



**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: SEPTEMBER 15, 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 Halvorson Packet

ITEM #4 Jessen Packet

ITEM #5 Approved September 22, 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 September 15, 2016.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, September 15, 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: SEPTEMBER 15, 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 **SEPTEMBER 2, 2016**

ITEM #1: GREG HALVORSON, GIBBON, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow an extension of Variance #15197 that would allow the applicant to move in a single-family dwelling 7 feet from the West property line; 21 feet from the road Right-Of-Way (ROW); install a holding tank 5 feet from the road ROW and 5 feet from the West property line in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson . Property is located at Lot 26, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR PROPERTY LINE AND ROAD ROW SETBACKS.**

ITEM #2: ARNE JESSEN, CLEVELAND, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic system drainfield 59 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" district on a Recreational Development "RD" lake, Lake Jefferson . Property is located at Lots 9 & 19, Auditor's Subdivision, Section 5, Elysian Township. **VARIANCE IS FOR OHWL SETBACK.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT SEPTEMBER 15, 2016

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



Le Sueur County, MN

Thursday, September 15, 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: September 15, 2016

Meeting Time: 3:00 pm

Onsite Date: September 15, 2016

Onsite Time: 2:00 pm

ITEM #1: Greg Halvorson

ITEM #2: Arne Jessen

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, September 15, 2016

Regular Session

Item 1

Halvorson Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Greg Halvorson

911 ADDRESS: 27938 Maple Lane, Madison Lake MN

VARIANCE REQUEST: An extension on an existing Variance # 15197 to allow the applicant to move in a single-family dwelling 7 feet from the West property line, 21 feet from the road Right-Of-Way (ROW), install a holding tank 5 feet from the road ROW and 5 feet from the West property line.

VARIANCE NUMBER: 16253

PARCEL NUMBER: 13.800.0270

SITE INFORMATION

LOCATION: Lot 26 Wildwood Subdivision, Section 3 Washington Township

ZONING & PURPOSE: Recreational Residential

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

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Maple Lane

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 meet RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Erosion Control Plan, House Plans, Variance # 15197, September 17, 2015 BOA meeting minutes.

STAFF FINDINGS

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

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Structure to property line:	7 feet	10 feet	Section 13.2, Subdiv, 5.C.2.	13-44
b. Structure to road ROW:	21 feet	32.5 feet*	Section 13.2. Subdiv. 5.B.10.	13-43
c. Septic tank to property line:	5 feet	10 feet	Section 17, Subdiv.4.D.2.	17-9
d. Septic tank to road ROW:	5 feet	10 feet	Section 17, Subdiv. 4.D.4.	17-9
2. Refer to DNR Guidance Letters:				

- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - b. Bluffs and Steep Slopes pg. 11
 - c. Limiting Impervious Surface pg. 15
 - d. Non-conforming Lots of Record in Shoreland Areas pg. 19
 - e. Structure Setback Requirements pg. 21
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
 4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
 5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
 6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

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

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

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: 8/8/2016
60 DAY RULING DATE: 10/7/2016

PERMIT NUMBER 16253

FEE: \$646.00

APPLICANT: GREG HALVORSON
ADDRESS: 32598 633RD AVE
CITY: GIBBON
STATE: MN
PHONE: 507-779-1619

ZIP: 55335

PROPERTY OWNER: GREG HALVORSON
ADDRESS: 27938 MAPLE LN
CITY: MADISON LAKE
STATE: MN
PHONE: 507-779-1619

ZIP: 56063

PARCEL NO: 13.800.0270 TOWNSHIP: WASHINGTON 911: 27938 MAPLE LN, MADISON LAKE
SEC: 3 SUBDIV: WILDWOOD SUBDIV
TWP: 109 LOT: 26 ZONE: RR
RANGE: 25 BLOCK: FEMA PANEL #: 27079C0265D
Q/Q: ROAD: PVT 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:

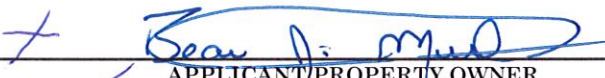
1.) Reason for Requested Variance:

TO ALLOW THE APPL TO MOVE IN A SFD 7' TO THE W PL, 21' TO THE RD ROW, INSTALL A HT 5' TO THE RD ROW AND 5' TO THE W PL.- VARIANCE EXT. 15197.

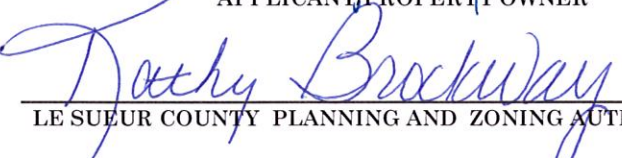
2.) Reasons for Approval or Denial of Request as Listed in Findings.

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



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

DATE

DATE

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

ON-SITE TOUR DATE: 9/15/2016	
PUBLIC HEARING DATE: 9/15/2016	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: GREG HALVORSON

Variance # 16253

Variance Request: TO ALLOW THE APPL TO MOVE IN A SFD 7' TO THE W PL, 21' TO THE RD ROW, INSTALL A HT 5' TO THE RD ROW AND 5' TO THE W PL.- VARIANCE EXT. 15197.

- 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 Gary Halvorson
 Mailing Address 32598 633rd Ave.
 City Gibson State mn Zip 55335
 Phone # 507-779-1619 Phone # _____

II. Landowner:

Name Gary Halvorson
 Property Address 27938 Maple Lane
 City Madison Lake State mn Zip 56063
 Phone # 507-779-1719 Phone # _____

III. Parcel Information:

Parcel Number 13-800-0270 Parcel Acreage .15
 Township Washington Section 5
 Subdivision Wildwood Lot 26 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).

Extend Ordinance - Move in new dwelling in place of existing
7 to w. property line to dwelling - 21 to road from dwelling
5 property to septic + 5 from road

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 Twp Township notified on 8-8-16
 (Township Name) (Date)

Board Member Steve Biehn regarding the proposed request.
 (Name)

VII. 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.

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.

Small lot size - we aren't building large structure but moving out of bluff zone

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

Small narrow lot size + setback of bluff

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

Building site was zoned previous to new zoning rules

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

Building new home -

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

yes - small lot - narrow in bluff zone

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

yes - moving further from bluff zone

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

New home - promote development

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

Remove old septic - install new septic tank/system well is shared w/ neighbors - no well on property

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

Feel is an adequate size structure / not huge or oversized narrow lot size feel asking for minimal variance is not too much

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:

- 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.

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.

Greg Talvora
Landowner signature _____

8-1-16
Date _____

OFFICE USE ONLY

Date received <u>8/8</u>	Present Zoning Classification <u>RR</u>	Feedlot within <u>500'</u> <u>1000'</u> <u>N</u>
Meeting date <u>9/15</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>10/7/16</u>	Lake <u>diff</u>	Water courses <u>Y</u> <u>N</u>
RFPE _____	FEMA Panel # <u>27078 CD 26SD</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"/> Fee \$ <u>646</u>
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<u>8/8/16</u>
<input type="checkbox"/> Application complete	<u>K. Brockway</u> Planning & Zoning Department Signature	<u>16253</u> Permit #

COC
NONC/Waiver
Design

ATF / SPEC MTG

01-15-16

Written Detail of Variance

Dwelling 7. ' from west side lot

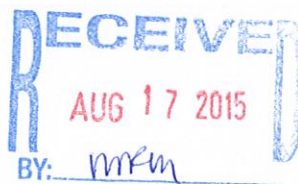
Dwelling 21. ' from south property line (road)

Septic tank 5' from west property line

Septic tank 5' from south property line (road)

mm

We are asking for a variance to build a new dwelling with the above listed set-backs. The property currently has an old trailer home with an addition, as this home is getting quite old & need of some repair we cannot justify the expense to update the home. In regards to where the current dwelling sits we feel that we are asking for a minimal variance but we would be moving further from the lake & out of the bluff zone. With the layout of the lot & elevation sloping to the lake it only makes sense for us to build on a walk-out basement. The elevation is perfect & we would not be excavating or taking out of the bluff zone, overall toward the road side we would be excavating approx. 5' of soil. It is important to us to maintain the integrity of the lot, providing needed erosion control measures. Overall the site would be improved by constructing a nice new home.



WEST LAKE JEFFERSON

PID 13.800.0270

TOTAL LOT AREA
6609 SQ FT

EXISTING IMPERVIOUS SURFACES

BLDG W/ OVERHANG	729 SQ FT
SHED	114 SQ FT
GRAVEL SURFACE	422 SQ FT
CONCRETE SURFACE 1	43 SQ FT
CONCRETE SURFACE 2	53 SQ FT
CONCRETE SURFACE 3 (STEPPING STONES)	32 SQ FT
DECK	97 SQ FT
RETAINING WALL 1	42 SQ FT
RETAINING WALL 2	14 SQ FT
RETAINING WALL 3	45 SQ FT
WOOD STEPS 1	5 SQ FT
WOOD STEPS 2	26 SQ FT
WOOD STEPS 3	114 SQ FT
TOTAL	1736 SQ FT (26.3%)

REMOVAL IMPERVIOUS SURFACES

EXISTING BUILDING	729 SQ FT
GRAVEL SURFACE	422 SQ FT
WOOD STEPS 1	5 SQ FT
WOOD STEPS 2	26 SQ FT
DECK	97 SQ FT
CONCRETE SURFACE 2	53 SQ FT
CONCRETE SURFACE 3	32 SQ FT
RETAINING WALL 3	45 SQ FT
TOTAL	1409 SQ FT (21.3%)

PROPOSED IMPERVIOUS SURFACES

BUILDING W/ 12" OVERHANG	1320 SQ FT
TOTAL	1320 SQ FT (19.9%)

TOTALS

EXISTING - REMOVALS + PROPOSED = TOTAL
1736 - 1409 + 1320 = 1647 SQ FT (24.9%)

LEGEND

○	IRON PIPE MONUMENT SET
●	MONUMENT FOUND
☼	DECIDUOUS TREE
⊠	AIR CONDITIONER
⊗	CURB STOP VALVE
⊘	UTILITY POLE
⊞ CP	COMMUNICATION PEDESTAL
Ⓜ	MAILBOX
— OU —	UTILITY OVERHEAD
---	INTERMEDIATE CONTOURS
- - -	INDEX CONTOURS

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 26 OF WILDWOOD, SECTION 3, TOWNSHIP
109 NORTH, RANGE 25 WEST, WASHINGTON
TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

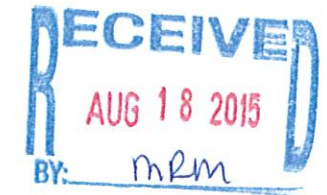
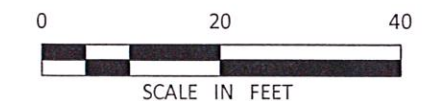
FOR: GREG HALVORSON

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 Jensen
Rory Jensen
License Number 19789

8-18-15
Date



OWNER
GREG HALVORSON &
BRENDA REHBEIN
32598 633TH AVE
GIBBON, MN 55335

SITE ADDRESS
27938 MAPLE LANE
MADISON LAKE, MN 56063

Le Sueur County

Surveyor Certification

- I. Applicant:
Name Beau Munsell
- II. Property Owner (s), if different from above:
Name Greg Halvorson & Brenda Rehbein
Property Address 27938 Maple Lane
City MADISON LAKE State MINN Zip 56063
- III. Parcel Information:
Parcel Number 13.800.0270
- 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 8/21/15 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 Jena
Surveyor's signature

8/14/15 19789
Date Lic #

OFFICE USE ONLY

8-17-15
Date received

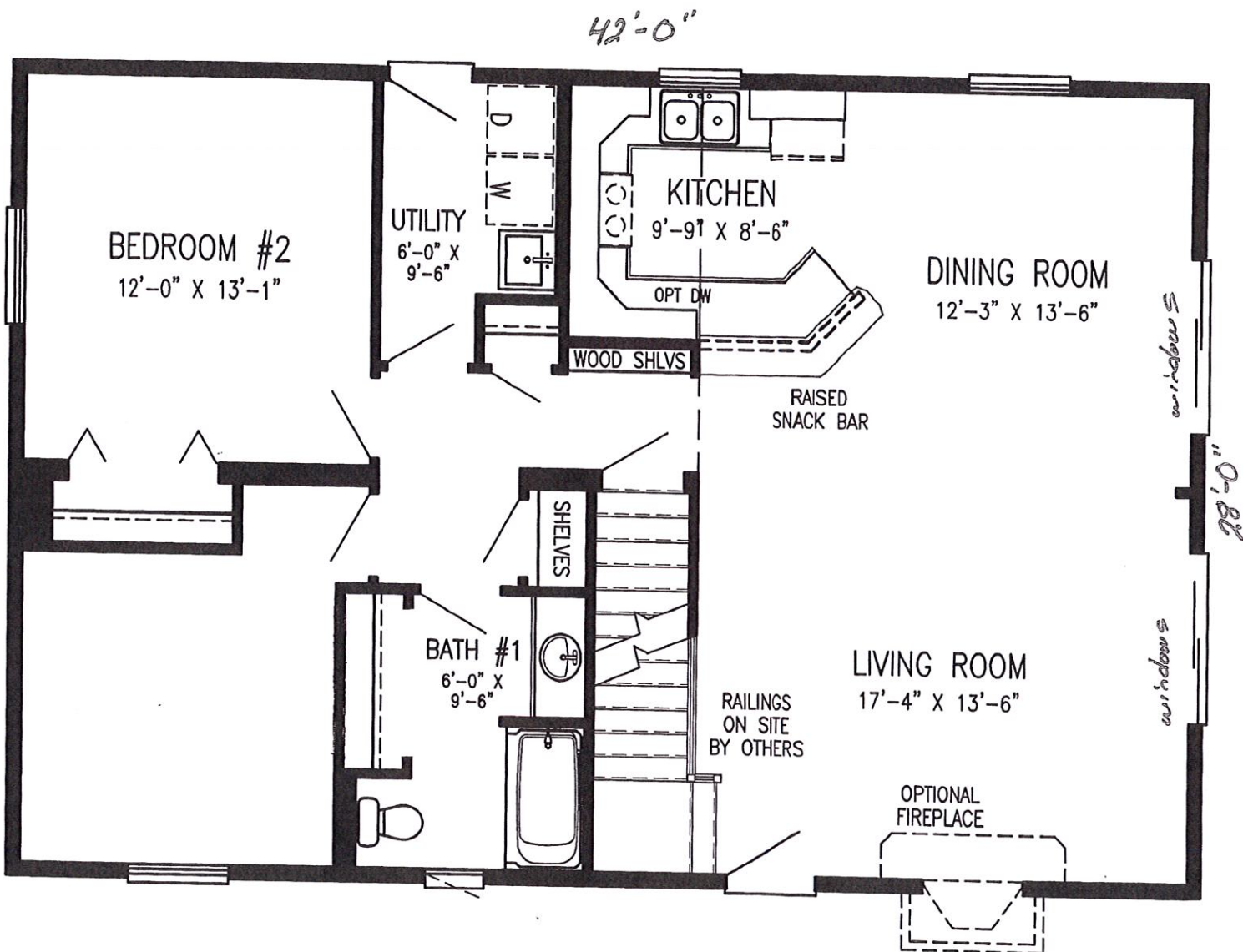
Michelle R. Mettler
Planning & Zoning Authority signature

10-01-11

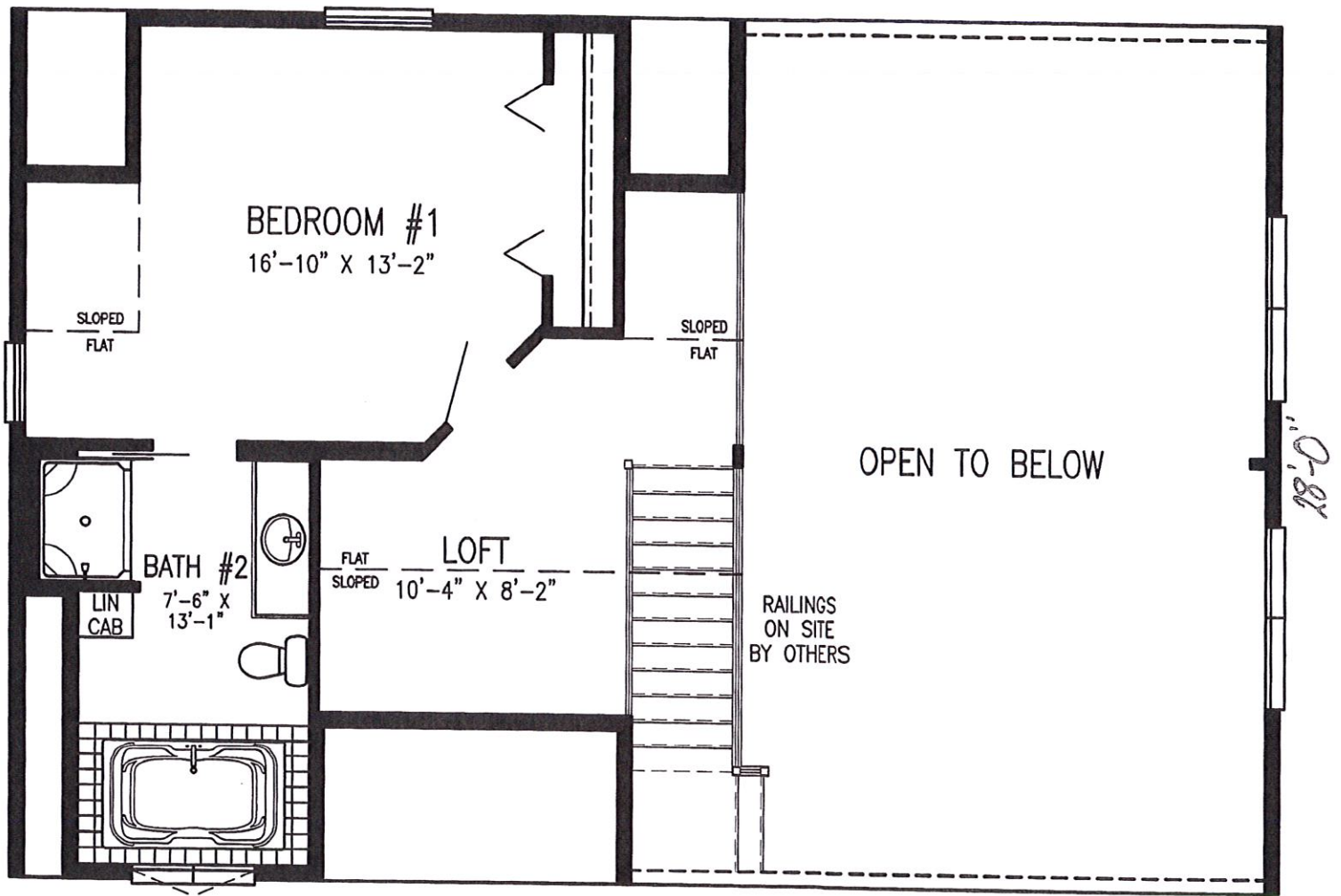
Will not have the V in the middle
flat all the way across

*Similar plan/view without deck
-no chimney

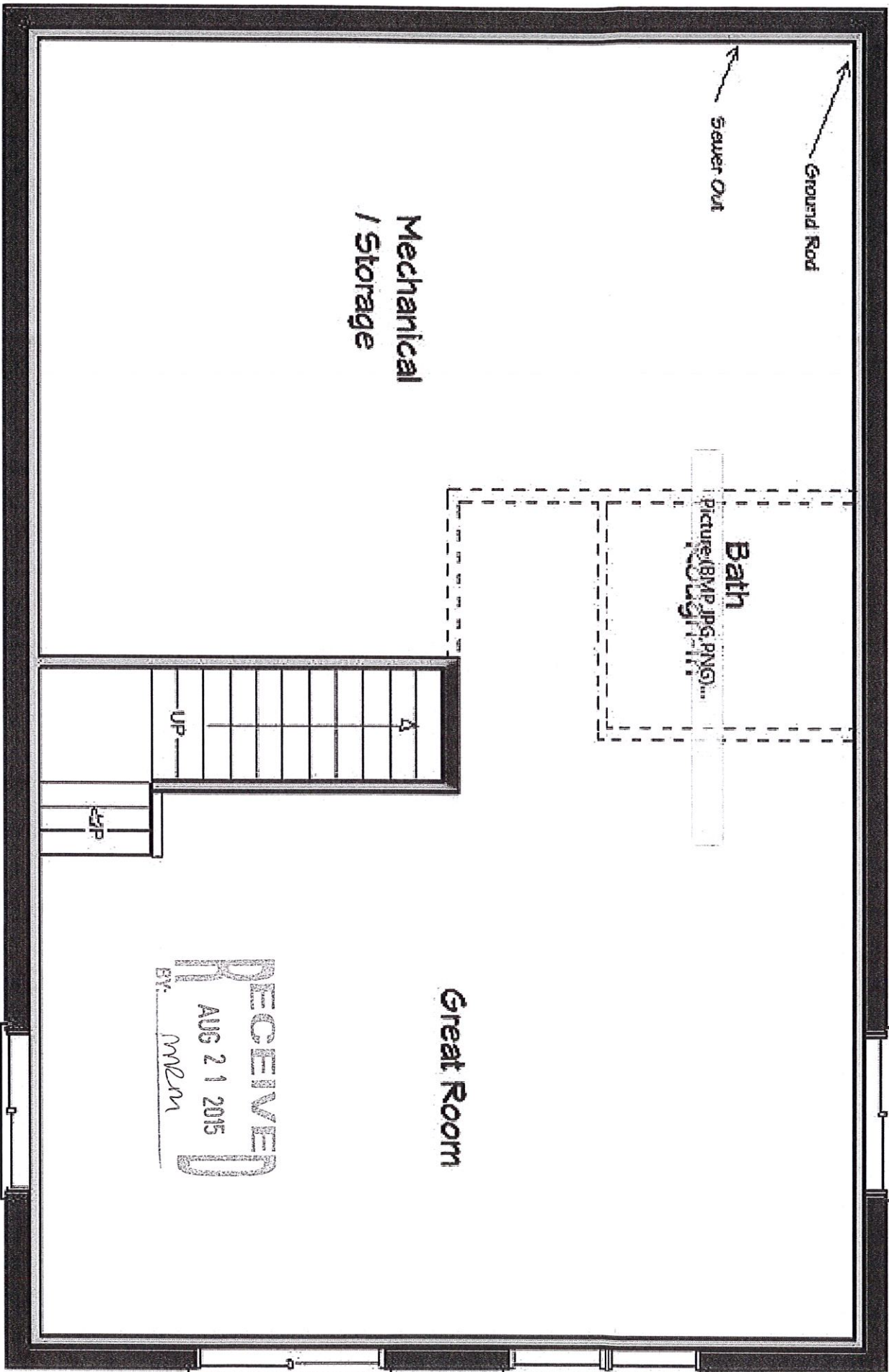




40'-0"



Unfinished Basement



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: 8/17/2015
60 DAY RULING DATE: 10/16/2015

PERMIT NUMBER 15197

FEE: \$646.00

APPLICANT: GREG HALVORSON
ADDRESS: 32598 633RD AVE
CITY: GIBBON
STATE: MN
PHONE: 507-779-1619

ZIP: 55335

PROPERTY OWNER: GREG HALVORSON
ADDRESS: 27938 MAPLE LN
CITY: MADISON LAKE
STATE: MN
PHONE: 507-779-1619

ZIP: 56063

PARCEL NO: 13.800.0270 TOWNSHIP: WASHINGTON 911: 27938 MAPLE LN, MADISON LAKE
SEC: 3 SUBDIV: WILDWOOD SUBDIV
TWP: 109 LOT: 26 ZONE: RR
RANGE: 25 BLOCK: FEMA PANEL #: 27079C0265D
Q/Q: ROAD: PVT 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 MOVE IN A SINGLE-FAMILY ^{dwelling - mdr} 7' TO THE WEST PL, 21' TO THE ROAD ROW, INSTALL A HOLDING TANK 5' TO THE ROAD ROW AND 5' TO THE WEST PL.

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:

Greg Halvorson
APPLICANT/PROPERTY OWNER

8-17-15
DATE

Michelle R. Mettler
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

8-17-15
DATE

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

ON-SITE TOUR DATE:	9/17/2015
PUBLIC HEARING DATE:	9/17/2015
ACTION:	<u>Approved</u>
<input checked="" type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

James A. Doherty
BOARD OF ADJUSTMENT CHAIRMAN

9-17-15
DATE

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

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER MN 56057-1620
(507) - 357-8538
Fax (507) - 357-8541

September 18, 2015

Greg Halvorson
32598 633rd Ave
Gibbon MN 55335

Parcel No: 13.800.0270

RE: Variance Approval

Dear Mr. Halvorson:

The Le Sueur County Board of Adjustment approved your application for Variance # 15197 on September 17, 2015 as written


The Department is required to notify all property owners of record within 500 ft of the affected property, regarding the decisions made by the Board of Adjustment in granting the variances or in hearing appeals from any administrative order, requirements, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal the Board's decision within 30 days, after notice of the decision, to the district court.

The Variance will lapse within one year from the date of the approval. Construction must be completed prior to the expiration of the Variance. A zoning permit is required prior to starting any construction on your project.

If the work permitted by the Variance has not been completed, a petition for extension may be requested thirty (30) days prior to the Variance expiration. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Variance. The petition for extension shall be filed with the Planning & Zoning Administrator. Such petition shall be presented to the Board of Adjustment for a decision.

If you have any questions, please contact this office at the above-listed number.

Thank you.


Kathy Brockway
Le Sueur County
Planning and Zoning
Administrator

CC:  file
Le Sueur County Assessor's Office

Respectfully submitted,
Kathy Brockway
Secretary
September 17, 2015

Approved November 19, 2015
Michelle R. Mettler

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
September 17, 2015**

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

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

ITEM #1: WARREN SKISTAD, MADISON LAKE, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a septic drainfield 55 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 3 & 4, Harriet Isle First Addition, Section 3, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

Warren Skistad, applicant and Jadd Seppmann contractor were present for application. Township: No comments. DNR: No comments. Letters submitted: none.

PUBLIC COMMENT: NONE

Discussion was held regarding; required to update a non-compliant septic as part of the German-Jefferson Sewer District, no other location on the property due to the well location.

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

ITEM #2: GREG HALVORSON, GIBBON, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to move in a single-family dwelling 7 feet from the West property line and 21 feet from the road Right-Of-Way (ROW); install a septic holding tank 5 feet from the road ROW and 5 feet from the West property line in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 26, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR PROPERTY LINE AND ROAD ROW SETBACKS.**

Beau Munsel, representing the applicant was present for application. Township: Steve Biehn, Washington Township was present, the township has no objections to the application. DNR: none. Letters submitted: no letters received pertaining to the variance request.

PUBLIC COMMENT: Paul Lyndgard, representing the Becker family, adjoining land owners, no problems with the request, but are working on resolving other issues on the property with the family, read an email from Tony Wynohrad, adjoining neighbor, concerned with the aesthetics of the property (see file)

Discussion was held regarding; township road width, height of structure, addressed the aesthetics of the current property, improvement to the area, modular type home will replace the existing manufactured home, new holding tank, seasonal dwelling.

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

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

Motion to adjourn meeting by Fritz Cummins. Seconded by Colin Harris. Motion approved. Motion carried.

Meeting Adjourned.



Le Sueur County, MN

Thursday, September 15, 2016

Regular Session

Item 2

Jessen Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Arne & Meryl Jessen

911 ADDRESS: 46256 Beaver Dam Road, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to install a septic system drainfield 59 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 16258

PARCEL NUMBER: 04.430.0110

SITE INFORMATION

LOCATION: Lots 9 & 29, Auditor's Subdivision, Section 5, 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 makes reference to improve water quality in Le Sueur County under Goal #3.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing access off Beaver Dam Road

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,

STAFF FINDINGS

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

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Septic system to OHWL:	59 feet	75 feet	Section 17; Subdiv. 4.D.5.b.2.	17-9
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.

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

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: 8/10/2016 PERMIT NUMBER 16258 FEE: \$646.00
60 DAY RULING DATE: 10/10/2016

APPLICANT: ARNE & MERYL JESSEN PROPERTY OWNER: ARNE & MERYL JESSEN
ADDRESS: 46256 BEAVER DAM RD ADDRESS: 46256 BEAVER DAM RD
CITY: CLEVELAND CITY: CLEVELAND
STATE: MN ZIP: 56017 STATE: MN ZIP: 56017
PHONE: PHONE:

PARCEL NO: 04.430.0110 TOWNSHIP: ELYSIAN 911: 46256 BEAVER DAM RD, CLEVELAND
SEC: 5 SUBDIV: AUD SUBDIV
TWP: 109 LOT: 9 & 19 ZONE: RR/FF
RANGE: 24 BLOCK: 1 FEMA PANEL #: 27079C0300D
Q/Q: ROAD: CR 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 INSTALL A SEPTIC SYSTEM DRAINFIELD 59 FEET FROM THE ORDINARY HIGH WATER LEVEL.

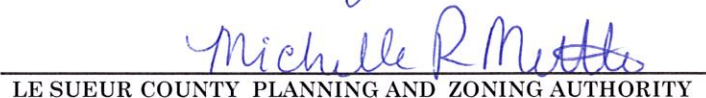
2.) Reasons for Approval or Denial of Request as Listed in Findings.

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

8-10-2016
DATE


LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

8-10-16
DATE

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

ON-SITE TOUR DATE: _____	
PUBLIC HEARING DATE: 9/15/2016	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: ARNE & MERYL JESSEN

Variance # 16258

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC SYSTEM DRAINFIELD 59 FEET FROM THE ORDINARY HIGH WATER LEVEL.

- 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 ARNE K. JESSEN and MERYL C. JESSEN
 Mailing Address 7623rd Beaver Dam Road
 City Cleveland State MN Zip 56017
 Phone # 507-931-6408 Phone # Cell - 507-420-2174

II. **Landowner:**
 Name Same persons as above
 Property Address _____
 City _____ State _____ Zip _____
 Phone # _____ Phone # _____

III. **Parcel Information:** [Document #] Lots 9 and 19, Block 1, Auditor's Subdivision of
 Parcel Number [247196] [a part of Government Lot 1] Parcel Acreage _____
 Township Elysian Section 5-109-24
 Subdivision Auditor's Subdivision of Government Lot 1 Lot 1 Block 1
Le Sueur County, Minnesota

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).
Install proposed mound system 59' from ordinary high water level

V. **Description of Request:**

a. A full written description of the proposed variance request with detailed information must be attached.

VI. **Township Notification:** August 2, 2016, Lynn Hedl, Chairman of the Board

Township must be notified prior to application. (County Commissioners are not the Township Board.)

Elysian Township notified on August 2, 2016
 (Township Name) (Date)

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



VII. **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.

IX. Attachments shall include but not limited to:

- | | |
|---|--|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input 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 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:

- 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.

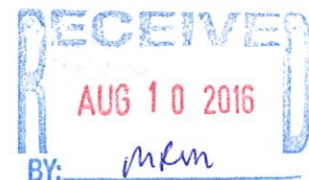
XI. Fees:

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.

V. DESCRIPTION OF REQUEST

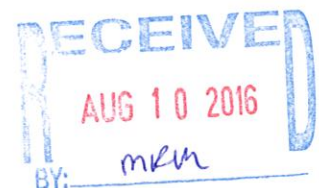
The inspection of my septic system revealed that we lacked an additional 3 inches between the drain field and the high water level. A new system is required because the present system may pose a danger to the ground water.

I am told we cannot put a new system where the present system is, located in the front yard. My understanding from the contractor (James Brothers) and the company that did the survey for the variance (Bolton & Menk) is that the only place the new system can go is in the back/side yard northwest of the house.

I requested a survey for the variance because the ordinance requirements would extend the mound into the driveway that goes back to the garage. I was also told by St Peter Well, who services the well, that I must maintain an access to the well for them. It is the only way for them to bring in a truck or rig to the well as they have done in the past. The garage is in the back yard and was built out of the same granite field stones, and at the same time as the house. The driveway has been there since the house was built in 1919. Although I have planted 15 trees on the property since we purchased it, I have obviously carefully avoided planting any trees, bushes or flowers on that passageway to the garage and well. Without the variance the mound would prevent access to the garage and the well which provides water for the home and for the next door neighbor to the south.

I respectfully request the board's approval of the variance. The new mound will help protect the ground water while also meeting the residents' needs for a safe and healthy septic system for the future. By not blocking the driveway to the garage and well, it will allow for the continuing functionality of the normal family activities on this property that has been there for almost a hundred years.

Arne Jessen



RECEIVED
AUG 03 2016
BY: *mm*

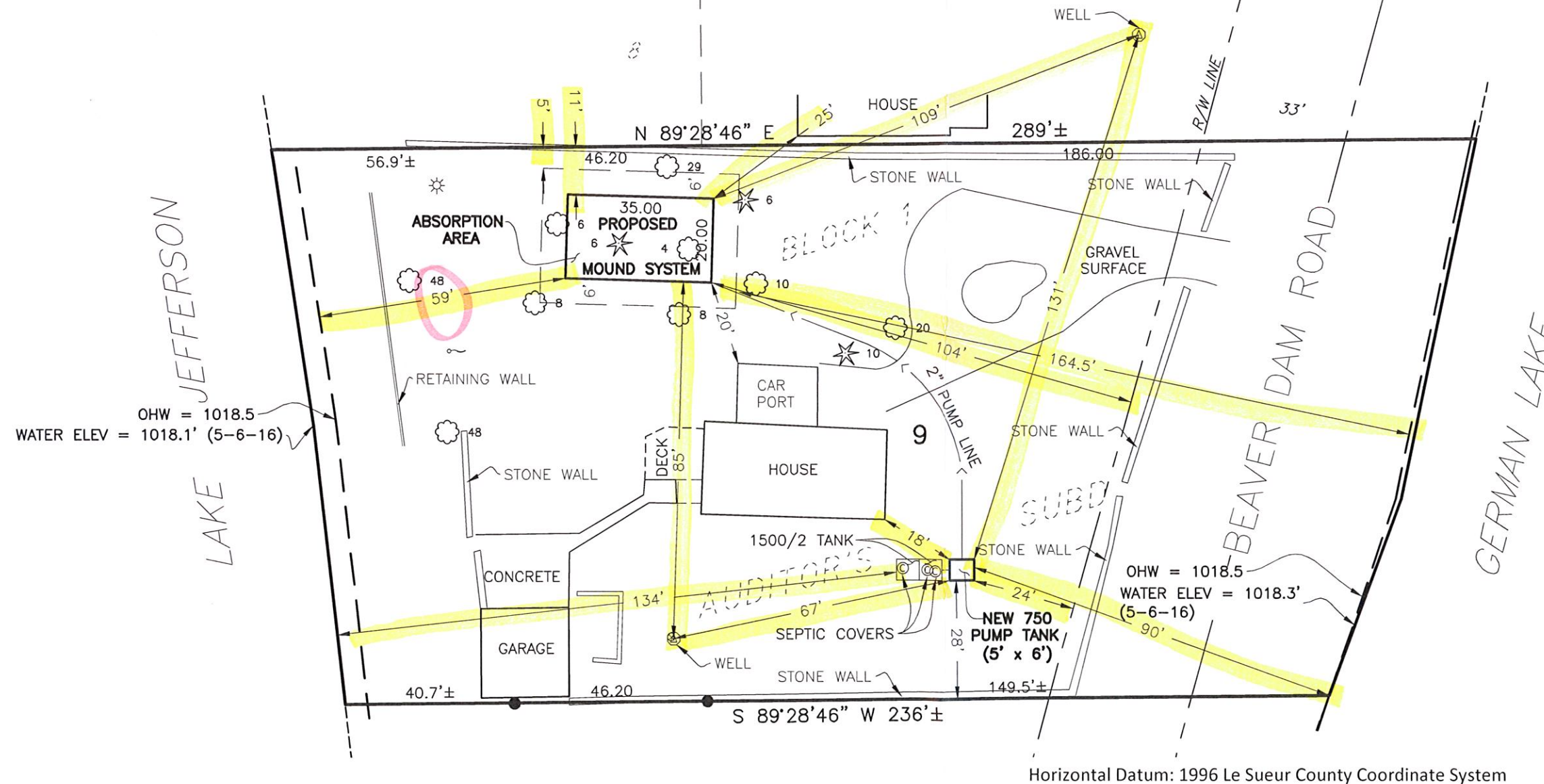
PID 04.430.0110

OWNER
ARNE JESSEN
46256 BEAVER DAM ROAD
CLEVELAND, MN 56017

SITE ADDRESS
46256 BEAVER DAM ROAD
CLEVELAND, MN 56017

LEGEND

- MONUMENT FOUND
- ☼ LIGHT POLE
- ⚑ FLAG POLE
- ☁ DECIDUOUS TREE
- ★ CONIFEROUS TREE
- ⊙ WELL
- ⊙ CLEAN OUT / SEPTIC COVERS



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 Jensen
Rory Jensen
License Number 19789

7-14-16
Date

REVISED ORIGINAL DRAWING: 8-1-16

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

LOT 9, BLOCK 1, AUDITOR'S SUBDIVISION, IN
SECTION 5, TOWNSHIP 109 NORTH, RANGE 24
WEST, LE SUEUR COUNTY, MINNESOTA

FOR: ARNE JESSEN

©Bolton & Menk, Inc. 2016, All Rights Reserved

H:\JESSENAR_PR\M33111799\CAD\C3D\111799BD1.DWG 07-14-2016 8:06a.m.

SDB111799H

JOB NUMBER: M33.111799

FIELD BOOK: 90J PG 38

DRAWN BY: JLA

4.0 S5-T109N-R24W

Surveyor Certification

I. Applicant:
 Name ARNE JESSEN

II. Landowner:
 Name ARNE JESSEN
 Property Address 46256 BEAVER DAM ROAD
 City CLEVELAND State MN Zip 56017

III. Parcel Information:
 Parcel Number 04.430.0110

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 May 16, 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.

Rory Jensen
 Surveyor Signature

7/14/16
 Date

19789
 Lic #

OFFICE USE ONLY

RECEIVED
 Date Received JUL 14 2016
 BY: mem

mem
 Planning & Zoning Department Signature

01-15-16



Le Sueur County, MN

Thursday, September 15, 2016

Regular Session

Item 1

Approved September 22, 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
September 22, 2016**

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

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

ITEM #1: GREG HALVORSON, GIBBON, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow an extension of Variance #15197 that would allow the applicant to move in a single-family dwelling 7 feet from the West property line; 21 feet from the road Right-Of-Way (ROW); install a holding tank 5 feet from the road ROW and 5 feet from the West property line in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 26, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR PROPERTY LINE AND ROAD ROW SETBACKS. APPLICATION TABLED DUE TO LACK OF QUORUM.**

Beau Munsel representing the applicant was present for application. Township: no comments. DNR: no comments. Letters submitted: Becker Family, see file.

Discussion was held regarding, reasoning for extension, time frame, set house by November, complete by February/March.

PUBLIC COMMENT: Paul Lyndgard, representing the Becker family, not against the proposal, but concerned with the completion of the project, on-going discussions in regards to movement of illegal shed that is on the Becker property, the Becker family has filed a summons and complaint with the court.

Motion was made by Jim Mladek to approve a 6 month extension with the condition that the shed be removed from the Becker property within that time. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #2: ARNE JESSEN, CLEVELAND, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic system drainfield 59 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" district on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 9 & 19, Auditor's Subdivision, Section 5, Elysian Township. **VARIANCE IS FOR OHWL SETBACK. APPLICATION TABLED DUE TO LACK OF QUORUM.**

Wayne James representing the applicant was present for application. Township: no comments. DNR: no comments. Letters submitted: none.

Discussion was held regarding; upgrade failing septic system within the G-J Sewer District, upgrade by December 31, 2017, no other options on the property.

PUBLIC COMMENT: None

Motion was made by John Wolf to approve the application as requested. 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 John Wolf. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
September 23, 2016

Approved October 20, 2016
Michelle R. Mettler

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

