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# **Le Sueur County, MN**

**Thursday, July 21, 2016**

**Regular Session**

## **Item 1**

**Approved July 21, 2016 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  
July 21, 2016**

**MEMBERS PRESENT:** Jeanne Doheny, Jim Mladek, Francis Cummins

**MEMBERS ABSENT:** Colin Harris, John Wolf

**OTHERS PRESENT:** Kathy Brockway

The meeting was called to order at 3:00 PM by chairperson, Jeanne Doheny.

**ITEM #1: RANDALL & ANN VARGASON, WATERVILLE, MN, (APPLICANT/OWNER):**

Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to utilize the existing septic tank located 4 feet from the property line, install a new pump tank 5 feet from the property line, utilize the existing drainfield located 7 feet from the attached garage, and install additional drainfield 16 feet from the attached garage and 5 feet from the property line in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka, and within the Flood Plain and Mineral Resources Overlay Districts. Property is located at Lot 5, Auditor's Subdivision, Section 28, Waterville Township. **VARIANCE IS FOR SSTs TO PROPERTY LINE AND STRUCTURE SETBACKS.**

Randall and Ann Vargason were present for application. Township: Notified through the application process. DNR: No Comments. Letters submitted: none.

Discussion was held regarding; Variance approved in May of 2015, expired, therefore needed to reapply, no changes from the previous variance request.

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

**ITEM #2: CHARLES RETKA, CJ FARMS, LE SUEUR, MN, (APPLICANT); CHARLES AND MARIE RETKA, LE SUEUR, MN, (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a grain bin 68 feet from the County road Right-Of-Way (ROW) and 3 feet from an accessory structure in an agriculture "A" District. Property is located in the SW 1/4, Section 12, Tyrone Township. **VARIANCE IS FOR ROAD ROW AND STRUCTURE SETBACKS.**

Chuck Retka was present for application. Township: notified through the application process. DNR: N/A. Letters submitted: none.

Discussion was held regarding: grain bin setup has been in place since 1980, met the setbacks at that time, County changed the requirements, 48' diameter bin between the two existing bins, no other room within the bin site.

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

**ITEM #3: TAMARA KAPLAN, SAVAGE, MN (APPLICANT/OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance 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. Property is located at Lot 6, Dick's Southside Subdivision, Section 34, Elysian Township. **VARIANCE IS FOR IMPERVIOUS SURFACE AND OHWL SETBACKS.**

Jeremy Braun, representative for the applicant was 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: explained the proposal, not increasing the size of the deck, will be installing pervious pavers to decrease impervious surface, structural damage, will use the current foundation, Bolton and Menk will provide an as-built when the project is completed.

Motion was made by Jim Mladek to approve the application. Seconded by Fritz Cummins. Motion approved. Motion carried.

**ITEM #4: ESMAIL & BARBARA MOSTAGHIMI, LE SUEUR, MN**

**(APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to repair an existing deck located within the bluff in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Tetonka. Property is located at Lot 11, Auditor’s Subdivision, Section 28, Waterville Township. **VARIANCE IS FOR BLUFF SETBACK.**

Esmail Mostaghimi was 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: safety of deck, not changing the footprint of the structure, replacing the deck boards and railings.

Motion was made by Jim Mladek to approve the application with the condition that footprint of the deck remains the same and the existing footings are used. Seconded by Fritz Cummins. Motion approved. Motion carried.

**ITEM #5: JIM & RENE RUBBISH, OWATONNA, MN (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 22 X 38 detached garage 6 feet from the property line and a total of 31.8% impervious surface in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Washington, and within the Flood Plain Overlay District, Flood Fringe “FF”. Property is located at Lot 7, Washington Park Subdivision, Section 17, Washington Township. **VARIANCE IS FOR PROPERTY LINE SETBACK AND IMPERVIOUS SURFACE.**

Jim and Rene Rubbush 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 constructing a year round home, new detached garage, removal of the bituminous surface, installed a rain garden, multi-level home proposed, remove the existing double wide manufactured home, preserving the oak tree, will down size the garage to keep the tree, pervious pavers installed, gutters on new home.

Motion was made by Fritz Cummins to approve the application with the condition that gutters and other run-off from the impervious surfaces are directed to the pervious areas to better allow infiltration. Seconded by Jim Mladek. Motion approved. Motion carried.

**ITEM #6: BRIAN WELCH, ELYSIAN, MN, (APPLICANT/OWNER):** Requests that the County grant an After-the-Fact Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 12 x 12 deck with a screened porch 206 feet from the Ordinary High Water Level (OHWL) and a Variance for an additional 12 x 24 deck 180 feet from the OHWL and a wraparound deck to the existing dwelling 178 feet from the OHWL; and to enlarge a non-conforming structure in a Special Protection “SP” District, on a Natural Environment “NE” lake, an Unnamed Lake. Property is located in the NE 1/4, Section 7, Elysian Township. **VARIANCE IS FOR OHWL SETBACK.**

Brian Welch was 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: history of home, deck built on the home prior to purchasing the home, safety concerns with the instability of the deck, water damage to the home, trying to improve the property,

had no idea that the property had a greater setback to the lake, was not aware that the area behind the home was classified a lake, home was built for the additional decks with doors on the second story, discussion as to the DNR's classification of this area, Fritz Cummins gave a brief history of the area.

PUBLIC COMMENT: Larry Hartung, neighbor, the area was an eyesore prior Mr. Welch purchasing the home, the area has been cleaned up and is beautiful, he appreciates the efforts that they are putting forward to improving the property. Rich Bornholdt, agrees with Fritz Cummins, that this is not a lake, he checked with the County Assessor's office and they had no idea it was a lake.

Motion was made by Fritz Cummins to approve the ATF portion of the application. Seconded by Jim Mladek. Motion approved. Motion carried.

Motion was made by Jim Mladek to approve the application with the condition that the area abutting the boundary remains in a natural state. Seconded by Fritz Cummins. Motion approved. Motion carried.

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

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

Meeting Adjourned.

Respectfully submitted,  
Kathy Brockway  
07-21-2016

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