



Le Sueur County, MN

Thursday, December 15, 2016

Regular Session

Item 4

Martens Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Craig & Diana Martens
911 ADDRESS: 25076 Swedes Bay Ln, Elysian, MN
VARIANCE REQUEST: To install a septic tank 2 feet from the East property line, 7 feet from the dwelling and construct a septic drainfield 2 feet from the East property line.
VARIANCE NUMBER: 16370
PARCEL NUMBER: 04.740.0060

SITE INFORMATION

LOCATION: Lot 6, Roemer's Blue Marina, Section 7, 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.

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

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

GOALS AND POLICIES: The current Land Use Plan as adopted in 2009 makes reference to water quality in **Goal #3**.

Goal 3: Improve water quality in Le Sueur County.

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

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing off Blue Marina Road
LAKE: Lake Jefferson, Recreational Residential

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.

FEMA Flood Zone: Zone A-100 year flood zone.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact

Page 1 of 2

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. Septic tank to property line: | 2 feet | 10 feet | Section 17, Subiv. 4.D.2. | 17-9 |
| b. Septic tank to dwelling: | 7 feet | 10 feet | Section 17, Subdiv. 4.D.1.b. | 17-9 |
| c. Septic drainfield to property line: | 2 feet | 10 feet | Section 17, Subdiv. 4.D.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
 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. Property is part of the German Jefferson Sewer District.

CONDITIONS

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

VARIANCE FINDINGS OF FACT

Name of Applicant: CRAIG W MARTENS

Variance # 16370

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 2' TO THE E PROP LINE; 7' TO DWELLING; CONSTRUCT DRAINFIELD 2' TO E PROP LINE.

- 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

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

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

Explain _____ JM JW JD CH FC

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 Craig W. Martens
 Mailing Address 2333 Northern Hills Ct NE
 City Rochester State Mn Zip 55906
 Phone # 507-288-5421 Phone # _____

II. Landowner:
 Name Craig W. and Diane S. Martens
 Property Address 25076 Swedes Bay Lane (480th St)
 City Elysian State Mn Zip 56028
 Phone # 507 288 5421 Phone # _____

III. Parcel Information:
 Parcel Number 04.740.0060 Parcel Acreage 2.1
 Township Elysian Section 7
 Subdivision _____ Lot 6 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).
Septic Tank 2 ft from east property line
and 7 ft from cabin.
Absorption area 2 ft from east property line.

V. Description of Request:

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

VI. Township Notification:

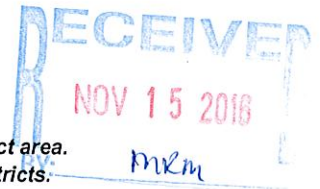
Township must be notified prior to application. (County Commissioners are not the Township Board.)

Elysian Township notified on 11/1/16
 (Township Name) (Date)

Board Member Kathy Reints, Linus Hebl regarding the proposed request.
 (Name)

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

- | | | | |
|---------------------|------------|---|-------------|
| • North point | • Lakes | • Well | • Access |
| • Setbacks | • Rivers | • Septic System | • Easements |
| • Property lines | • Wetlands | • Proposed Structures | |
| • Road Right-Of-Way | • Streams | • Existing structures - <i>Within and adjacent to project area.</i> | |
| • Lot Dimensions | • Ponds | • Location of trees to be removed - <i>Shoreland Districts.</i> | |



- 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:

- 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. *Not Compliant*
- 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.

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.

Variance Request allows septic system and absorption area to both be 50 ft from well on west lot line of Lot 6.

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

Unique circumstance is the well at the approximate midpoint of the west lot line and the requirement for septic tank and absorption area to be 50 ft from the well.

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

The well is a common well for Lots 1, 5, and 6 in Roemer's Cove Subdivision.

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

Landscape will remain unchanged with the exception of the additional mounding of the absorption area.

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

Practical difficulty is not monetary but due to 50 ft lot width.

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

Yes

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

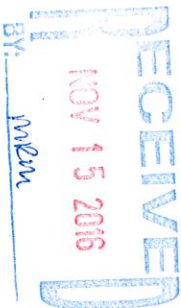
1. Water Quality goals. 2. New distance of septic system from lake requirements. 3. Meeting septic system replacement plan. 4. New percolation requirements. 5. Septic system size requirements

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

Current onsite sewage treatment is in non compliance.

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

Requirement that the septic tank and the absorption area both be 50 ft from the well



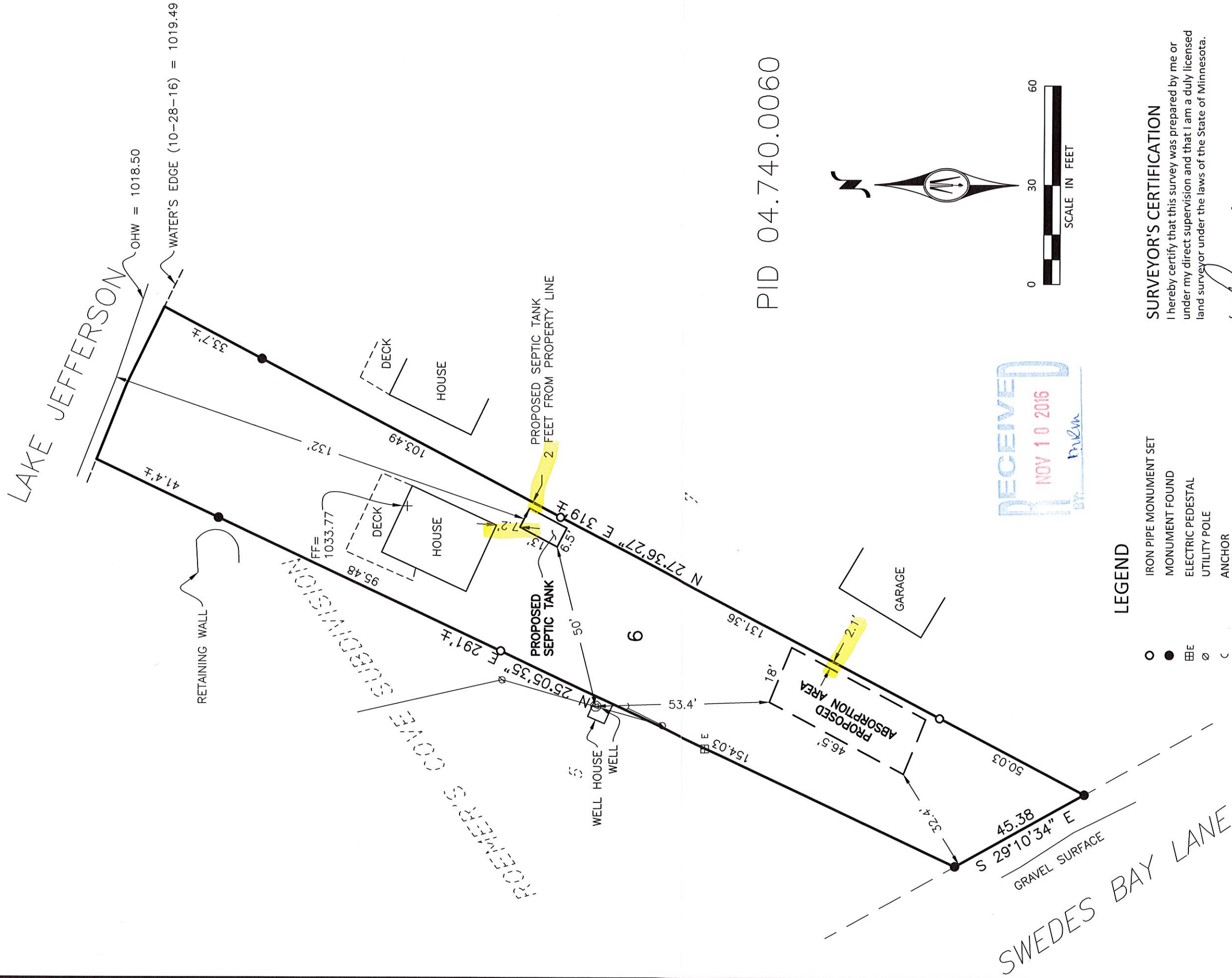
Variance Request Lot 6 Roemer's Cove

This septic system variance request is for Lot 6 Roemer's Cove. Lot 6 is narrow being 50 ft wide at the lake and approximately 38 ft wide at the back. The lot has a well at approximately the midpoint of the west lot line. The septic tank is required to be 50 ft from the well causing a variance request on the east lot line. The absorption area is required to be 50 ft from the well causing a variance request on the east lot line. Lot 6 is over 300 ft long and the septic system placement is shown in the survey document prepared by Bolton and Menk, Mankato, Mn.

Craig Martens

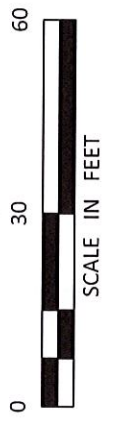
1





PID 04.740.0060

RECEIVED
NOV 10 2016
BY: MJKW



LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ⊕ ELECTRIC PEDESTAL
- ⊙ UTILITY POLE
- ⊘ ANCHOR
- ⊙ WELL

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
 Date 11-9-16

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

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



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LOT 6, ROEMER'S COVE SUBDIVISION, SECTION
7, TOWNSHIP 109 NORTH, RANGE 24 WEST,
LE SUEUR COUNTY, MINNESOTA

FOR: CRAIG MARTENS

FIELD BOOK: 90H PG 60

M33.112634

JOB NUMBER:

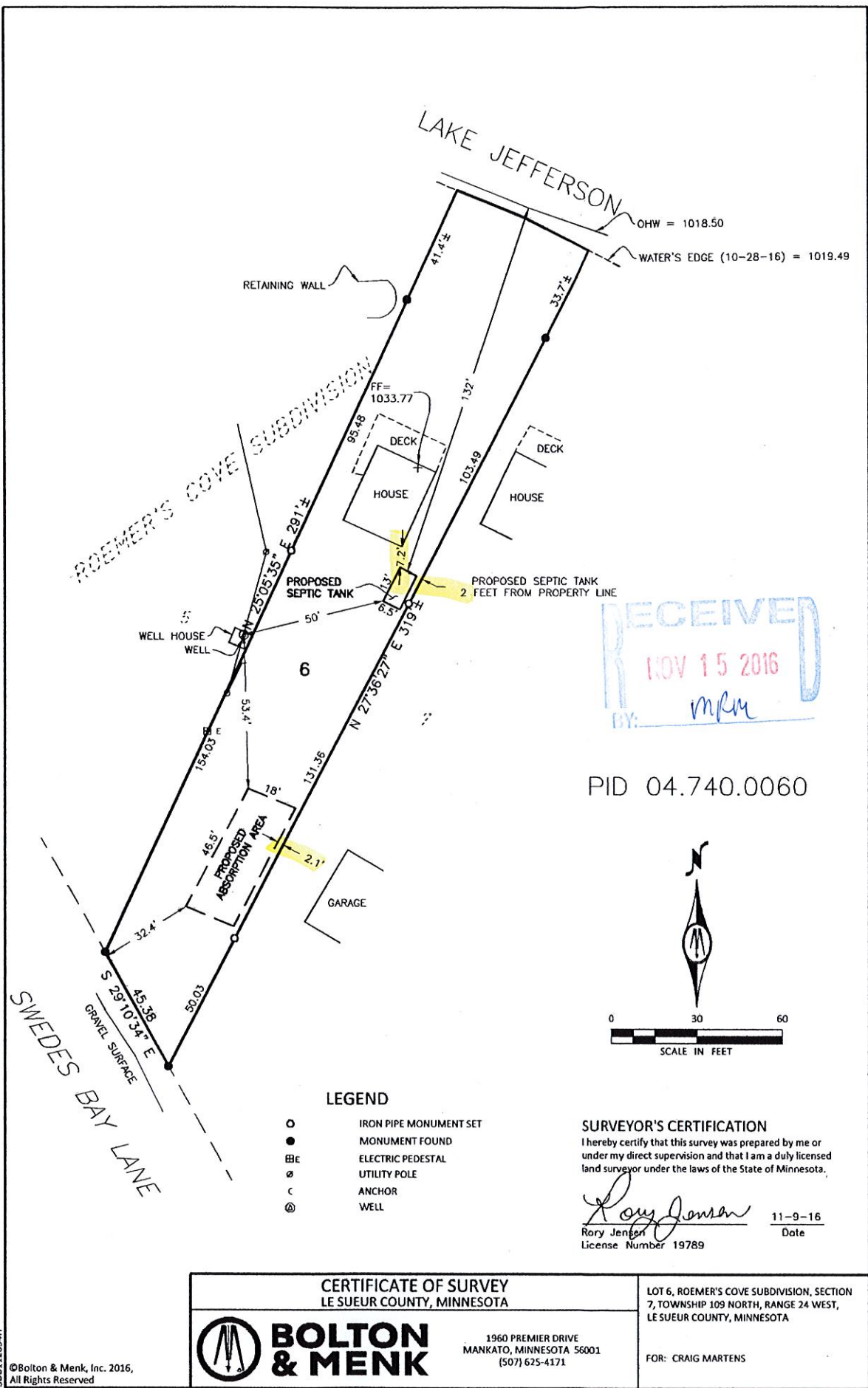
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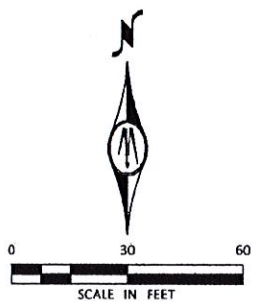
4.0 57-T109N-R24W-34

SD8112634H



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 NOV 15 2016
 BY: mfm

PID 04.740.0060




LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ⊕E ELECTRIC PEDESTAL
- ⊙ UTILITY POLE
- ⊕ ANCHOR
- ⊙ WELL

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 11-9-16
 License Number 19789 Date

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA		LOT 6, ROEMER'S COVE SUBDIVISION, SECTION 7, TOWNSHIP 109 NORTH, RANGE 24 WEST, LE SUEUR COUNTY, MINNESOTA
 BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
		FOR: CRAIG MARTENS

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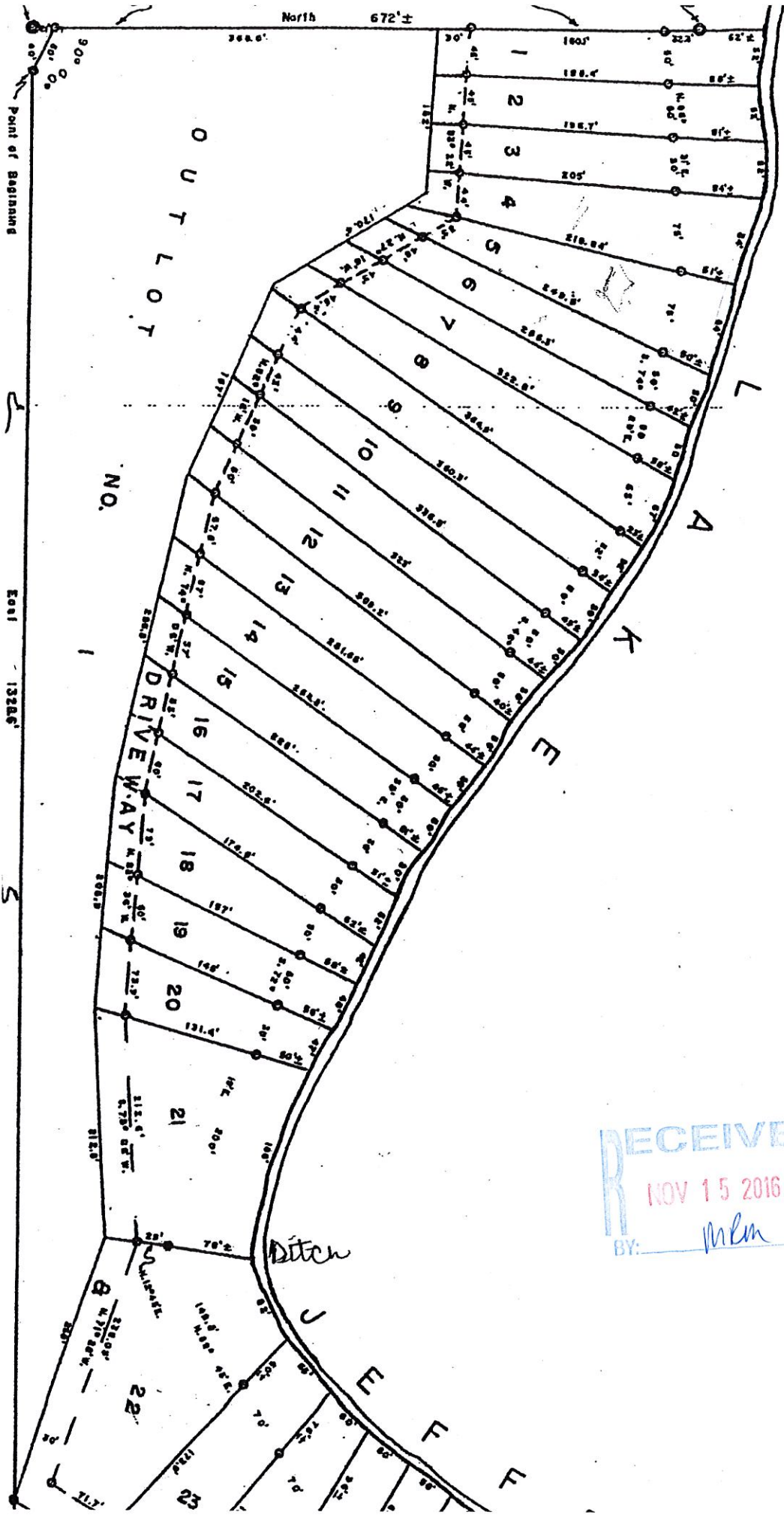
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POEMER'S COVE

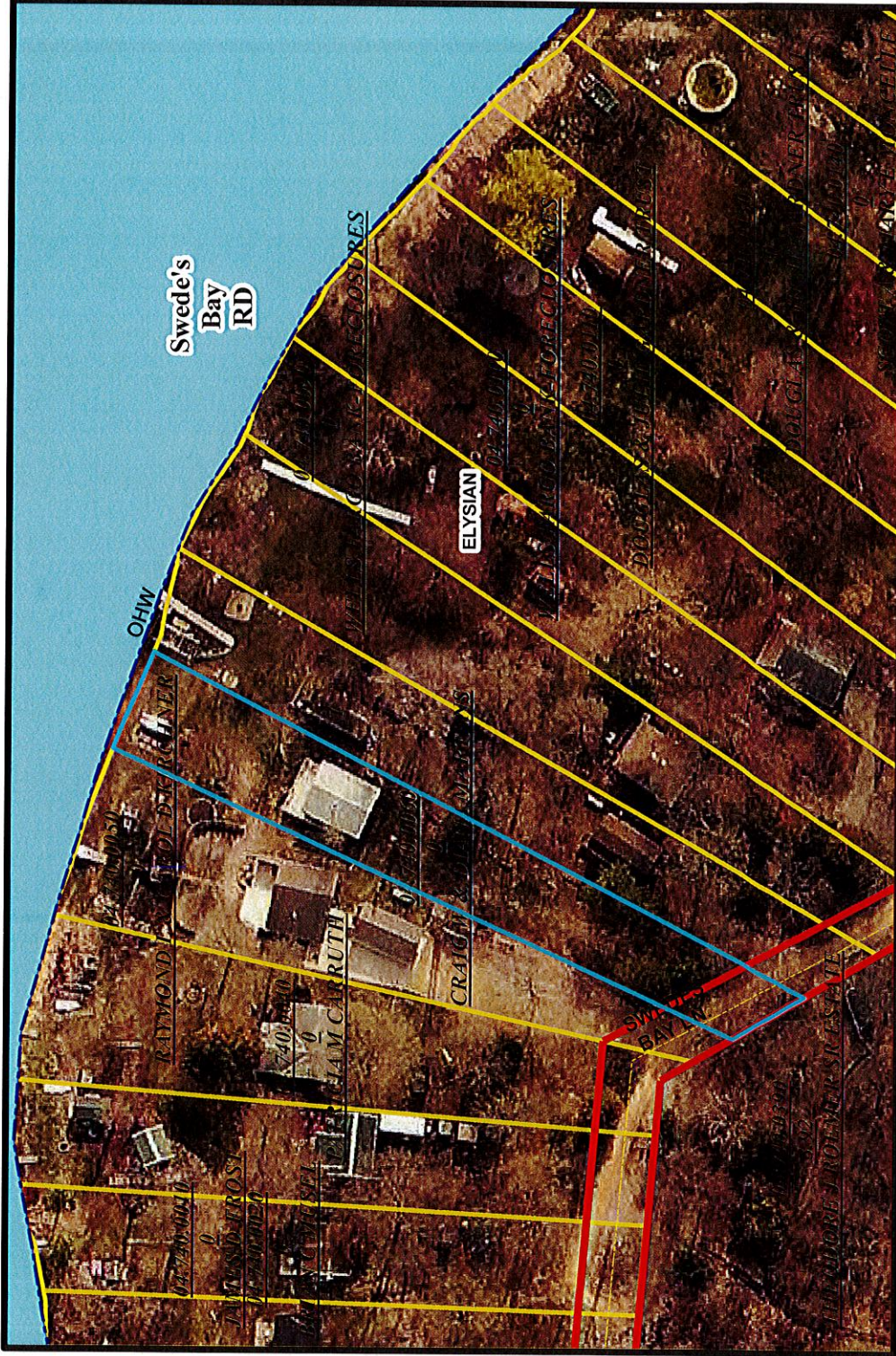
PART OF GOV'T. LOT NO. 6,
SECTION NO. 7, T. 109 N., R. 24 W.,
LE SUEUR COUNTY, MINNESOTA.

RECEIVED
NOV 15 2016
BY: *mlm*



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Martens
PID: 04.740.0060
DATE: 12-06-16
FIRM #: 27079C0 270D
F-Zone: X-Outside
RFPE: NA
District: Recreational Residential

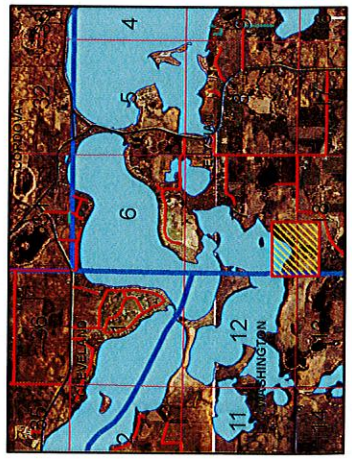


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Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
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Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW Vac	
Section Line	
Sub Line 400	
Water	
Incorporated	
Townships	
Sections	
Lakes	
Parcel	



Map Disclaimer

*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
 *The maps are date specific and are intended for use only at the published scale.
 *These maps should not be used for navigational, engineering, legal, or any other site-specific use.



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
 507-357-8538