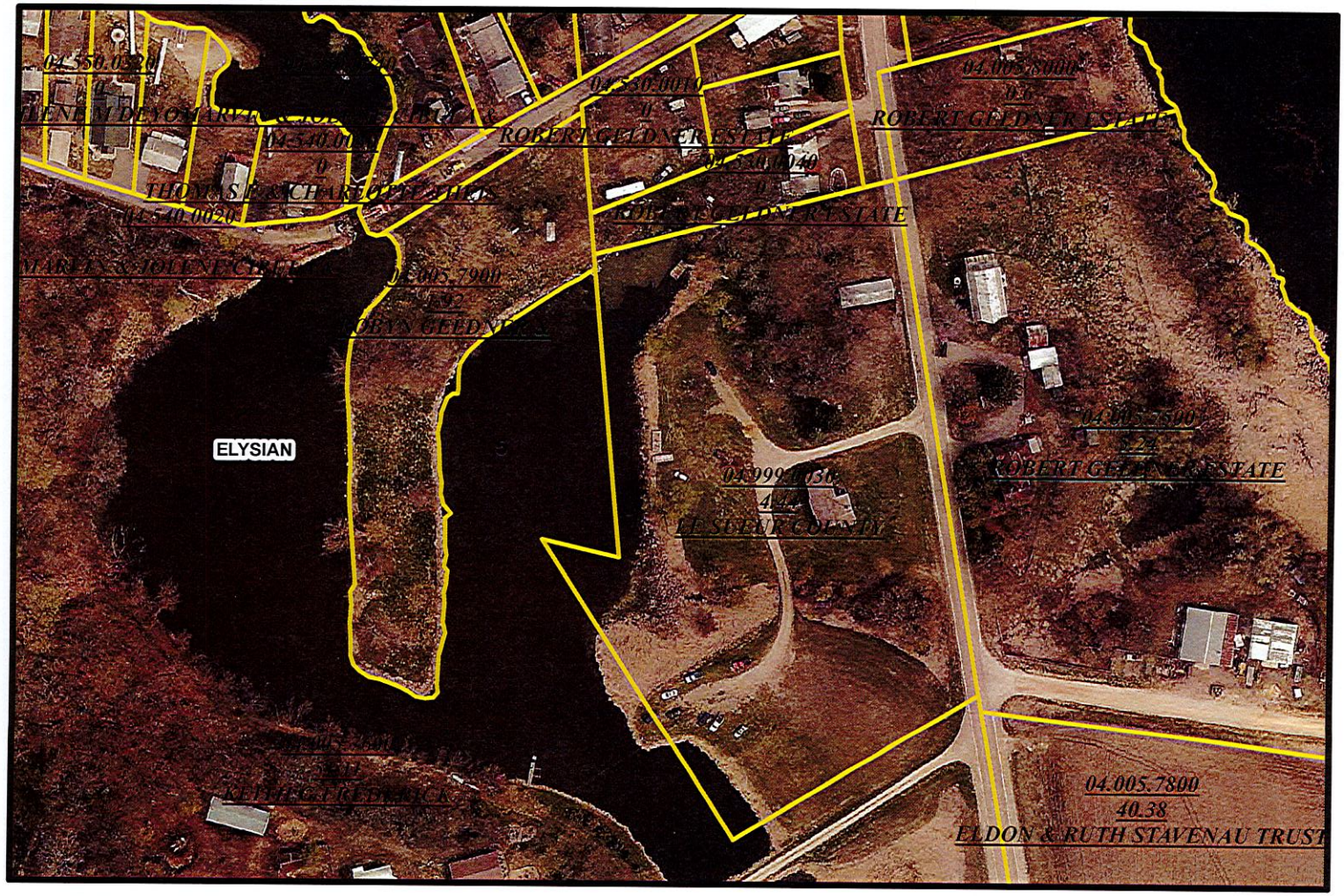
GELDNER SAW MILL
BOILER ROOM ADDITION SCHEMATIC
CLEVELAND, MINNESOTA

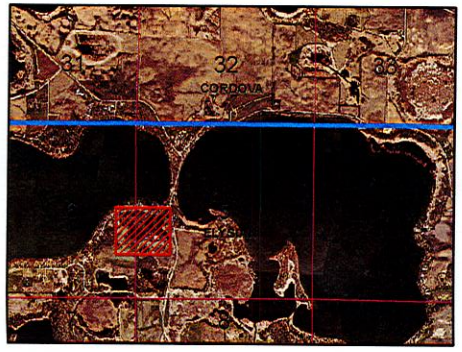
S3

DRAWN:	MLK
DATE:	12-04-14

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: LSC Parks Dept
PID: 04.999.0030
DATE: 3-4-15
FIRM #: 27079C0300D
F-Zone: x-outside
RFPE: 1022.86
District: Special Protection





0 80 160 320 480 640 Feet

Map Disclaimer
*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
*The maps are date specific and are intended for use only at the published scale.
*These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

N W E S

Incorporated
Townships
Sections
Parcel

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
507-357-8538

Le Sueur County, MN

Thursday, March 17, 2016

Regular Session

Item 2

Lueck Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **William Lueck**

911 ADDRESS: **46561 Cape Horn Rd, Cleveland**

VARIANCE REQUEST: **To allow the applicant to install septic tank 71 feet from the Ordinary High Water Level (OHWL); Construct a septic drainfield 18 feet from the neighbor's structure and 44 feet from the OHWL.**

VARIANCE NUMBER: **16016**

PARCEL NUMBER: **01.500.0250**

SITE INFORMATION

LOCATION: **Lots 28, 29, & 30, Cape Horn Subdivision, Section 1, Cleveland 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 off Cape Horn 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: **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. Variance:	Request:	Required:	Ordinance:	Page:
a. **Septic tank to OHWL:**	**71 feet**	**75 feet**	**Section 17, Subdiv. 4.D.5.b.2.**	**17-9**
b. **Septic drainfield to structure:**	**18 feet**	**20 feet**	**Section 17, Subdiv. 4.D.1.a.**	**17-9**
c. Septic drainfield to OHWL:	**44 feet**	**75 feet**	**Section 17, Subdiv. 4.D.5.b.2**	**17-9**

2. **Refer to DNR Guidance Letters**:

a. The Role of the Variances in Shoreland Management Ordinances	pg. 9
b. Non-conforming Lots of Record in Shoreland Areas	pg. 19
c. Structure Setback Requirements	pg. 21

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

APPLICATION DATE: 2/12/2015 **PERMIT NUMBER** 16016 **FEE:** $646.00
60 DAY RULING DATE: 4/12/2016

APPLICANT:	WILLIAM LUECK	**PROPERTY OWNER:**	WILLIAM LUECK
ADDRESS:	555 NORTH WELCO DR	**ADDRESS:**	46561 CAPE HORN RD
CITY:	ST PETER	**CITY:**	CLEVELAND
STATE:	MN **ZIP:** 56082	**STATE:**	MN **ZIP:** 56017
PHONE:	507-931-3508	**PHONE:**	507-931-3508

PARCEL NO:	01.500.250	**TOWNSHIP:**	CLEVELAND	**911:**	46561 CAPE HORN RD
SEC:	1	**SUBDIV:**	CAPE HORN		
TWP:	109	**LOT:**	28, 29 & 30	**ZONE:**	RR
RANGE:	25	**BLOCK:**		**FEMA PANEL #:**	27079C0270D
Q/Q:		**ROAD:**	TWP	**FLOOD ZONE:**	X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:

TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 71' TO OHWL; CONSTRUCT A SEPTIC DRAINFIELD 18' TO NEIGHBOR STRUCTURE & 44' TO OWHL.

2.) Reasons for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:

APPLICANT/PROPERTY OWNER	2-12-16 DATE
Michelle R Mutto LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	2-12-16 DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 3/17/2016

PUBLIC HEARING DATE: 3/17/2016 **ACTION:** _____

☐ AS WRITTEN ☐ WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN	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: WILLIAM LUECK **Variance #** 16016

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 71' TO OHWL; CONSTRUCT A SEPTIC DRAINFIELD 18' TO NEIGHBOR STRUCTURE & 44' TO OWHL.

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?

JM JW JD CH FC

Explain _____

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

JM JW JD CH FC

Explain _____

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

JM JW JD CH FC

Explain _____

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

JM JW JD CH FC

Explain _____

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

JM JW JD CH FC

Explain _____

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?

JM JW JD CH FC

Explain _____

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

JM JW JD CH FC

Explain _____

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

Variance Application

I. Applicant:

Name William Lueck
Mailing Address 555 North Welco Drive
City St. Peter State MN Zip 56082
Phone # 507-931-3508 Phone #

II. Landowner:

Name William Lueck
Property Address 46561 Cape Horn Road
City Cleveland State MN Zip 56017
Phone # 507-931-3508 Phone #

III. Parcel Information:

Parcel Number 01.500.0250 Parcel Acreage .7
Township Cleveland Section 1
Subdivision Cape Horn Lot 2 - 3 Block

Full Legal Description must be attached.
(Full legal description can be found on deed, not abbreviated legal description from tax statement).

IV. Variance Request: List requested alternative to development standard(s).
44' setback from O.H.W. with drainfield instead of 75'. 71' setback from O.H.W. with septic tank instead of 75'. 18' from neightbor's covered deck (structure) with drainfield instead of 20'.

V. Description of Request:

a. A full written description of the proposed variance request with detailed information must be attached.

VI. Township Notification:

Township must be notified prior to application. *(County Commissioners are not the Township Board.)*

CLEVELAND *(Township Name)* Township notified on February 8, 2016 *(Date)*

Board Member Pat McCabe *(Name)* regarding the proposed request.

VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - ***Within and adjacent to project area.***
- Location of trees to be removed - ***Shoreland Districts.***
- Access
- Easements
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

***Site shall be physically staked, *then* surveyed.**
***Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.**
***Stakes must remain in place until construction commences.**

VIII. Practical Difficulty:

a. 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.

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

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

d. 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.**
Existing drainfield is closer to O.H.W. than new drainfield will be. New drainfield will be above ground surface, providing more treatment of effluent than existing drainfield.

2. **What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?**
Community well providing water to 12 cabins and houses located on property greatly reducing available area for septic system.

3. **Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.**
Well on property many years before current property owner.

4. **How will the request maintain the essential character of the locality?**
Character will not change but septic will be upgraded.

5. **Does the alleged practical difficulty involve more than economic considerations?**
Yes, septic system replacement on property will not be possible without setback variances.

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

7. **Describe how the request is consistent with the Comprehensive Land Use Plan.**
Not changing land use. Just improving septic system.

8. **Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.**
Current septic system consists of tank in garage and in-ground drainfield with parts closer to O.H.W. than proposed system. New system will be sized for current house flows.

9. **Explain why this request is the minimum variance amount to afford relief.**
Septic system located to require least amount of variances.

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

a. One (1) reproducible copy of the request and all other supporting documents.

b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.

c. Electronic version of any supporting documents if available.

d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	$ 600
Filing Fee:	$ 46
Variance for Clusters:	$ 600 + $200 per household
Filing Fee:	$ 46

Additional Fees:

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

Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: *See Section 22 of the Zoning Ordinance for full details.*

a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary**.

b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary**.

c. All required information must be correct and submitted ***at the time of application,*** or the application will not be accepted.

d. Fees **will not** be accepted by mail and must be paid at the time of application.

e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.

f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

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

i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.

j. The Board of Adjustment has the authority to request additional information or designate conditions.

k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.

l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.

n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. 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.

William L. Lueck — 2-9-2016

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.

William L. Lueck — 2-9-2016

Landowner signature — Date

OFFICE USE ONLY

Date received 2-12-16	Present Zoning Classification RR	Feedlot within 500' 1000' (N)
Meeting date 3-17-16	Lake Classification RD	Erosion Control Plan (Y) N
60 Day 4-12-16	Lake Jefferson	Water courses Y (N)
RFPE 1022.86	FEMA Panel # 27079C0270D	Bluff (Y) N (0' setback)
☑ Site Plan -survey	Flood Zone X-outside	Other
☑ Surveyor Certificate	☑ Full legal description	☑ Septic 10-5-15 2-12-16 — COC NONC/(Waiver) (Design)
☑ Floor plans/blue prints	☑ Access approval	
☑ Description of Request	☑ Blue Prints	☑ Fee $ 6416 — ATF / SPEC MTG
☑ Application complete	Michelle R Mutt — Planning & Zoning Department Signature	2-12-16 Date — 16016 Permit #

OHWL = 1018.50

01-15-16

February 8, 2016

William Lueck
46561 Cape Horn Road
Cleveland, MN 56017

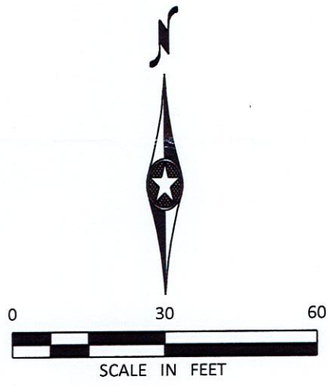
Mailing Address: 555 North Welco Drive, St. Peter, MN 56082

Variance Request Description:

We are requesting setback variances to replace an existing septic system servicing a year around house. A community well is located on the front side of the property, therefore limiting the area for a new septic system. The existing septic system consists of a septic tank located in a garage and an in-ground drainfield. The new system would consist of a larger tank outside the house, making it much easier to maintain. The drainfield would be an above ground system located in the general area of the existing drainfield. The new drainfield will not be any closer to variance requests than the existing one is now.

Requested variance are as listed:

1. 44' setback from O.H.W. with drainfield instead of 75'.
2. 71' setback from O.H.W. with septic tank instead of 75'
3. 18' setback from neighbor's covered deck (structure) to drainfield instead of 20'.



LEGEND

- ○ 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- ● MONUMENT FOUND
- Ⓐ WELL
- SB SOIL BORING
- TILE INLET
- SILT FENCE

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Rory Jensen
License Number 19789

2-11-16
Date

EXHIBIT DRAWING
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

S 25 FEET OF LOT 27 & LOTS 28, 29 & 30, CAPE HORN SUBDIVISION, SECTION 1, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: WILLIAM LUECK

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GDB110901H

H:\PRIV_SURVEY\M31110901\CAD\C3D\110901BD1.DWG 02-09-2016 1:14p.m. JOB NUMBER: M31.110901 FIELD BOOK: 90H PG 36 DRAWN BY: JLA 4.0 S1-T109N-R25W

Le Sueur COUNTY

Surveyor Certification

I. Applicant:
Name WILLIAM LUECK

II. Landowner:
Name WILLIAM LUECK
Property Address 46561 CAPE HORN
City CLEVELAND State MN Zip 56017

III. Parcel Information:
Parcel Number 01.500.0250

IV. Site Plan - Shall be a Certificate of Survey to include, but not limited to:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - ***Within and adjacent to project area.***
- Location of trees to be removed - ***Shoreland Districts***
- Access
- Easements
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

***Site shall be physically staked, *then* surveyed.**
***Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.**
***Stakes must remain in place until construction commences.**

V. Quantities and Submittal Formats:

a. One (1) reproducible copy of the request and all other supporting documents.

b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.

c. Electronic version of any supporting documents if available.

d. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary**.

e. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary**.

f. All required information must be correct and submitted ***at the time of application***, or the application will not be accepted.

VI. Signatures:
The proposed improvements have been physically staked onsite ***then*** surveyed on 2/9/2016, to reflect an accurate account of current and proposed conditions of the property identified above.

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.

Roy Lamm — Surveyor Signature
2/15/06 — Date
19789 — Lic #

OFFICE USE ONLY

2-16-16 — Date Received
MRM — Planning & Zoning Department Signature

01-15-16

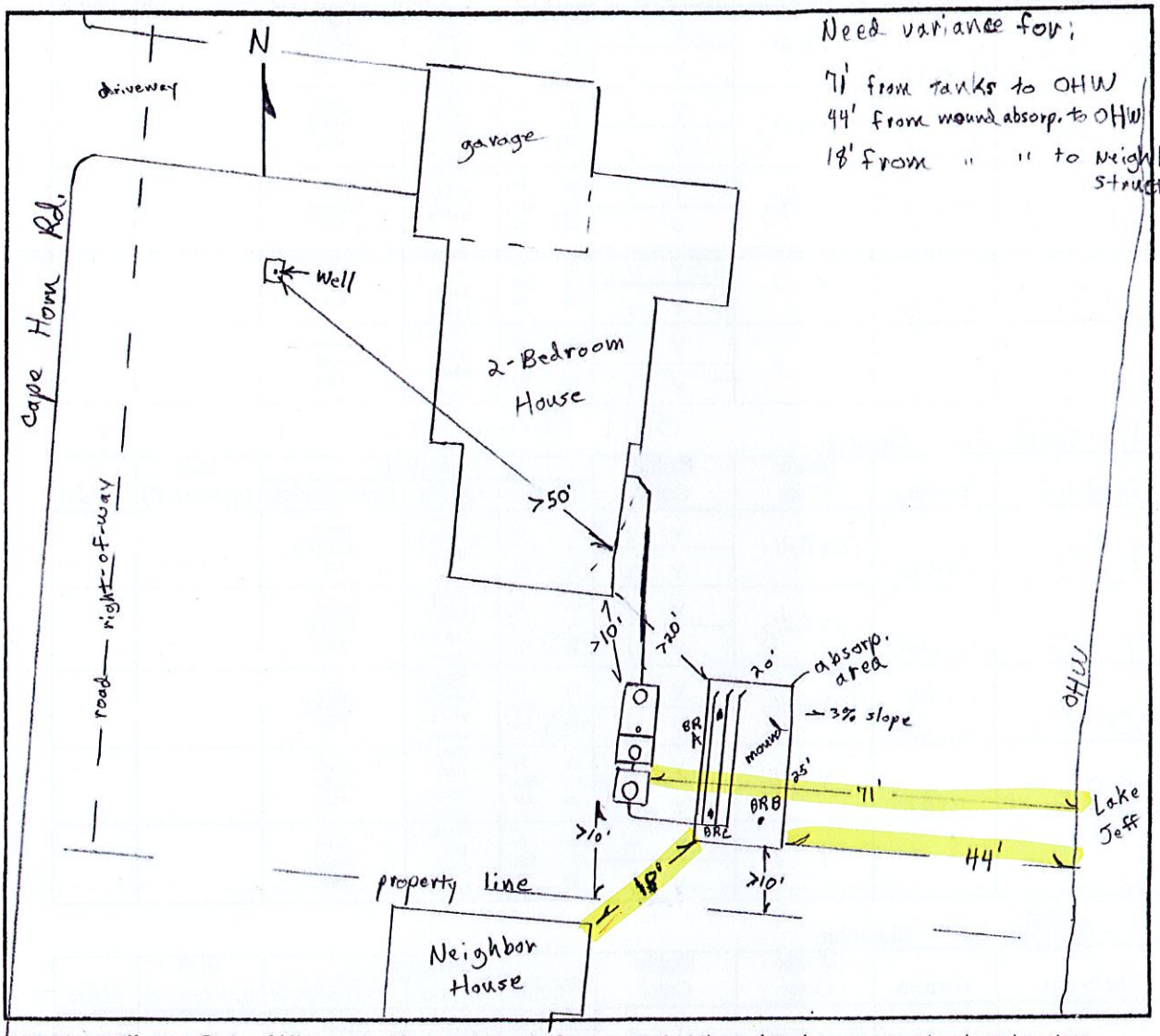
RECEIVED
FEB 16 2016
BY:

Le Sueur County
Environmental Services

Septic System Record Drawing

Direct Dial: 507-357-8538
Fax: 507-357-8541

Property Owner: William Lueck c/o Melissa Schaefer
Property Address: 46561 Cape Horn Rd.
Parcel Number: 01.500.0250



I hereby certify as a State of Minnesota Licensed Septic Contractor that the subsurface sewage treatment system diagramed above was designed/installed in accordance with all applicable requirements of MN Rules Chapters 7080 &/or 7081 and the Le Sueur County Zoning Ordinance. The drawing is accurate as of the date at the bottom of this form for the site identified at the top of this form. No detemination of the future hydraulic performance can be made due to future water usage over the life of the system.

Septic Designer Signature: [signature]
Septic Designer Company: St. Peter Well
License Number: 3467 Certification Number: 3218 Date: 2-8-16

Septic Installer Signature:
Septic Installer Company: St. Peter Well
License Number: 3467 Certification Number: 3218 Date: 2-8-16

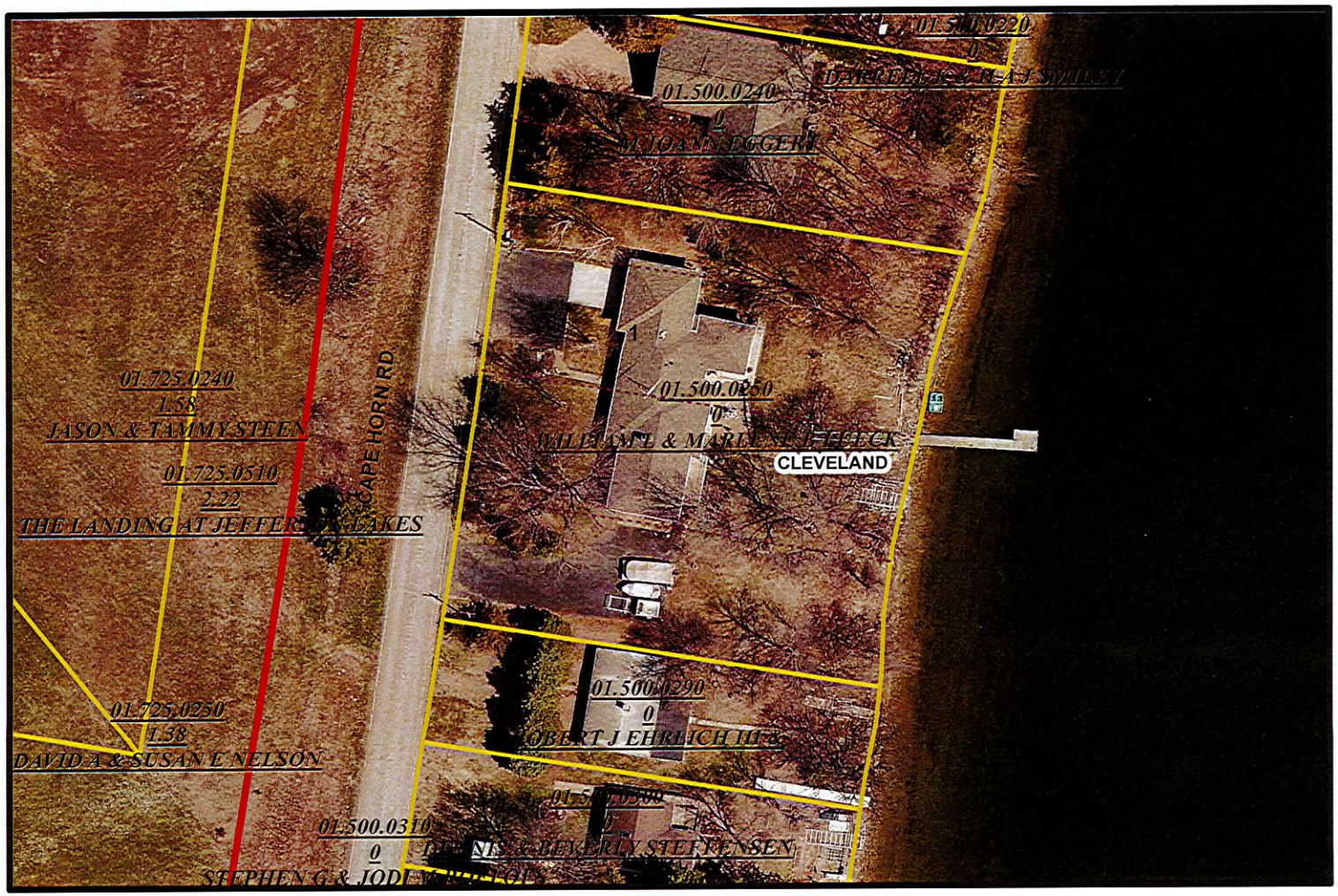
Mailing: 88 South Park Avenue
Le Center, MN 56057

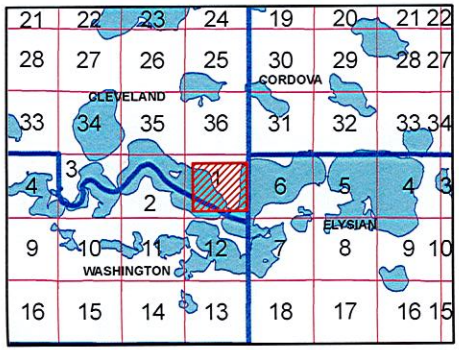
Physical: 515 South Maple Avenue
Le Center MN 56057

Revised: 2/2012

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: William Lueck
PID: 01.500.0250
DATE: 03-03-16
FIRM #: 27079C0270D
F-Zone: X-Outside
RFPE: na
District: Recreational Residential





0 30 60 120 180 240 Feet

Map Disclaimer
*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
*The maps are date specific and are intended for use only at the published scale.
*These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

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

N W E S

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
507-357-8538

Le Sueur County, MN

Thursday, March 17, 2016

Regular Session

Item 1

Approved March 17, 2016 Meeting Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 17, 2016

MEMBERS PRESENT: Colin Harris, Jim Mladek, John Wolf, Francis Cummins

MEMBERS ABSENT: Jeanne Doheny

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

The meeting was called to order at 3:00 P.M. by Vice-Chair Colin Harris.

ITEM #1: LE SUEUR COUNTY PARKS DEPARTMENT, LE CENTER, MN, (APPLICANT); LE SUEUR COUNTY, (OWNER): Request that the County grant an extension for an existing Variance #15020 from the Le Sueur County Zoning Ordinance to allow the applicant to construct an addition to a non-conforming structure (Geldner Sawmill) 58 feet from the road Right-Of-Way (ROW) and 141 feet from the Ordinary High Water Level (OHWL) in a Special Protection **"**SP" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 2, Section 5, Elysian Township. **VARIANCE IS FOR EXPANSION OF A NON-CONFORMING STRUCTURE, ROAD ROW AND OHWL SETBACKS.**.

Don Reak, representing Le Sueur County Parks Department was present for application.

Township: no comments. DNR: no comments. Letters submitted: none.

PUBLIC COMMENT: None

Discussion was held regarding Variance approved in February of 2015, timeframe: hopefully this summer, requesting a l-year extension.

Motion was made by Jim Mladek to approve the extension as requested. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #2: WILLIAM LUECK, ST PETER, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 71 feet from the Ordinary High Water Level (OHWL) and construct a septic drainfield 44 feet from the OHWL and 18 feet from the neighbor's structure in a Recreational Residential **"**RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 28, 29, & 30, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACKS.**

Joel Schaefer, St. Peter Well Company, representing the applicant was present for application.

Township: no comments. DNR: no comments. Letters submitted: none.

PUBLIC COMMENT: David Nelson, property owner, concerned with setting precedence by approving variances within the sewer district, residents have only 3-choices to update-holding tanks, cluster systems, or a system on their parcels that might include variances.

Discussion was held regarding: shared well location, therefore, cannot utilize the front yard, old drainfield location, soil conditions, no other option on the property, 12 properties share the well, full time residence, currently vacant, will be selling the property, required to update by December 31, 2017.

Motion was made by John Wolf to approve the application as written. Seconded by Jim Mladek. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.

Motion to adjourn meeting by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
March 17, 2016.

Tape of meeting is on file in the
Le Sueur County Environmental Services Office