



Le Sueur County, MN

Thursday, July 21, 2016

Regular Session

Item 1

Vargason

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **Randall & Ann Vargason**

911 ADDRESS: **50373 Moores Ln, Waterville MN**

VARIANCE REQUEST: **To allow the applicant to utilize an existing septic tank 4 feet from the property line, a new pump tank 5 feet from the property line, an existing septic drainfield absorption area 7 feet from the proposed attached garage, new drainfield absorption area 16 feet from the proposed attached garage and 5 feet from the property line.**

VARIANCE NUMBER: **15053**

PARCEL NUMBER: **14.420.0050**

SITE INFORMATION

LOCATION: **Lot 5, Auditor's Subdivision Part of Government Lots 3 & 4 Section 28, Township 109 North, Range 23 West, Le Sueur County, Minnesota.**

ZONING & PURPOSE: 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.

The **Mineral Resources Overlay District** is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GOALS AND POLICIES:

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

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.

GENERAL SITE

DESCRIPTION: **Shoreland, residential**

ACCESS: **Existing access off Moore's Lane**

LAKE: **Recreational Development**

Recreational Development Lake - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

RFPE: **Regulatory Flood Protection Elevation: 1006.08** Lowest floor must meet RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Septic Certificate of Compliance, Erosion control plan, expired variance approval 05/21/2015, zoning permit,

STAFF FINDINGS

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

- | 1. <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|--|-----------------|------------------|------------------------------|--------------|
| Septic tank to property line: | 4 feet | 10 feet | Section 17, Subdiv. 4.D.2. | 17-9 |
| Pump tank to property line: | 5 feet | 10 feet | Section 17, Subdiv. 4.D.2. | 17-9 |
| Drainfield absorption area to prop line: | 5 feet | 10 feet | Section 17, Subdiv. 4.D.2. | 17-9 |
| Drainfield absorption area to structure: | 7 feet | 20 feet | Section 17, Subdiv. 4.D.1.a. | 17-9 |
| Drainfield absorption area to structure: | 16 feet | 20 feet | Section 17, Subdiv. 4.D.1.a. | 17-9 |
2. **Refer to DNR Guidance Letters:**
- | | |
|---|--------|
| a. The Role of the Variances in Shoreland Management Ordinances | pg. 9 |
| b. Limiting Impervious Surface | pg. 15 |
| c. Non-conforming Lots of Record in Shoreland Areas | pg. 19 |
| d. 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**.

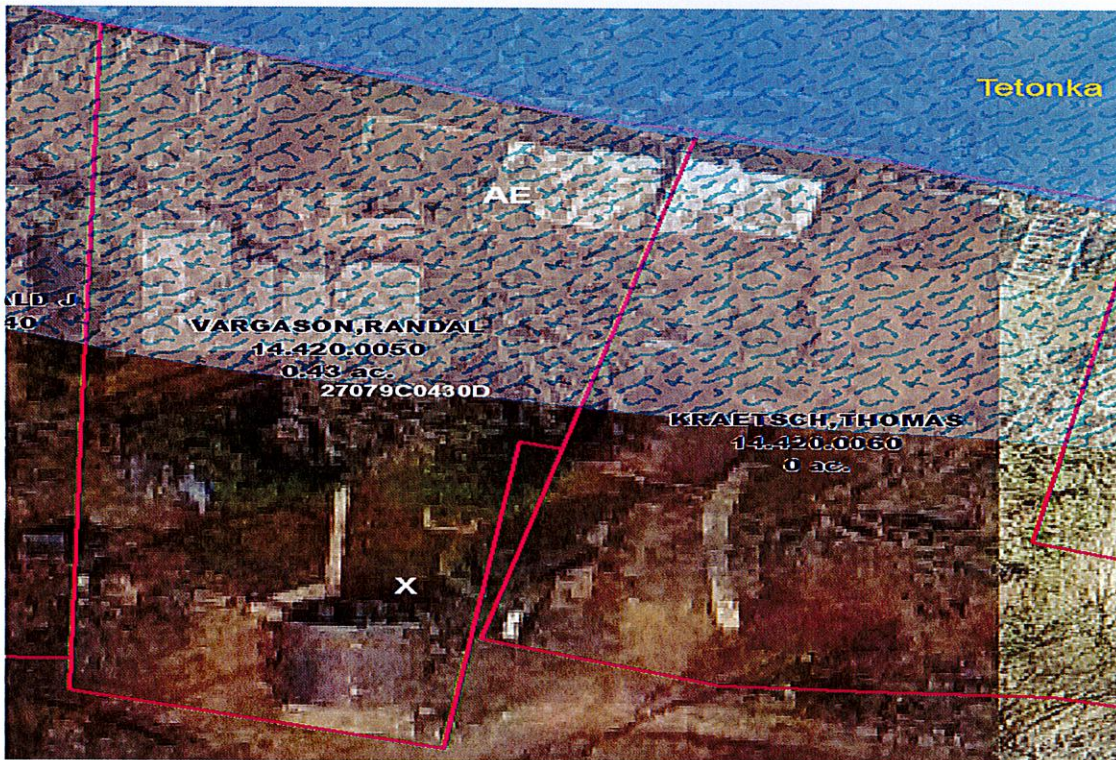
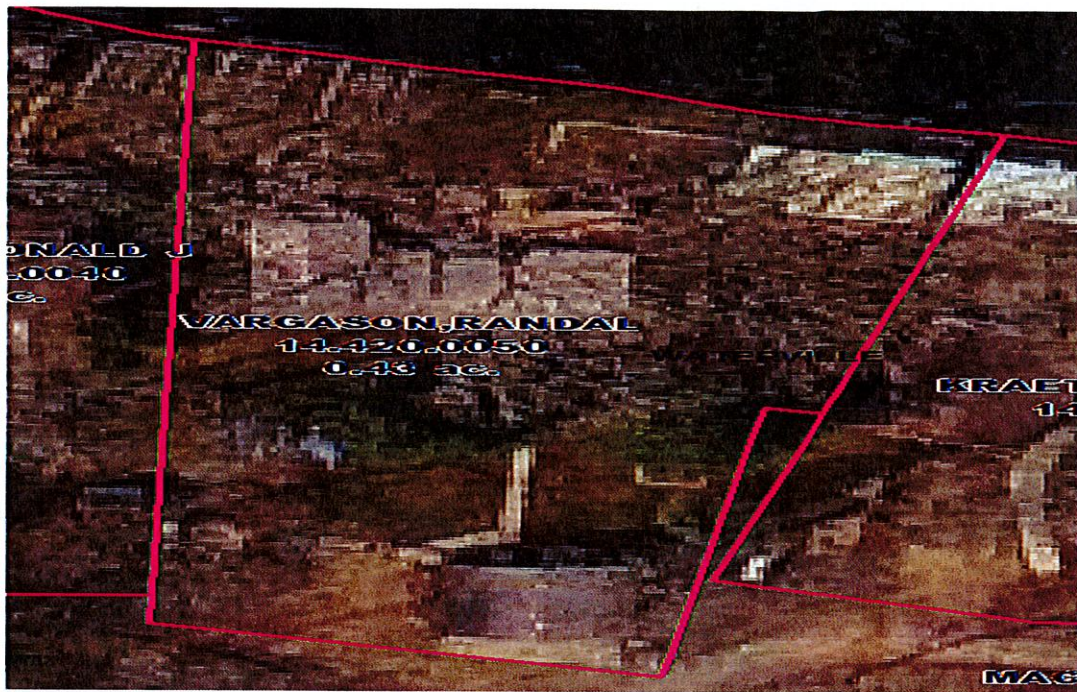
CONSIDERATIONS

1. The following shall be considered at the hearing:
- There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - 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.
 - Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:

- a. Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued by the County upon the following:
 - 1. A showing of good and sufficient cause.
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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.



NOT TO SCALE

VARIANCE FINDINGS OF FACT

Name of Applicant: RANDALL AND ANN VARGASON

Variance # 16171

Variance Request: To allow the applicants to utilize the ext septic tank 4' to PL, new pump tank 5' to PL, ext DF 7' to new att gar, new DF 16' to att gar & 5' to PL.

- 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 Randall W & Ann Vargason
 Mailing Address 50373 moore's Ln P.O. Box 67
 City Waterville State MN Zip 56096
 Phone # 507-475-4403 Phone # 507-456-6307

II. **Landowner:**
 Name Same As Above
 Property Address _____
 City _____ State _____ Zip _____
 Phone # _____ Phone # _____

III. **Parcel Information:**
 Parcel Number 14.420.0050 Parcel Acreage .43
 Township _____ Section _____
 Subdivision _____ Lot _____ Block _____

Full Legal Description must be attached.

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

IV. **Variance Request:** List requested alternative to development standard(s).
Utilize the ext compliant septic tank 4' to PL new
pump tank 5' to PL ext. of 7' to new attached garage, new
of 16' to attached garage, & 5' to PL.

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.)

Waterville Township Township notified on 6-11-16
 (Township Name) (Date)

Board Member Fritz Cummins 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.*

*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.

update the compliant septic system -

Variance granted 5/21/15 - Expired

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

no other options on property for placement of system.

Variance granted 5/21/15 - Expired

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

In order to utilize the ext. compliant system there are no other options on property for placement of tank & drainfield expansion

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

System will be sized according to dwelling

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

yes, upgrading septic due to increase of bedrooms

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

yes, variance was approved 5/21/15 - increase capacity of ext. system.

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

yes - Compliant septic system

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

The septic system was found to be compliant for the ext. structure, expanding ext. septic due to increase in bedrooms

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

no other options on property

IX. Attachments shall include but not limited to:

- | | |
|--|--|
| <input type="checkbox"/> a. Site Plan- survey | <input 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 type="checkbox"/> c. Access approval | <input type="checkbox"/> g. Erosion control plan |
| <input type="checkbox"/> d. Full legal description | <input 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.

Ann Vargas

Applicant signature

Date

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

Ann Vargas

Landowner signature

Date

OFFICE USE ONLY

Date received <u>6/20</u>	Present Zoning Classification <u>RLFFME</u>	Feedlot within 500' <u>1000'</u> <u>N</u>
Meeting date <u>7/21</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>8/12</u>	Lake <u>tetonka</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>1006.08</u>	FEMA Panel # <u>27079C0430D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>AE</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval <u>Ext.</u>	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>646</u>
<input checked="" type="checkbox"/> Application complete	<u>KBrackley</u>	<u>6/20/16</u>
	Planning & Zoning Department Signature	Date
		Permit # <u>16171</u>
		COC NONC/Waiver Design
		ATF / SPEC MTG

01-15-16

Due to the following delays we did not complete the work on the septic system before the variance, which had previously been approved on 5/21/2015, expired.

Work on our new house was delayed until fall because of:

- Getting 2 zoning permits in hand
- Scheduling and waiting for the house mover
- Moving the house
- Drilling new well
- Setting the old house down and removing the beams by the movers
- Working around rain on many occasions to get foundation dug, footings poured and installing the foundation.

Work in the spring was delayed due to

- County road restrictions
- Weather
- Availability of Contractor
- Moving of detached garage

Vargason Legal Description for Parcel 14.420.0050

in the County of Le Sueur, State of Minnesota, to wit:

Lot Five (5) and that parcel of ground lying between Lots Five (5) and Six (6) designated as "Ditch" on the Plat of Auditor's Sub Division of a part of Government Lots Three (3) and Four (4), Section No. Twenty-eight (28), Township One Hundred Nine (109) North, Range Twenty-three (23) West, LeSueur County, Minnesota and that part of Government Lot Four (4) in

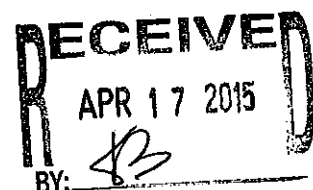
Section Twenty-eight (28) Township One Hundred Nine (109) North Range Twenty-three (23) West, described as:

Beginning at the Southwest corner of Lot Five (5) of said Auditor's Sub Division; thence South One Degrees Seventeen Minutes Zero Seconds (01°17'00") West (assumed bearing) along the Southerly extension of the Westerly line of said Lot Five (5), a distance of One Hundred and Zero Hundredths (100.00) feet; thence South Seventy-five Degrees Fifty-eight Minutes Zero Seconds (75°58'00") East, along a line parallel with the Southerly line of said Lot Five (5), a distance of Seventy-four and Zero Hundredths (74.00) feet; thence North Eight Degrees Four Minutes Fifty-one Seconds (08°04'51") East, Ninety-eight and Six Hundredths (98.06) feet to the Southeasterly corner of said Lot Five (5); thence South Seventy-five Degrees Fifty-eight Minutes Zero Seconds (75°58'00") East, along the Southerly line of the "Ditch" according to said Auditor's Sub Division, Eight and Sixty Hundredths (8.60) feet to the Southwesterly corner of Lot Six (6) of said Auditor's Sub Division; thence North Fourteen Degrees Four Minutes Sixteen Seconds (14°04'16") East, along the Westerly line of said Lot Six (6), a distance of One Hundred (100) feet, more or less, to a point on the Southerly water's edge of Lake Tetonka; thence Westerly along said Southerly water's edge, One Hundred Twenty (120) feet, more or less, to the intersection with the Westerly line of Lot Five (5), Auditor's Sub Division; thence South One Degrees Seventeen Minutes Zero Seconds (01°17'00") West, along said westerly line, One Hundred Ten (110) feet to the point of beginning.

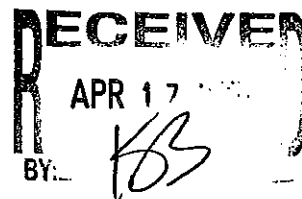
Together with and subject to a non-exclusive easement for access purposes over and across the existing driveway, described as:

An easement for access purposes Thirteen and Zero Hundredths (13.00) feet in width lying over and across that part of Government Lot Four (4) in Section Twenty-eight (28), Township One Hundred Nine (109) North Range Twenty-three (23) West, LeSueur County, Minnesota, the center line of which is described as:

Commencing at the Southwesterly corner of Lot Five (5), Auditor's Sub Division of a part of Government Lots Three (3) and Four (4), Section No. Twenty-eight (28), Township One Hundred Nine (109) North, Range Twenty-three (23) West, Le Sueur County, Minnesota; thence South One Degrees Seventeen Minutes Zero Seconds (01°17'00") West, (assumed bearing) along the Southerly extension of said Westerly line of said Lot Five (5), a distance of Ninety-six and Ninety-one Hundredths (96.91) feet to a point on the center line of the existing driveway; said point being the



point of beginning; thence South Sixty-nine Degrees Forty-two Minutes Nineteen Seconds (69°42'19") East, along said center line, Thirteen and Thirty-two Hundredths (13.32) feet; thence South Fifty-six Degrees Forty-six Minutes Fifty-five Seconds (56°46'55") East, along said center line, Twenty-nine and Forty Hundredths (29.40) feet; thence South Forty-one Degrees Fifty-three Minutes Fourteen Seconds (41°53'14") East, along said center line, Twenty-seven and Fifty-five Hundredths (27.55) feet; thence South Twelve Degrees Thirty-two Minutes Twelve Seconds (12°32'12") East, along said center line, Thirty-nine and Twenty-six Hundredths (39.26) feet; thence South Eleven Degrees Forty-five Minutes Fifty Seconds (11°45'50") West, along said center line, One Hundred Eighteen and Fifty Hundredths (118.50) feet; thence South Seventeen Degrees Fifty-three Minutes Forty Seconds (17°53'40") West, along said center line, Five Hundred Thirty-two and Sixty Hundredths (532.60) feet; thence South Zero Degrees Twenty-two Minutes Forty-nine Seconds (00°22'49") West, along said center line, Forty-two and Ninety-one Hundredths (42.91) feet to the point of intersection with the center line of County Highway No. 14 and there terminating.





Le Sueur County



Surveyor Certification

- I. Applicant: Name RANDALL VARGASON
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 14.420.0050
- IV. Quantities and Submittal Formats:
- One reproducible 8.5" x 11" copy of the request and all other supporting documents.
 - If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
 - Electronic version of any supporting documents, if available.
 - Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
 - All required information must be correct and submitted at the time of application, or the application will not be accepted.

V. Site Plan-must be a survey:

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

Site plan shall include but not limited to:

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

- VI. The proposed improvements have been physically staked onsite then surveyed on 1/22/15 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. Signatures:

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

Roy Jensen
Surveyor's signature

4/15/15
Date

19789
Lic #

4/16/15
Date received

OFFICE USE ONLY
K Brockway
Planning & Zoning Authority signature

10-01-11

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: Randy Vargason PID: 14 430, 0050
Mailing Address: 2012 6th Ave NE, Owatonna
Property Address: 58373 Mores Lake, Waterville
Phone: (651) 485 2015 Mobile/Cell: (507) 214 9794 / 56-6307

Responsible party for Implementation/Inspection: Steve James - James Bros. Const.
Address: PO Box 59, Elyria
Phone: (507) 267-4789 Mobile/Cell: (507) 380-6326

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.

Randy Vangerson
(Property Owner)

David J. Hagan
(Person Responsible for Implementation)

4-15-15
(Date)

4/15/15
(Date)

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



EROSTON CONTROL MAP

Silt Fence



RECEIVED
APR 17 2015
 BY: *[Signature]*



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

Compliance Inspection Form
Existing Subsurface Sewage Treatment Systems
(SSTS)

Doc Type: Compliance and Enforcement

Instructions: Inspection results based on Minnesota Pollution Control Agency (MPCA) requirements and attached forms – additional local requirements may also apply.

Submit completed form to Local Unit of Government (LUG) and system owner within 15 days

For local recording purposes:

REC'D
APR 17 2015

BY: _____

System Status

System status on date (mm/dd/yyyy): 4/14/2015

☒ **Compliant – Certificate of Compliance**
(Valid for 3 years from report date, unless shorter time frame outlined in Local Ordinance.)

☐ **Noncompliant – Notice of Noncompliance**
(See Upgrade Requirements on page 3)

Reason(s) for noncompliance (check all applicable)

- ☐ Impact on Public Health (Compliance Component #1) – Imminent threat to public health and safety
- ☐ Other Compliance Conditions (Compliance Component #3) – Imminent threat to public health and safety
- ☐ Tank Integrity (Compliance Component #2) – Failing to protect groundwater
- ☐ Other Compliance Conditions (Compliance Component #3) – Failing to protect groundwater
- ☐ Soil Separation (Compliance Component #4) – Failing to protect groundwater
- ☐ Operating permit/monitoring plan requirements (Compliance Component #5) – Noncompliant

Property Information

Parcel ID# or Sec/Twp/Range: 14.420.0050

Property address: 53703 Moores Lane, Waterville, MN 56096

Reason for inspection: building permit

Property owner: Randy Varagason

Owner's phone: 651-485-2015

or

Owner's representative: _____

Representative phone: _____

Local regulatory authority: LeSueur County

Regulatory authority phone: 507-357-8538

Brief system description: 1500 gallon 2-compartment tank pumping out of the 500 gallon side - with 120' of chamber drainfield

Comments or recommendations:

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

Inspector name: Wayne James

Certification number: 855

Business name: James Bros. Construction, Inc.

License number: 73

Inspector signature: Wayne James

Phone number: 507-267-4789

Necessary or Locally Required Attachments

- ☒ Soil boring logs
- ☒ System/As-built drawing
- ☐ Forms per local ordinance
- ☐ Other information (list): _____

Property address: 53703 Moores Lane, Waterville, MN 56096

Inspector Initials/Date: 4/14/15 *ltw*

1. Impact on Public Health – Compliance component #1 of 5

Compliance criteria:

System discharge sewage to the ground surface.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
System discharge sewage to drain tile or surface waters.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
System cause sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Any "yes" answer above indicates the system is an Imminent Threat to Public Health and Safety.

Comments/Explanation:

Verification method(s):

- ☐ Searched for surface outlet
- ☒ Searched for seeping in yard/backup in home
- ☐ Excessive ponding in soil system/D-boxes
- ☐ Homeowner testimony (See Comments/Explanation)
- ☐ "Black soil" above soil dispersal system
- ☐ System requires "emergency" pumping
- ☐ Performed dye test
- ☐ Unable to verify (See Comments/Explanation)
- ☐ Other methods not listed (See Comments/Explanation)

2. Tank Integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, or leaching pit. <i>Seepage pits meeting 7080.2550 may be compliant if allowed in local ordinance.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, which sewage tank(s) leaks:	

Any "yes" answer above indicates the system is Failing to Protect Groundwater.

Comments/Explanation:

Verification method(s):

- ☐ Probed tank(s) bottom
- ☐ Examined construction records
- ☐ Examined Tank Integrity Form (Attach)
- ☐ Observed liquid level below operating depth
- ☒ Examined empty (pumped) tanks(s)
- ☐ Probed outside tank(s) for "black soil"
- ☐ Unable to verify (See Comments/Explanation)
- ☐ Other methods not listed (See Comments/Explanation)

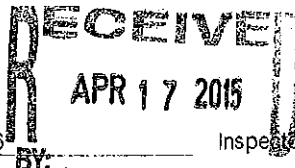
3. Other Compliance Conditions – Compliance component #3 of 5

- a. Maintenance hole covers are damaged, cracked, unsecured, or appear to structurally unsound. ☐ Yes* ☒ No ☐ Unknown
- b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety. ☐ Yes* ☒ No ☐ Unknown
- *System is an imminent threat to public health and safety**

Explain:

- c. System is non-protective of ground water for other conditions as determined by inspector ☐ Yes* ☒ No
- *System is failing to protect groundwater**

Explain:



Property address: 53703 Moores Lane, Waterville, MN 56096

Inspector initials/Date: 4/14/15

WJ

4. Soil Separation – Compliance component #4 of 5

Date of installation: 7/16/04

☐ Unknown

Shoreland/Wellhead protection/Food Beverage Lodging?

☒ Yes ☐ No

Compliance criteria:

For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment:

Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.

☐ Yes ☐ No

Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment:

Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*

☒ Yes ☐ No

"Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules (7080.2350 or 7080.2400 (Advanced Inspector License required)

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

☐ Yes ☐ No

Any "no" answer above indicates the system is Failing to Protect Groundwater.

Verification method(s):

Soil observation does not expire. Previous soil observations by two independent parties are sufficient, unless site conditions have been altered or local requirements differ.

☒ Conducted soil observation(s) (Attach boring logs)

☐ Two previous verifications (Attach boring logs)

☐ Not applicable (Holding tank(s), no drainfield)

☐ Unable to verify (See Comments/Explanation)

☐ Other (See Comments/Explanation)

Comments/Explanation:

Indicate depths of elevations

A. Bottom of distribution media 18" - 20"

B. Periodically saturated soil/bedrock 60"

C. System separation 40"

D. Required compliance separation* 36"

*May be reduced up to 15 percent if allowed by Local Ordinance.

5. Operating Permit and Nitrogen BMP* – Compliance component #5 of 5 ☒ Not applicable

Is the system operated under an Operating Permit?

☐ Yes ☐ No

If "yes", A below is required

Is the system required to employ a Nitrogen BMP?

☐ Yes ☐ No

If "yes", B below is required

BMP=Best Management Practice(s) specified in the system design

If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria

a. Operating Permit number: _____

Have the Operating Permit requirements been met?

☐ Yes ☐ No

b. Is the required nitrogen BMP in place and properly functioning?

☐ Yes ☐ No

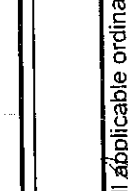
Any "no" answer indicates Noncompliance.

Upgrade Requirements (Minn. Stat. § 115.55) An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.

v 05.13.14



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APR 17 2015

Client/ Address:		Randy Vargason-50373 Moores Ln Waterville				Legal Description/ GPS:				14.420.0050	
Soil parent material(s): (Check all that apply) <input type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input checked="" type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter											
Landscape Position: (check one) <input type="checkbox"/> Summit <input type="checkbox"/> Shoulder <input checked="" type="checkbox"/> Back/Side Slope <input type="checkbox"/> Foot Slope <input type="checkbox"/> Toe Slope											
Vegetation		grass		Soil survey map units		106C2		Slope%		0.0	
Weather Conditions/Time of Day:		sunny		Date		04/14/15		Elevation:			
Observation #/Location:		1 & 2		Observation Type:		Probe					
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Shape	Grade	Consistence		
12	Loam		10YR 2/1				Blocky	Moderate	Friable		
38	Loam		10YR 5/4				Blocky	Moderate	Friable		
60	Sandy Loam		10YR 4/4				Granular	Weak	Loose		
Comments		wet sand at 60"									
I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.											
Wayne James (Designer/Inspector)		 (Signature)				73 (License #)		4/14/2015 (Date)			

RECEIVED
APR 17 2015
BY:

Wayne or Steve James - Lisc. # 73

BY

BY: Randy Vargason



Whip Jones
Installer Signature

73~~74~~
License #

7-28-04
Date

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

may

APPLICATION DATE: 4/17/2015 PERMIT NUMBER 15053 FEE: \$646.00
60 DAY RULING DATE: 6/15/2015

APPLICANT: RANDALL & ANN VARGASON PROPERTY OWNER: RANDALL & ANN VARGASON
ADDRESS: 2102 6TH AVE NE ADDRESS: 2102 6TH AVE NE
CITY: OWATONNA CITY: OWATONNA
STATE: MN ZIP: 55060 STATE: MN ZIP: 55060
PHONE: 651-485-2015 PHONE: 651-485-2015

PARCEL NO: 14.420.0050 TOWNSHIP: WATERVILLE 911: 50373 MOORES LANE WATERVILLE M
SEC: 28 SUBDIV: AUDITOR'S S/D Lots 3+4
TWP: 109 LOT: 5 ZONE: RR/FF/MR
RANGE: 23 BLOCK: FEMA PANEL #: 27079C0430D
Q/Q: ROAD: PVT FLOOD ZONE: AE

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 applicants to construct a SFD 44' to the ROW of a private road.

Ext St 4' to PL, new PT 5' to PL, Ext DF 7' to proposed
New DF 16' to new gary 5' to PL at Gary

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:

Randall W Vargason Ann J Vargason
APPLICANT/PROPERTY OWNER

4-17-15

DATE

Kathy Brockway
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4-17-15

DATE

** FEES ARE NON-REFUNDABLE **

ON-SITE TOUR DATE:	<u>5/21/2015</u>
PUBLIC HEARING DATE:	<u>5/21/2015</u>
ACTION:	<u>Approved</u>
<input checked="" type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

James F. Doherty
BOARD OF ADJUSTMENT CHAIRMAN

5-23-15

DATE

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

LE SUEUR COUNTY ZONING PERMIT

Permit Type: BUILDING & SEPTIC

Application Date 6/10/2015

Permit Number 15118

PID Number 14.420.0050

Applicant: RANDY VARGASON

Phone #: 651-485-2015

Mailing Address: 2012 6TH AVE NE

OWATONNA

MN 55060

911 Address: 53703 MOORES LN WATERVILLE

Building Contractor:

Lic #

City:

Septic Information Only

Installation Deadline

Date Design Received

5/6/2015

Date Design Approved

DESIGNER: JAMES BROTHERS

INSTALLER:

JAMES BROTHERS

Address: PO BOX 59

Address:

PO BOX 59

City/St: ELYSIAN MN

City/St:

ELYSIAN MN

Zip Code: 56082 Lic. No. 73

Zip Code:

56028 Lic. No. 73

Phone Number: 507-267-4789

Phone Number: 507-267-4789

SITE INFORMATION

Township: WATERVILLE

Bldg Elig: EXT BLDG SITE

Lake/Stream: TETONKA

Section: 28

Subdiv: AUD SUB 3-4

Fema Panel #: 27079C0430D

TWP: 109

Lot: 5 Road: PVT

Flood Zone: AE

Range: 23

Block: Zone: RR

RFPE: 1006.08

Q/Q:

Acres: VAR: 5-21-15

CUP: NA

SETBACKS

SEPTIC

Front ROW: 10 Ft Rear: 10 Ft Side: 5 Ft OHWM: 0 Ft

DWELLING

Front ROW: 44 Ft Rear: 0 Ft Side: 10 Ft OHWM: 65 Ft

ACCESSORY

Front ROW: 0 Ft Rear: 0 Ft Side: 0 Ft OHWM: 0 Ft

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling. Structures must be placed in accordance with any flood plain regulations and the lowest floor elevation must be 3 feet above the Ordinary High Water Mark or the highest known water level, whichever is higher. Peak height not to exceed 35' for dwellings. Accessory structures to be in compliance of the Le Sueur County Zoning Ordinance. Permit does not cover any additional grading and/or filling (for example raising the elevation of the dwelling site). Existing dwelling must be removed within one year from the date of permit issuance.

Description of Activity: UPGRADE CHAMBERS

4 BR SINGLE-FAMILY DWELLING W/ 3-CAR ATT GARAGE / 546 sq. ft. deck
(NEW PUMP TANK 5' TO PL, EXT DRAINFIELD 7' TO GAR, NEW DF 16' TO GAR & 5' TO PL)

Value	\$350,000.00	Fee	\$1,050	Acc Value	\$0	Acc Fee	\$46	Septic	\$0	911	\$0	Total	\$1,096.00
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Applicant agrees and understands that the permit being applied for is to comply with the laws, rules and regulations pertaining to land use and applicable regulations subject to jurisdiction and control of Le Sueur County. The County through its officials in investigating, considering, and acting upon this application is not responsible for interpreting and ruling on any private right or obligation such as private agreements, easements, conditions or covenants, boundary locations, suitability or performance of any equipment or construction methods. The only goal of the County is to require compliance with its land use regulations.

Randy Vargason

Signature of Applicant

Kathy Brockus

Planning and Zoning Authority

Date

6/10/15

Date

PROPERTY OWNER/SEPTIC CONTRACTOR IS RESPONSIBLE TO CALL FOR SEPTIC SYSTEM INSPECTION BEFORE COVERING. FOR INFORMATION CALL 507-357-8538

CONSTRUCTION MUST BE COMPLETE PRIOR TO PERMIT EXPIRATION*****PERMIT BECOMES NULL AND VOID ONE YEAR AFTER DATE OF ISSUANCE*****

FEES ARE NON-REFUNDABLE

LE SUEUR COUNTY ELEVATION CERTIFICATION

Applicant: RANDY VARGASON	PID: 14.420.0050	Permit #:
Mailing Address: 2012 6TH AVE NE	City: OWATONNA	State: MN Zip: 55060
Physical Address: 53703 MOORES LN WATERVILLE		
Phone No: 651-485-2015	Permit Date: 6/10/2015	

PROJECT INFORMATION		
1. Floodplain District <input type="checkbox"/> Floodway <input type="checkbox"/> Flood Fringe <input type="checkbox"/> General Floodplain <input type="checkbox"/> Shoreland	2. Project Type <input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Repair/Maintenance <input type="checkbox"/> Grading and Filling <input type="checkbox"/> Other: _____	3. Structure Type <input type="checkbox"/> Dwelling <input type="checkbox"/> Attached Garage <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Deck/Porch <input type="checkbox"/> Other: _____
4. Zoning Zoning District RR <input type="checkbox"/> Permitted <input type="checkbox"/> EBS <input type="checkbox"/> LOR <input type="checkbox"/> Other _____ <input type="checkbox"/> CUP Date _____ <input type="checkbox"/> VAR Date _____ <input type="checkbox"/> DNR Notified Date _____	5. FIRM Map # 27079C0430D Effective Date 7-21-99 Flood Zone: AE <input type="checkbox"/> Firmette Attached <input type="checkbox"/> Aerial Attached	6. Datum/BFE-Source <input type="checkbox"/> NGVD 1929 Datum <input type="checkbox"/> Flood Ins Study <input type="checkbox"/> Other _____
7. RFPE: Regulatory Flood Protection Elevation <input checked="" type="checkbox"/> Ordinary High Water Mark or Highest Known Elevation 1003.08 + 3 feet = 1006.08 = RFPE <input type="checkbox"/> Base Flood Elevation (100 year) _____ + 1 foot + _____ = _____ <div style="text-align: center; font-size: small;">(stage increase)</div>		

SHORELAND ELEVATION CERTIFICATE

	Required	Actual As-Built
Structure Elevation: Top of the lowest floor <i>(basement, crawl space, deck post/ground surface interface, etc)</i>		

CERTIFICATION

I hereby certify with my signature that the structure is constructed in accordance with the elevation reflected in the As-Built, and is true and correct to the best of my knowledge.

(Applicant Signature)

(Date)

FLOODPLAIN ELEVATION CERTIFICATE

	Required	Actual As-Built
Structure Elevation: Top of the lowest floor <i>(basement, crawl space, deck post/ground surface interface, etc)</i>	1006.08	
Lowest compacted fill elevation 15' from structure		
Lowest adjacent grade		

CERTIFICATION

I, _____ hereby certify with my signature that the structure is constructed in accordance with the elevation reflected in the As-Built, and is true and correct to the best of my knowledge.

(Surveyor/Engineer Signature)

(Date)

***The elevation of the lowest floor must be determined and documented in shaded portion of Certificate. Once the elevation has been determined, the Elevation Certification Form must be signed, dated, and returned to the Environmental Services Office at Le Sueur County Environmental Services, 88 South Park Ave, Le Center, MN 56057. (507-357-8538)