

Le Sueur County, MN

Thursday, May 19, 2016 Regular Session

Item 2

Veilleux Taylor

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:

THOMAS VEILLUX & DEBRA TAYLOR

911 ADDRESS:

6213 SHAMROCK DRIVE, MADISON LAKE MN56063

VARIANCE REOUEST:

To allow the applicant to construct a dwelling addition 41 feet from the road Right-Of-Way (ROW) and a total of 25.5% impervious surface in a Recreational Residential "RR" District,

on a Recreational Development "RD" lake, Lake Washington.

VARIANCE NUMBER:

16043

PARCEL NUMBER:

13.450.0390

SITE INFORMATION

LOCATION:

Lot 3, Block 4, Connors Point Subdivision, Section 17, Washington Township.

ZONING & PURPOSE:

Recreational Residential

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

GOALS AND POLICIES:

See attached Goals and Policies.

GENERAL SITE

DESCRIPTION:

Shoreland, Residential

ACCESS:

Existing access off Shamrock Drive

LAKE:

Lake Washington, Recreational Development.

RFPE:

Regulatory Flood Protection Elevation: 986.6 Lowest floor must meet RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Letter from Joshua Mankowski, LSC Resource Specialist, Email from Lake Washington Sanitary District, Findings of Fact

STAFF FINDINGS

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

 Variance:
 Request:
 Required:
 Ordinance:
 Page:

a. Structure to road right of way
b. Impervious Surface
41 feet
55 feet
55 feet
55 feet
55 feet
56 feet
56 feet
56 feet
57 feet
58 fee

2. Refer to DNR Guidance Letters:

a. The Role of the Variances in Shoreland Management Ordinances

pg. 9

b. Bluffs and Steep Slopes

pg. 11

Page 1 of 2

- c. Limiting Impervious Surface pg. 15
- d. Non-conforming Lots of Record in Shoreland Areas pg. 19
- e. 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.

2. Additional Considerations:

- a. Construction of a rain garden to address runoff from the dwelling.
- b. Utilize rain barrels to capture runoff from boathouse.

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.

07-24-07

AERIAL PHOTO



NOT TO SCALE

ATF VARIANCE FINDINGS OF FACT

Name of Applicant: THOMAS VEILLUX & DEBRA TAYLOR

Variance # 16044-16043

- 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.					
	Υ	N	1.	Does the property owner propose to use the property in reasonable manner?	JM JW JD CH FC
				Explain	
	Υ	N	2.	Is the alleged practical difficulty unique to the property?	JM JW JD CH FC
				Explain	
	Υ	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	
	Υ	N	5.	Does the alleged practical difficulty involve more than economic considerations? Explain	JM JW JD CH FC
	v	KI.	6	Did the applicant/owner act in good faith to obtain a Variance or comply with the	
	Υ	N	0.	applicable requirements prior to commencing work?	JM JW JD CH FC
				Explain	
	Υ	N	7.	Did the applicant/owner attempt to comply with the Ordinance by obtaining the proper permits prior to commencing work?	JM JW JD CH FC
				Explain	
.	Var	iano	es s	shall only be permitted when they are in harmony with the general purposes an	d intent of the official controls.
	Y	N	8.	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	
	Υ	N	9	Is the Variance consistent with the Comprehensive plan?	JM JW JD CH FC
				Explain	
3.	IF_	ALL	_TH	E ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIAN	CE HAVE BEEN MET.
APPROVED () DENIED ()					
	CONDITIONS:				
	Applicant response to conditions: Agree () Disagree ()				
	Reasons:				

Board of Adjustment Chairman

F.

G.

Date



Us	e Variance Application	=			
Ī.	Applicant: Name Thomas Verlleux and Debra Taylor				
	Mailing Address GO.13 SHAMROCK DR	-			
	City Madison hake State MN Zip 56063	-			
	Phone # 207-951-7685 Phone #	-			
II.	Land Owner:				
	Name Thomas V. llex & Debre Taxlor				
	Name Thomas Vuller & Debre Taylor Property Address 6213 SHAMROCK PR				
	City Madison Lake State MN 210 C 606 5	_			
	Phone # 209-451-7685 Phone # 207-451-0967	-			
Ш.	Parcel Information:				
	Parcel Number 13.450.0370 Parcel Acreage	-			
	Township Washington Section Subdivision Conners PT Lot 003 Block 004	_			
	Subdivision Connors FI Lot 883 Block 889	-			
	Full Legal Description must be attached.				
	(Full legal description can be found on deed, not abbreviated legal description from tax statement).				
	(1 dil logal description our be round on deed, fiel desirevialed regar decomption from tax elaternemy.				
IV.	Variance Request: List requested alternative to development standard(s).				
	41 feet from Road 21'11 Inches added to Exsisting to	ou			
	41 feet from Road 21'11 Inches added to Exsisting to	-			
W					
٧.	Description of Request:				
	a. A full written description of the proposed variance request with detailed information must be attached				
	a. , , <u>ian witten accomplian.</u>				
VI.	Township Notification:				
	Township must be notified prior to application. (County Commissioners are <u>not</u> the Township Board.)				
	Mashing of the Township notified on 4/19/16				
	Washington Township notified on 4/19/16 (Date)				
	Board Member Sue Ze, hart regarding the proposed request.				
VII.					
	North point Lakes Well Access				
	 Setbacks Property lines Rivers Septic System Easements Proposed Structures 				
	Road Right-Of-Way Streams Existing structures - Within and adjacent to project area.				
	 Lot Dimensions Ponds Location of trees to be removed - Shoreland Districts. 				
	● Impervious Surrace				
	- 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, <i>then</i> 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:				
	ENTER A A A A A A A A A A A A A A A A A A A	4			
	APR 1 9 2016	1			

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Attachments shall include but not limited to: IX. 1 e. Floor plans and/or blue prints (For structures) a. Site Plan-survey f. Septic System Compliance Inspection b. Surveyor Certification g. Erosion control plan C. Access approval h. Description of request d. Full legal description 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: 600 Variance: Filing Fee: 46 600 + \$200 per household Variance for Clusters: Filing Fee: 46 **Additional Fees:** Special Meeting: \$1,200 After-The-Fact meeting fee: Doubled + After-The-Fact Penalty. \$1,500 OR 10% of the improvement, whichever is greater. After-The-Fact Penalty: 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. Procedure: See Section 22 of the Zoning Ordinance for full details. XII. Pre-application meeting is recommended prior to making application to ensure submittal completion. Appointment is necessary. 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. 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

3

agencies.

newspaper of the County.

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

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
- d. A

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. The request is in keeping with the spirit of the ordinance The Its mowner Removes 1.5 go Impervious surface and adds Run off gardens to the property
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty? The Home is set into a Hill and to the right of the property heaving no other options. The Home owner as an Intention wants to keep the Home under stated
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner. The original residence was built with no Engineering on Environmental concerns. The Homeowarn wisles to correct these Essues
4. How will the request maintain the essential character of the locality? The design is very under stated. There will be no removal of trees, very littled is turbance of land. We will remove 1.570 of Impervious surface
5. Does the alleged practical difficulty involve more than economic considerations? Yes Environmentally the Home is adding to run off into the hake. The Home owner wishes to correct that with this application
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Yes the under stated construction of a 71'11 x 37'6 will keep the character of the reighbor 400d and Improve Run of f to the hake
7. Describe how the request is consistent with the Comprehensive Land Use Plan. At The completion of this project the house will be reduced in Catio to the lot size
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities. The Property is Part of Lak Washington Sewee District
9. Explain why this request is the minimum variance amount to afford relief. The owner proposes to REDUCE Impervious sporce by 1.5 90 Kithough the House will be 21'11" closer to the Read the runoffrom rooves will be greatly Improved Through Enhanced capture methods APR 19 2016

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- 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.
- 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.
- I. 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

XII

obtaining a zoning permit.	
XIII. Signatures:	
Applicant signature	Date 4/19/16
I hereby certify with my signature that all date true and correct to the best of my knowledge Landowner signature	ta contained herein as well as all supporting data are e.
OFFICE	USE ONLY
Date received 4-19-10 Present Zoning Classification	
Meeting date 5-19-16 Lake Classification	Erosion Control Plan (Y) N
60 Day 6-18-16 Lake Washing	Water courses Y N
RFPE 9 85.8 FEMA Panel # 27079	100245D Bluff Y N
Site Plan -survey Flood Zone X Outs	
Surveyor Certificate Full legal description	Septic LKW HSY COC NONC/Waiver
Floor plans/blue prints — Access approval	Design
Description of Request	Fee \$ 6 46 ATF/SPEC MTG
Application complete Planning & Zoning Department Signa	14-19-16 16043 Date Permit #
0HWL: 981, 5 01-15-16 APR BY: MP	1 9 2016

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LE SUEUR COUNTY ENVIRONMENTAL SERVICES 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057-1600

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 05/09/2016

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Thomas Veilleux & Debra Taylor

Property owner: Thomas Veilleux & Debra Taylor

Property: 13.450.0390

Description:

Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a dwelling addition 41 feet from the road Right-Of-Way (ROW) and a total 25.5% impervious surface in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington.

Recommendation:

It is my recommendation to approve the request of a Variance for the 25.5% impervious surface with the condition listed below. By completing this project as proposed, the overall impervious on the lot will be reduced and impervious surface will be removed from the Shore Impact Zone. By following the condition listed below, the impacts of the remaining impervious area can be reduced.

Condition(s):

The applicant must work with the Environmental Resource Specialist to install Rain Garden(s) and Rain Barrel(s) to offset the increased impervious on the lot. This may be done by incorporating both practices on the lot or correctly sizing the Rain Garden(s) to offset the runoff from the impervious area. The applicant has already agreed to this condition in his application.

Sincerely,

Joshua Mankowski Le Sueur County

Environmental Resources Specialist

To Whom it May Concern,

We are requesting a variance at 6213 Shamrock Drive, Madison Lake, MN 56073. We bought our home a little over four years ago and in that time have done little renovation to fit our needs.

We had contemplated adding a floor above the main level, but do not wish to have a home that is ostentatious, therefore we have taken a great deal of time, thought and money to preserve the look and feel of our lot when thinking about renovation and addition. We believe that the plans will make our home sit on our lot as a cottage and set into the trees in such a way to preserve the neighborhood.

Impervious Space

We realize that our impervious surface is outside of the acceptable bounds, therefore we have brought it down from 27.0% to 25.5%, not just because we would like to add onto the our house, but because we wish to do the right thing and do our part to ensure the integrity of the lake. The breakdown is below.

Existing – 8,679 Removal – 1,186 Proposed - 686

This has been a cost of \$1,000 to remove a portion of our driveway, entirely remove the deck outside of our lower level sliders and will eventually replace it with pervious pavers. Currently, the cost for those paver and installation of those are estimated to be over \$30,000.

Additionally, we plan to buy and install rain barrels and plant rain gardens in the areas that Joshua Mankowski has suggested. He came to our home and we will ask him back to review plans for the best vegetation.

Addition

Our home is a technically a three bedroom, however one room is used for an office and the other on the lower level is our only guest room.

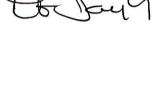
We have two children that live out of town/state and frequently visit and a grandchild on the way. All throughout the year we have people visit from Michigan, Maine, New York City, Denver, California and Arizona, etc. Because we only have one additional bedroom it is very problematic to host them at our house. We can, and have, put them up at a hotel, but it is less than ideal given the distance to our house.

Our home is also quite dated and the closet space is limited. We have our clothing in all areas of our home. While that may not be an inconvenience technically for this variance, it is a true inconvenience for us.

We understand and want very much to adhere to the rules set by the county. We want help to maintain the health of our lake, after all neither of us appreciates the impacts of not. It is with this in mind that we are asking to add onto the front of our home as opposed to thoughts or even requests to add on closer to the lake.

We truly appreciate your consideration.

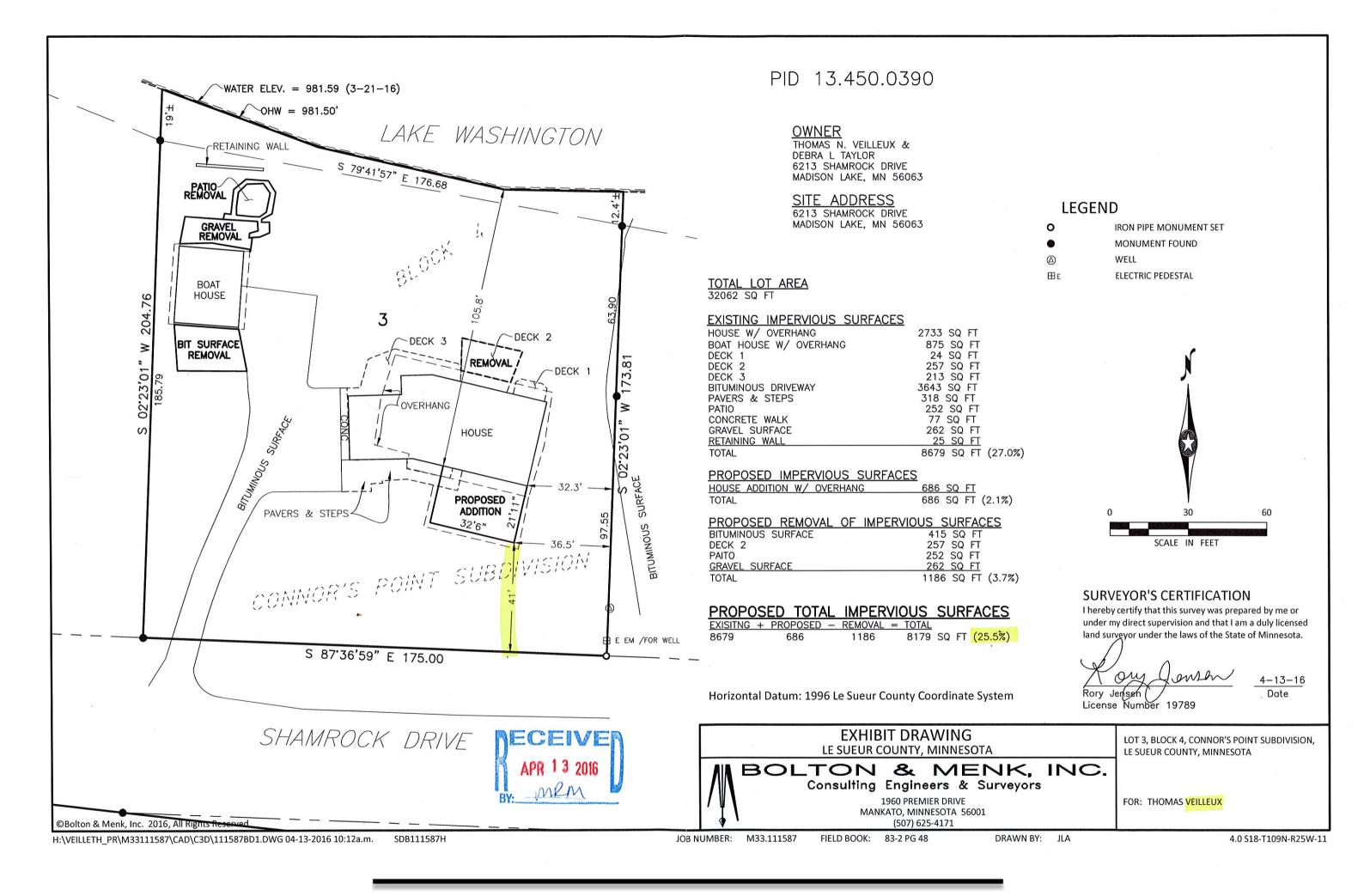
Tom Veilleux

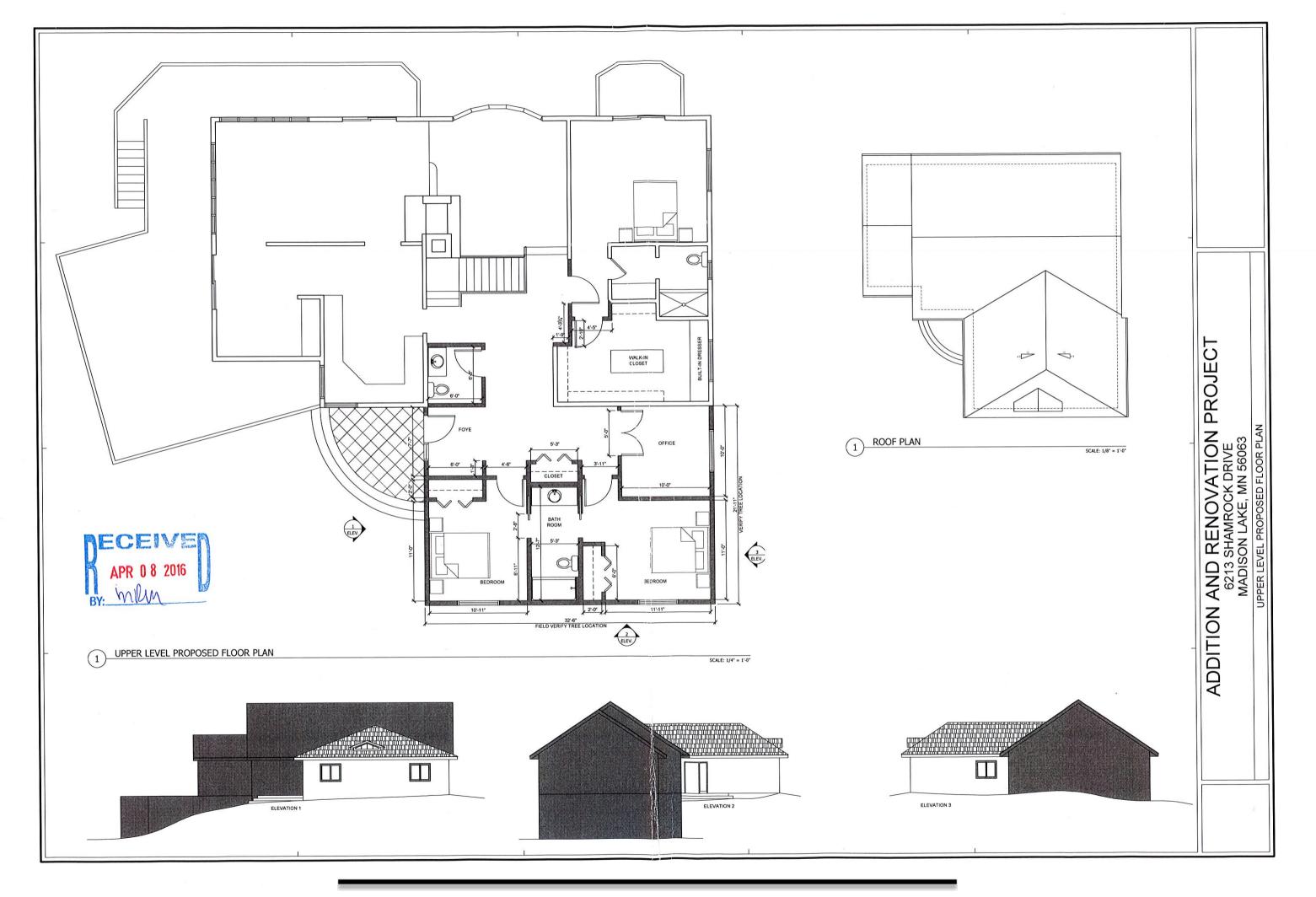


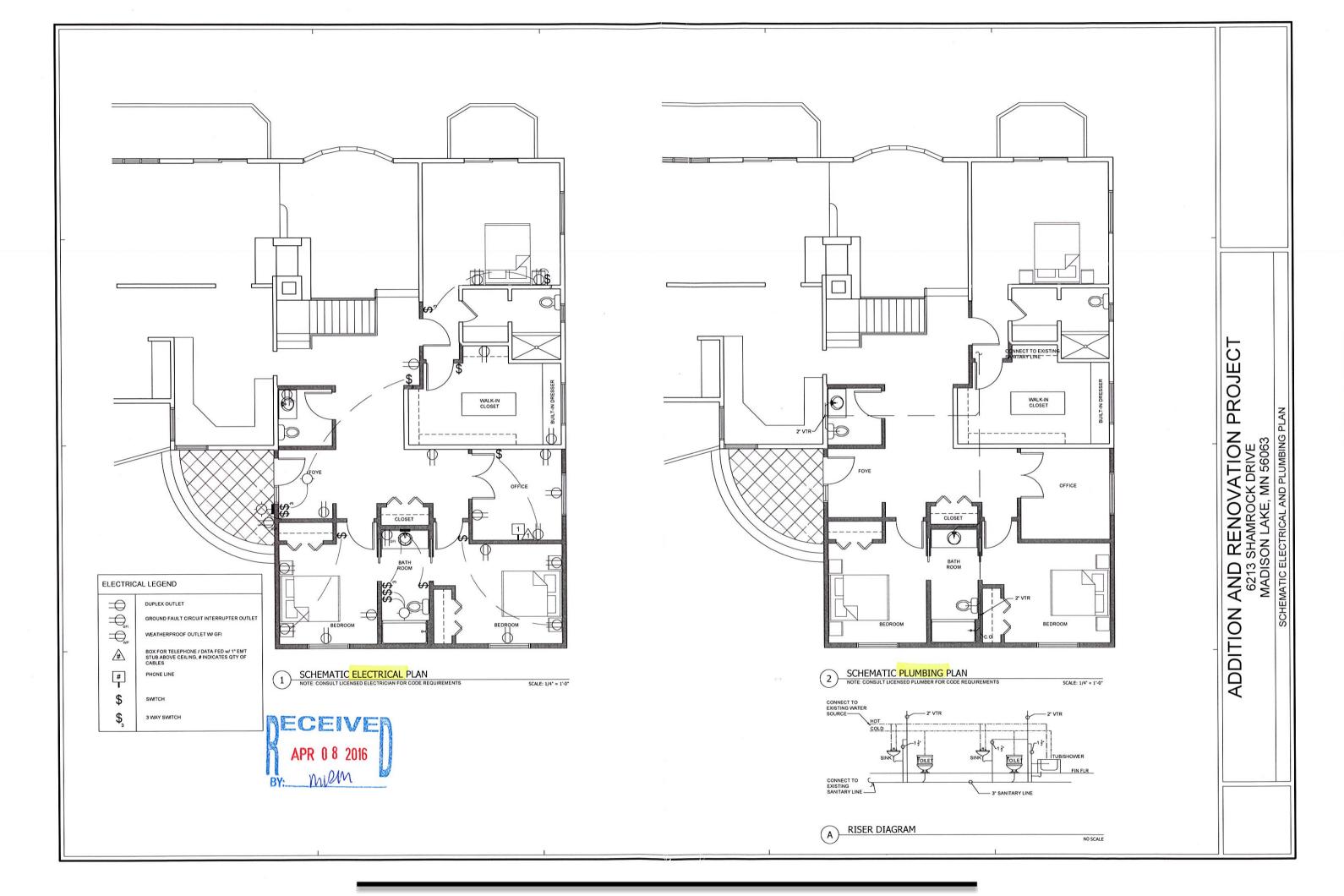


Le Sueur County

Su	urveyor Certification					
I.	Applicant: Name THOMAS VEILLEUX					
H.	Land Owner (s), if different from above: Name					
	Property Address State Zip					
III.	Parcel Information: Parcel Number / 3.450.0390					
IV. 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.					
	 Application must be made in person by the applicant and/or owner no later than 12 P.M. on the date o application deadline. <u>Appointment is necessary</u>. 					
	f. All required information must be correct and submitted <u>at the time of application</u> , or the application we not be accepted.					
	g. Applications <u>will not</u> be accepted by mail.					
/ .	Site Plan-must be a survey and shall include but limited to the following:					
	 North point Setbacks Rivers Property lines Road Right-Of-Way Easements Ponds Easements Ponds Well Access Impervious Surface Itemized current & proposed with total percentages (If in Shoreland) Location of significant trees to be removed Note how disturbed areas will be restored Landscape, screening and buffering (If applicable) 					
	Building site shall be physically staked by the surveyor or the application will be tabled.					
/I.	The proposed improvements have been physically staked onsite then surveyed on \(\frac{4/12/16}{10} \) to reflect an accurate account of current and proposed conditions of the property identified above					
/11.	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.					
	Kory Jeman 4/12/16 19789					
	Surveyor's signature Date Lic#					
-	OFFICE USE ONLY					
Date F	RECEIVED Mem					
04-15	73 APR 1 2 2016 BV: WW2W					







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

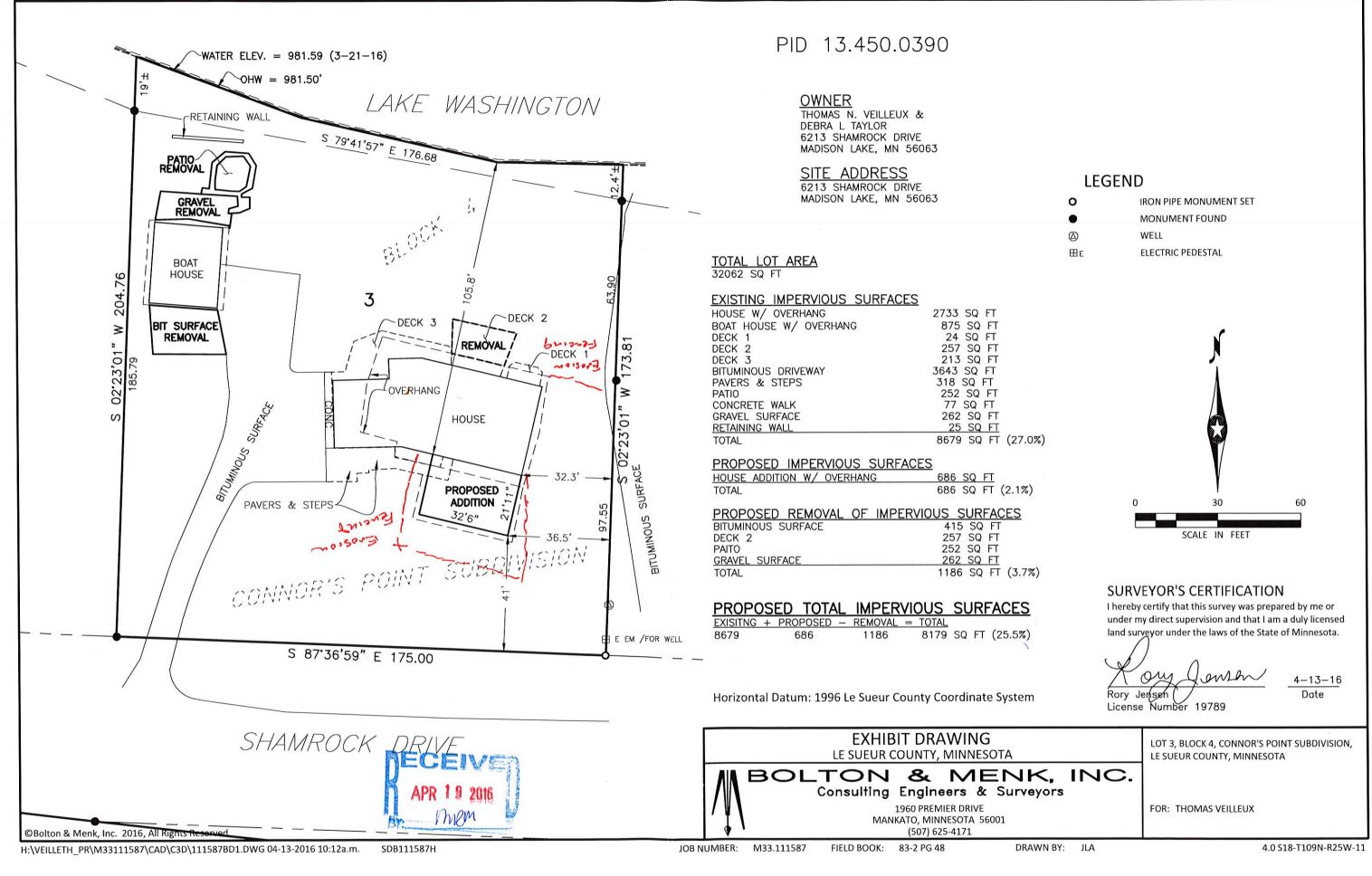
Goal: To control erosion and prevent sediment and other pollutants from entering the lal	kes,
streams, wetlands, and storm drain systems during construction.	

Property Owner: Thomas Voillerx Mailing Address: 6213 SHan ROCK PR	PID:
Property Address: Same Phone: (207) 451-7685 Mobile/Cell: ()
Responsible party for Implementation/Inspection: Sauc Address:	
Phone:Mobile/Cell:()

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.
- 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.

EROSION CONTROL MAP



Mettler, Michelle

From:

James Deike [lwsd@hickorytech.net] Friday, April 22, 2016 4:06 PM

Sent:

To: Subject: Mettler, Michelle FW: 6213 Shamrock Drive

Michelle,

Regarding the above mentioned property. As I understand from the plumbing contractor for the addition, they will only be adding bathrooms to the home. The grinder and pump will not be moved. Therefore no permit will be needed from the District.

If you should have any questions, please let me know.

James Deike Secretary Lake Washington Sanitary District Lwsdmn.org