



**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: JUNE 16, 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 Evans Packet

ITEM #4 Marzolf Packet

ITEM #5 Approved June 16, 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 June 16, 2016.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, June 16, 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: JUNE 16, 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 **JUNE 6, 2016**.

ITEM #1: JAMES & SHIRLEY EVANS, NORTHFIELD, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand a non-conforming structure in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Jefferson. Property is located at Lot 4, Auditor’s Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR EXPANDING A NON-CONFORMING STRUCTURE.**

ITEM #2: JIM & DONNA MARZOLF, MANKATO, MN, (APPLICANT); MARILYN FREEBURG BUCKLEY TRUST, MADISON LAKE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand a non-conforming structure in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Washington. Property is located at Lot 14, Connors Point Subdivision, Section 17, Washington Township. **VARIANCE IS FOR EXPANDING A NON-CONFORMING STRUCTURE.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT June 16, 2016.

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



Le Sueur County, MN

Thursday, June 16, 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: June 16, 2016

Meeting Time: 3:00 pm

Onsite Date: June 16, 2016

Onsite Time: 1:00 pm

ITEM #1: James & Shirley Evans

ITME #2: Jim & Donna Marzolf

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, June 16, 2016

Regular Session

Item 1

Evans Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: James & Shirley Evans

911 ADDRESS: 25023 French Drive, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to expand a non-conforming structure for the construction of a 12 x 17 bedroom addition.

VARIANCE NUMBER: 16115

PARCEL NUMBER: 04.410.0070

SITE INFORMATION

LOCATION: Lot 4, Auditor's Plat, Section 6, Elysian 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: The current Land Use Plan as adopted in 2009 does make reference to shoreland regulations.
Goal #2, Objective # 2, Action 1

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing access off French Drive

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 be at or above RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Josh Mankowski,

STAFF FINDINGS

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

- | 1. Variance: | Ordinance: | Page: |
|---|---------------------------------|--------|
| a. Expansion of a non-conf structure: | Section 24, Subdiv. 6, A & B.1. | 24-2 |
| 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 |

Page 1 of 2

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

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Existing structure is located within the bluff impact zone, and partially in the bluff.
 - b. Proposal meets all setbacks and impervious surface requirements.
 - c. Connected to existing cluster system.
 - d. Proposed addition is not located in floodplain.

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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 06/08/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

James & Shirley Evans

Property owner:

James & Shirley Evans

Property:

04.410.0070

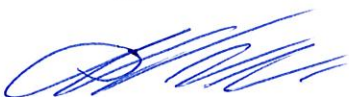
Description:

To allow the applicant to expand a non-conforming structure for the construction of a 12 x 17 bedroom addition.

Recommendation:.

It would be my recommendation to approve the Variance Request for the addition as proposed in the submitted plans. The applicant has orientated the addition to meet all current setback requirements and therefore is not creating any additional non-conformities with this addition.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

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: 5/13/2016
60 DAY RULING DATE: 7/12/2016

PERMIT NUMBER 16115

FEE: \$646.00

APPLICANT: JAMES & SHIRLEY EVANS
ADDRESS: 113 WOODLAND TR
CITY: NORTHFIELD
STATE: MN ZIP: 55057
PHONE: 507-645-6317

PROPERTY OWNER: JAMES & SHIRLEY EVANS
ADDRESS: 25023 FRENCH DR
CITY: CLEVELAND
STATE: MN ZIP: 56017
PHONE: 507-301-1564

PARCEL NO: 04.410.0070 TOWNSHIP: CLEVELAND 911: 25023 FRENCH DR CLEVELAND
SEC: 6 SUBDIV: AUD PLAT
TWP: 109 LOT: 4 ZONE: RR
RANGE: 24 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 EXPAND A NON-CONFORMING STRUCTURE FOR THE CONSTRUCTION OF A 12 X 17 BEDROOM ADDITION/

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

5/13/2016

DATE


LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

5-13-16

DATE

**** FEES ARE NON-REFUNDABLE****

ON-SITE TOUR DATE: 6/16/2016	
PUBLIC HEARING DATE: 6/16/2016	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> 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: JAMES & SHIRLEY EVANS

Variance # 16115

Variance Request: TO ALLOW THE APPLICANT TO EXPAND A NON-CONFORMING STRUCTURE FOR THE CONSTRUCTION OF A 12 X 17 BEDROOM ADDITION/

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

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

Explain _____

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

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

Explain _____

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

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

() APPROVED

() DENIED

CONDITIONS: _____

Applicant response to conditions:

Agree ()

Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

Variance Application

I. **Applicant:**
 Name James + Shirley Evans
 Mailing Address 1131 Woodland Tr
 City Northfield State MN Zip 55057
 Phone # 507-645-6317 Phone # 507-301-1564

II. **Landowner:**
 Name James + Shirley Evans
 Property Address 25023 French DR.
 City Cleveland State MN Zip 56017
 Phone # 507-645-6317 Phone # 507-301-1564

III. **Parcel Information:**
 Parcel Number 04.410.0070 Parcel Acreage .3414
 Township Elysian Section 6
 Subdivision Auditors Lot 004+ Block Revised Lot 34 + Revised Lot 40

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).
Large bedroom attached to NW corner of the
existing non-conforming structure.

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.)

Elysian Township notified on 05/03/2016
 (Township Name) (Date)

Board Member Lynn Hebel regarding the proposed request.
 (Name)

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

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- 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 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.*

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 MAY 13 2016
 BY: MHM

*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.

Because of the pre-existing building, the ordinance requirements cannot be met. However, the addition would be a 30 foot compliance improvement over the non-conforming structure.

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

The non-conforming structure was built in 1948. Unless it is torn down, there can be no compliance with the existing zoning ordinance.

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

The structure, built in 1948, was purchased by my parents in 1962 and by us in 1991. Therefore, we did not create the difficulty.

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

The addition is further back from the lake and bluff than any of the non-conforming neighbors. Therefore, it does not impede their sight lines.

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

Yes, the pre-existing, non-conforming small cabin makes compliance impossible.

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

Yes, it contains a significant set back from the pre-existing structure. Therefore, it preserves the bluff and shoreline. It will be built on a slab, thus protecting ground water.

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

The setback from the pre-existing structure protects the bluff + shoreline, thus preserving the environmental resource area.

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

We are currently connected to a certified, compliant septic system and a shared well not located on our property.

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

A maximum addition to the south lake front of the existing structure would be great. However, that amount of addition is in excess of our needs. Because of interior structure of walls and windows and doors the current request is minimum.

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MAY 13 2016
BY: mhm

IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input checked="" type="checkbox"/> e. Floor plans and/or blue prints (<i>For structures</i>) |
| <input checked="" 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, 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

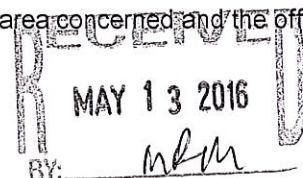
Additional Fees:

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.

[Signature] Applicant signature 05/13/2016 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.

[Signature] Landowner signature 05/13/2016 Date

OFFICE USE ONLY

Date received 5-13-16 Present Zoning Classification RR Feedlot within 500' 1000' (N)

Meeting date 6-16-16 Lake Classification RD Erosion Control Plan (Y) N

60 Day 7-12-16 Lake Jefferson Water courses Y (N)

RFPE 1022.80 FEMA Panel # 2000 27079C02701 Bluff (Y) N

☒ Site Plan -survey Flood Zone X-outside Other _____

☒ Surveyor Certificate ☒ Full legal description (addn location) ☒ Septic _____

☒ Floor plans/blue prints ☐ Access approval _____

☒ Description of Request ☒ Blue Prints ☒ Fee \$ 646 ATF / SPEC MTG

☒ Application complete [Signature] Planning & Zoning Department Signature 5-13-16 Date 16115 Permit #

COC Evans-6-21-1
NONC/Waiver
Design Clustr. 8-31-1

01-15-16

Item V. Description of Request

The cabin was built in 1948 and purchased by my parents in 1962. It is now the 4th generation of Evanses to be at the "lake."

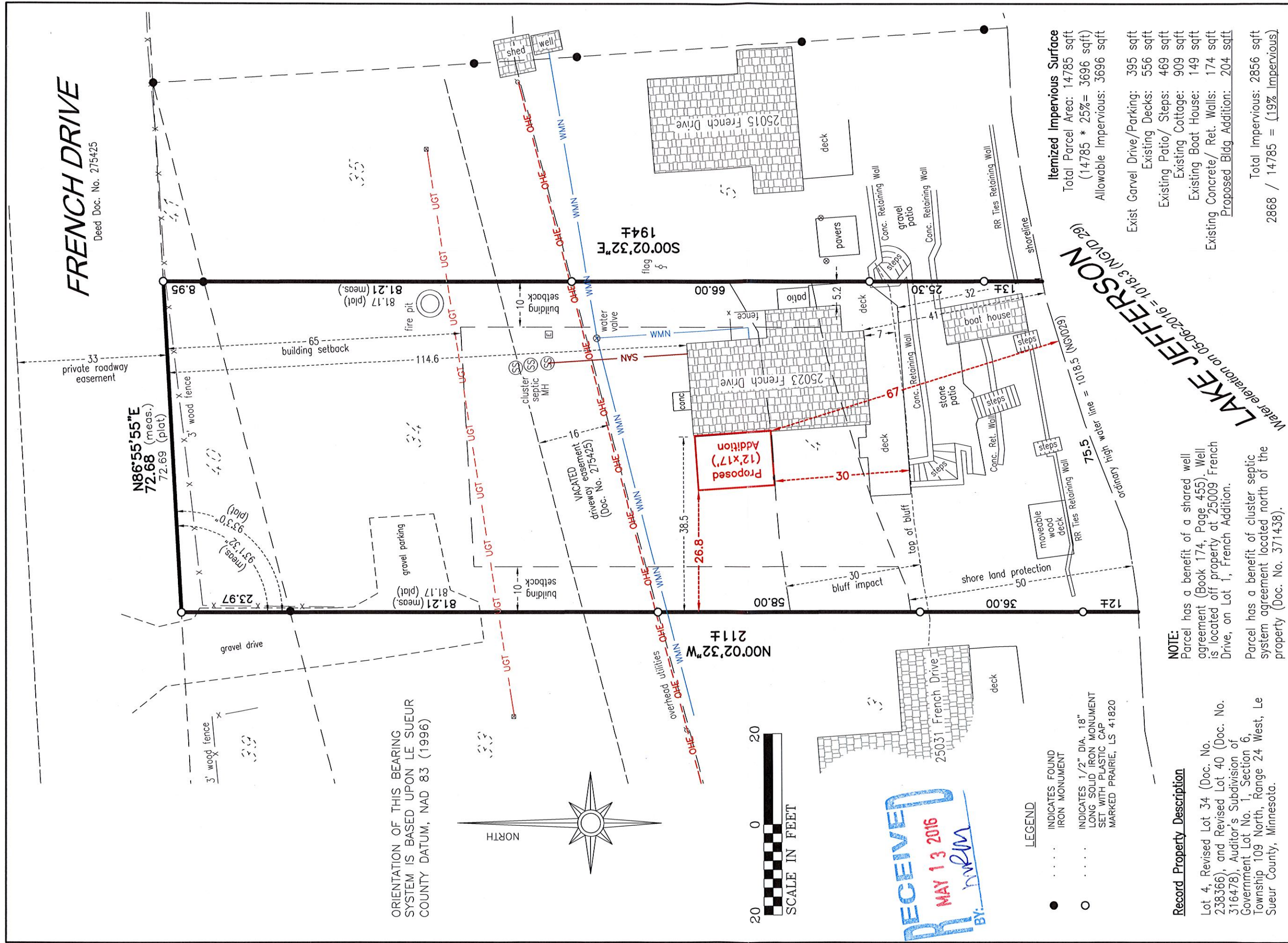
During that period of time we have been good stewards of the land and lake, respecting and complying with drainage, septic and other important issues to the environment of the lake.

The cabin is a small, 2 bedroom, seasonal cabin. With 3 generations often there in the summer, there is inadequate sleeping space. Our proposal is to add a large bedroom to the very northwest corner of the cabin. Therefore, in good faith we respectfully, request a variance for this addition, since it is a pre-existing, nonconforming structure. This situation is not due to any circumstance created by us.

Since we are trying, to the best of our ability, to preserve the environment and setbacks from the lake and bluff, we will add the bedroom, not on the south end-closest to the lake, but the north end. This will not alter the character of the lake frontage nor will it result in increased flood heights or additional threats or nuisance to the area.

Failure to grant the variance would cause hardship to all generations of Evanses. We feel this is our only feasible option. To add an upstairs bedroom is impractical because of the vaulted ceiling in the existing structure. To tear down and rebuild would destroy the old cabin effect we now have. We have no need for it to be a 2nd home!





Record Property Description

Lot 4, Revised Lot 34 (Doc. No. 238366), and Revised Lot 40 (Doc. No. 316478), Auditor's Subdivision of Government Lot No. 1, Section 6, Township 109 North, Range 24 West, Le Sueur County, Minnesota.

NOTE: Parcel has a benefit of a shared well agreement (Book 174, Page 455). Well is located off property at 25009 French Drive, on Lot 1, French Addition.

Parcel has a benefit of cluster septic system agreement located north of the property (Doc. No. 371438).

Itemized Impervious Surface
Total Parcel Area: 14785 sqft
(14785 * 25% = 3696 sqft)
Allowable Impervious: 3696 sqft

Exist Garvel Drive/Parking:	395 sqft
Exist Decks:	556 sqft
Exist Patio/ Steps:	469 sqft
Exist Cottage:	909 sqft
Exist Boat House:	149 sqft
Exist Concrete/ Ret. Walls:	174 sqft
<u>Proposed Bldg Addition:</u>	<u>204 sqft</u>

$$\frac{2868}{2868 + 14785} = \frac{2868}{17653} = 16.24\%$$

CERTIFICATE OF SURVEY
JAMES & SHIRLEY EVANS

25023 French Dr., Cleveland, MN
Lot 4, Revised Lot 34, and Revised Lot 40
Auditor's Subd. of Gov't Lot 1, Sec 6-109-24
Le Sueur County Parcel ID 04.410.0070

FIELD BOOK: PLS DRAFTER: JDV
CRD FILE: 1302 FEMA CERT JOB No: 16-1464
FILING: Le Sueur Co., NW/4 Sec. 6-109-24
REV. DATES: 05-09-2016 change addition 12x17

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.

John / Verhoeven

DATE: 05/13/2016
 LICENSE NO. 41820

Prairie Land Surveying

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

1047 East Main Street
Mankato, MN 56001

jveroeven@charter.net

(507) 469-5997

PrairieLandSurveying.com

Reliable, On-Time Surveys.

Surveyor Certification

I. Applicant:
Name JAMES EVANS

II. Landowner:
Name JAMES & SHIRLEY EVANS
Property Address 25023 FRENCH DRIVE
City CLEVELAND State MIN Zip 56017

III. Parcel Information:
Parcel Number 04.410.0070

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.*

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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, aeriels 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.

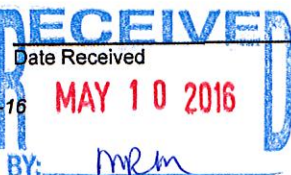
VI. Signatures:

The proposed improvements have been physically staked onsite *then* surveyed on 05-06-2016, to reflect an accurate account of current and proposed conditions of the property identified above.

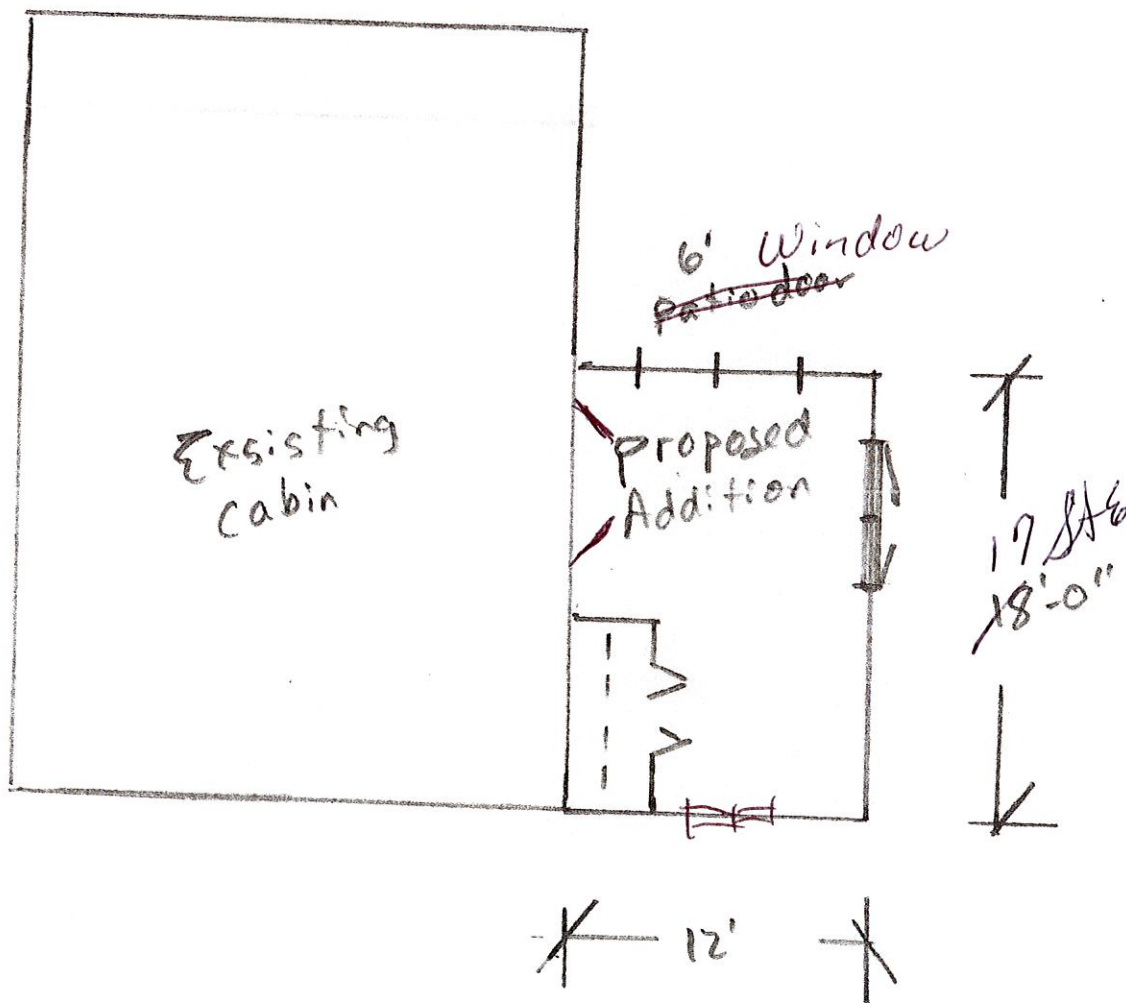
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Mark Peterson 05-09-2016 41820
Surveyor Signature Date Lic #

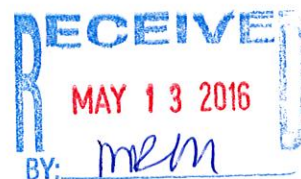
OFFICE USE ONLY

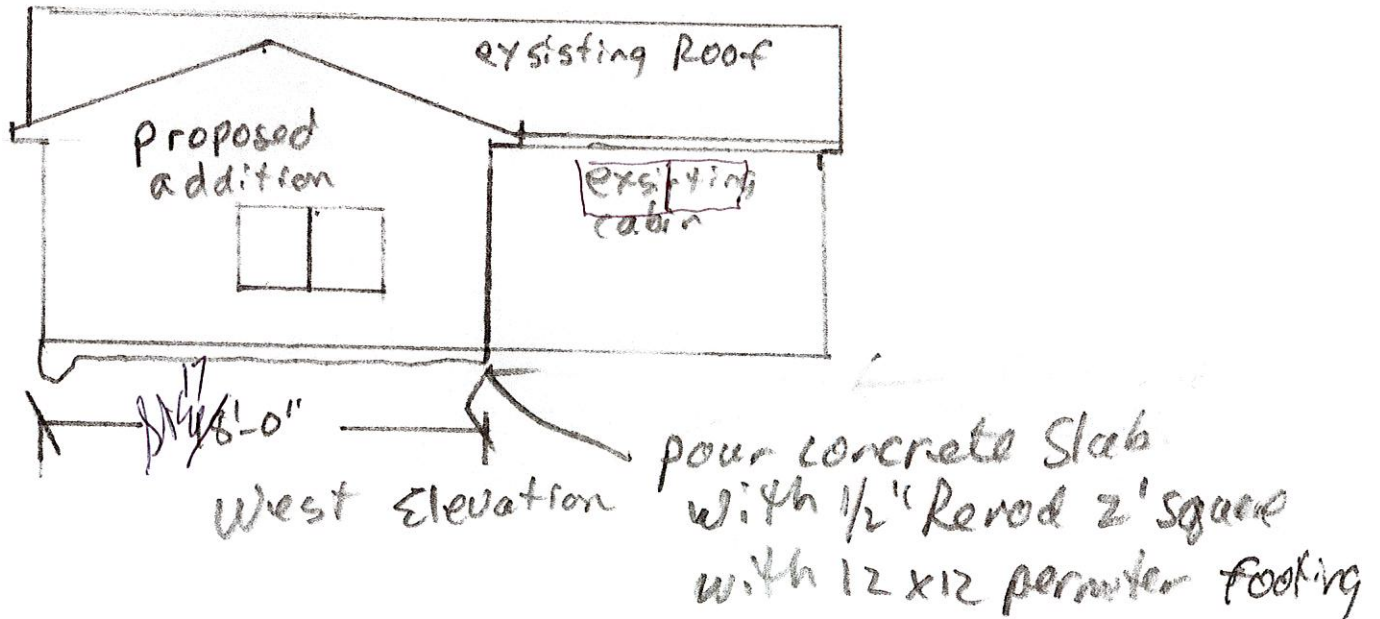
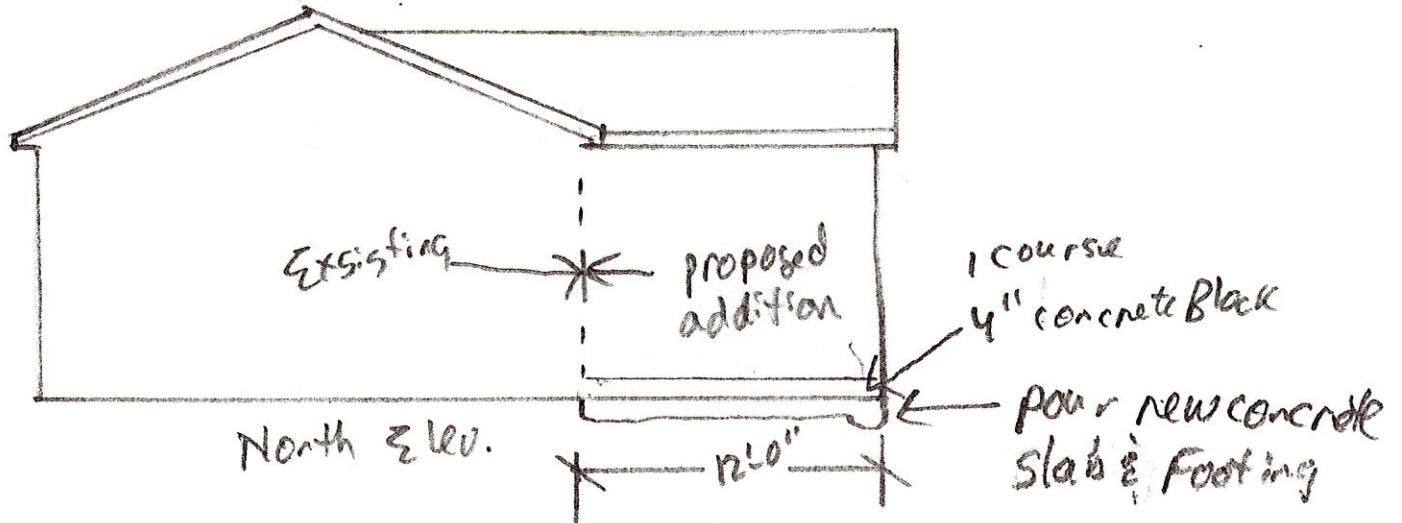


MRM
Planning & Zoning Department Signature



04.416.0070
Evans





04.410.0070
Evans



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

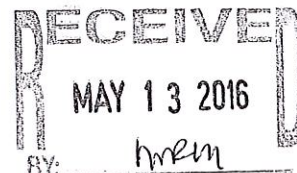
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: James + Shirley Evans PID: 04.410.0070
Mailing Address: 1131 Woodland TR Northfield, MN 55057
Property Address: 25023 French DR, Cleveland, MN 56017
Phone: (507) 45-6317 Mobile/Cell: (507) 301-1564

Responsible party for Implementation/Inspection: Rick Woyden
Address: 24559 Irish Lane, Cleveland, MN 56017
Phone: () Mobile/Cell: (507) 381-9479

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.

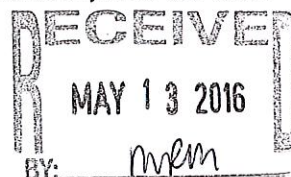
James E. Shuly A. Evans
(Property Owner)

Richard Weyda
(Person Responsible for Implementation)

5/13/2016
(Date)

5/13/16
(Date)

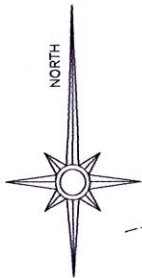
If you have any questions, please contact Environmental Services, at 507-357-8538.



RECEIVED
MAY 13 2016
 BY: *mm*

FRENCH DRIVE
 Deed Doc. No. 275425

ORIENTATION OF THIS BEARING SYSTEM IS BASED UPON LE SUEUR COUNTY DATUM, NAD 83 (1996)



20 0 20
 SCALE IN FEET

- LEGEND**
- INDICATES FOUND IRON MONUMENT
 - INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820

Record Property Description

Lot 4, Revised Lot 34 (Doc. No. 238366), and Revised Lot 40 (Doc. No. 316478), Auditor's Subdivision of Government Lot No. 1, Section 6, Township 109 North, Range 24 West, Le Sueur County, Minnesota.

NOTE:

Parcel has a benefit of a shared well agreement (Book 174, Page 455). Well is located off property at 25009 French Drive, on Lot 1, French Addition.

Parcel has a benefit of cluster septic system agreement located north of the property (Doc. No. 371438).

CERTIFICATE OF SURVEY
JAMES & SHIRLEY EVANS

25023 French Dr., Cleveland, MN
 Lot 4, Revised Lot 34, and Revised Lot 40
 Auditor's Subd. of Gov't Lot 1, Sec 6-109-24
 Le Sueur County Parcel ID 04.410.0070

FIELD BOOK: PLS DRAFTER: JDV
 CRD FILE: 1302 FEMA CERT JOB No: 16-1464
 FILING: Le Sueur Co., NW/4 Sec. 6-109-24
 REV. DATES:

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.
John Veroeven

DATE: _____
 LICENSE NO. 41820

Prairie Land Surveying

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

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

Reliable, On-Time Surveys.

erosion control sock

LAKE JEFFERSON
 Water elevation on 05-06-2016 = 1018.3 (NGVD 29)

Itemized Impervious Surface
 Total Parcel Area: 14785 sqft
 (14785 * 25% = 3696 sqft)
 Allowable Impervious: 3696 sqft

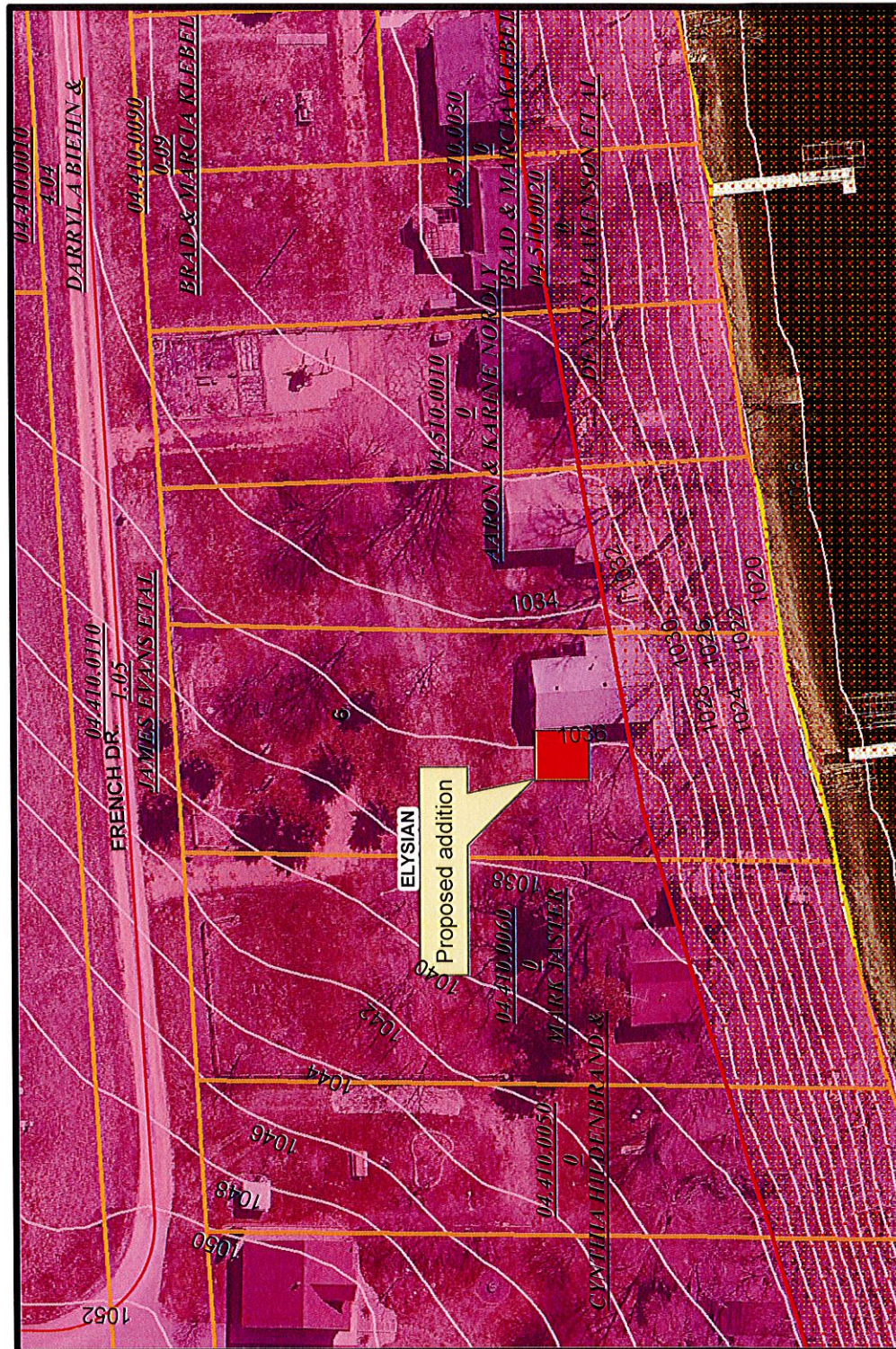
Exist Gravel Drive/Parking: 395 sqft
 Existing Decks: 556 sqft
 Existing Patio/Steps: 469 sqft
 Existing Cottage: 909 sqft
 Existing Boat House: 149 sqft
 Existing Concrete/Ret. Walls: 174 sqft
Proposed Bldg Addition: 216 sqft

Total Impervious: 2868 sqft
 2868 / 14785 = (19% Impervious)

1464 Evans.dwg May-09-2016 - 4:05 pm

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Evans
 PID: 04.410.0070
 DATE: 04/10/10
 FIRM #: 27079C0270D
 F-Zone: X-outside
 RFPE: 1022.86
 District: Recreational Residential
 Flood Fringe-Flood Plain



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Le Sueur County, MN

Thursday, June 16, 2016

Regular Session

Item 2

Marzolf Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Jim & Donna Marzolf
OWNER: Marilyn Freeburg Buckley Trust
911 ADDRESS: 6308 Shamrock Dr, Madison Lake, MN
VARIANCE REQUEST: To allow the applicant to construct a dwelling addition to a non-conforming structure.
VARIANCE NUMBER: 16119
PARCEL NUMBER: 13.450.0500

SITE INFORMATION

LOCATION: Lot 14, Block 4, Connor's Point Subdivision
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: The current Land Use Plan as adopted in 2009 does make reference to shoreland regulations.
Goal #2, Objective # 2, Action 1

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Shamrock Drive

LAKE: Lake Washington, 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 be at or above RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Josh Mankowski

STAFF FINDINGS

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

- | 1. <u>Variance:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---|--|--------------|
| a. Expansion of a non-conf structure: | Section 24, Subdiv. 6, A & B.1. | 24-2 |
| 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 |

Page 1 of 2

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

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Existing structure is located within the bluff impact zone.
 - b. Proposal meets all setbacks and impervious surface requirements.
 - c. Connected to existing Lake Washington Sewer District.
 - d.

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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 06/08/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Jim and Donna Marzolf

Property owner:

Marilyn Freeburg Buckley Trust

Property:

13.450.0500

Description:

To allow the applicant to construct a dwelling addition to a non-conforming structure.

Recommendation:

It would be my recommendation to approve the Variance Request for the addition as proposed in the submitted plans. The applicant has orientated the addition to meet all current setback requirements and therefore is not creating any additional non-conformities with this addition.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

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: 5/16/2016 PERMIT NUMBER 16119 FEE: \$646.00
60 DAY RULING DATE: 7/15/2016

APPLICANT: JIM & DONNA MARZOLF PROPERTY OWNER: MARILYN FREEBURG BUCKLEY T
ADDRESS: 118 RED OAK DR ADDRESS: 6308 SHAMROCK DR
CITY: MANKATO CITY: MADISON LAKE
STATE: MN ZIP: 56001 STATE: MN ZIP: 56063
PHONE: 507-381-3110 PHONE: 612-414-5472

PARCEL NO: 13.450.0500 TOWNSHIP: WASHINGTON 911: 630 SHAMROCK DR MADISON LAKE
SEC: 17 SUBDIV: CONNORS PT
TWP: 109 LOT: 14 ZONE: RR
RANGE: 25 BLOCK: 4 FEMA PANEL #: 27079C0260D
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 CONSTRUCT A DWELLING ADDITION TO A NON-CONFORMING STRUCTURE.

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:

 Donna L Marzolf 5/16/16
APPLICANT/PROPERTY OWNER DATE
 5-16-16
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY DATE

**** FEES ARE NON-REFUNDABLE****

ON-SITE TOUR DATE: <u>6/16/2016</u>	
PUBLIC HEARING DATE: <u>6/16/2016</u>	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> 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: JIM & DONNA MARZOLF

Variance # 16119

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A DWELLING ADDITION TO A NON-CONFORMING STRUCTURE.

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

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

Explain _____

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

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

Explain _____

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

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

() APPROVED () DENIED

CONDITIONS: _____

Applicant response to conditions: Agree () Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date



Use Variance Application

I. **Applicant:**
Name Jim and Donna Marzolf
Mailing Address 118 Red Oak Drive
City Mankato State MN Zip 56001
Phone # 507-381-3110 Phone # 507-381-7147

II. **Land Owner:**
Name Marilyn Freeburg Buckley Trust % Laurie Henderson, Trustee
Property Address 6308 Shamrock Drive
City Madison Lake State MN Zip 56063
Phone # 612-414-5472 Phone # 612-416-1302

III. **Parcel Information:**
Parcel Number R-13-450-0500 Parcel Acreage .81
Township Washington Section 17
Subdivision Conners Point (Lake Washington) Lot 014 Block 004

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).
We are asking permission to build an addition to a non-conforming structure in Le Sueur County.

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.)

Washington Township notified on 5/15/2016
(Township Name) (Date)

Board Member Gary Davis regarding the proposed request.

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

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- 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 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.

Since this is a non-conforming structure, any change to the structure needs a variance. The addition we are proposing meets all required setbacks.

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

Structure is too small for our family. The requested addition will meet our family's needs.

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

Another family built this structure in 1975.

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

The addition meets the required setbacks. The dwelling will continue to be used as a single family home and a permanent residence.

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

Yes - space considerations create a practical difficulty for our family.

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

Yes we believe it is because we believe our project represents orderly residential development while conserving the natural and scenic beauty of the county.

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

Per Goal #2, objective 2, we will protect the natural resource by meeting all of the setback requirements.

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

This property is currently using the sewage treatment system required by Le Sueur County. The property has an existing well. No changes are planned to either system.

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

This additional space is what our family needs.



IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input checked="" 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 type="checkbox"/> f. Septic System Compliance Inspection |
| <input checked="" type="checkbox"/> c. Access approval | <input 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:

- One (1) reproducible copy of the request and all other supporting documents.
- Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- Electronic version of any supporting documents if available:
- 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.

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

Donna Marzoff
Applicant signature

5/15/14
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.

Trustee
Landowner signature

5/16/16
Date

OFFICE USE ONLY

Date received <u>5-16-16</u>	Present Zoning Classification <u>RE</u>	Feedlot within 500' <u>1000'</u> <u>N</u>
Meeting date <u>6-16-16</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>7-15-16</u>	Lake <u>WA</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>985.8</u>	FEMA Panel # <u>2014CO265D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle D Mettlen</u> Planning & Zoning Department Signature	<u>5-16-16</u> Date
		<u>11919</u> Permit #

LEE LK W ASD
NONC/Waiver
Design

ATF / SPEC MTG

01-15-16



Date: May 15, 2016

To: Le Sueur County Board of Adjustment

From: Jim and Donna Marzolf

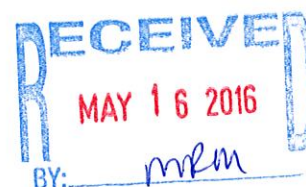
Re: Variance Application Description of Request

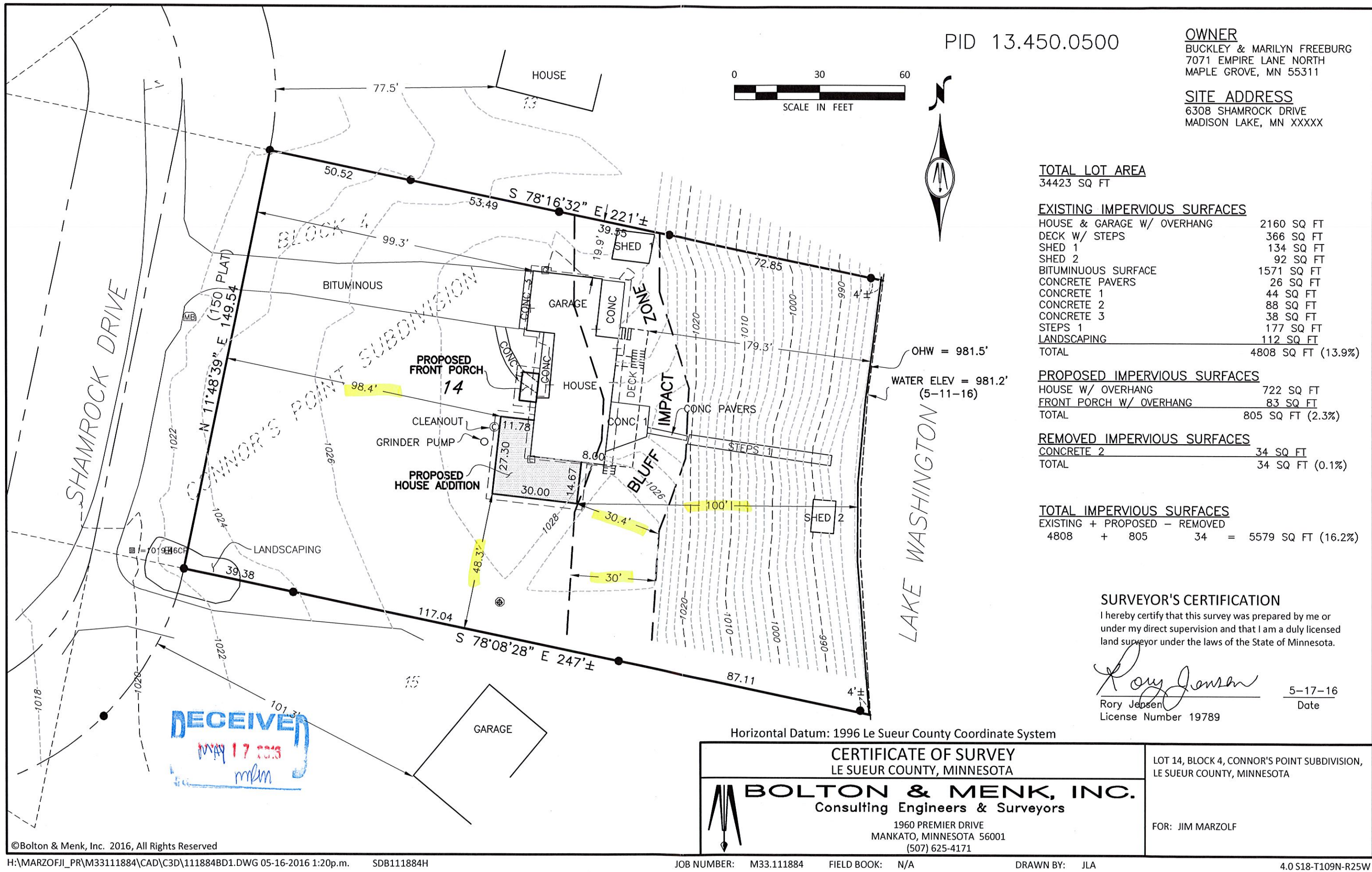
We are requesting a variance which will allow us to add living and storage space to the existing non-conforming structure at 6308 Shamrock Drive, Madison Lake, MN. The addition to the non-conforming structure has been designed to meet Le Sueur County setback requirements.

We intend to build an L-shaped addition to the existing structure that will add approximately 690 square feet to the south and southwest corner of the existing home. This area will be built on a crawl space (not basement). The east side of the planned addition was intentionally set back from the east side of the existing house structure by 8 feet to meet the setback requirements of 30 feet from the bluff impact zone and 100 feet from the ordinary high water level. The east side of the addition will extend to the south 14 feet 8 inches. The wall on the south side of the addition will extend to the west 30 feet. The west side of the addition will extend north 27 feet 4 inches. The north side of the addition will extend 12 feet and will connect to the west side of the existing structure. (See the site plan – survey.)

We also intend to build a covered porch to the main entrance of the house. The dimensions for the porch are 6 feet by 10 feet and will include 2 pillars.

As part of our renovation plan, we intend to enclose the 4 foot covered porch on the west side of the house and enclose the covered patio on the east end of the garage. Both of these areas are under the existing roof structure and will be built on the existing foundation.





TOTAL LOT AREA	
34423 SQ FT	
EXISTING IMPERVIOUS SURFACES	
HOUSE & GARAGE W/ OVERHANG	2160 SQ FT
DECK W/ STEPS	366 SQ FT
SHED 1	134 SQ FT
SHED 2	92 SQ FT
BITUMINOUS SURFACE	1571 SQ FT
CONCRETE PAVERS	26 SQ FT
CONCRETE 1	44 SQ FT
CONCRETE 2	88 SQ FT
CONCRETE 3	38 SQ FT
STEPS 1	177 SQ FT
LANDSCAPING	112 SQ FT
TOTAL	4808 SQ FT (13.9%)
PROPOSED IMPERVIOUS SURFACES	
HOUSE W/ OVERHANG	722 SQ FT
FRONT PORCH W/ OVERHANG	83 SQ FT
TOTAL	805 SQ FT (2.3%)
REMOVED IMPERVIOUS SURFACES	
CONCRETE 2	34 SQ FT
TOTAL	34 SQ FT (0.1%)
TOTAL IMPERVIOUS SURFACES	
EXISTING + PROPOSED - REMOVED	
4808 + 805 - 34 =	5579 SQ FT (16.2%)

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 Jepsen
Rory Jepsen
License Number 19789

5-17-16
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

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

LOT 14, BLOCK 4, CONNOR'S POINT SUBDIVISION,
LE SUEUR COUNTY, MINNESOTA

FOR: JIM MARZOLF

Surveyor Certification

I. **Applicant:**
 Name Jim MARZOLF

II. **Landowner:**
 Name MARILYN FREEBURG
 Property Address 6308 SHAM ROCK DRIVE
 City MADISON LAKE State MN Zip 56063

III. **Parcel Information:**
 Parcel Number 13.450.0500

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:**

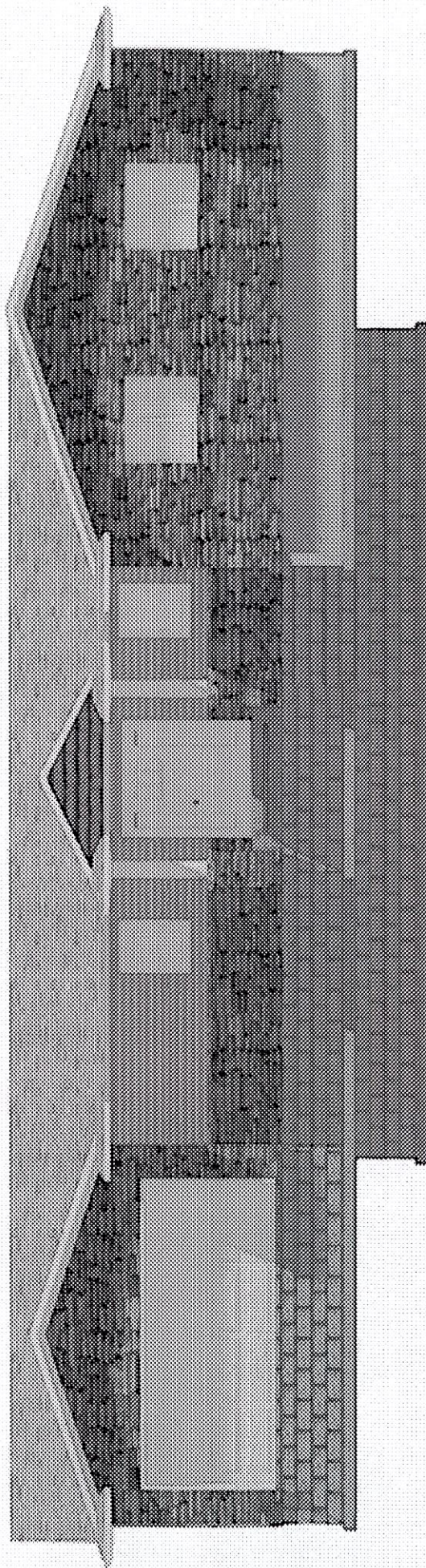
The proposed improvements have been physically staked onsite **then** surveyed on 5/11/2016, to reflect an accurate account of current and proposed conditions of the property identified above.

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 Jensen 5/16/16 19789
 Surveyor Signature Date Lic #

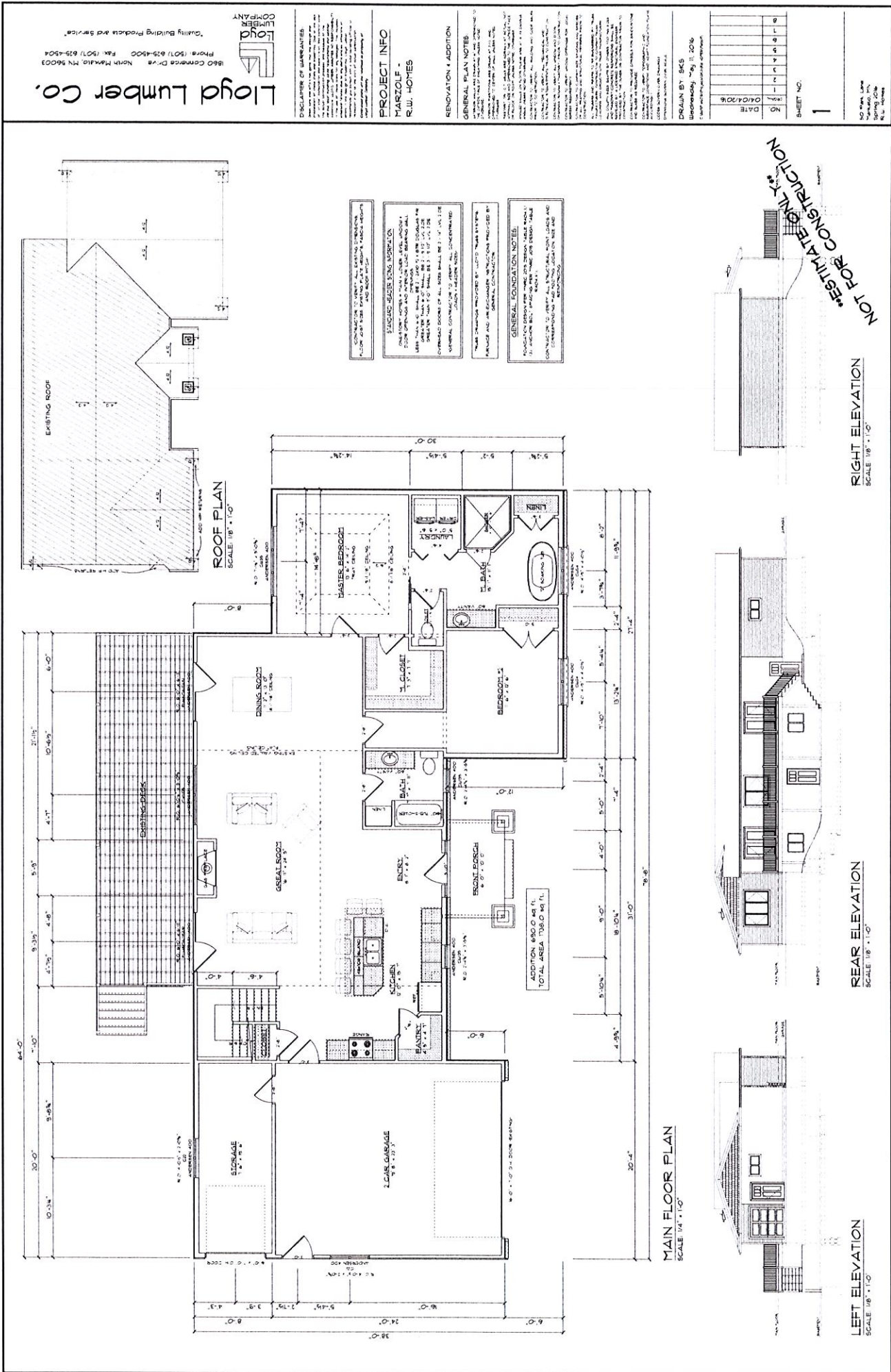
OFFICE USE ONLY

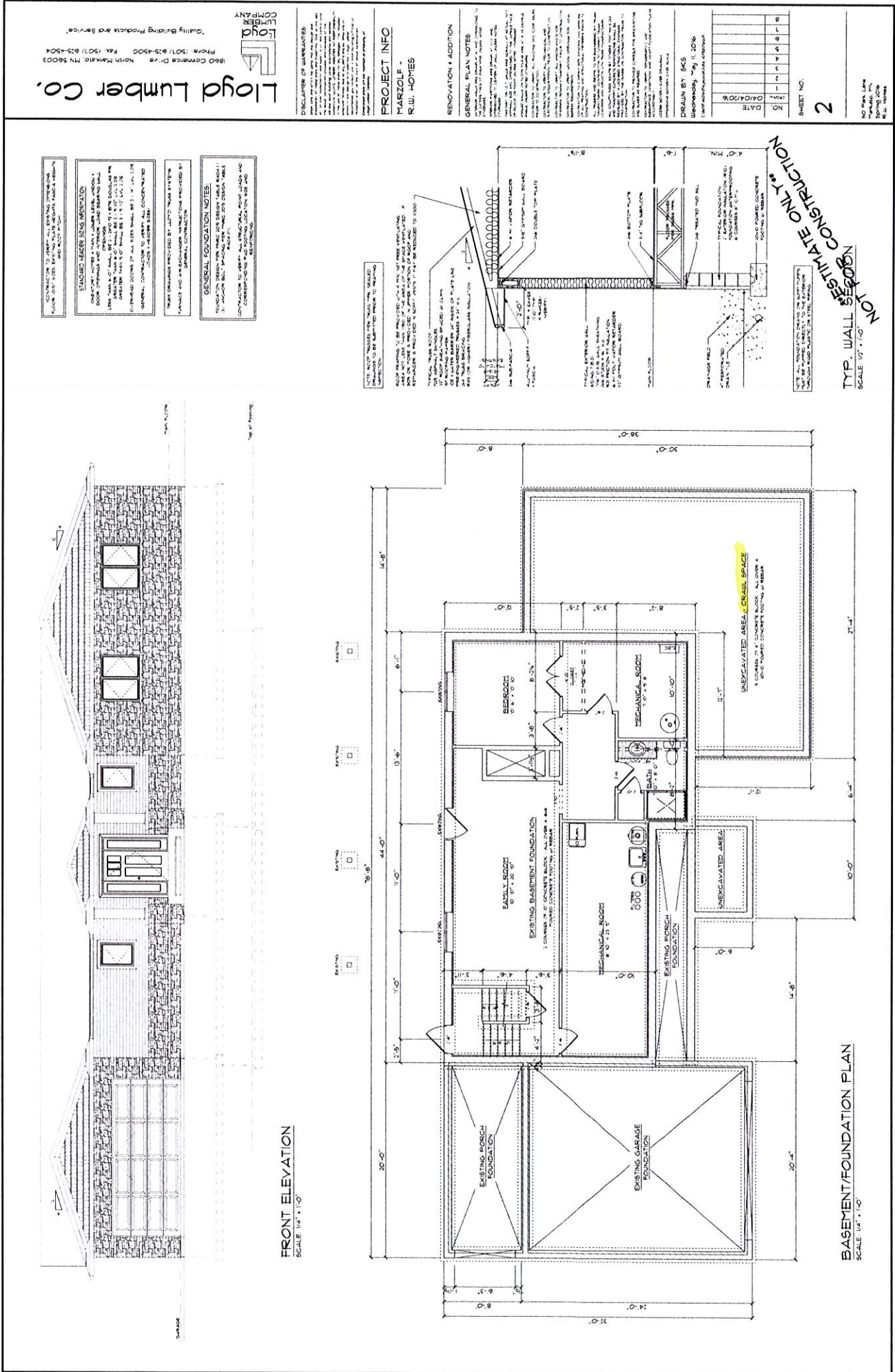
5-116-110 mm
 Date Received Planning & Zoning Department Signature



13,450.0500

marzolf





13.450.0500
marzolf

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: Marilyn Freeburg Buckley Trust PID: R-13-450-0500
Mailing Address: 40 Laurie Henderson 7671 Empire Lane N Maple Grove, MN 55311
Property Address: 6308 Shamrock Dr. Madison Lake
Phone: (763) 416-1302 Mobile/Cell: (612) 414-6472

Responsible party for Implementation/Inspection: Jim and Donna Marzolf
Address: 118 Red Oak Dr Mankato
Phone: () Mobile/Cell: (507) 381-3110
507-381-7147

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:

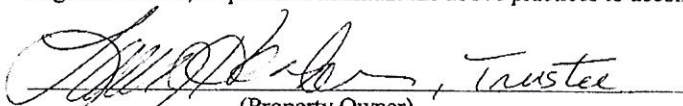
2:1 slopes or steeper 3:1 slopes or steeper 4:1 slopes or steeper Flat areas	Straw/Coconut Blanket or High Velocity Wood Blanket Wood or Straw Blanket with net on both sides Wood or Straw Mulch blanket with net on one side Straw Mulch w/disc anchoring
---	---
12. Seed all disturbed areas within seven 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.

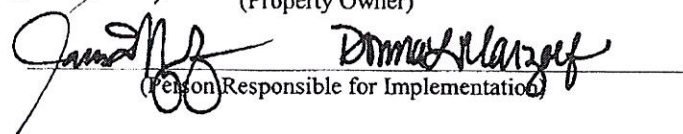
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

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)


 (Person Responsible for Implementation)

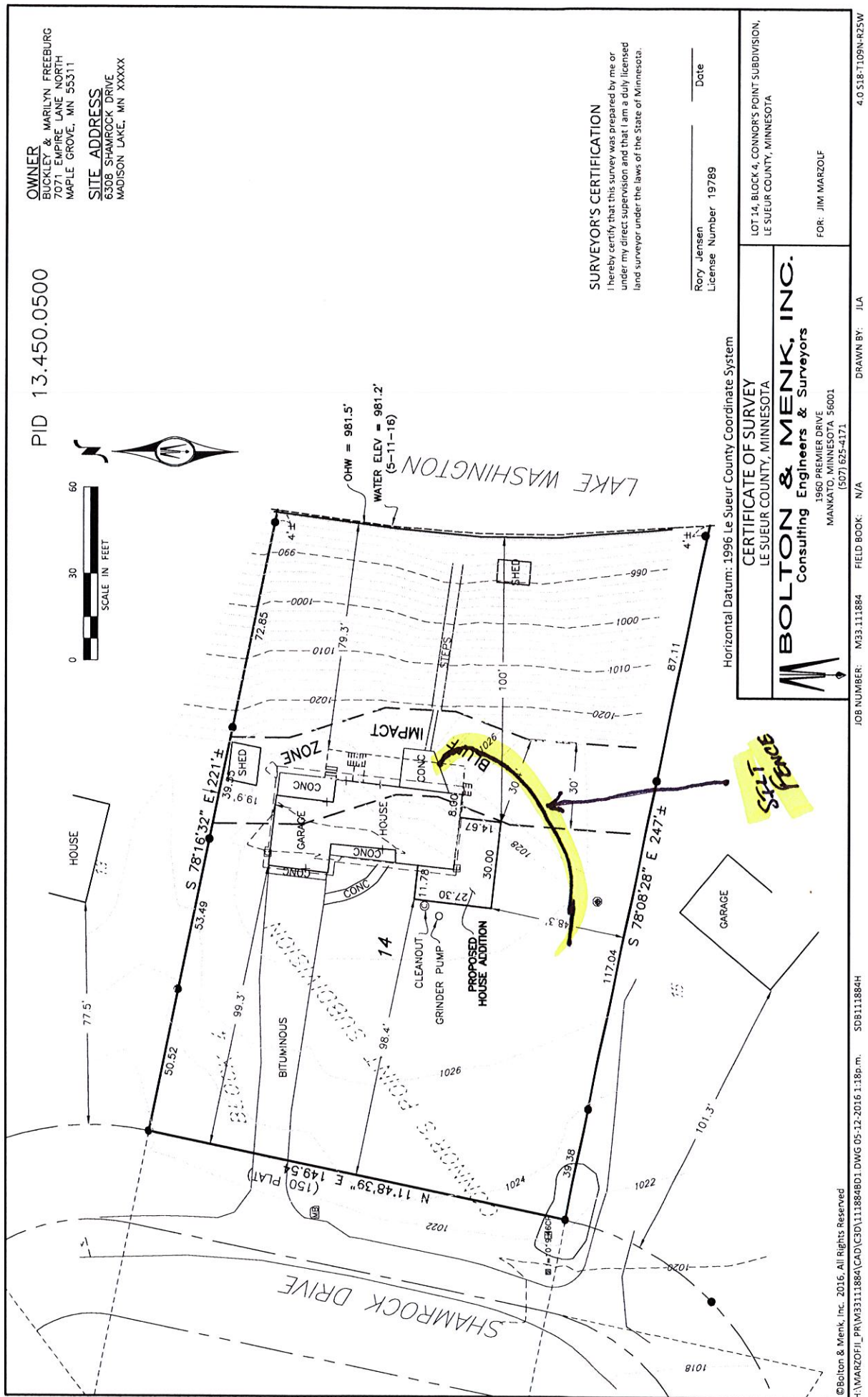
5/16/16
 (Date)

5/15/16
 (Date)

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

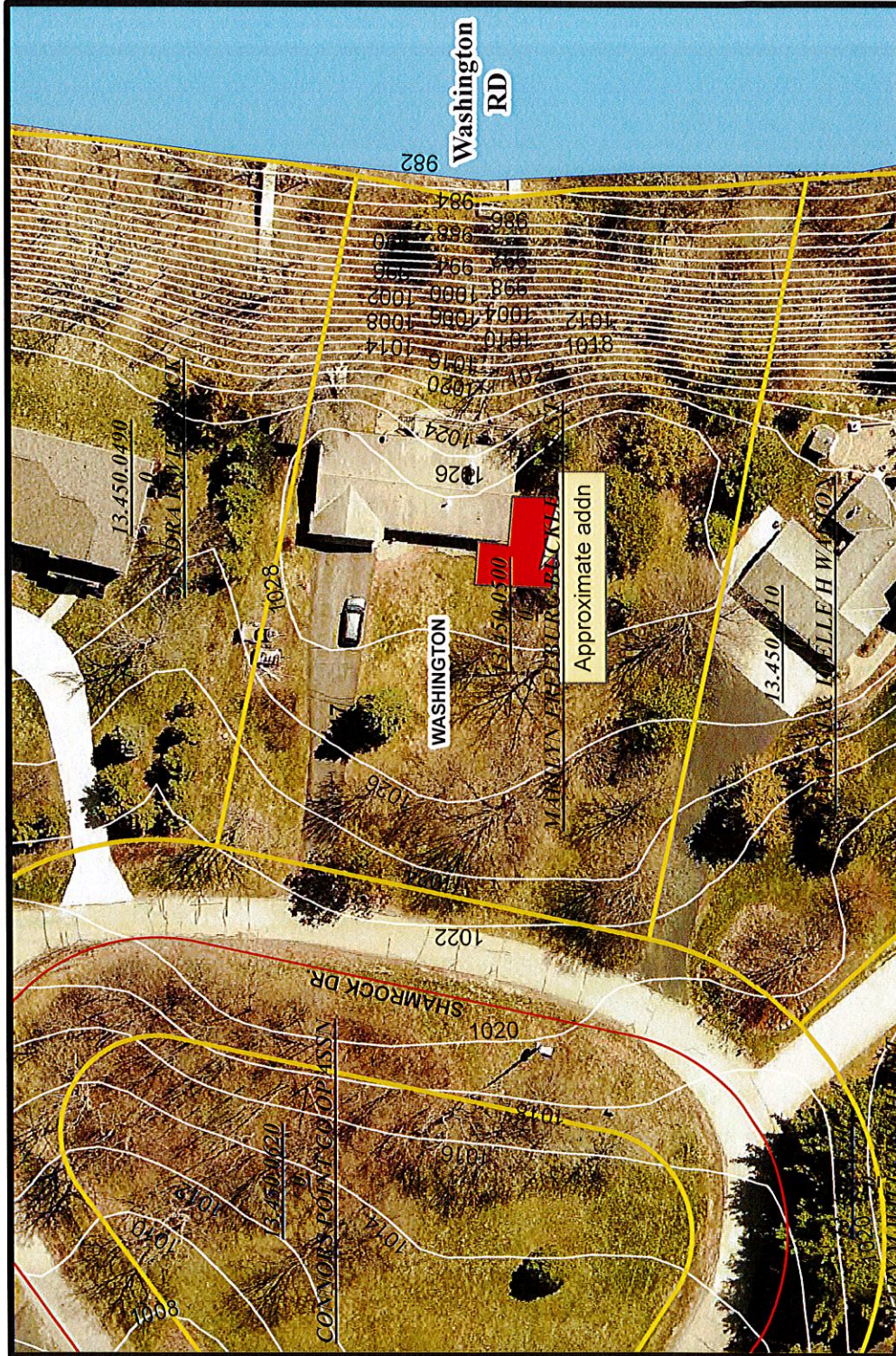


EROSION CONTROL MAP



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Marzolf-Buckley
 PID: 13.450.0500
 DATE: 06-07-16
 FIRM #: 27079C0260D
 F-Zone: X-outside
 RFPE: 985.8
 District: Recreational Residential



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.

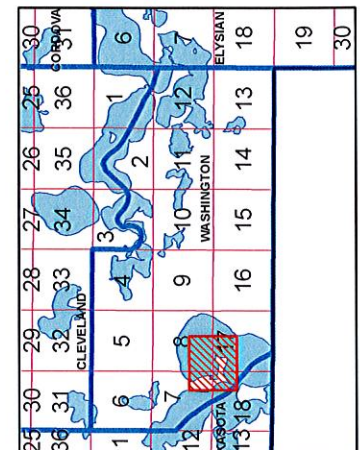


Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538





Le Sueur County, MN

Thursday, June 16, 2016

Regular Session

Item 1

Approved June 16, 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
June 16, 2016**

MEMBERS PRESENT: Jeanne Doheny, John Wolf, Francis Cummins
MEMBERS ABSENT: Colin Harris, Jim Mladek
OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

The meeting was called to order at 3:00 PM. By Chairperson, Jeanne Doheny.

ITEM #1: JAMES & SHIRLEY EVANS, NORTHFIELD, MN, (APPLICANT/OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand a non-conforming structure in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Auditor's Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR EXPANDING A NON-CONFORMING STRUCTURE.**

James and Shirley Evans were present for application. Township: Notified through the application process. DNR: No Comments. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: meets all required setbacks, adding onto a legal non-conforming structure, refreshing to see an application that construction of the dwelling addition meets the requirements of lot, stays in character of the neighborhood, seasonal dwelling.

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

ITEM #2: JIM & DONNA MARZOLF, MANKATO, MN, (APPLICANT); MARILYN FREEBURG BUCKLEY TRUST, MADISON LAKE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand a non-conforming structure in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 14, Connors Point Subdivision, Section 17, Washington Township. **VARIANCE IS FOR EXPANDING A NON-CONFORMING STRUCTURE.**

Jim and Donna Marzolf were present for application. Township: Greg Davis, township has no objections to the request. DNR: No Comments. Letters submitted: LSC Resource Specialist, Joshua Mankowski (see file), Jim Dieke (Email) Lake Washington Sewer District, no objections to the location of the addition.

Discussion was held regarding: location of grinder pump, sale is contingent upon outcome of variance, year round dwelling, plans fit the lot size, meets all setback requirements, variance due to expansion of a non-conforming structure.

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

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

Motion to adjourn meeting by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
June 16, 2016

Approved 7-21-16

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