



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: APRIL 21, 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 Board of Adjustment Notice of Public Hearing

ITEM #2 Board of Adjustment Agenda

ITEM #3 Hirn

ITEM #4 Approved April 21, 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 April 21, 2016.

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



Le Sueur County, MN

Thursday, April 21, 2016

Regular Session

Item 1

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
www.co.le-sueur.mn.us

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

DATE: APRIL 21, 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 **APRIL 11, 2016**.

ITEM #1: CHARLES & MARY HIRN, WOODBURY, MN (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling with an attached garage 37 feet from the road Right-Of-Way and 80 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 22, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR ROAD AND OHWL 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 APRIL 21, 2016

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



Le Sueur County, MN

Thursday, April 21, 2016

Regular Session

Item 1

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: April 21, 2016

Meeting Time: 3:00 pm

Onsite Date: April 21, 2016

Onsite Time: 2:00 pm

ITEM #1: Charles & Mary Hirn

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, April 21, 2016

Regular Session

Item 1

Hirn

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Charles & Mary Hirn

911 ADDRESS: 46529 Cape Horn Road, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to construct a single-family dwelling with an attached garage 37 feet from the road Right-Of-Way (ROW) and 80 feet from the Ordinary High Water Level (OHWL)

VARIANCE NUMBER: 16032

PARCEL NUMBER: 01.500.0200

SITE INFORMATION

LOCATION: Lot 22, 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.

GOALS AND POLICIES: See attached Goals and Policies.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Cape Horn Road

LAKE: Lake Jefferson, Recreational Development

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,

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. Structure to road ROW:	37 feet	65 feet	Section 13.2, Subdiv. 5.B.3	13-43
		*	Reduced; Subdiv. 5.B.10.*	13-44
b. Structure to OHWL:	80feet	100 feet	Section 13.2, Subdiv. 5.E.1.	13-45
		*	Reduced; Subdiv. 5.E.2.*	13-45

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.

Le Sueur County Land Use Goals and Policies

Le Sueur County will adopt and enforce the following land use goals and policies to enhance land use regulation efficiencies, use County resources to meet County residents' needs, and protect County residents' health, safety, and welfare.

Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

Policy: The County will protect the best of its agricultural land as a resource for long term agricultural use.

Policy: An adequate supply of healthy livestock is essential to the well being of Le Sueur County. The location of livestock feedlots and non-feedlot uses too close to one another can cause conflicts. An effort to combine local needs with state feedlot regulations will ensure local involvement in this issue, help provide minimal disruption to existing agricultural businesses, and help provide rules to protect the environment.

Goal 2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

Policy: The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

Policy: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Policy: Preserve shorelands on Natural Environment Lakes (NE) and Tributary Rivers as open space or wildlife areas.

Goal 3: Improve water quality in Le Sueur County.

Policy: The County will undertake actions to help protect groundwater as well as surface water features.

Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

Goal 5: The County needs to establish closer land use planning efforts with its urbanized cities for reasons of economic efficiencies and to reduce conflicts and confusion.

Policy: The County will work with each of the Cities to establish an urban growth boundary that will graphically represent the growth intentions of each City by defining its future urban service area for some specified future time period.

Goal 6: Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development.

Policy: The County should adopt an aggregate resource protection ordinance.

Goal 7: Parks and other County owned open spaces are valuable resources that need to be improved and developed to serve County residents.

Policy: The County Board will request the Le Sueur County Park Board to become more active in being an advocate for County Park improvements.

Goal 8: As part of the County's responsibility to protect the public health, safety, and welfare, the County will consider adopting the Uniform Building Code.

VARIANCE FINDINGS OF FACT

Name of Applicant: CHARLES & MARY HIRN

Variance # 16032

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SFD W/ AN ATTACHED GARAGE 37' FROM RD ROW AND 80' 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?

Explain _____ JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____ JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____ JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____ JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____ JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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
☐ ☐ ☐ ☐ ☐

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

Explain _____ JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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 Charles & Mary HIRN
 Mailing Address 10050 Fox Run Cove
 City Woodbury State MN Zip 55129
 Phone # 651 402 8067 Phone # 651-491-9733

II. **Landowner:**
 Name Charles & Mary HIRN
 Property Address 46529 Cape Horn Rd.
 City Cleveland State MN Zip 56017
 Phone # 651 402 8067 Phone # 651 491-9733

III. **Parcel Information:**
 Parcel Number R 01. 500.0200 Parcel Acreage .33 acres
 Township Cleveland Section _____
 Subdivision Cape Horn Lot 22 & 27 Block _____
25' of lot 27
CH

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).
Front yard setback of 37' CH feet from Township road Right of way +
Ordinary high water level setback of 80 feet for construction
of single family home CH

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 notified on 2-29-2016
 (Township Name) (Date)

Board Member Susan Ely regarding the proposed request.
 (Name)

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.

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input type="checkbox"/> a. Site Plan- survey | <input checked="" type="checkbox"/> e. Floor plans and/or blue prints (<i>For structures</i>) |
| <input type="checkbox"/> b. Surveyor Certification | <input checked="" type="checkbox"/> f. Septic System Compliance Inspection |
| <input checked="" type="checkbox"/> c. Access approval | <input checked="" type="checkbox"/> g. Erosion control plan |
| <input checked="" type="checkbox"/> d. Full legal description | <input checked="" type="checkbox"/> 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, aerals 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.

Cheryl A. [Signature]
Applicant signature

3/10/2016
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.

Cheryl A. [Signature]
Landowner signature

3/10/2016
Date

OFFICE USE ONLY

Date received <u>3-10-16</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' <u>1000'</u> <u>N</u>
Meeting date <u>4-21-16</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
<u>15-D - 3-30-16</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>N</u>
60 Day <u>5-21-16</u>	FEMA Panel # <u>2709C0270</u>	Bluff <u>Y</u> <u>N</u>
RFPE <u>1022.80</u>	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Site Plan -survey	<input checked="" type="checkbox"/> Full legal description	<input type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Access approval	<input type="checkbox"/> Fee \$ _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> ATF / SPEC MTG
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Application complete	<u>3-22-16</u> <u>16032</u>
<u>Michelle R. [Signature]</u>	Planning & Zoning Department Signature	Date Permit #

1018.5 DHWL

01-15-16



V. Description of Request

a. This variance request is for the construction of a single family home. The front yard setback was determined by the survey line with the adjacent dwellings which creates an angled line in relationship to the township road. (See survey). We are requesting a 37 foot front yard setback for the west wall of our attached garage. The OHWL/rear setback of our non-conforming lot has also been determined by an angled survey line created from comparing the adjacent dwellings. (See survey). We are requesting an 80 foot OHWL/rear setback for the east wall of our home.

VIII. Practical Difficulty:

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.

We feel our request is reasonable considering our plan utilizes the property and its contours in the most effective way. Placing the new structure, as proposed, in the current hillside, makes for less excavation and the best use of our nonconforming lot. The ordinance compares our property to adjacent ones; the one to the north of us of which is a very small dwelling which is located to the very north on a large property. This creates an angled line of comparison on the survey. When compared to properties on either side of those adjacent to us, our setback variance requests are comparable and actually less.

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

Our lot is a nonconforming Lot of Record. The width is about 2.5 times the length, making building a longer structure than wider, makes sense. Being compared to the small dwelling to our north increases our setback restrictions and reduces our usable area. We have a bluff and a shoreline to contend to as well, although our current plan places the proposed structure in accordance to the bluff and shoreline setbacks. Our plan will not impact or disturb either the bluff and shoreline impact zones.

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

Per the current Ordinance and our lot being nonconforming, leaves us with unique circumstances to deal with. The setback comparison with the dwelling to the north is less of a representation of many of the structures just 2 or 3 lots to the north and south. Those properties are positioned such that our setback request would be less. The angled line of

comparison of an adjacent lot to the north, as seen on the survey, creates more setback limitations.

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

Our building plans are comparable and consistent with the current development in the area. Our plan will utilize the size, shape, and current contours of our property to the fullest. Our plan will not disturb or affect the current bluff or shoreline.

We have enjoyed a cabin on this property for the past 16 years and have been respectful of our neighbors and the lake, of the community, and are good stewards of the land.

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

The most important consideration in this case is to utilize our property in the most effective and useful way by building a structure that is architecturally and aesthetically pleasing, and promotes and maintains the current character and environment. The current plans include a garage to store vehicles and our boat keeping them out of site. Our plan includes using permeable pavers for our driveway and patio which will help reduce the amount of non-permeable surfaces.

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

Our request is consistent with all requirements listed in the Ordinance associated with non-confirming lots except our request to build 10-14 feet closer to the OHWL and 14-16 feet closer to the road. Our plan includes keeping impervious surfaces within 25% of the total property, staying within the bluff setback guidelines, and property lines. We will not be affecting the bluff itself, the shoreline and not creating any negative environmental impact. We are working with Paul Hanzel Homes, Inc., License #: 20276152 who has agreed to abide by all building codes.

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

1. We are preserving the bluff area (Goal #2) by using a plan that will use all the standard and acceptable building practices to prevent erosion and run-off. We will not build on or within the impact bluff zone. We plan to install rain gutters and directional downspouts which will be collected in rain barrels to also help protect erosion and run-off.
2. We are not affecting the shoreline thus preserving the current one. We are protecting the current agricultural reserves by not affecting them (Goal # 1).



3. Our new septic system was installed in 2004, and deemed compliant in 2014. We will be abandoning the current septic system and we have already made a down payment to be a part of the Cape Horn Water Treatment cluster system in the future (Goal #3). We will initially be installing a holding tank septic system that will be connected with the future cluster system.

4. Our builder agrees to abide by all building codes. Paul Hanzel Homes, Inc. (Goal #8).

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

We currently share a well with Cape Horn Well Association. Our current and compliant septic system is a mound system. As stated above, we will be abandoning our current system and will install a holding tank septic and our future plan includes being a part of the Cape Horn Water Treatment cluster system.

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

We have proposed placement of the new structure to utilize the property and its current contours, as well as maintaining the current environment. We are staying within the bluff zone setbacks and erecting a structure that we feel is consistent with several adjacent properties to our north and south on Cape Horn Road.

IX. Attachments shall include but not limited to:

d. Full legal description lot Twenty-two (22) and the south 25 feet of lot Twenty-one (21), CAP HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North Numbered Twenty-five (25) West, in LeSueur County, Minnesota.



Mettler, Michelle

From: Susan Ely [susan.ely22@yahoo.com]
Sent: Sunday, March 27, 2016 4:43 PM
To: Mettler, Michelle
Cc: Susan Ely
Subject: Fw: Drive way access to township road
Attachments: Cape Horn survey 3-4-16.pdf

Hello,
Cleveland Township has reviewed the new driveway access and we approve.

Sincerely,

Susan Ely
Cleveland Township Clerk

----- Forwarded Message -----

From: "Hirn, Charles J" <Charles.Hirn@pfizer.com>
To: "susan.ely22@yahoo.com" <susan.ely22@yahoo.com>
Sent: Friday, March 11, 2016 9:27 AM
Subject: Drive way access to township road

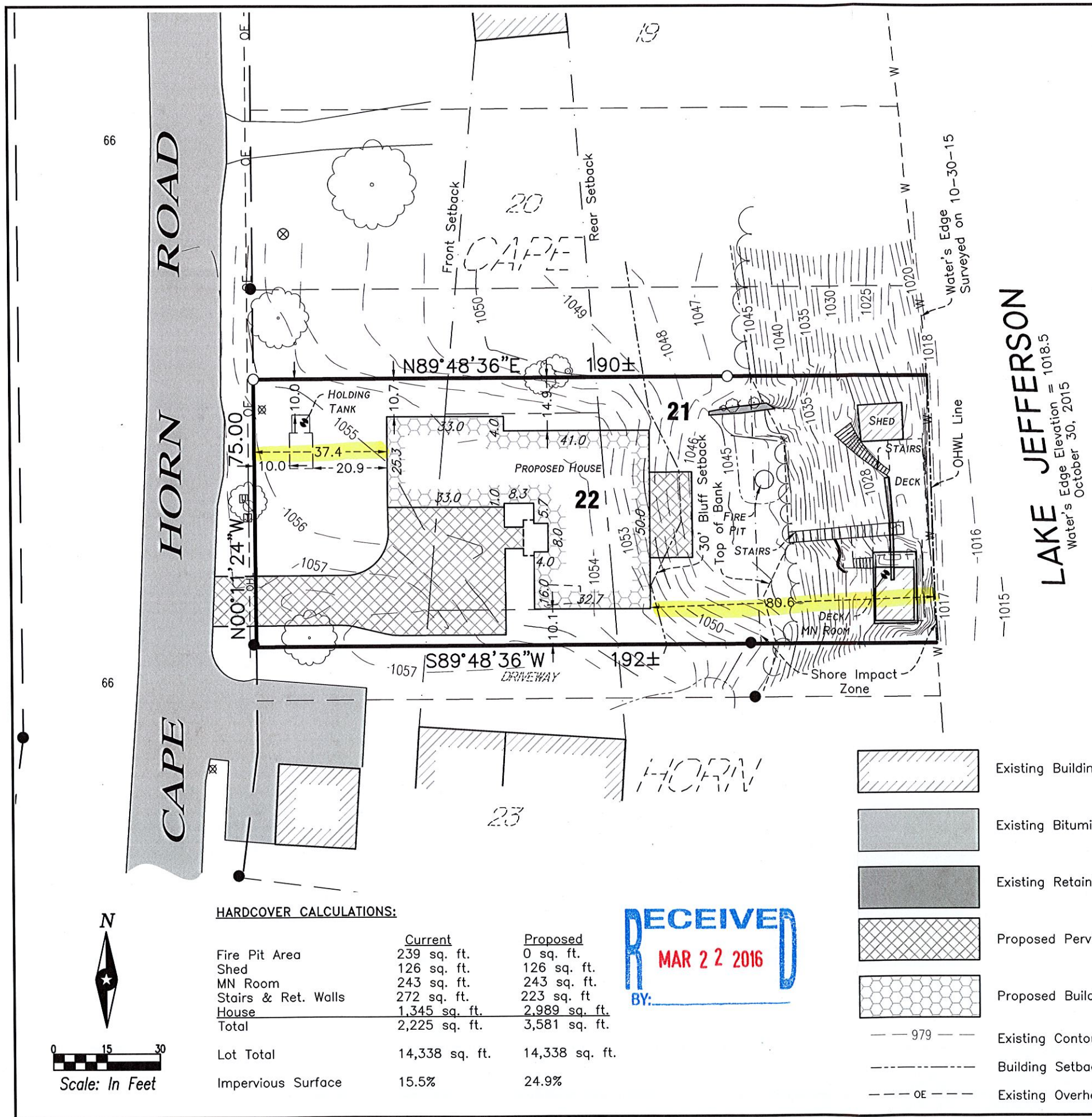
Hi Susan,

Attached you will see the proposed change for drive way access. The old access was on the northwest corner of the property. The new proposed driveway access is on the southwest corner of the property.

I would need you to send an approval to Michelle Mettler, Planning and Zoning Assistant Administrator, LeSueur County Environmental Services. I need this on or before March 22nd. Her Email is mmettler@co.le-sueur.mn.us. If you have any questions please let me know.

Thank You very much

Charles Hirn
46259 Cape Horn Rd
Cleveland, MN 56017
651-402-8067



HARDCOVER CALCULATIONS:

	Current	Proposed
Fire Pit Area	239 sq. ft.	0 sq. ft.
Shed	126 sq. ft.	126 sq. ft.
MN Room	243 sq. ft.	243 sq. ft.
Stairs & Ret. Walls	272 sq. ft.	223 sq. ft.
House	1,345 sq. ft.	2,989 sq. ft.
Total	2,225 sq. ft.	3,581 sq. ft.
Lot Total	14,338 sq. ft.	14,338 sq. ft.
Impervious Surface	15.5%	24.9%

RECEIVED
MAR 22 2016
BY: _____

- Existing Building
- Existing Bituminous Surface
- Existing Retaining Wall
- Proposed Pervious Surface
- Proposed Building
- Existing Contour
- Building Setback
- Existing Overhead Line

LEGAL DESCRIPTION:
(Per Doc. No. 284911)

Lot Twenty-two (22) and the South 25 feet of Lot Twenty-one (21), CAPE HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North, Range Numbered Twenty-five (25) West, in Le Sueur County, Minnesota.

BEARING NOTE:

The orientation of this bearing system is based on the plat of The Landing at Jefferson Lakes.

BENCHMARK:

MnDot Monument CLEVELAND SE
Elevation - 1060.79 (NAVD88)

SETBACKS:

- Front = No closer than dwelling on adjacent lot on either side
- Side = 10 feet
- Rear = No closer than dwelling on adjacent lot on either side
- Bluff = 30 feet

NOTES:

- This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
- Site is served by water well located offsite.
- Bluff line for this property is shown hereon.
- Shore impact zone is shown as 50 feet from the ordinary high water line.
- Ordinary high water line is noted as elevation 1018.5.
- Square footage of planned house was calculated at the roof line for hardcover calculations. Setback calculations reference the foundation line.

LEGEND

- Iron Monument Found
- Indictaes 1/2" Dia. x 20" Long Solid Iron Pipe Set With Plastic Cap Marked By I&S, License No. 43110
- Utility Pedestal
- Telephone Pedestal
- Power Pole
- Post
- Curb Stop
- Existing Tree
- Tree Line
- Water's Edge
- Existing Fence
- Existing Landscape Edge

ISG
Architecture
Engineering
Environmental
Planning
www.is-grp.com

I+S GROUP

KEY PLAN

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT 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.

DANIEL L. STUEBER

DATE 3-11-16 LIC. NO. 43110

THIS DOCUMENT IS THE PROPERTY OF ISG AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

PROJECT

**CHARLIE HIRN
PROPERTY
PROPOSED SITE**

Lot 22 and the South 25 feet of Lot 21, Cape Horn, Part of Gov't Lots 2 and 3, Section 1-109-25, Le Sueur County, Minnesota

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

PROJECT NO.	15-18488
FILE NAME	X-18488-PRO-SITE-S
DRAWN BY	JW
DESIGNED BY	-
REVIEWED BY	-
ISSUE DATE	-/-/-
CLIENT PROJECT NO.	-

**CERTIFICATE
OF SURVEY**

SHEET
1 OF 1

Surveyor Certification

- I. Applicant:
Name CHARLES + MARY HIRN
- II. Landowner:
Name CHARLES + MARY HIRN
Property Address 46529 CAPE HORN ROAD
City CLEVELAND State MA Zip 56017
- III. Parcel Information:
Parcel Number 01.500.0200

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 by 3/10/2016 (STAKED on 3/10) 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.


Surveyor Signature

3/11/2016
Date

4310
Lic #

OFFICE USE ONLY




Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Charles & Mary HERN PID: _____
Mailing Address: 10050 Fox Run Cove
Property Address: 46529 Cape Horn Rd.
Phone: (651) 402-8067 Mobile/Cell: (651) 491-9733

Responsible party for Implementation/Inspection: PAUL HANZEL
Address: 622 6th St N.W New Prague, MN 56071
Phone: (952) 758-6180 Mobile/Cell: (952) 292-2538

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.



11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

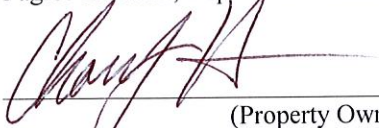
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.
13. Apply fertilizer according to soil test recommendations.
14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.



(Property Owner)

3/10/16
(Date)

Paul HANZEL Homes INC

(Person Responsible for Implementation)

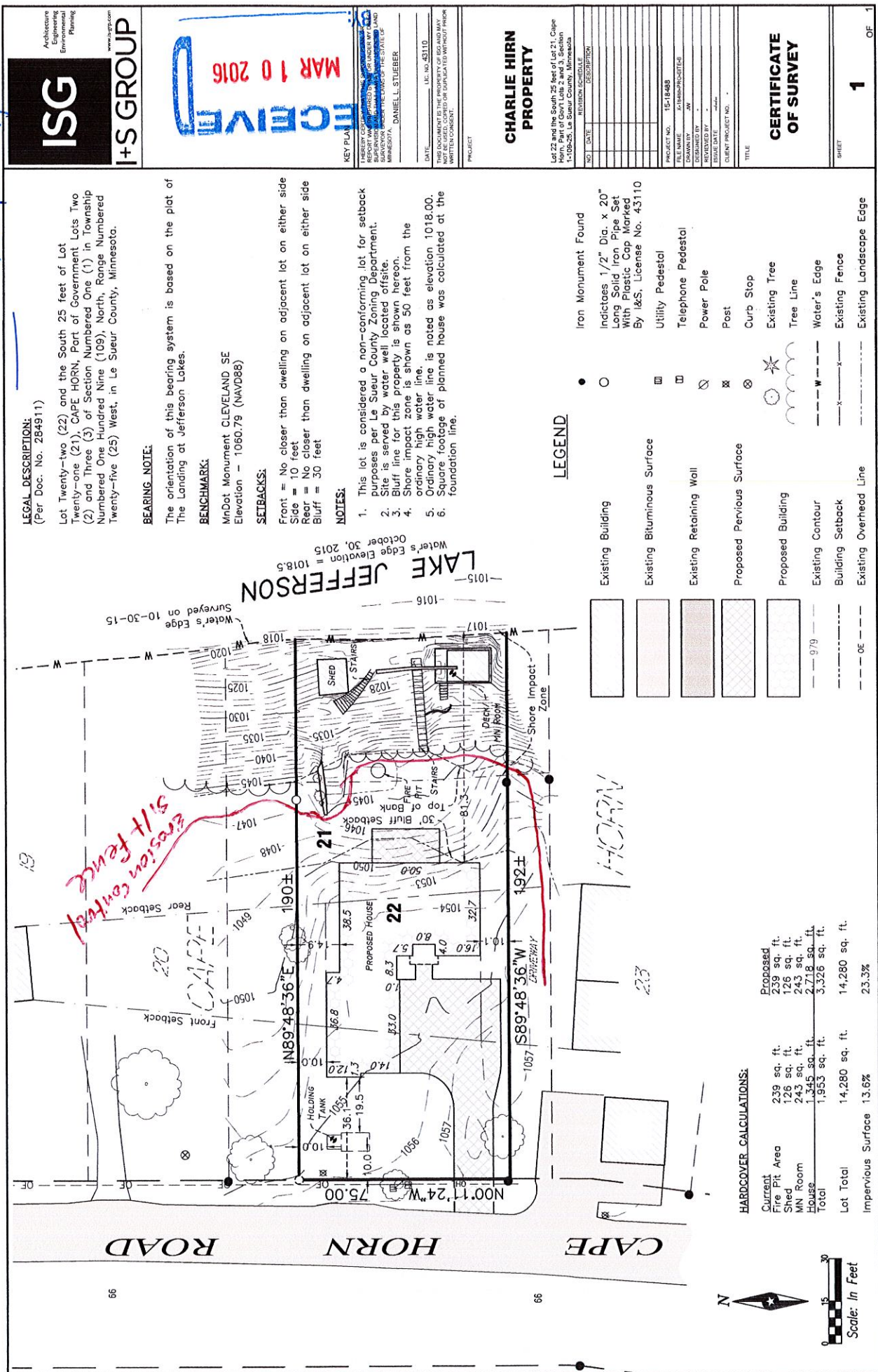
3/8/16
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.



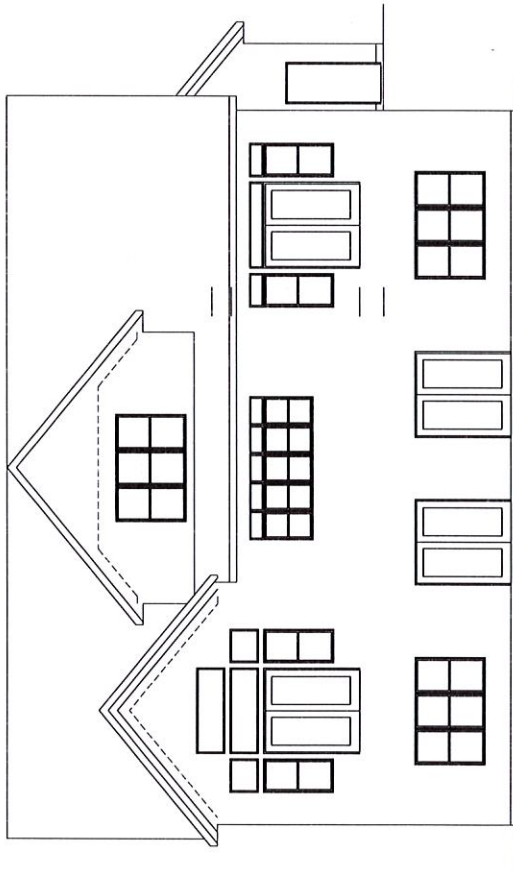
EROSION CONTROL MAP

(Not site plan)

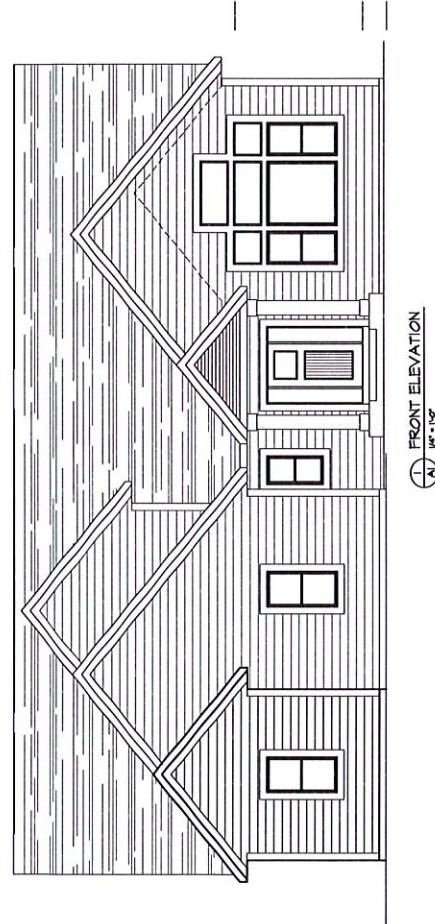


ELEVATIONS

RECEIVED
 MAR 10 2016
 BY:



2 REAR/LAKESIDE ELEVATION
 1/4" = 1'-0"



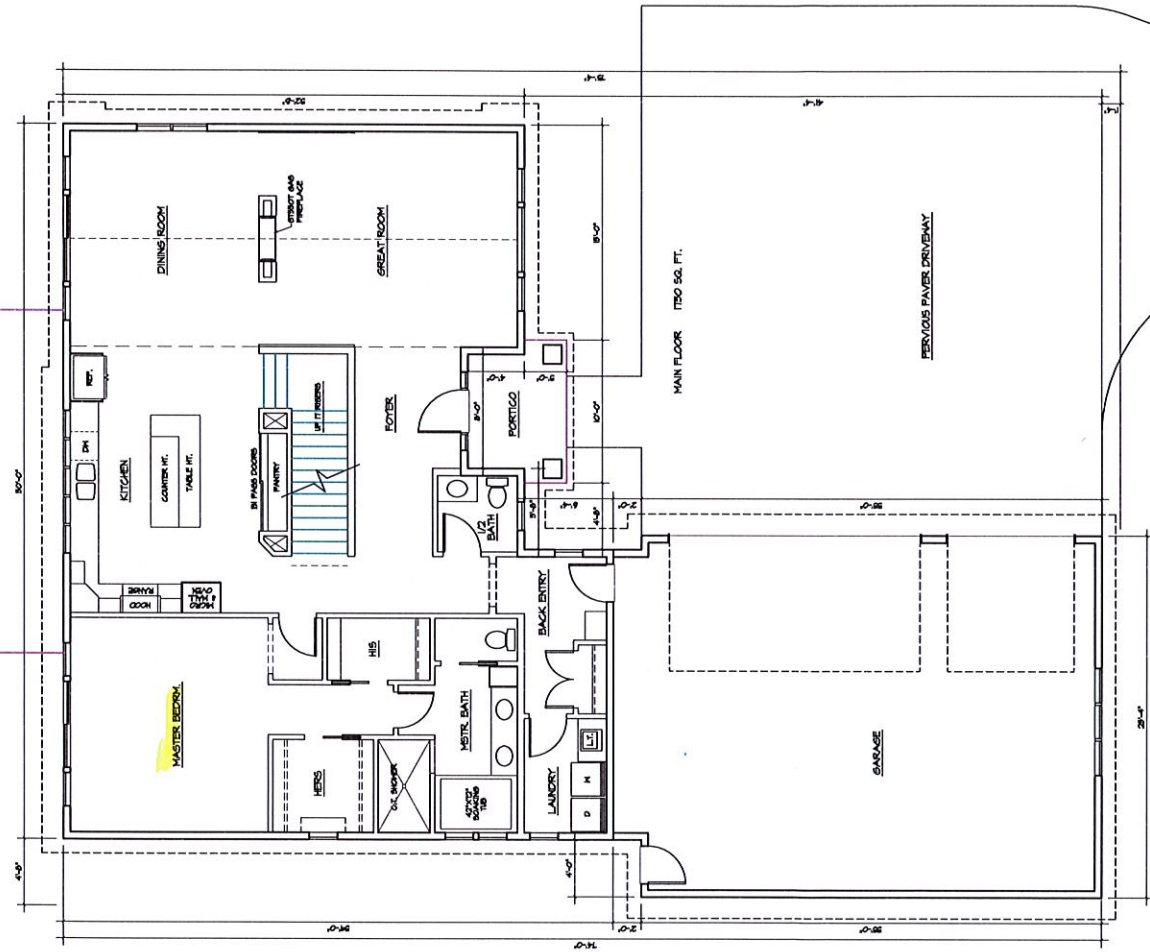
1 FRONT ELEVATION
 1/4" = 1'-0"



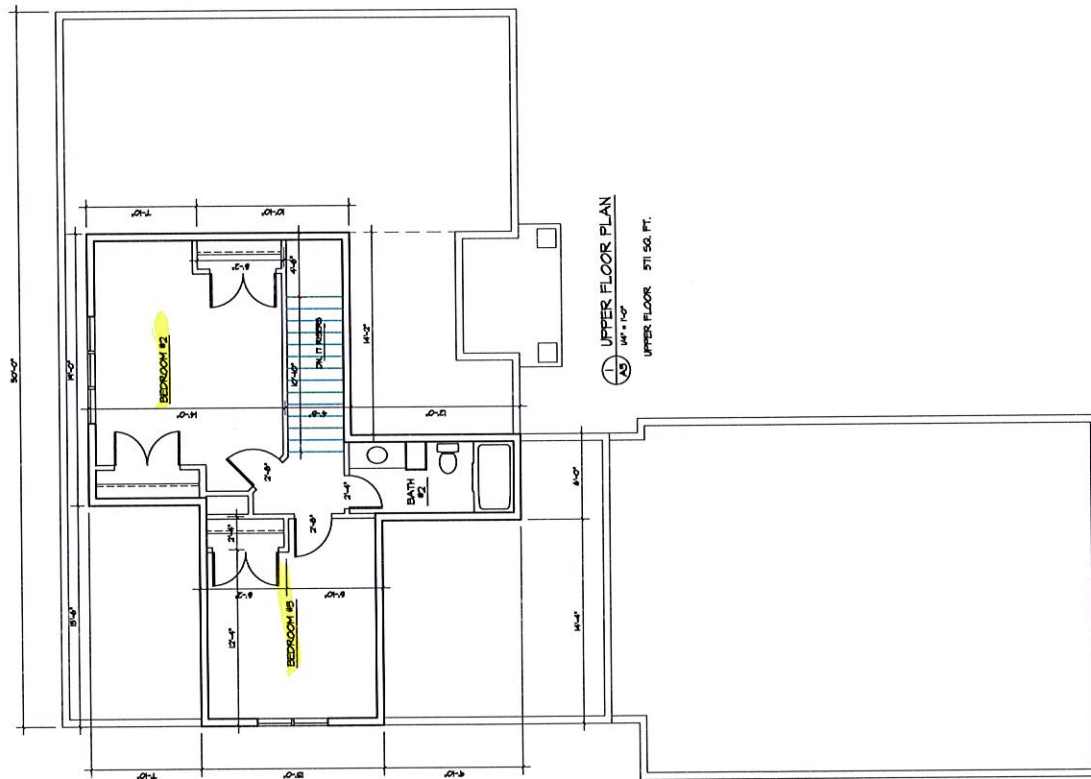
PAUL HANZEL HOMES, INC.
1000 N. 10TH AVE. SUITE 100
MINNEAPOLIS, MN 55412
TEL: (612) 338-1100
FAX: (612) 338-1101
HORN
CHARLIE & MARY
DATE: 3/8/15
SCALE: 1/8" = 1'-0"

MAIN FLOOR PLAN

RECEIVED
MAR 10 2016
BY:



RECEIVED
 MAR 10 2016
 BY:





Le Sueur County, MN

Thursday, April 21, 2016

Regular Session

Item 1

Approved April 21, 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
April 21, 2016**

MEMBERS PRESENT: Jeanne Doheny, Jim Mladek, John Wolf, Francis Cummins

MEMBERS ABSENT: Colin Harris,

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

The meeting was called to order by Chairperson, Jeanne Doheny at 3:00 P.M.

ITEM #1: CHARLES & MARY HIRN, WOODBURY, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling with an attached garage 37 feet from the road Right-Of-Way and 80 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 22, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR ROAD AND OHWL SETBACKS.**

Charles and Mary Hirn were present for application. Township: Notified through the application process. DNR: no comments. Letters submitted: none

PUBLIC COMMENT: None.

Discussion was held regarding:demolish existing cabin, build new home, timeframe, as soon as possible, abandoning the existing septic system on the property, installing a new holding tank, working with a contractor to hook into a new cluster system once it is constructed, township approved the relocation of the driveway.

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

Minutes: Additions or corrections- Change March 17, 2017 to March 17, 2016. Motion to approve minutes by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.

Motion to adjourn meeting by Jim Mladek. Seconded by Fritz Cummins. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
April 21, 2016

Approved 05-19-16

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