



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: OCTOBER 20, 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 Heilman Packet

ITEM #4 Mohr Packet

ITEM #5 Approved October 20, 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 October 20, 2016.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, October 20, 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: OCTOBER 20, 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 **OCTOBER 10, 2016**.

ITEM #1: ROSS & RUTH HEILMAN, MADISON LAKE, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an additional 227 feet to an existing 51 feet for a total of 278 lineal feet of riprap in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 5, Section 2, Washington Township. **VARIANCE IS FOR TOTAL LINEAL FEET OF RIPRAP.**

ITEM #2: MARTIN & SANDRA MOHR, NEW ULM, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a dwelling addition, 2nd story dwelling addition, attached garage addition, to enlarge a non-conforming structure 63 feet from the Ordinary High Water Level (OHWL) and 7 feet from the road Right-Of-Way (ROW) and a total of 27% impervious surface in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 14, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR OHWL & ROAD ROW SETBACKS, ENLARGING A NON-CONFORMING STRUCTURE AND IMPERVIOUS SURFACE.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT OCTOBER 20, 2016.

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



Le Sueur County, MN

Thursday, October 20, 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: October 20, 2016

Meeting Time: 3:00 pm

Onsite Date: October 20, 2016

Onsite Time: 1:45 pm

ITEM #1: Ross & Ruth Heilman

ITEM #2: Martin & Sandra Mohr

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, October 20, 2016

Regular Session

Item 1

Heilman Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **Ross & Ruth Heilman**

911 ADDRESS: **26728 Sioux Trail, Madison Lake, MN**

VARIANCE REQUEST: **To allow the applicant to construct an additional 227 feet to an existing 51 feet for a total of 278 lineal feet of rip rap.**

VARIANCE NUMBER: **16297**

PARCEL NUMBER: **13.002.7800**

SITE INFORMATION

LOCATION: **Part of Government Lot 5, Section 2, 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.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2009 makes reference to preservation and restoration of natural resources and water quality.

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 resources areas.

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 2: Adopt water quality protections standards to protect lake water quality.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 1: The County will adopt and implement the goals, objectives, and actions of the County's Local Water Management Plan.

Action 5: The County will draft educational materials for distribution to shoreland property owners encouraging residential property owners in shoreland areas of the County to observe the Urban Best Management practices.

GENERAL SITE DESCRIPTION: **Shoreland, residential**

ACCESS: **Existing access off Sioux Trail**

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: **NA**

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Env Resource Specialist Josh Mankowski, DNR Public Waters Work Permit

STAFF FINDINGS

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

- | <u>Variance:</u> | <u>Request:</u> | <u>Allowed:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---------------------------|-----------------|-----------------|-----------------------------|--------------|
| a. Lineal feet of rip rap | 278 feet | 200 feet | Section 13. Subdiv 5. A. 5. | 13-20 |
2. Refer to DNR Guidance Letters:
 - a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 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. The proposed project extends below the OHWL, see attached DNR Public Waters Work Permit.
 - b. A Conditional use Permit will also be required for the project.

CONDITIONS

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

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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 10/07/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Ross & Ruth Heilman

Property owner:

Ross & Ruth Heilman

Property:

13.002.7800

Description:

Request a Variance to construct an additional 227 feet to an existing 51 feet for a total of 278 feet of Rip Rap for shoreland alteration.

Recommendation:

It would be my recommendation to approve the Variance request for the length of Rip Rap. The lot in question includes a point with noticeable signs of shoreline erosion. Before giving my recommendation, I also discussed this issue with the MN DNR who has also inspected the property.

Condition(s):

None

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE:	PERMIT NUMBER 16297	FEE: \$646.00
60 DAY RULING DATE:		
APPLICANT: ROSS & RUTH HEILMAN	PROPERTY OWNER: ROSS & RUTH HEILMAN	
ADDRESS: 26728 SIOUX TRL	ADDRESS: 26728 SIOUX TRL	
CITY: MADISON LAKE	CITY: MADISON LAKE	
STATE: MN	ZIP: 56063	STATE: MN ZIP: 56063
PHONE: 507-380-8088	PHONE: 507-381-8778	

PARCEL NO: 13.002.7800	TOWNSHIP: WASHINGTON	911: 26728 SIOUX TRL, MADISON LAKE
SEC: 2	SUBDIV: NA	
TWP: 109	LOT: NA	ZONE: RR
RANGE: 25	BLOCK: NA	FEMA PANEL #: 27079C0270D
Q/Q:	ROAD: TWP	FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:



1.) Reason for Requested Variance:

TO CONSTRUCT AN ADDITIONAL 227 FEET TO AN EXISTING 51 FEET FOR A TOTAL OF 278 FEET OF RIPRAP FOR SHORELAND ALTERATION

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	<u>9-9-16</u> _____ DATE
 _____ LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	<u>9-9-16</u> _____ DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: <u>10/20/2016</u>	
PUBLIC HEARING DATE: <u>10/20/2016</u>	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

_____ BOARD OF ADJUSTMENT CHAIRMAN	_____ DATE
---------------------------------------	---------------

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

VARIANCE FINDINGS OF FACT

Name of Applicant: ROSS & RUTH HEILMAN

Variance # 16297

Variance Request: TO CONSTRUCT AN ADDITIONAL 227 FEET TO AN EXISTING 51 FEET FOR A TOTAL OF 278 FEET OF RIPRAP FOR SHORELAND ALTERATION

- 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 Ross and Ruth Heilman
 Mailing Address 26728 Sioux Trail
 City Madison Lake State MN Zip 56063
 Phone # 507-380-8088 Phone # 507-381-8778

II. Landowner:

Name Ross and Ruth Heilman
 Property Address 26728 Sioux Trail
 City Madison Lake State MN Zip 56063
 Phone # 507-380-8088 Phone # 507-381-8778

III. Parcel Information:

Parcel Number R 13.002.7800 Parcel Acreage 0.94
 Township 109 Washington Section 02
 Subdivision _____ Lot _____ Block _____

Full Legal Description must be attached.

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

IV. Variance Request: List requested alternative to development standard(s).

278 ft rip rap

V. Description of Request:

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

VI. Township Notification:

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

Washington Township notified on March 17, 2016
 (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

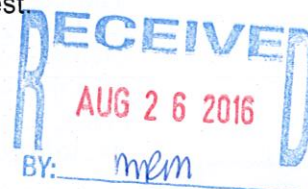
- Impervious Surface

- 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.

We need a total of 300 feet of riprap. We currently have 50 feet of riprap. The entire remaining 250 feet currently without riprap greatly needs this shoreline erosion protection project. Due to the size of this project, it will exceed the maximum guidelines, thus we need the variance.

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

A tremendous amount of erosion has been taking place. We need riprap to stop the erosion.

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

Natural erosion.

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

The shoreline protection project will preserve the landscape as it currently exists.

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

Absolutely. We are trying to protect the environment.

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

Yes. 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 premature development on natural resource areas.

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

The shoreline protection project will conserve, restore, and protect the ecological system of the lake.

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

The septic/sewage system is in total compliance. The well is on an adjacent property.

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

Anything less than protecting the entire proposed project area would result in further erosion and environmental damages.

RECEIVED
AUG 26 2016
MFM

IX. Attachments shall include but not limited to:

- a. Site Plan-**survey**
- b. Surveyor Certification
- c. Access approval
- d. Full legal description
- e. Floor plans and/or blue prints (*For structures*)
- f. Septic System Compliance Inspection
- g. Erosion control plan
- h. Description of request

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

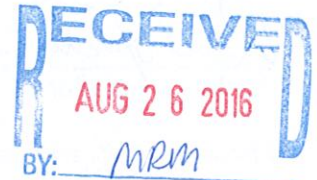
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	\$ 600
Filing Fee:	\$ 46
Variance for Clusters:	\$ 600 + \$200 per household
Filing Fee:	\$ 46

Additional Fees:

Special Meeting:	\$1,200
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.



Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. Signatures:

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

Ruth Heilman Ruth Heilman 8-10-16
 Applicant signature Date

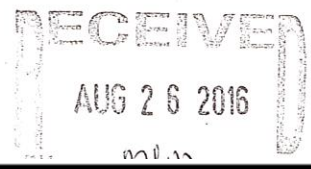
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Ruth Heilman Ruth Heilman 8-10-16
 Landowner signature Date

OFFICE USE ONLY

Date received <u>8-26-16</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>10-20-16</u>	Lake Classification <u>RD</u>	Erosion Control Plan Y <u>(N)</u>
60 Day _____	Lake <u>Jefferson</u>	Water courses Y <u>(N)</u>
RFPE <u>1022.86</u>	FEMA Panel # <u>21079C0270D</u>	Bluff Y <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other <u>water project</u>
<input type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>Cluster</u> <u>CC</u> COC
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	NONC/Waiver
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	Design
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Matthews</u>	<input type="checkbox"/> Fee \$ _____ ATF / SPEC MTG
	Planning & Zoning Department Signature	<u>8-26-16</u> <u>16</u>
		Date Permit #

OHWL 1018.5
 01-15-16



August 10, 2016

We have lived at this property for eight years. It has 300 feet of lakeshore. We have always left a substantial buffer between our yard and the existing lakeshore.

Currently, 50 feet of the 300 feet of shoreline has riprap to control water/wave action erosion. That 50 feet of shoreline remains stable. Despite leaving a buffer zone along the lakeshore, we have lost six feet, or more, of land along the 250 feet that has no riprap.

Due to the significant deterioration of the remaining 250 feet of shoreline, this shoreline protection project will benefit and protect Lake Jefferson from accumulating additional eroding soils from our property.

The riprap erosion project will conform to MN DNR Area Hydrologist guidelines and regulations.

Existing and proposed elevation contour will remain the same; the proposed work will not change the elevation terrain of the property. Geotextile fabric and riprap will be placed directly on the shoreline surface, as it exists.

Native vegetation will be planted to stabilize the riprap.

Ross and Ruth Heilman

RECEIVED
AUG 26 2016
BY: mem

**Shore Line Protection
Native Vegetation Planting &
Natural Stone Filling**

Proposed Shore Impact - Above
OHWL: (Le Sueur County)
5' Wide x 227' Long x 1' Depth
(43 Cubic Yards)

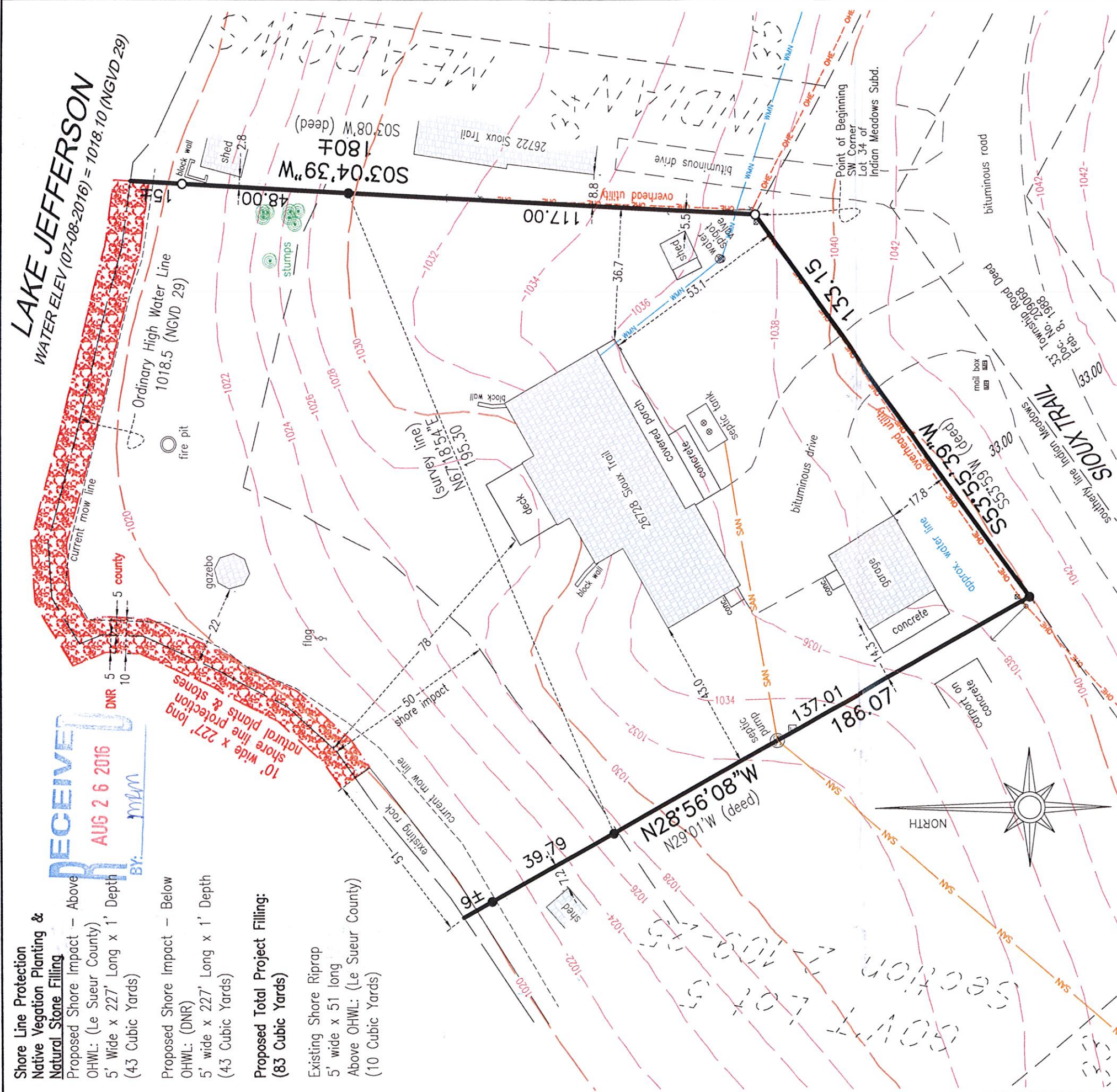
Proposed Shore Impact - Below
OHWL: (DNR)
5' wide x 227' Long x 1' Depth
(43 Cubic Yards)

**Proposed Total Project Filling:
(83 Cubic Yards)**

Existing Shore Riprap
5' wide x 51 long
Above OHWL: (Le Sueur County)
(10 Cubic Yards)

RECEIVED
AUG 26 2016
BY: MWM

10' wide x 227' long
shore line protection
natural plants & stones



Project Notes:

- 1) Property has a benefit of being part of a Septic Cluster System located directly south of the property, First Sioux Trail Cluster, Record Doc. No. 365443
- 2) Property has a benefit of a shared well agreement, well is located East of property, on Lot 35, Indian Meadows Subd.
- 3) Existing property shore line is deteriorating significantly, the shore line protection project will benefit and protect Lake Jefferson from accumulating additional eroding soils from the parcel.
- 4) Riprap erosion protection project will conform to MN DNR Area Hydrologist guidelines and regulations.
- 5) Existing and Proposed Elevation contour will remain the same, proposed work will basically not change the elevation terrain of the property. Geotextile Fabric and Riprap will be placed directly on the shoreline surface as it exist.

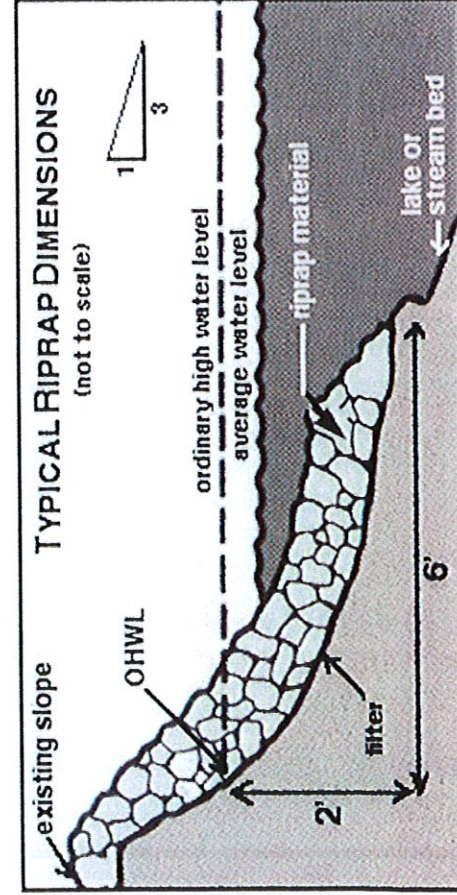
LEGEND

- INDICATES FOUND IRON MONUMENT
- INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820
- 2010 MINNESOTA LIDAR CONTOURS

Impervious Surface Computation

Existing Parcel: 37160 SqFt
Allowed Impervious Surface:
(37160 * 25% = 6790 SqFt)

Building, Porch & Deck: 3536 SqFt
Bituminous Drive: 2210 SqFt
Concrete & Walk: 326 SqFt
Total Impervious: **6072 SqFt**
(6072 / 37160 = **16.3%**)



Typical Construction Cross Section - MN DNR Shoreline Alteration: Riprap

CERTIFICATE OF SURVEY

ROSS & RUTH HEILMAN

26728 Sioux Trail, Madison Lake, MN 56063
Part of Gov't Lot 5, Section 2-109-25
Washington Township, Le Sueur County, MN
Record Deed Doc. No. 352315

FIELD BOOK: JDV
DRAFTER: PLS
CRD FILE: 1486 Heilman JOB No: 16-1486
FILING: Le Sueur Co. NW/4 Section 2-109-25
REV. DATES: 07-18-2016 - Cnty Meeting Comments

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

John Veröeven

DATE: **07-23-2016**

LICENSE NO. 41820

Prairie Land Surveying

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

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

Reliable, On-Time Surveys.

Surveyor Certification

I. Applicant:
Name JOHN VERROUVEN

II. Landowner:
Name ROSS & RUTH HEILMAN
Property Address 26728 SIOUX TRAIL
City MADISON LAKE State MN Zip 56063

III. Parcel Information:
Parcel Number 13.002.7800

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

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts*
- Impervious Surface
 - Required for *Shoreland, Business, & Industrial Districts.*
 - Itemized current & proposed impervious surfaces to include total percentages.
 - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

- *Site shall be physically staked, then surveyed.
- *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
- *Stakes must remain in place until construction commences.

V. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aeriels or photographs.
- c. Electronic version of any supporting documents if available.
- d. Pre-application meeting is recommended prior to making application to ensure submittal completion. Appointment is necessary.
- e. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. Appointment is necessary.
- f. All required information must be correct and submitted at the time of application, or the application will not be accepted.

VI. Signatures:

The proposed improvements have been physically staked onsite then surveyed on 07/08/2016, 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.

John Verouven _____ Date 07/18/2016 Lic # 41820
Surveyor Signature

OFFICE USE ONLY

7-20-16 _____
Date Received Planning & Zoning Department Signature



Public Waters Work Permit

Expiration Date: 08/25/2021

Permit Number
2016-1395

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

RECEIVED
AUG 25 2016

Project Name: Heilman Middle Jefferson Lake	County: Le Sueur	Watershed: Cannon River	Resource: Lake: Middle Jefferson (40009204)
Purpose of Permit: Riprap (Natural Rock)		Authorized Action: Install roughly 227' of natural field stone rip rap as described in the engineering plan provided by Prairie Land Surveying, dated 7/23/2016. Any changes to the plan must be reviewed by the Department for approval.	
Permittee: RUTH HEILMAN 26728 SIOUX TRAIL MADISON LAKE, MN 56063 (507) 381-8778 middlejeffersonlady@gmail.com		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 436069m east, 4903047m north, Meandered water body of Section 2, T109N, R25W			
Authorized Issuer: Todd Piepho	Title: Area Hydrologist	Issued Date: 08/25/2016	Effective Date: 08/25/2016
		Expiration Date: 08/25/2021	

This permit is granted subject to the following CONDITIONS:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

(MPARS revision 20160211, Permit Issuance ID 49020, printed 08/25/2016)

CONDITIONS continued on next page...

CONDITIONS (Continued from previous page)

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: <http://www.bwsr.state.mn.us/wetlands/wca/index.html#general>.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between Ice Out and June 15th, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

cc: Todd Kolander, EWR District Manager
Chris Howe, Conservation Officers, St. Peter
Jeremy Maul, BWSR Wetland Specialists, Le Sueur
Lisa Gelvin-Innvaer, DNR Regional Nongame Specialists, South
Kevin Mixon, DNR Regional Environmental Assessment Ecologist, Region 4
Joe Stangel, DNR Wildlife, Nicollet
Craig Soupir, DNR Fisheries, Waterville Area
Kathy Brockway, County, Le Sueur
David Studenski, Corps of Engineers, Le Sueur
Raelene Hegge, Corps of Engineers, Le Sueur
Michael Schultz, SWCD, Le Sueur County SWCD



Le Sueur County, MN

Thursday, October 20, 2016

Regular Session

Item 2

Mohr Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **Martin & Sandra Mohr**

911 ADDRESS: **46866 Maple Drive, Madison Lake, MN**

VARIANCE REQUEST: **To allow the applicant to construct a main-floor dwelling addition, a second-story dwelling addition, and attached garage to a legal non-conforming structure 63 feet from the Ordinary High Water Level (OHWL), and 7 feet from the road Right-Of-Way (ROW) and a total impervious surface of 27%.**

VARIANCE NUMBER: **16305**

PARCEL NUMBER: **13.800.0140**

SITE INFORMATION

LOCATION: **Lot 14, 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.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2009 makes reference to preservation of natural resources and water quality.

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 resources areas.

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

Action 2: Adopt water quality protections standards to protect lake water quality.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 1: The County will adopt and implement the goals, objectives, and actions of the County's Local Water Management Plan.

Action 5: The County will draft educational materials for distribution to shoreland property owners encouraging residential property owners in shoreland areas of the County to observe the Urban Best Management practices.

Action 6: In addition to traditional stormwater designs, the use of new technologies in dealing with on-site stormwater should be reviewed and considered for use.

GENERAL SITE DESCRIPTION: **Shoreland, residential**

ACCESS: **Existing off Maple Drive**

LAKE: **Lake Jefferson, Recreational Development**

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

RFPE: **Regulatory Flood Protection Elevation: 1022.86** Lowest floor must be at or above RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Environmental Resource Specialist Joshua Mankowski

STAFF FINDINGS

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

<u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Attached garage to road ROW:	7 feet	65 feet	Section 13.2, Subdiv. 5.B.3.	13-43
		Exemption	Section 13.2, Subdiv. 5.A.	13-43
b. Dwelling to OHWL:	63 feet	100 feet	Section 13.2, Subdiv. 5.E.1.	13-45
		Exemption	Section 13.2, Subdiv. 5.A.	13-43
c. Enlarging a non-conf. structure:			Section 24. Subdiv. 3. A. 1.	24-1
d. Impervious surface:	27%	25%	Section 13. Subdiv. 5.A.10.	13-15
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Limiting Impervious Surface				pg. 15
c. Non-conforming Lots of Record in Shoreland Areas				pg. 19
d. Structure Setback Requirements				pg. 21
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.				
4. A Variance may be granted <u>only</u> where the strict enforcement of the official controls will result in a practical difficulty .				
5. It is the responsibility of the <u>applicant</u> and/or landowner to prove evidence that a practical difficulty exists.				
6. A determination that a <u>practical difficulty exists</u> 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. ***Road ROW Setback:** The request is to attach the existing detached garage to the existing dwelling and to add on an additional 6 feet onto the garage toward the road. Because the detached garage will be attached to the dwelling, the garage will need to meet the dwelling setbacks. Typical setback to road Right-Of-Way (ROW) is 65 feet. However a non-conforming Lot of Record is allowed to go closer to the road ROW as long as the addition is no closer than the existing structure and at least half the setback (32.5feet), whichever is greater. The variance request to the road is due to the additional 6 feet requested toward the road.
- b. ***OHWL Setback:** The request is to remove the existing 8 x 16 porch and replace it with a 10 x 24 dwelling addition. The typical OHWL setback is 100 feet in the RR District on an RD lake. However a non-conforming Lot of Record is allowed to go closer to the OHWL as long as the addition is no closer than the existing structure and at least half the setback (50 feet) whichever is greater. The variance request to the OHWL is due the proposed addition going closer than the existing structure, which is greater than half the setback (50 feet).
- c. **Impervious Surface:** Current impervious surface coverage of the lot is 35.5%. Proposal is to remove decking around the structure and install pervious pavers to eliminate impervious surface bringing down the total impervious surface to 27.1%, which is above the allowed 25%.

CONDITIONS

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

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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 10/07/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Martin & Sandra Mohr

Property owner:

Martin & Sandra Mohr

Property:

13.800.0140

Description:

Variance request to allow the applicant to construct an addition; 2nd story addition; and attached garage to a legal NC structure 63 ft. to the OHWL and 7 ft. to the Road Right of Way (ROW) and Impervious Surface of 27 %.

Recommendation:

It would be my recommendation to approve the Request for Variance for the setback from OHWL and for Impervious Surface above 25% with the condition(s) listed below. Completion of this project will actually increase the OHWL setback from 60.7 ft. to 63.4 ft. and will reduce the impervious surface on the lot from 35.5% to 27.1%.

Condition(s):

Work with the Environmental Resources Specialist to implement the conservation practices that are listed in the application to reduce the impact caused by the amount of impervious surface over the allowable percentage for the lot. This includes, but is not limited to, rain barrel(s) and planting native vegetation.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 9/16/2016	PERMIT NUMBER 16305	FEE: \$646.00
60 DAY RULING DATE: 11/14/2016		
APPLICANT: MARTIN & SANDRA MOHR	PROPERTY OWNER: MARTIN & SANDRA MOHR	
ADDRESS: 1025 SOUTHRIDGE RD	ADDRESS: 46886 MAPLE DR	
CITY: NEW ULM	CITY: MADISON LAKE	
STATE: MN	STATE: MN	ZIP: 56063
PHONE: 507-380-9454	ZIP: 56073	PHONE: 507-380-9454

PARCEL NO: 13.800.0140	TOWNSHIP: WASHINGTON	911: 46886 MAPLE DR MADISON LAKE MN
SEC: 3	SUBDIV: WILDWOOD	
TWP: 109	LOT: 14	ZONE: RR
RANGE: 26	BLOCK: NA	FEMA PANEL #: 27079C0260D
Q/Q: SW	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 CONSTRUCT AN ADDN; 2ND STORY ADDN; AND ATTACHED GARAGE TO A LEGAL NC STRUCTURE 63 FT TO THE OHWL AND 7 FT TO THE ROAD RIGHT OF WAY. I.S OF 27%

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:

Martin Mohr

APPLICANT/PROPERTY OWNER

9/16/16

DATE

Katly Brockway

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

9-16-16

DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: _____	10/20/2016
PUBLIC HEARING DATE: _____	10/20/2016
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: MARTIN & SANDRA MOHR

Variance # 16305

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT AN ADDN; 2ND STORY ADDN; AND ATTACHED GARAGE TO A LEGAL NC STRUCTURE 63 FT TO THE OHWL AND 7 FT TO THE ROAD RIGHT OF WAY. I.S OF 27%

- 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?

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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?

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

Explain _____

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

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

Explain _____

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

BY: _____

I. Applicant:

Name Martin + Sandra Mohr
 Mailing Address 1025 Southernridge Road
 City New Ulm State MN Zip 56073
 Phone # 507-380-9454 Phone # 507-359-1272

II. Landowner:

Name Martin + Sandra Mohr
 Property Address 46886 Maple Drive
 City Madison Lake State MN Zip 56063
 Phone # 507-380-9454 Phone # 507-359-1272

III. Parcel Information:

Parcel Number 13-800-0140 Parcel Acreage Part of Gov. Lot 6
 Township 109 Section 3
 Subdivision wildwood Lot 14 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).

- ① Setback from lake less than 100 feet
- ② Setback from private road less than 32.5 feet
- ③ Impervious surface greater than 25%

V. Description of Request:

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

VI. Township Notification:

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

Washington Township notified on 9/15/16
(Township Name) (Date)

Board Member Steven Buehn 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.

Current ordinance allows replacement of current deck and porch in disrepair.

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

lot is abnormally shaped and small in size which results in reaching 42.5% impervious surface requirements quickly. Direction of roof line needs to be changed to prevent future roofline damage due to water + snow.

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

Previous owner built undersize garage and portion of cabin with flat roof. In addition, ~~owner~~ did not maintain shingles, eave troughs or down spouts causing water damage to cabin.

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

Cabin is in disrepair. Adding 2nd story and garage additions, new windows, siding + shingles maintains small cabin charm and improves aesthetics of property. The house is year around & other cabin are seasonal. Tall trees will shelter the 2nd

5. Does the alleged practical difficulty involve more than economic considerations? ^{Story to prevent obvious height change.}
Small lot size makes it hard to comply to set back + % impervious surface requirements.

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

Yes. Impervious surface % will be greatly reduced.

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

Addition of eave troughs, down spouts, rain barrels and native grasses on property will prevent future structural home damage due to water and minimize water runoff.

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

Septic in compliance. See Compliance Inspection Report
Well water compliant. See Water Test report.

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

We are working with existing footprint versus tearing the house down and building new on the lot.



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 type="checkbox"/> c. Access approval | <input type="checkbox"/> g. Erosion control plan |
| <input checked="" type="checkbox"/> d. Full legal description | <input checked="" type="checkbox"/> h. Description of request |



The Department may request additional information regarding the application. BY: _____

X. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance: \$ 600
Filing Fee: \$ 46

Variance for Clusters: \$ 600 + \$200 per household
Filing Fee: \$ 46

Additional Fees:

Special Meeting: \$1,200
After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.
After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. Signatures:

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

Martin Mohr 9/15/16
Applicant signature Date

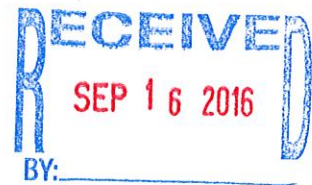
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Martin Mohr 9/15/16
Landowner signature Date



OFFICE USE ONLY

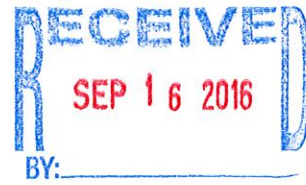
Date received <u>9/16/16</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' <u>1000'</u>	<u>N</u>
Meeting date <u>10/20/16</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u>	<u>N</u>
60 Day <u>11/14/16</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u>	<u>N</u>
RFPE <u>1022.SU</u>	FEMA Panel # <u>270990200D</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 <u>9/15/16</u>	<u>COC</u>
<input type="checkbox"/> Floor plans/ <u>blue prints</u>	<input type="checkbox"/> Access approval <u>Ext.</u>	_____	<u>NONC/Waiver Design</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>646.00</u>	<u>ATF / SPEC MTG</u>
<input checked="" type="checkbox"/> Application complete	<u>K Brockway</u> Planning & Zoning Department Signature	<u>9/16/16</u> Date	<u>16305</u> Permit #



Description of Request LeSueur County Variance

The following is a lists of requests for approval of variance request due to practical difficulty at the property of Martin and Sandy Mohr @ 46886 Maple Drive, Madison Lake, MN 56063

1. Garage:
 - a. Attach North West side of garage to house.
 - i. 6'x18' addition as noted on proposed survey.
 - ii. Impervious surface % does not change since the garage addition is in the location of the wood planking on property between house and garage.
 - iii. Practical Difficulty:
 1. Unable to have direct access from garage into house without attaching garage to house.
 2. Classified as Impervious surface on property.
 - b. Add length to North East side of garage toward private road.
 - i. 6'x18' addition as noted on proposed survey.
 - ii. Impervious surface % does not change since garage addition is in location of driveway which already is classified and included in the impervious surface calculation.
 - iii. Practical Difficulty:
 1. Small garage limits parking of full size vehicle or boat with trailer in garage.
 2. Lot size is small and narrow to allow parking of full size vehicle or boat and trailer on other portions of the property (i.e. next to garage).
 3. The garage cannot be moved or reconstructed in different location on property due to property line setbacks and the location of the well.
2. House
 - a. Remove water damaged existing pitched roof on house and flat roof porch.
 - b. Remove existing water damaged wood deck.
 - c. Construct 10' x 24' porch with permanent foundation at location of a portion of previous flat roof porch and deck.
 - d. Add second story to house and change rooflines to manage collection of water run-off.
 - e. Add eve troughs, down spouts to house and garage.
 - f. Add rain barrels to minimize and prevent water run-off and erosion.
 - g. Add native grasses on side hill between house and lake to prevent water run-off and erosion.
 - h. Practical Difficulty:
 - i. Replacing roofline and structure is required to repair water damaged cabin and porch.
 - ii. House is within the setback area from lake.
3. Wood Planking
 - a. Remove from property to decrease impervious surface area.



Benefits of approving the variance request:

1. House is currently in disrepair. The proposed changes to the property will improve the property aesthetics in the lake district.
2. Water run-off will be reduced by reducing the properties % impervious surface area, adding eve troughs, down spouts and rain barrels, and addition native grasses.
3. By removing the deck, the set back of the house from the lake is lengthened.

PROPOSED CONDITIONS

PID 13.800.0140

RECEIVED
 SEP 16 2016
 BY: KB

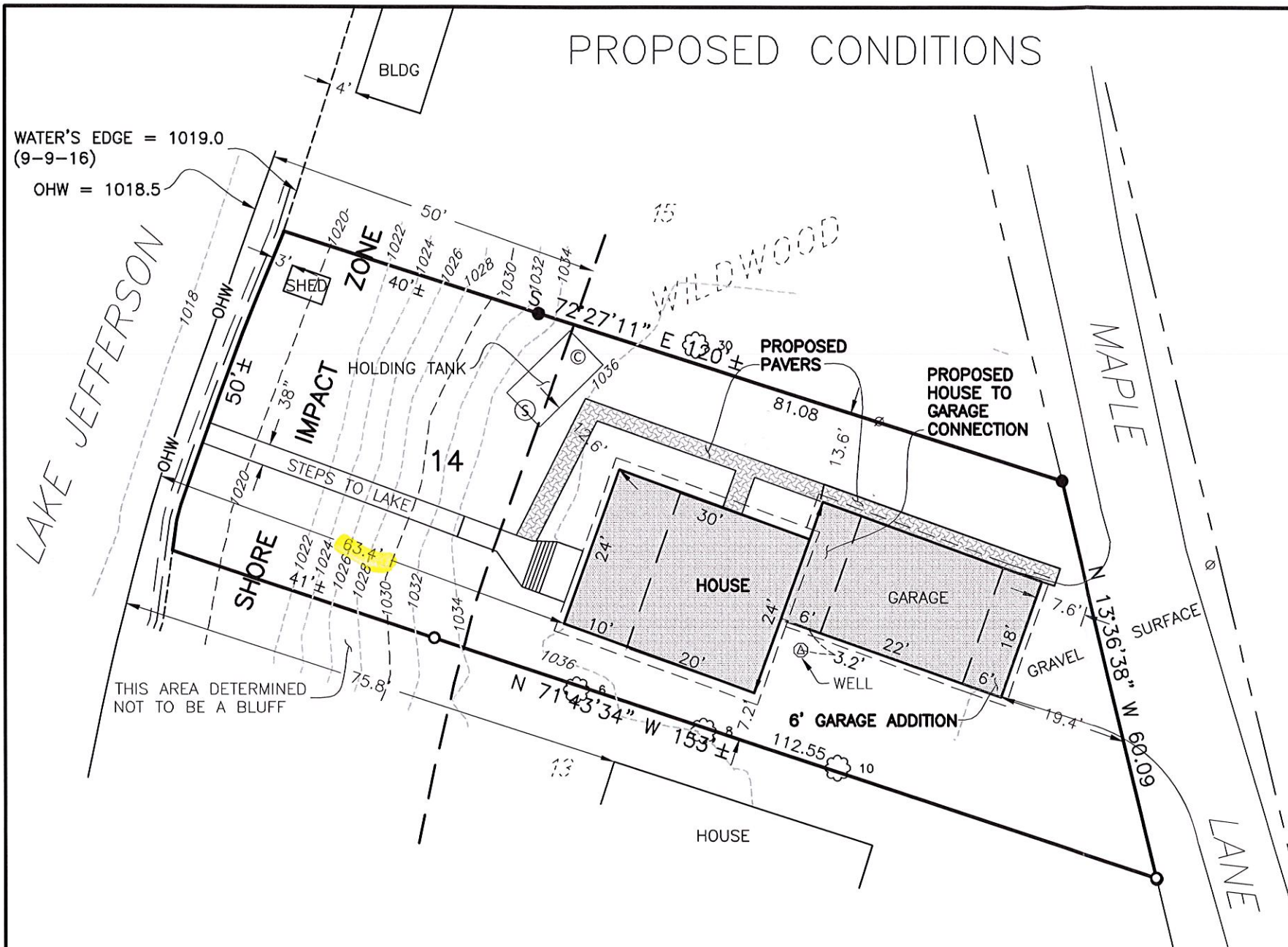
OWNER ADDRESS
 MARTIN MOHR
 1025 SOUTHRIDGE ROAD
 NEW ULM, MN 56073

SITE ADDRESS
 46886 MAPLE DRIVE
 MADISON LAKE, MN 56063

TOTAL LOT AREA
 7497 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	864 SQ FT
BIGGER GARAGE W/ OVERHANG	693 SQ FT
SHED	24 SQ FT
STEPS TO LAKE	229 SQ FT
GRAVEL SURFACE	223 SQ FT
TOTAL	2033 SQ FT (27.1%)



LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ☼ DECIDUOUS TREE
- ⊕ WELL
- ⊙ SANITARY MANHOLE
- ⊙ CLEAN OUT
- ⊙ UTILITY POLE



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

9-16-16
 Date

CERTIFICATE OF SURVEY
 LE SUEUR COUNTY, MINNESOTA

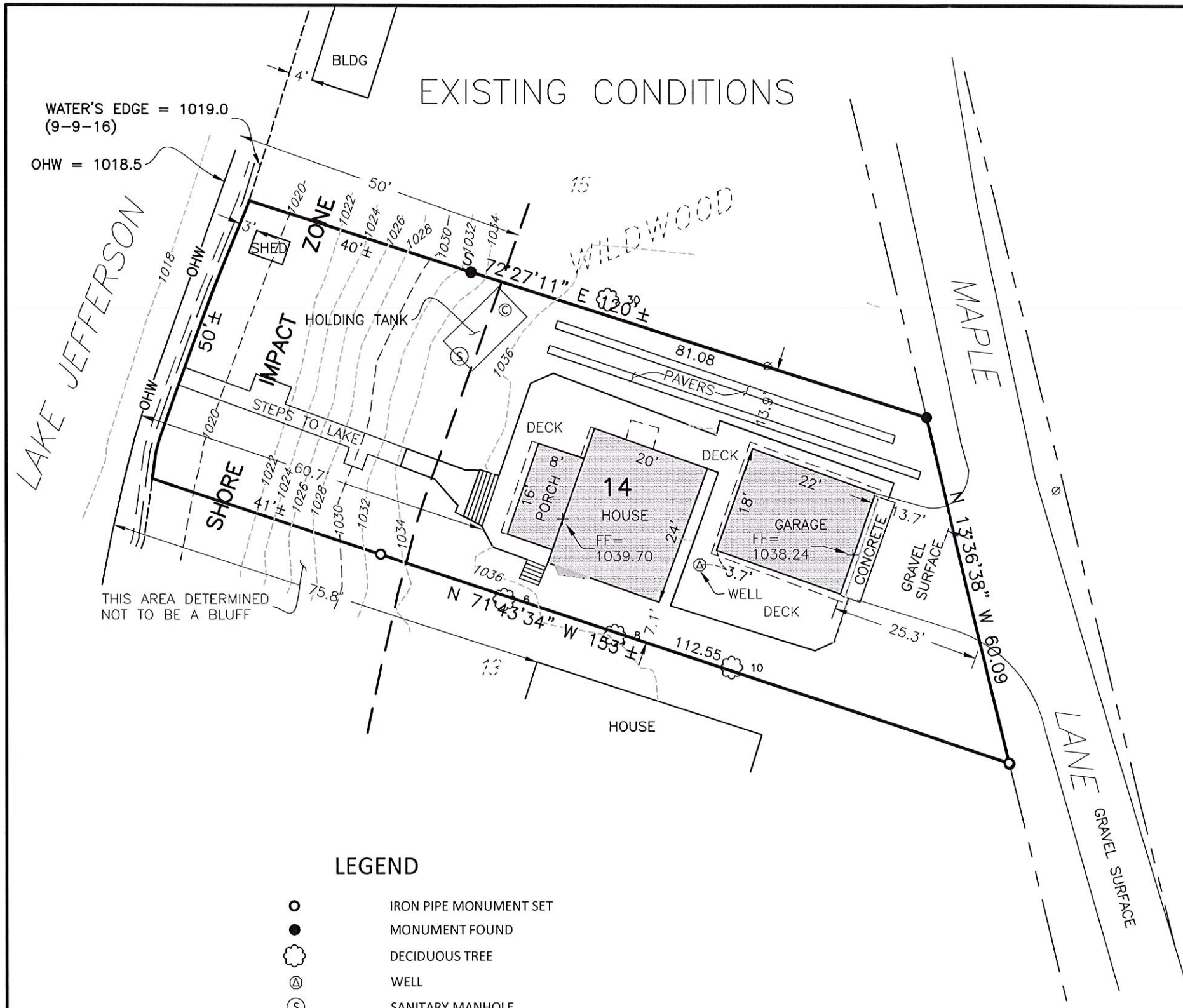


BOLTON & MENK, INC.
 Consulting Engineers & Surveyors

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

LOT 14, WILDWOOD, PART OF GOV'T LOT 6,
 SECTION 3, TOWNSHIP 109 NORTH, RANGE 26
 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: MARTIN MOHR



PID 13.800.0140

RECEIVED
 SEP 16 2016
 BY: *KB*

OWNER ADDRESS
 MARTIN MOHR
 1025 SOUTHRIDGE ROAD
 NEW ULM, MN 56073

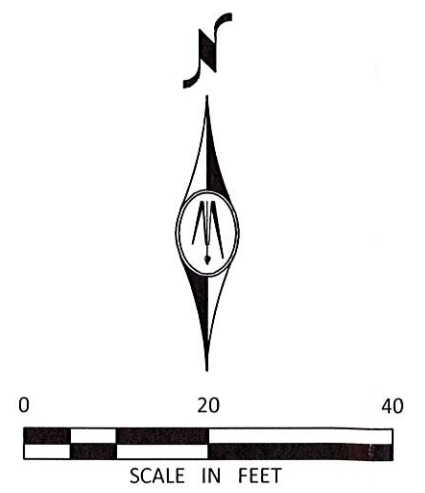
SITE ADDRESS
 46886 MAPLE DRIVE
 MADISON LAKE, MN 56063

TOTAL LOT AREA
 7497 SQ FT

EXISTING IMPERVIOUS SURFACES

HOUSE & PORCH W/ OVERHANG	658 SQ FT
GARAGE W/ OVERHANG	474 SQ FT
GRAVEL SURFACE	284 SQ FT
DECKING W/ STEPS	761 SQ FT
CONCRETE	50 SQ FT
PAVERS	170 SQ FT
SHED	24 SQ FT
STEPS TO LAKE	241 SQ FT
TOTAL	2662 SQ FT (35.5%)

- LEGEND**
- IRON PIPE MONUMENT SET
 - MONUMENT FOUND
 - ☼ DECIDUOUS TREE
 - ⊕ WELL
 - ⊙ SANITARY MANHOLE
 - ⊙ CLEAN OUT
 - ⊙ UTILITY POLE



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

9-16-16
 Date

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA		LOT 14, WILDWOOD, PART OF GOV'T LOT 6, SECTION 3, TOWNSHIP 109 NORTH, RANGE 26 WEST, LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC. Consulting Engineers & Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		
		FOR: MARTIN MOHR

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

H:\MOHRMART_PR\M33112350\CAD\C3D\112350BD1 EXIST.dwg 9/16/2016 9:54 AM SDB112350H JOB NUMBER: M33.112350 FIELD BOOK: 90A-1 PG 4 DRAWN BY: JLA 4.0 S3-T109N-R25W



Surveyor Certification

I. Applicant:
 Name Martin + Sandy Mohr

II. Landowner:
 Name Martin + Sandy Mohr
 Property Address 46886 Maple Drive
 City Madison Lake State MN Zip 56063

III. Parcel Information:
 Parcel Number 13 - 800 - 0140

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:

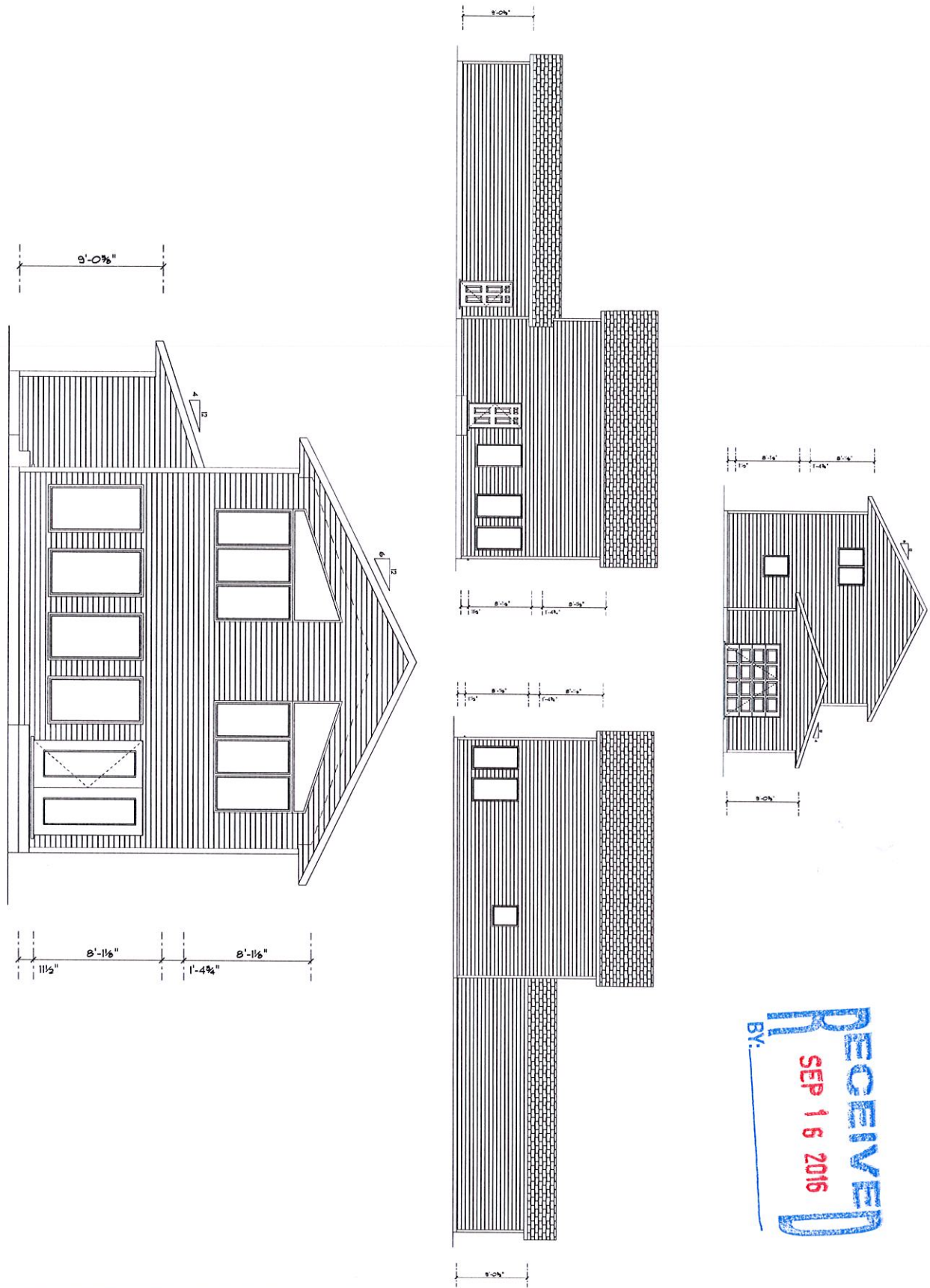
The proposed improvements have been physically staked onsite *then* surveyed on 9/22/16, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Roy Jensen Surveyor Signature 9/16/16 Date 19789 Lic #

9/16/16 Date Received Kathy Brockway Planning & Zoning Department Signature

© COPYRIGHT 2016
 THIS IS A COPYRIGHTED PLAN AND IS THE EXCLUSIVE PROPERTY OF DRAFTING JUNCTION / TANYA LOFFHANN, LAFAYETTE, TN. ALL RIGHTS ARE RESERVED. IT MAY NOT BE USED, BUILT, FRONT OR REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF TANYA LOFFHANN.



RECEIVED
 BY: _____
 SEP 16 2016

SCALE: VARIOUS

PLANS FOR: MARTY MOHR- CABIN
ELEVATIONS

DRAFTING
 JUNCTION
 TANYA LOFFHANN
 1001 S. HAYWARD
 LAFAYETTE, TN 37040

CONSTRUCTION WARRANTY
 THESE PLANS ARE INTENDED TO BE USED AS A GUIDE FOR CONTRACTORS/ CARPENTERS WHO ARE KNOWLEDGEABLE ABOUT NORMAL CONSTRUCTION STANDARDS AND LOCAL CODES AND PRACTICES. THE DESIGNER IS NOT AN ARCHITECT OR ENGINEER, AND CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A CONSTRUCTION PROFESSIONAL. BECAUSE OF THE VARIANCES IN LOCAL BUILDING CODE REQUIREMENTS AND LEATHER CONDITIONS, IT IS RECOMMENDED THAT YOU CONSULT A LOCAL BUILDING OFFICIAL PRIOR TO THE START OF CONSTRUCTION. THE DESIGNER WILL CORRECT ANY ERRORS OR OMISSIONS ON THESE PLANS DISCOVERED BY THE BUILDER BEFORE CONSTRUCTION BEGINS, BUT ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL FAILURES DUE TO ANY DEFICIENCIES, ERRORS OR OMISSIONS IN THE DESIGN, OR BLUEPRINTS OR IMPROPER CONSTRUCTION.

THIS IS A COPYRIGHTED PLAN AND IS THE EXCLUSIVE PROPERTY OF DRAFTING JUNCTION / TANYA HOFFMANN, LIPAPETTE, TN. ALL RIGHTS ARE RESERVED. IT MAY NOT BE USED, DULY REPRODUCED, REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF TANYA HOFFMANN.

RECEIVED

SEP 16 2016

CONSTRUCTION WARRANTY

THESE PLANS ARE INTENDED TO BE USED AS A GUIDE FOR CONSTRUCTION. CONTRACTORS AND ARCHITECTS ARE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS ON THESE PLANS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON.

LAYOUTS

PLANS FOR: PLANTY HOME, CABIN

SCALE: 1/4" = 1'-0"

DRAFTING JUNCTION
TANYA HOFFMANN
LIPAPETTE, TN 37088

MAIN FLOOR PLAN

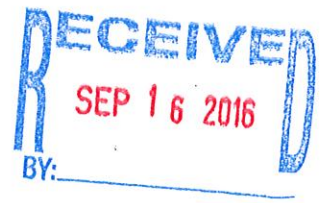
32'-0" x 34'-0" overall dimensions. Rooms include Sunroom (14'-0" x 14'-0"), Living Room (11'-0" x 11'-0"), Kitchen (8'-0" x 8'-0"), Bath (5'-0" x 5'-0"), and Breezeway (12'-0" x 12'-0").

SECOND FLOOR PLAN

30'-0" x 24'-0" overall dimensions. Rooms include Bedroom #1 (12'-0" x 12'-0"), Bedroom #2 (12'-0" x 12'-0"), and Bath (5'-0" x 5'-0").

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. FINISHES TO BE DETERMINED BY THE CLIENT.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL RESIDENTIAL CODE BOOK.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB.
5. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS ON THESE PLANS.



**LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541**

Erosion and Sediment Control Plan

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

Property Owner: Martin + Sandy Mohr PID: 13.800.0140
 Mailing Address: 1025 Southridge Road New Ulm, MN 56073
 Property Address: 46006 Maple Drive Madison Lake, MN 56063
 Phone: (507) 359-1272 Mobile/Cell: (507) 380-9454

Responsible party for Implementation/Inspection: Dave Moseaden
 Address: New Ulm, MN 56073
 Phone: () Mobile/Cell: (507) 276-4635

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations. *See Survey*

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.

Martin Moler
(Property Owner)

9/15/16
(Date)

Martin Moler
(Person Responsible for Implementation)

9/15/16
(Date)

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



Le Sueur County, MN

Thursday, October 20, 2016

Regular Session

Item 1

Approved October 20, 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
October 20, 2016**

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, Jim Mladek, John Wolf,

MEMBERS ABSENT: Francis Cummins

OTHERS PRESENT: Michelle Mettler, Commissioner Connolly

ITEM #1: ROSS & RUTH HEILMAN, MADISON LAKE, MN (APPLICANT/OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an additional 227 feet to an existing 51 feet for a total of 278 lineal feet of riprap in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 5, Section 2, Washington Township.
VARIANCE IS FOR TOTAL LINEAL FEET OF RIPRAP.

Ruth Heilman was present for application. Township: None. DNR: None. Letters submitted: Environmental Services Resource Specialist.

Discussion was held regarding: Applicants have lived at this residence for approximately 8 years; Has had a lot of erosion; Tried many measures to control erosion; Did 51 feet of riprap last year; The 51 feet of riprap was a permitted use which didn't require a public hearing; Has DNR waters permit; Findings of Fact.

Motion was made by John Wolf to **approve** the application. Conditions: none. Seconded by Colin Harris. Motion approved.

Motion carried.

ITEM #2: MARTIN & SANDRA MOHR, NEW ULM, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a dwelling addition, 2nd story dwelling addition, attached garage addition, to enlarge a non-conforming structure 63 feet from the Ordinary High Water Level (OHWL) and 7 feet from the road Right-Of-Way (ROW) and a total of 27% impervious surface in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 14, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR OHWL & ROAD ROW SETBACKS, ENLARGING A NON-CONFORMING STRUCTURE AND IMPERVIOUS SURFACE.**

Martin Mohr was present for application. Township: None. DNR: None. Letters submitted: Joshua Mankowski, Environmental Services Resource Specialist.

Discussion was held regarding: Purchased the lot this summer; Plan to control runoff and reduce impervious surface; Construction plan is to fix problems with the structure that has a flat roof, there is wood planking all over the place adding to impervious surface; Plan to remove porch and deck and add on, change roof line, add 2nd story that can be supported by the basement; Connect garage to house with a breezeway; Is a short garage want to add extension to garage; 6 feet from garage to house and 6 feet addition to garage toward road; Wall between garage and breezeway to stay; Tie in roofline to control roof runoff; Garage 28 feet deep with proposal; No other structures next to this lot has 2nd story-tall structure may not fit in; Talked to a neighbor-they had concern regarding the repairs that the structure doesn't go closer toward the lake; Concerns with the closeness to the road Right-Of-Way (ROW); People below the hill, one is year-round and 2 are seasonal; Mohr's plan to be seasonal; Proposed to be 3-bedroom; Peak height approximately 22 feet; Not planning on being year-round in the future; 6 feet added to garage toward road is a

hardship can't get a boat trailer in or a full size vehicle; Can't fit the boat and trailer w/tongue in garage; Suggested open wall to breezeway to get increased room in garage; Suggested move stairway into breezeway to get more room in garage; Clarification of BOA role to make decision on what was proposed-not find better solution; Difficult for emergency services when structures are that close to the road, 7 feet; Concern with height of structure compared to neighborhood; Plan on parking outside? Can park on South side of lot, and sort of a community lot off maple lane, owner lets people park there; Plan on construction next year; Compare required setback to request is drastic difference; Concern with height with close proximity to properties.

Motion was made by John Wolf to **table** the application. Conditions: Come back with a revised plan. Seconded by Jim Mladek. Motion approved.

Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes by Jim Mladek. Seconded by John Wolf. Motion approved.

Motion carried.

Motion to adjourn meeting by Colin Harris. Seconded by John Wolf. Motion approved.

Motion carried.

Meeting Adjourned.

Respectfully submitted, Michelle R. Mettler

October 20, 2016

Approved December 15, 2016

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