

Le Sueur County, MN

Thursday, July 21, 2016 Regular Session

Item 3

Kaplan

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:

Tamera Kaplan

911 ADDRESS:

583 Bluebay Lane, Elysian MN 56028

VARIANCE REQUEST: To allow the applicant a total of 27% impervious surface; create impervious surface within the shore impact

zone; and construct a deck 46 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential

"RR" District on a Recreational Development "RD" lake, Lake Frances.

VARIANCE NUMBER: 16177

PARCEL NUMBER:

04.500.0050

SITE INFORMATION

LOCATION:

Lot 6, Dick's Southside Subdivision, Section 34, 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:

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

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 Bluebay Lane

LAKE:

Recreational Development "RD" lake, Lake Francis

RFPE:

Regulatory Flood Protection Elevation: 1025.7 Lowest floor must meet RFPE.

ATTACHMENTS

Application, Survey, Surveyor Certification, Aerial photo, Letter from LSC Resource Specialist, Findings of Fact,

STAFF FINDINGS

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

1. Variance:

Request:

Required:

Ordinance:

2. Refer to DNR Guidance Letters:

Page 1 of 2

a.	The Role of the Variances in Shoreland Management Ordinances	pg. 9
b.	Bluffs and Steep Slopes	pg. 11
c.	Limiting Impervious Surface	pg. 15
d.	Non-conforming Lots of Record in Shoreland Areas	pg. 19
e.	Structure Setback Requirements	pg. 21

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

CONSIDERATIONS

- 1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CONDITIONS

- 1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
- 2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
- 3. If approved, construction must be completed prior to the Variance expiration, Section 22; Subdivision 7.
- 4. If approved, a zoning permit must be purchased prior to starting construction, Section 26.
- 5. Extension must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE FINDINGS OF FACT

Name of Applicant: TAMERA KAPLAN Variance # 16177

Variance Request: TO ALLOW THE APPLICANT A TOTAL OF 28.8% IMPERVIOUS SURFACE; CREATE IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE; CONSTRUCT A DECK 46 FEET FROM THE OHWL.

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

	Υ	N	1.	Does the property owner propose to use the property in reasonable manner?	IM NAV ID CH EC
				Explain	JM JW JD CH FC
	Υ	N	2.	Is the alleged practical difficulty unique to the property?	
				Explain	JM JW JD CH FC
	Υ	N	3.	Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?	JM JW JD CH FC
				Explain	
	Y	N	4.	Will the issuance of the Variance maintain the essential character of the locality?	JM JW JD CH FC
				Explain	
	Y	N	5.	Does the alleged practical difficulty involve more than economic considerations?	IM IM ID OU 50
				Explain	JM JW JD CH FC
F.	Var	ianc	es s	shall only be permitted when they are in harmony with the general purposes and in	tent of the official controls
	Y	N	6.	Is the Variance consistent with and supported by the statement of purposes, policies, gethe Ordinance?	oal and objectives in
				Explain	JM JW JD CH FC
	Υ	N	7.	Is the Variance consistent with the Comprehensive Plan?	184 104 1D OU FO
				Explain	JM JW JD CH FC
G.	IF	ALL	_T	IE ANSWERS ARE " <u>YES",</u> THE CRITERIA FOR GRANTING THE VARIANCE	HAVE BEEN MET.
	(_)	API	PROVED () DENIED	
	С	ONE	OITIC	ONS:	
	,	Appl	icar	t response to conditions: Agree () Disagree ()	
		Rea	sons	S:	
		Boar	d of	Adjustment Chairman Date	



	riance Application
•	Name KAPCAN
	Name / METER TEAT CAN
	Mailing Address 8220 133 CD State WEST
	City
	Filotie # Priorie #
	Landowner:
	Name TAMETZA KAPLAN
	Property Address 563 ISLUE ISKY LANE City EC751AN State MN Zip 560ZB Phone # 6/2 23Z 62/2 Phone #
	City <u>EC73/AN</u> State <u>MN</u> Zip <u>56026</u>
	Phone # 6/2 232 62/2 Phone #
11.	Parcel Information:
	Parcel Number 04. 500. 0050 Parcel Acreage Township ELYSIAN Section 34 Subdivision DICKS SOUTHSIDE Lot 6 Block
	Township ELYSIAN Section 34
	Subdivision DICKS SOUTHSIDE Lot 6 Block_
	Full Legal Description must be attached.
	(Full legal description can be found on deed, not abbreviated legal description from tax statement).
.,	Variance Degrees, List requested alternative to development stand, rd(a)
V.	variance Request: List redilected and of 27% (man)
	- Impervious solvers in and and
	Variance Request: List requested all of 27 % (mem) — Topervious surfact of 27 % (mem) — "creating impanse in the stare impact zone
	Building drok 46" to OHWL
<i>'</i> .	Description of Request:
/1.	a. A <u>full written description</u> of the proposed variance request with detailed information must be attached
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*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
	THE MODIFICATIONS/IMPROVEMENTS BEING PROPOSED
	WILL NOT IZEBUT IN XWY ADDITIONAL IMPETENOUS
	SINZFYZE
2	What are the unique circumstances of this property that prevent compliance with the
A-1	Zoning Ordinance that will result in a practical difficulty?
	EXISTING CONDITION - TITE APPLICANT OWNERS
	IS MAKING AN EFFORTU TO IMPROVE THE LOOK
	AND FUNCTIONALITY OF THE PILOPERTY
_	
3.	Describe how the unique circumstances causing the practical difficulty were created by
	someone other than the applicant/landowner. HOME INTO PRIZEHOSEO THIS WAY.
	TIOME INTO PROGRED INTO WAY.
_	
4.	How will the request maintain the essential character of the locality?
	PRETTY WINIMAL - THE INTENT/EXPECTATION OF
	THIS PROJECT IS TO IMPROVE THE APPERANCE
	OF THE PIZOPEIZY
E	Dong the alleged precised difficulty involve more than account accordance
Э.	Does the alleged practical difficulty involve more than economic considerations? Yts, my end result will be less imperious surface area
	- The state of the
	7-
6.	Is the request consistent with and supported by the statement of purposes, policies, goals
	and objectives in the Ordinance?
	sals. Our objective is to humais impressor surda a.
9	sals. Our objective is to divinaise imprinion surface.
7.	Describe how the request is consistent with the Comprehensive Land Use Plan.
	e will be both adding surface and taking away surface for a
7	otal decrease in impervious surface
8.	Describe the properties current, and any proposed, onsite sewage treatment and water
	Capabilities. EXISTING: WELL & SEPTIC SYSTEM WILL BE ABANDONE
	EXISTING: WELL & SEPTIC, SEPTIC SYSTEM WILL BE ABANDONE IN ACCORDANCE UNDETE THE CURPENT PERMIT.
-	THE SEPTIC SYSTEM WILL BE PESTONED UNDER SEPARATE
	PERMIT - FUTURE.
9.	Explain why this request is the minimum variance amount to afford relief.
	NO NET CHANGE TO IMPERVICES SURFACE AS A RESULT
	OF THIS PROJECT.
	AND THE POTENTIAL FOR EROS (ON WILL BE REPUTED)

IX. Attachments shall include but not limited to:

∑ a. Site Plan -survey	e. Floor plans and/or blue prints (For structures)
☑ b. Surveyor Certification	☐ f. Septic System Compliance Inspection
c. Access approval	g. Erosion control plan
☑ d. Full legal description	☑ 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: Filing Fee: \$ 600

46

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600 + \$200 per household

Variance for Clusters: Filing Fee:

\$ 46

Additional Fees:

Special Meeting:

\$1,200

After-The-Fact meeting fee:

Doubled + After-The-Fact Penalty.

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 <u>at the time of application</u>, 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.
- I. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. Signatures:

Tanera E, Kanslan

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.

6/21/2014

Applicant signature	Dat	e
	n my signature that all data contained h the best of my knowledge.	nerein as well as all supporting data are
Landowner signatu	re Dat	/21/2016 e
	OFFICE USE ONLY	
Date received \ \ \(\lambda 21/16	Present Zoning Classification	_ Feedlot within 500' 1000' N
Meeting date 7/21/10	Lake Classification	_ Erosion Control Plan Y N
60 Day 8-20-16	Lake Trances	Water courses Y N
RFPE 1015.7	FEMA Panel # 27079C 425D	_ Bluff Y N
Site Plan -survey	Flood ZoneA	Other
☑ Surveyor Certificate	√⊒ Full legal description	✓ Septic COC NONC/Walver
Floor plans/blue prints	→ Access approval – N A	Design
☐ Description of Request	면 Blue Prints	Fee \$ Mallole4 CATF / SPEC MTG
Application complete Pla	Nichelle KMttlev Inning & Zoning Department Signature	10 - 21 - 10 10 1

01-15-16

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: 07/07/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Tamara Kaplan

Property owner: Tamera Kaplan

Property: 04.500.0050

Description:

Request for a Variance to allow the applicant a total of 27% impervious surface within the Shore Impact Zone, create impervious surface within the SIZ and construct a deck 46 feet from the OHWL.

Recommendation:

It is my recommendation to approve the request for a Variance for this property. In doing this project, the total of impervious will be reduced thus increasing the area for infiltration. The proposed work is all within the footprint of the old structure.

Sincerely,

Joshua Mankowski Le Sueur County

Environmental Resources Specialist

Mettler, Michelle

From:

Tammy Kaplan [quiltlyr53@gmail.com]

Sent:

Friday, June 24, 2016 1:04 PM

To: Subject:

Mettler, Michelle Request and Proposal Recap

Michelle,

The following is a narrative of what I am working to accomplish with this request of variances and my proposal.

I am requesting the following variances in order to build a new home. I am proposing the following in order to be a good steward of the environment and to improve on the existing conditions of the property. I am proposing to keep the same footprint as the current home and I will be creating new surface area and replacing my deck.

In making these changes, I will be adding permeable pavers for all the sidewalk areas in order to maximize clean water flow into the ground. I am planning on using Borgert Products, Inc. they have a "Green Products" permeable paver called Holland Priora that is environmentally responsible.

Most importantly, the total impervious calculation will be less than what we started at. We will be going from 28.8% down to 27%. The lot will be more environmentally sound by making these changes.

Thank you Michelle for all your guidance as it has been a great learning experience for me as well, Tammy Kaplan



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.

ty Owner: <u>Tan</u>	nera E. Kaplan	PID:
Address: 822	0 W. 1330 ST.	Savage, mN, 55378
y Address: 583	Blue bay Lane	Elysian MN. 56028
)	N	Mobile/Cell:(612) 232-6212
sible party for Im	plementation/Inspection	1;
	•	5l 503 H 1.8a
	N	Mobile/Cell:()
1 & Sediment Con	trol Measures	
protect trees to en	hance future landscaping	ssible and minimize the area of disturbance. Retain and gefforts and to reduce raindrop impact. (Vegetation is ntrol practice).
5	sible party for Important Control Maintain existing protect trees to en	

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.

applicable.

Install all erosion and sediment control practices prior to any soil disturbing activities, when

- 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
Wood or Straw Blanket with net on both sides
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.

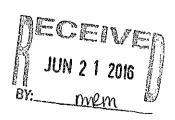
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

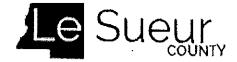
(Person Responsible for Implementation)

(Carlos (Date)

(Date)

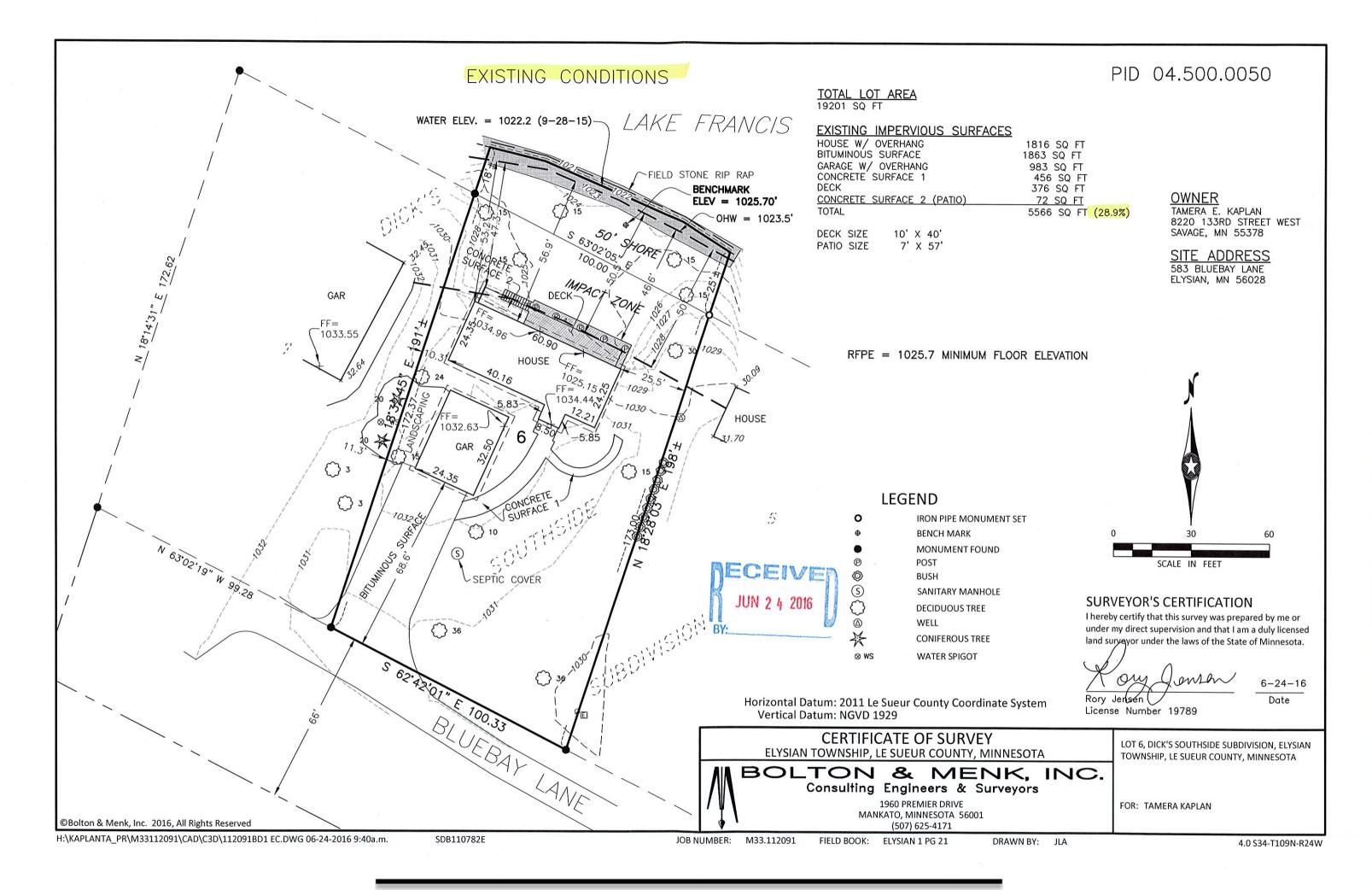
If you have any questions, please contact Environmental Services, at 507-357-8538.

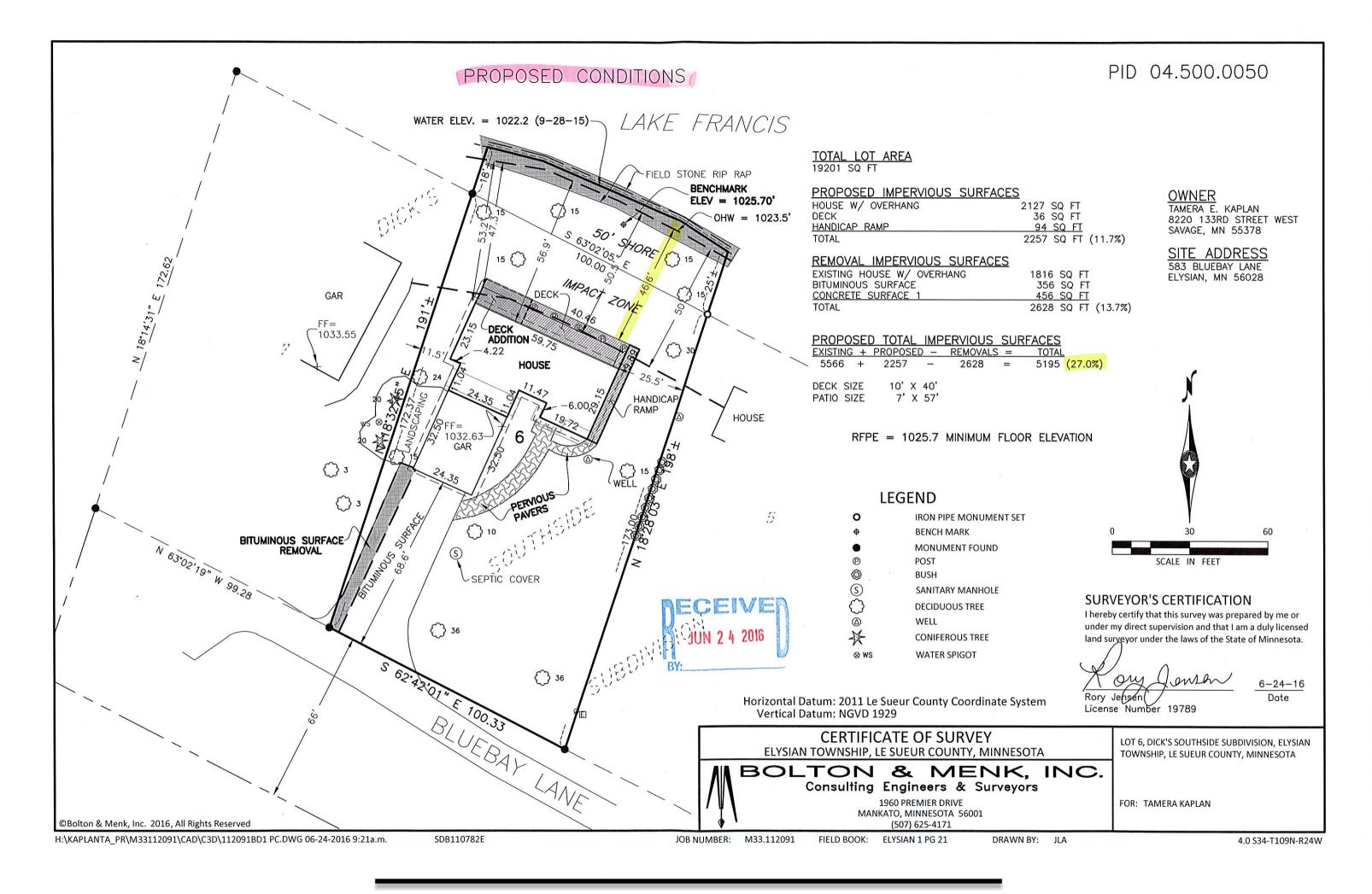


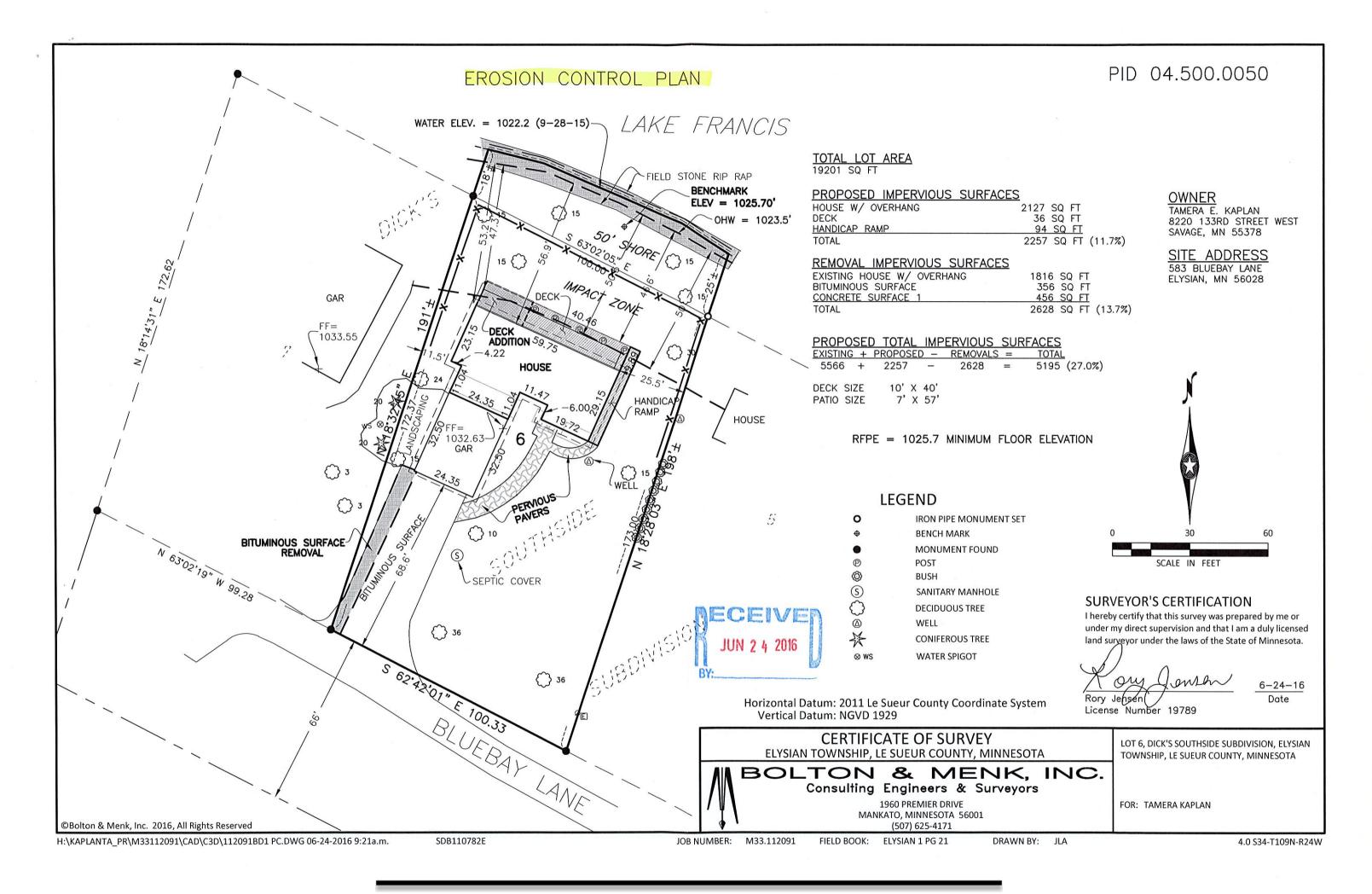


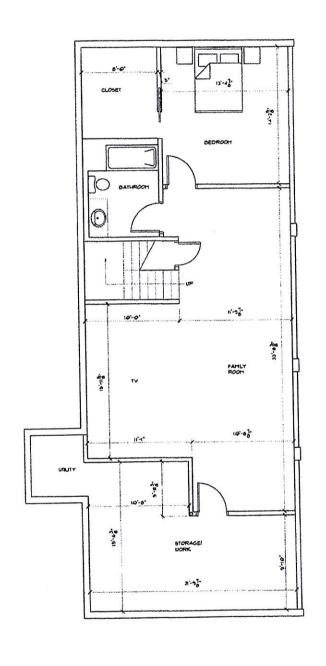
Surveyor Certification		
I. Applicant: Name TAMERA KAPLAN		
II. Landowner: Name		
Parcel Number 04.500, 0050		
IV. Site Plan - Shall be a Certificate of Survey to include, but not limited to: North point Setbacks Setbacks Property lines Road Right-Of-Way Lot Dimensions • Ponds • Certificate of Survey to include, but not limited to: • Well • Access • Septic System • Easements • Proposed Structures • Proposed Structures • Existing structures - Within and adjacent to project area. • 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, <i>then</i> surveyed. *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled. *Stakes must remain in place until construction commences.		
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 <u>larger than 11 x 17</u> , documents in <u>color</u> , <u>aerials or photographs</u> .		
c. Electronic version of any supporting documents if available.		
d. Pre-application meeting is recommended prior to making application to ensure submittal completion. <u>Appointment is necessary</u> .		
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 <u>at the time of application</u> , or the application will not be accepted.		
VI. Signatures: The proposed improvements have been physically staked onsite <u>then</u> surveyed on <u>(/20/2016)</u> , to reflect an accurate account of current and proposed conditions of the property identified above.		
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.		
Surveyor Signature Date Lic#		
OFFICE USE ONLY		
Date Received Planning & Zoning Department Signature		
01-15-16		

1

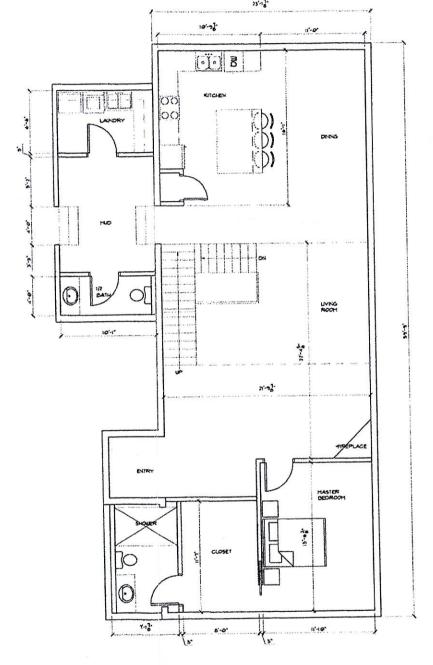




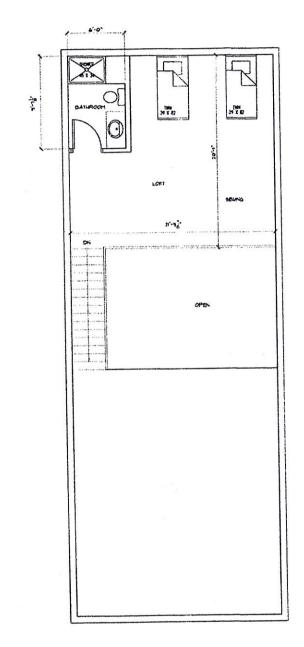












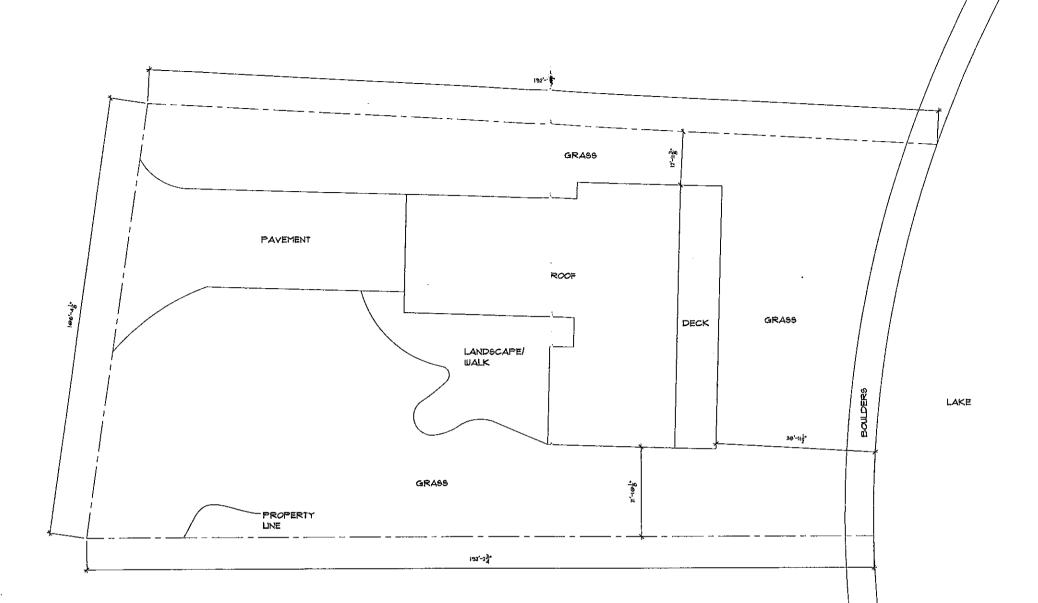
(3) UPPER LEVEL FLOOR PLAN	
SCALE 1/4"31"-0"	

FLOOR PLAN LAYOUT'S

COMM. NO: 16.15.3 DATE: 6-7-16

DRAWN BY MUB

A1





CONCEPT SITE PLAN

5' 10'

SCALE: 1"=10'-0"

CONCEPT SITE LAYOUT

COMM. NO.; 16.15.3

DATE: 6-7-16

DRAWN BY: MJB

C1