



**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: DECEMBER 15, 2016

TIME: 3:00 PM

**PLACE: LE SUEUR COUNTY ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE
CENTER MN**

PURPOSE: To hear testimony from interested parties and consider Variance Applications as provided by the Zoning Ordinance of Le Sueur County as described below:

ITEM #1 Board of Adjustment Notice of Special Meeting

ITEM #2 Board of Adjustment Notice of Public Hearing

ITEM #3 Board of Adjustment Agenda

ITEM #4 Mohr Packet

ITEM #5 Gutoske Packet

ITEM #6 Hall Packet

ITEM #7 Martens Packet

ITEM #8 DRAFT December 15, 2016 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 December 15, 2016.

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



Le Sueur County, MN

Thursday, December 15, 2016

Regular Session

Item 1

Board of Adjustment Notice of Special Meeting

Staff Contact: Kathy Brockway or Michelle Mettler

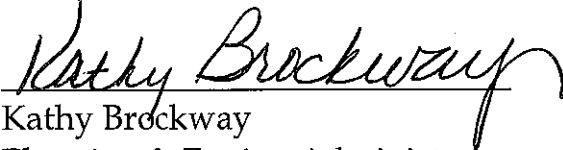
LE SUEUR COUNTY BOARD OF ADJUSTMENT

NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE that the Le Sueur County Board of Adjustment will hold a special meeting on December 15, 2016 at 1:30 p.m. at the Le Sueur County Environmental Services Building, 515 South Maple Ave., Le Center, Minnesota, for the purpose of discussing and possibly taking action on the following:

1. Conduct a closed session with its attorneys, pursuant to the attorney-client privilege as authorized Minn. Stat. § 13D.03, subd. 3(b), to discuss the pending litigation of *Greg Halvorson and Brenda Rehbein v. County of Le Sueur*, Dist. Ct. File No. 40-CV-16-1126.
2. Conduct an open session to reconsider the September 22, 2016 decision on the Extension Application, which is the subject of the above-referenced litigation.

Posted this 29 day of November, 2016.


Kathy Brockway
Planning & Zoning Administrator



Le Sueur County, MN

Thursday, December 15, 2016

Regular Session

Item 2

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: DECEMBER 15, 2016

TIME: 3:00 PM

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Variance and Appeal Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **DECEMBER 5, 2016**.

ITEM #1: 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, a 2nd story dwelling addition, an attached garage addition, and to enlarge a non-conforming structure 63 feet from the Ordinary High Water Level (OHWL) and 13 feet from the road Right-Of-Way (ROW) and a total of 27.1% 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, & PROPERTY LINE SETBACKS AND IMPERVIOUS SURFACE. APPLICATION TABLED AT THE OCTOBER 21, 2016 MEETING.**

ITEM #2: CURT GUTOSKE, MINNEAPOLIS, MN, (APPLICANT); DUANE & CAROL GUTOSKE, SAVAGE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 42 feet from the Ordinary High Water Level (OHWL), 5 feet from the dwelling, and 4 feet from the property line in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 31, Roemer's Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR DWELLING, PROPERTY LINE, AND OHWL SETBACKS.**

ITEM #3: LOREAN HALL, O'FALLON, IL, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 54 feet from the South Ordinary High Water Level (OHWL), 72 feet from the North OHWL, 7 feet from the dwelling, and 4 feet from the property line in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 2, Roemer's Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR OHWL, DWELLING, AND PROPERTY LINE SETBACKS.**

ITEM #4: CRAIG & DIANA MARTENS, ROCHESTER, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 2 feet from the East property line, 7 feet from the dwelling; construct a septic drainfield 2 feet from the East property line in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 6, Roemer's Cove, Section 7, Elysian Township. **VARIANCE IS FOR PROPERTY LINE AND DWELLING SETBACKS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT DECEMBER 14, 2016

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



Le Sueur County, MN

Thursday, December 15, 2016

Regular Session

Item 1

Board of Adjustment Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

BOARD OF ADJUSTMENT Onsite Date: December 14, 2016
Onsite Time: 1:30 pm

MEETING AGENDA

Special Meeting Date: December 15, 2016
Closed Session Time: 1:30 pm
Open Session Time: Immediately following closed session.

ITEM #1: Greg Halvorson extension

Regular Meeting Date: December 15, 2016
Meeting Time: 3:00 pm

ITEM #1: Martin & Sandra Mohr
ITEM #2: Curt Gutoske/Duane & Carol Gutoske
ITEM #3: Lorean Hall
ITEM #4: Craig & Diana Martens

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, December 15, 2016

Regular Session

Item 1

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 13 feet from the road Right-Of-Way (ROW) and a total impervious surface of 25.6%.

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, Revised 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:

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Attached garage to road ROW:	13 feet	65 feet Exemption	Section 13.2, Subdiv. 5.B.3. Section 13.2, Subdiv. 5.A.	13-43 13-43
b. Dwelling to OHWL:	63 feet	100 feet Exemption	Section 13.2, Subdiv. 5.E.1. Section 13.2, Subdiv. 5.A.	13-45 13-43
c. Enlarging a non-conf. structure:			Section 24. Subdiv. 3. A. 1.	24-1
d. Impervious surface:	27.1%	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

- The following shall be considered at the hearing:
 - There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - 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.
 - 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.
- 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%.
- d. **Revised request.** Application was tabled at the October 21, 2016 meeting.
 - 1. Applicant revised request from 7 feet to the road ROW to 13 feet;
 - 2. Decreased the total height of the structure by 1 foot.

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: 11/23/2016

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 13 ft. to the Road Right of Way (ROW) and Impervious Surface of 27.1 %.

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 result in an increase 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%. The Request for Variance for the ROW setback is unchanged between the current structure and the proposed work and shouldn't result in any increase impact to the lake.

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 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 27.1%.

13

- 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.

Jim John James Colin Fritz

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 _____

RECEIVED
SEP 16 2016

Variance Application

I. Applicant:

Name Martin + Sandra Mohr
 Mailing Address 1025 Southridge 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%

*** mem
Revised 11-11-16
63'
113'
27.1%

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 Bieh 2 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 - *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.

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, ~~he~~ 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?

Small lot size makes it hard to comply to set back + % impervious surface requirements. Story to prevent obvious height change.

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:

- 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. 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/blue prints	<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>446.00</u> <u>ATF / SPEC MTG</u>
<input checked="" type="checkbox"/> Application complete	<u>K Broadway</u> Planning & Zoning Department Signature	<u>9/16/16</u> <u>16305</u> Date Permit #

Extension added 60 days 1-13-17

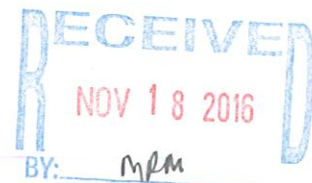
01-15-16

11-11-16 - Rec'd updated plans. 4 11-18-16

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'long x18' wide 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 which is currently classified as impervious surface.
 - iii. Practical Difficulty:
 1. Unable to have direct access from garage into house without attaching garage to house.
 2. Small garage (21 feet long) prohibits parking of full size vehicle or boat with trailer inside garage.
2. House
 - a. Remove water damaged existing pitched roof and flat roof porch roof.
 - b. Remove existing water damaged wood deck.
 - c. Construct 10' x 24' porch with permanent foundation at location of the previous flat roof porch and deck.
 - d. Add second story to house and change rooflines to enable added space to existing footprint and to manage collection of water run-off.
 - i. Sidewall height of second story designed at a minimum height of 7 feet to follow code of minimum stairway height at top of stairs.
 - ii. Stairway needs to be constructed at proposed location on blueprint to enable access of both upstairs and basement for maximum space efficiency.
 - e. Addition of eve troughs and down spouts to house/garage to manage water run-of.
 - 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.
 - iii. Height of cabin dictated by existing stairway in house and minimum ceiling height required at top of staircase.
 - iv. Working with existing footprint.
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. The % impervious surface on the property will be greatly reduced from 35.5% to 27.1%.
3. Water run-off will be reduced by reducing the properties % impervious surface area with the addition of eve troughs, down spouts and rain barrels, and addition native grasses.
4. By removing the deck, the set back of the house from the lake is lengthened.

Full Legal Description of Property for LeSueur County Variance Request

Address: 46886 Maple Drive, Madison Lake, MN 56063

Parcel 13-800-0140

Lot 14, Wildwood, Part of Government Lot 6, Section 3, Township 109, Range 25, LeSueur County, Minnesota

EXISTING CONDITIONS

PID 13.800.0140

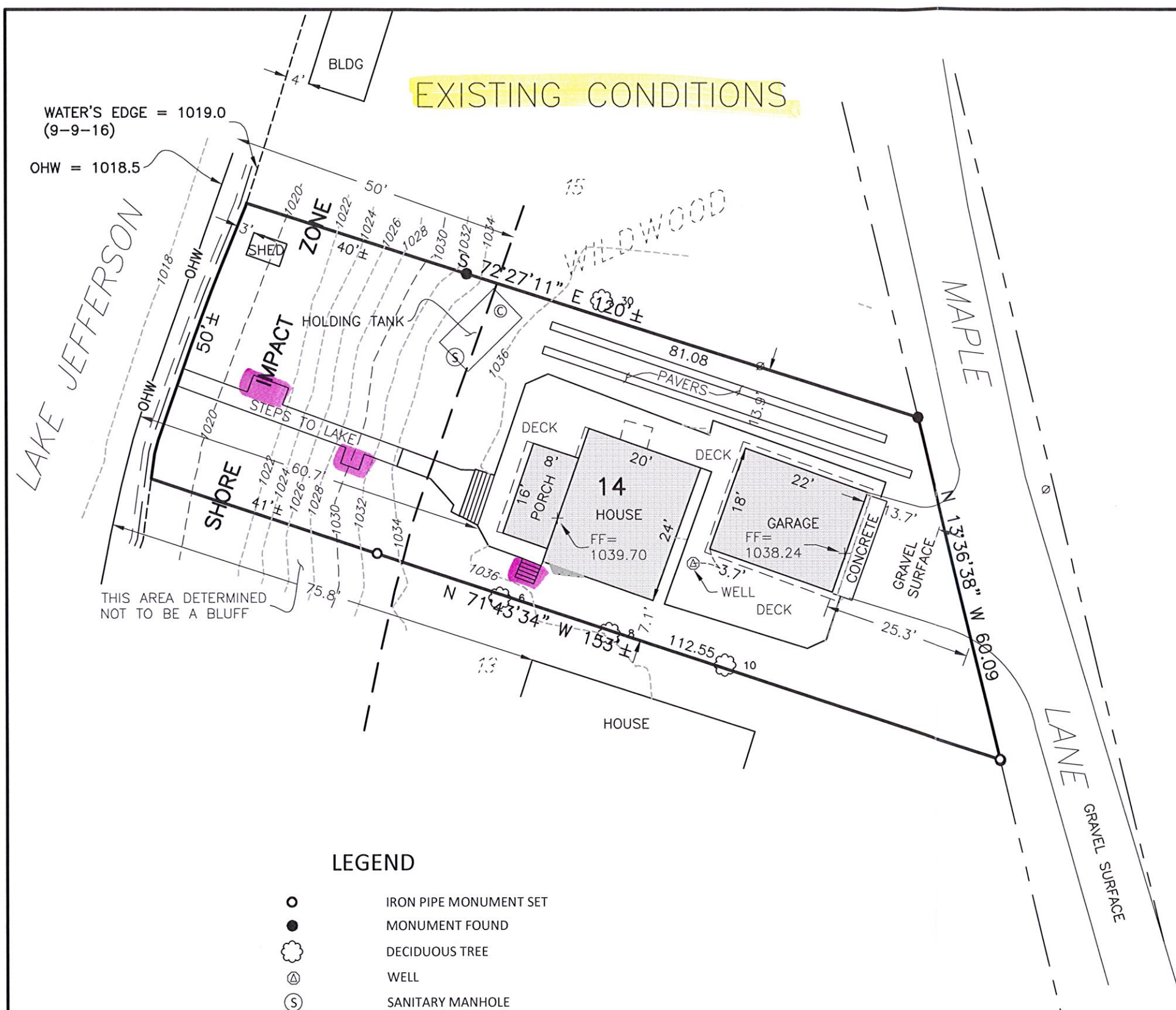
OWNER ADDRESS
 MARTIN MOHR
 1025 SOUTHRIDGE ROAD
 NEW ULM, MN 56073

SITE ADDRESS
 46886 MAPLE DRIVE
 MADISON LAKE, MN 56063

TOTAL LOT AREA
 7497 SQ FT

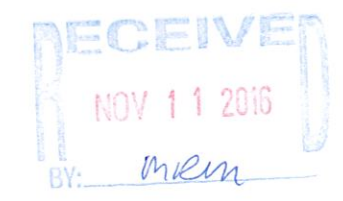
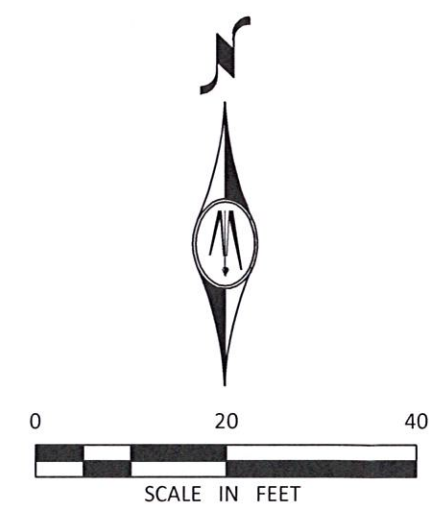
EXISTING IMPERVIOUS SURFACES

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

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

PROPOSED CONDITIONS

PID 13.800.0140

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	585 SQ FT
SHED	24 SQ FT
STEPS TO LAKE	229 SQ FT
GRAVEL SURFACE	284 SQ FT
CONCRETE SURFACE	50 SQ FT
TOTAL	2036 SQ FT (27.1%)

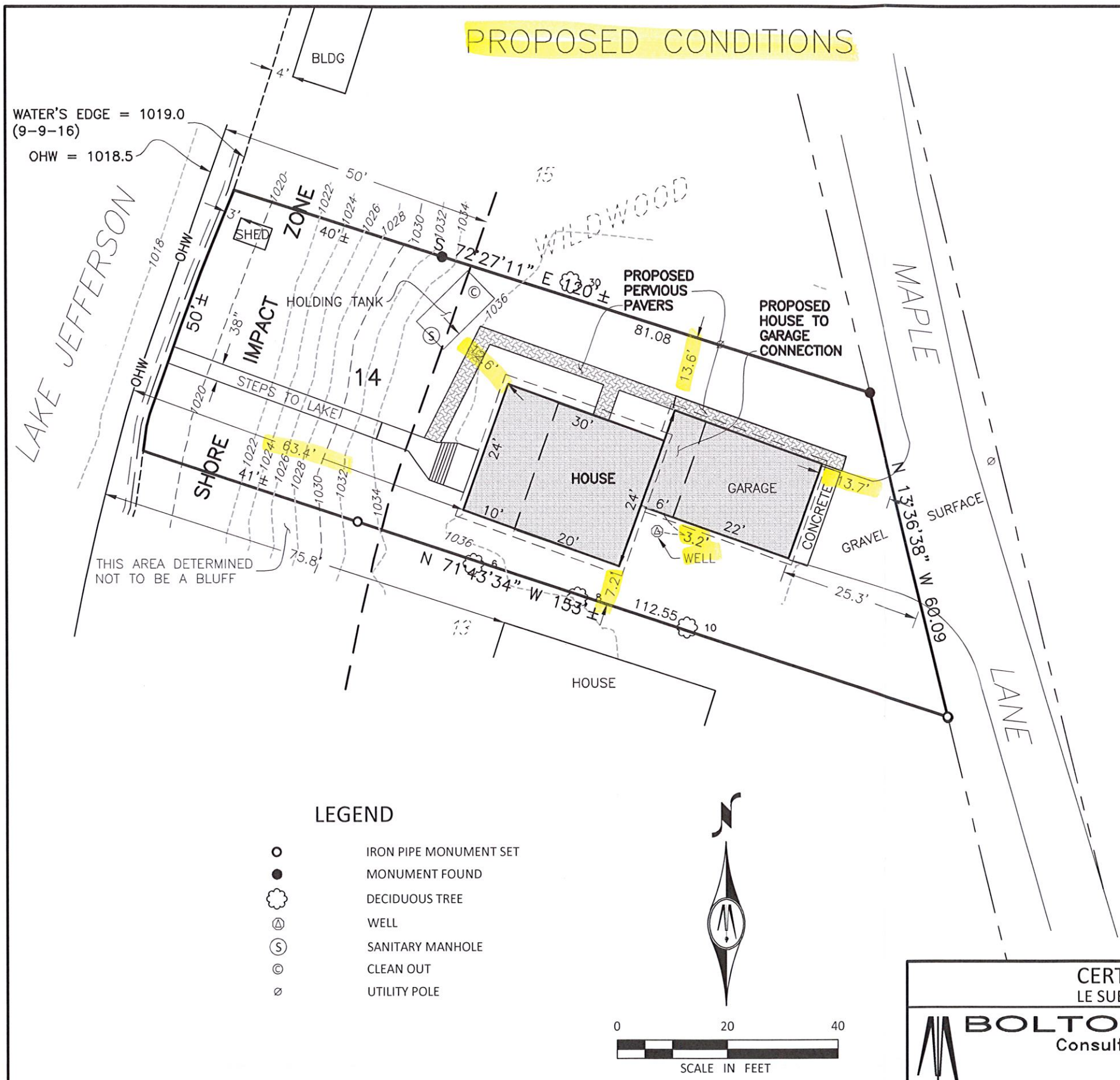
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 BY: *MEM*

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.

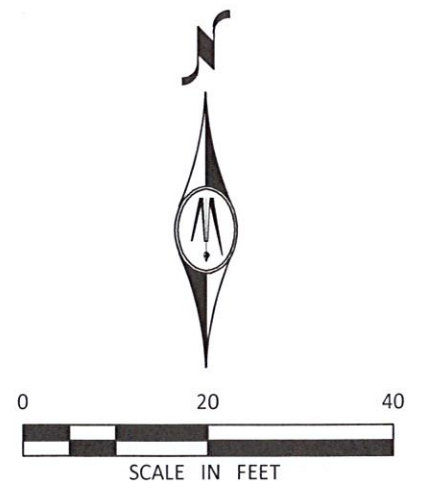
Rory Jensen
 Rory Jensen
 License Number 19789

9-16-16
 Date

REVISED ORIGINAL SURVEY: 11-16-16



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



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		

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*** PREVIOUS PROPOSAL**

PROPOSED CONDITIONS

PID 13.800.0140

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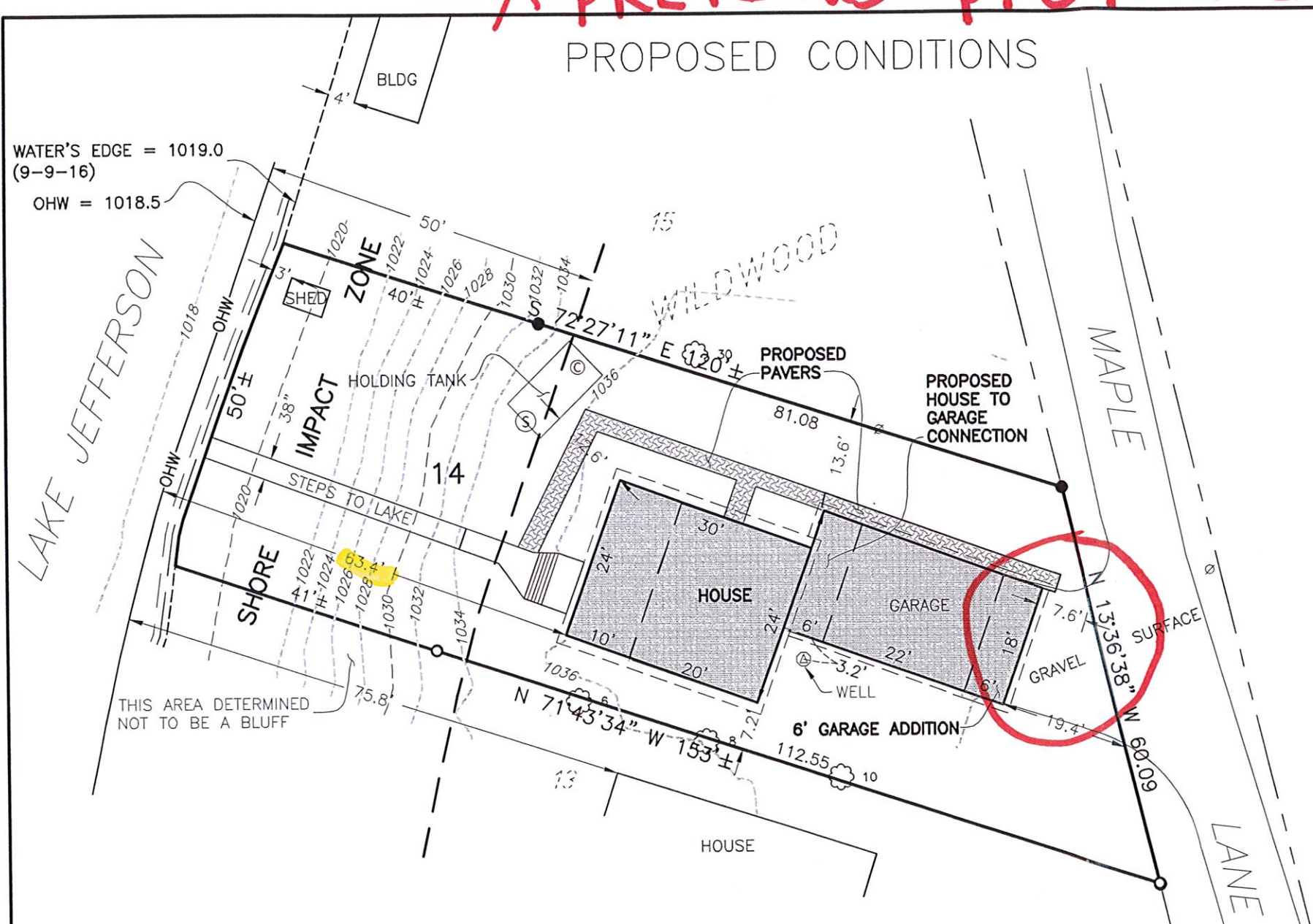
OWNER ADDRESS
 MARTIN MOHR
 1025 SOUTHRIDGE ROAD
 NEW ULM, MN 56073

SITE ADDRESS
 46886 MAPLE DRIVE
 MADISON LAKE, MN 56063

TOTAL LOT AREA
 7497 SQ FT

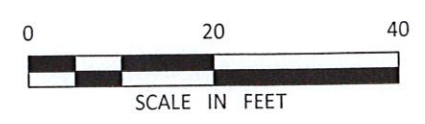
PROPOSED IMPERVIOUS SURFACES

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

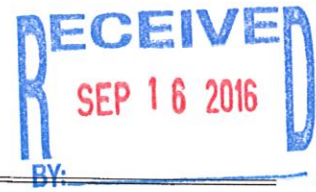
BOLTON & MENK, INC.
 Consulting Engineers & Surveyors

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

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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 _____ 9/16/16 _____ 19789 _____
 Surveyor Signature Date Lic #

9/16/16 _____ **OFFICE USE ONLY**
 Date Received Kathy Brockway _____
 Planning & Zoning Department Signature



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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 WEATHER 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.

DRAFTING JUNCTION
 TANYA HOFFMANN
 Phone: (507) 843-3833
 Email: tanya@draftingjunction.com

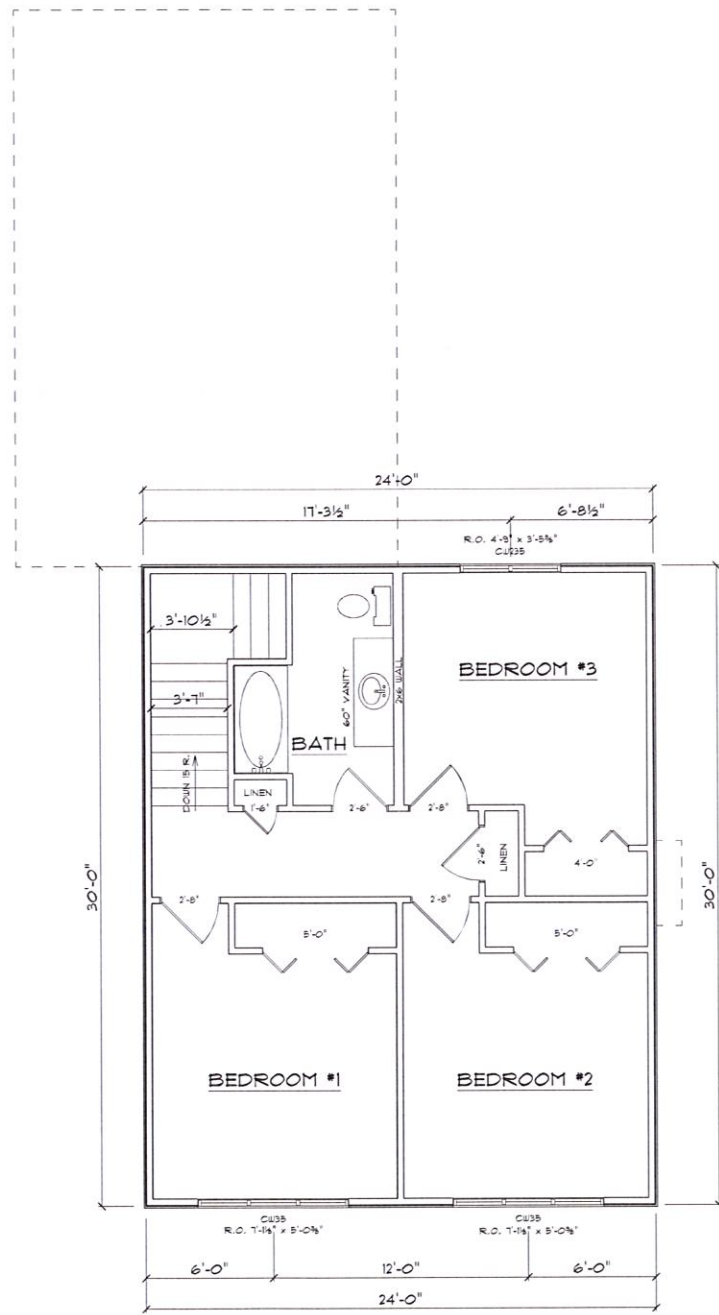
PRELIM DATE
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REVISION DATE 2.16.16
REVISION DATE 6.16.16
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PLANS FOR: MARTY MOHR- CABIN
ELEVATIONS

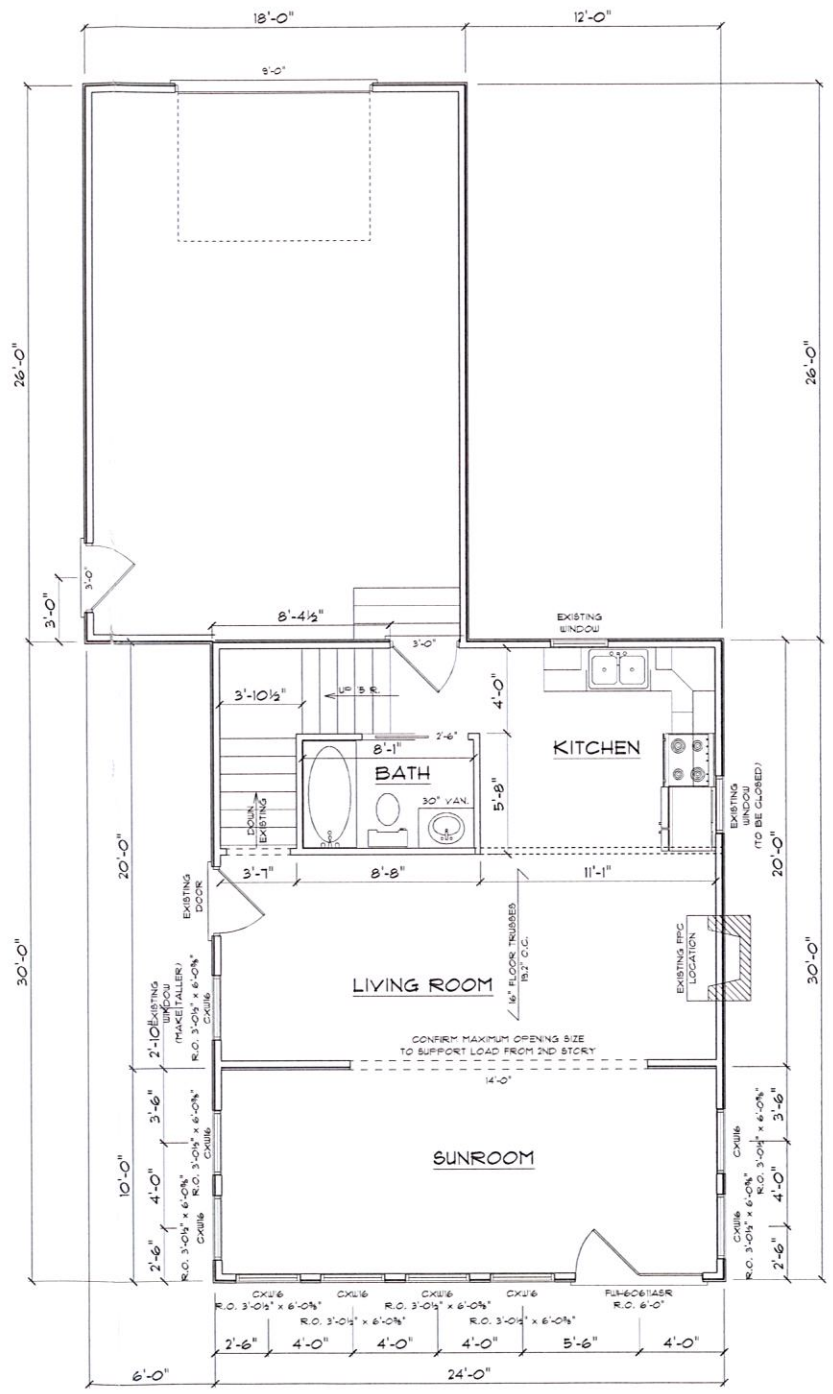
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13.800.0140



SECOND FLOOR PLAN
7' WALL HEIGHT



MAIN FLOOR PLAN
8' WALL HEIGHT

PROPER VENTILATION
 * LOCATION OF SMOKE &
 CARBON MONOXIDE DETECTORS
 AS REQ'D BY CODE
 RADON MITIGATION AS REQ'D
 ALL LINCOLNS AND DOORS:
 2- 2X10 HOR.
 2- JACK STUDS

CONSTRUCTION WARRANTY

THESE PLANS ARE INTENDED TO BE USED AS A GUIDE FOR CONTRACTORS. CONTRACTORS WHO ARE KNOWLEDGEABLE ABOUT NORMAL CONSTRUCTION PRACTICES AND WHO HAVE READ THESE PLANS AND UNDERSTAND THE INTENT OF THE CONSTRUCTION PROFESSIONAL BECAUSE OF THE VARIANCES IN LOCAL BUILDING CODE REQUIREMENTS AND WEATHER CONDITIONS, IT IS RECOMMENDED THAT YOU CONSULT A LOCAL BUILDING OFFICIAL PRIOR TO THE START OF CONSTRUCTION. THE DESIGNER WILL CONSIDER ANY ERRORS OR OMISSIONS ON THESE PLANS DISCOVERED DUE TO ANY DEFICIENCIES, ERRORS OR OMISSIONS IN THE DESIGN OR BLUEPRINTS OR IMPROPER CONSTRUCTION. STRUCTURAL FAILURES

DRAFTING
 JUNCTION
 TANYA HOFFMANN
 Phone: (507) 543-3023
 Email: tanya@draftingjunction.com

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PLANS FOR: HARTY MOHR- CABIN
 LAYOUTS

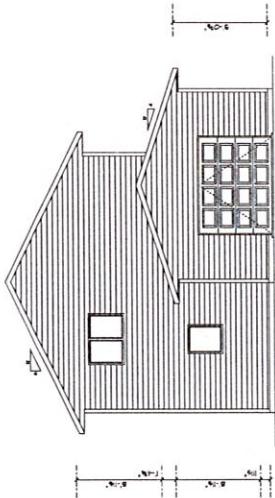
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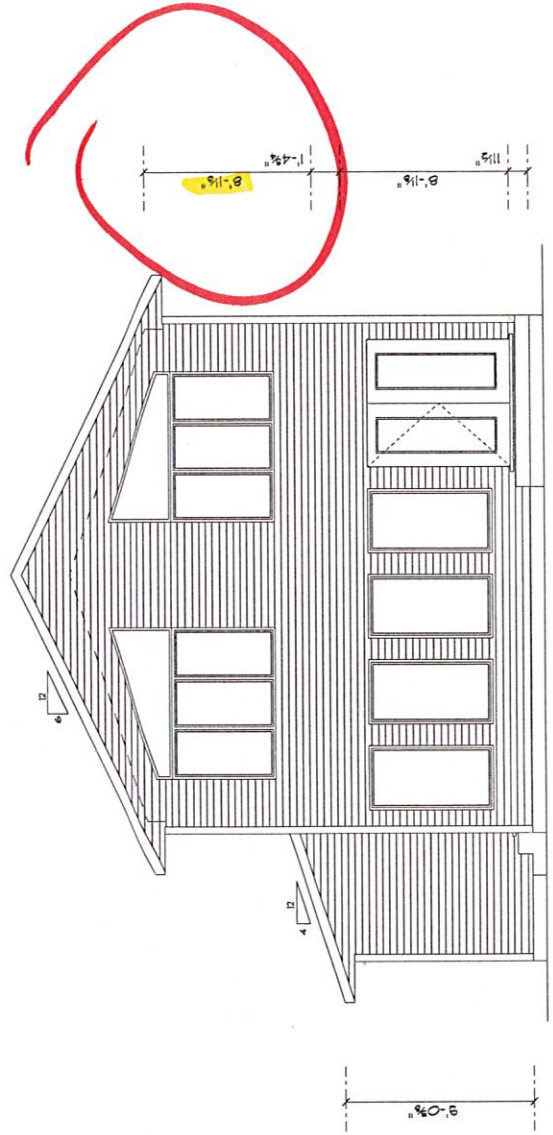
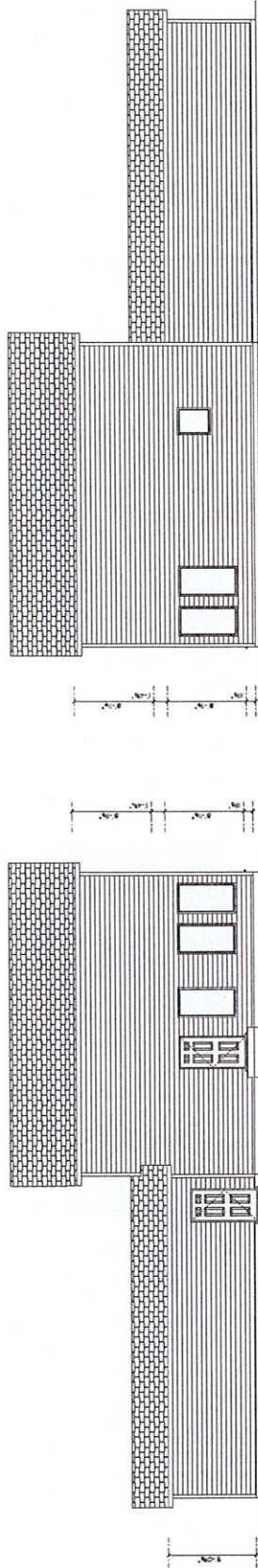
SCALE: 1/4" = 1'-0"

13,800.0140

** Previous Proposal*



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JUNCTION
TANYA HOFFMANN
Tanya.Hoffmann@junction.com

PLANS FOR: MARTY MOHR- CABIN
ELEVATIONS

SCALE: VARIES
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Mettler, Michelle

From: Marty Mohr <drmohr@prairie.lakes.com>
Sent: Tuesday, November 15, 2016 4:21 PM
To: Mettler, Michelle
Subject: RE:
Attachments: LAYOUTS 11.9.pdf; ELEV 11.9.16.pdf

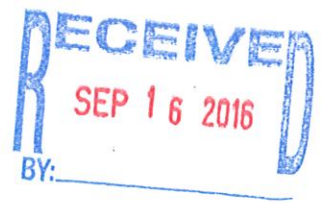
Michelle,

The heights are listed on the blueprint but you have to zoom in to read the numbers. The second story height was reduced from 8 feet to approximately 7 feet (minimum for code) thus **reducing the height of the building 1 foot.**

Actual total height is per blueprint as follows:

1. Block = 11 ½"
2. 1st Floor = 8' 1 1/8"
3. Truss = 4 ¾"
4. 2nd Floor = 7' 1 1/8"
5. Peak = 6' (6/12 pitch on a 24' wide building)
6. **Total = 26' 5"**

Yes, the breezy way was eliminated and this area will become part of the garage.



**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 Mohn PID: 13.800.0140
 Mailing Address: 1025 Southridge Road New Ulm, MN 56073
 Property Address: 46086 Maple Drive Madison Lake, MN 56063
 Phone: (507) 359-1272 Mobile/Cell: (507) 380-9454

Responsible party for Implementation/Inspection: Dave Moseuden
 Address: New Ulm, MN 56073
 Phone: () _____ Mobile/Cell: (507) 276-7635

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.

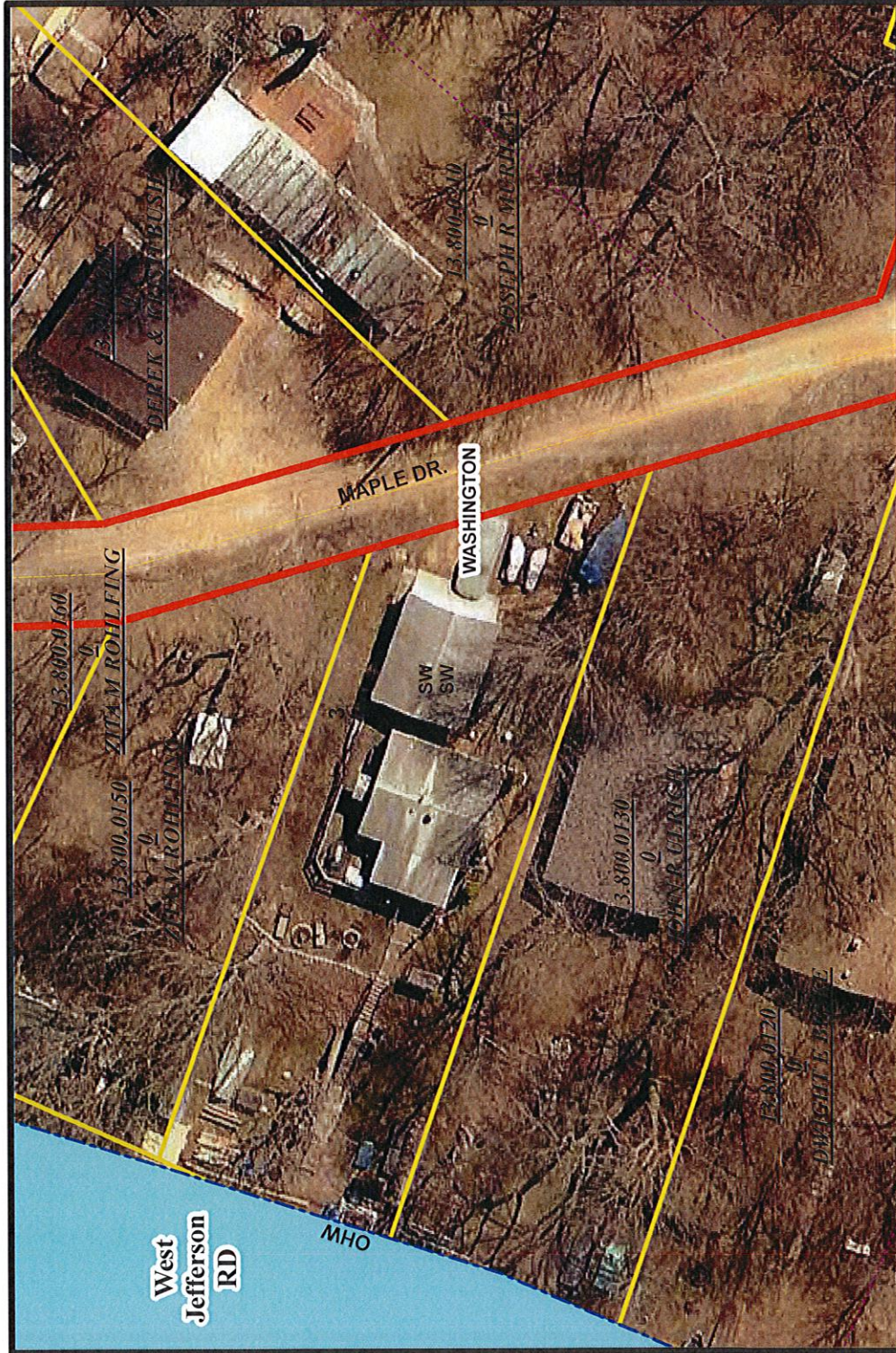
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

<u>Martin Mohr</u>	<u>9/15/16</u>
(Property Owner)	(Date)
<u>Martin Mohr</u>	<u>9/15/16</u>
(Person Responsible for Implementation)	(Date)

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

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Mohr
PID: 13.800.0140
DATE: 12-06-16
FIRM #: 27079C0 260D
F-Zone: X-Outside
RFPE: NA
District: Recreational Residential



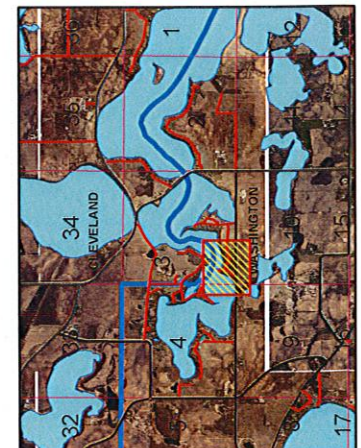
Map Disclaimer
 *Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, 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**



Cadastral_Line	AlphaTag	<all other values>
—	Corp Line	
—	County Line	
—	Easement Line	
—	Geo Twp Line	
- - -	Gov Lot	
- - -	Misc Line	
- - -	Parcel Line	
- - -	Pol Twp Line	
—	Railroad Centerline	
—	Railroad ROW	
—	Road Centerline	
—	Road ROW	
—	Road ROW Vac	
—	Section Line	
—	Sub Line 400	
—	Water	
█	Incorporated	
█	Townships	
█	Sections	
█	Quarter Quarter	
█	Lakes	
█	Parcel	

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

Le Sueur County, MN

Thursday, December 15, 2016

Regular Session

Item 2

Gutoske Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Curt Gutoske
OWNER: Duane & Carol Gutoske
911 ADDRESS: 24159 Blue Marina Road, Cleveland, MN
VARIANCE REQUEST: To install a holding tank 42 feet from the Ordinary High Water Level (OHWL), 5 feet from the dwelling, and 4 feet from the property line.
VARIANCE NUMBER: 16360
PARCEL NUMBER: 02.650.0030

SITE INFORMATION

LOCATION: Lot 3, Roemer's Blue Marina, Section 31, Cordova Township
ZONING & PURPOSE: Recreational Residential & Flood Plain-Flood Fringe Overlay

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 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

STAFF FINDINGS

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

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|------------------------------------|-----------------|------------------|----------------------------------------|--------------|
| a. Septic tank to OHWL: | 42 feet | 75 feet | Section 17, Subdiv. 4. D. 5.b.2 | 17-9 |
| b. Septic tank to dwelling: | 5 feet | 10 feet | Section 17, Subdiv. 4. D. 1.b. | 17-9 |
| c. Septic tank to road ROW: | 4 feet | 10 feet | Section 17, Subdiv. 4. D. 4. | 17-9 |
2. **Refer to DNR Guidance Letters:**
- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - b. 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. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
- a. Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances shall only be issued by the County upon the following:
 - 1. A showing of good and sufficient cause.
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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: CURT GUTOSKE

Variance # 16360

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 42 FEET FROM THE OHWL; 5 FEET FROM THE DWELLING; 4 FEET TO THE 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 CURT GUTOSKE
 Mailing Address 4940-10TH AV. S.
 City MINNEAPOLIS State MN Zip 55417
 Phone # 612-298-4425 Phone # _____

II. Landowner:
 Name DUANE & CAROL GUTOSKE
 Property Address 12738 MONTEREY AVE. S.
 City SAVASE State MN Zip 55378
 Phone # 952-890-1959 Phone # _____

III. Parcel Information:
 Parcel Number 02.650.0030 Parcel Acreage _____
 Township CORDOVA (24W) Section 31
 Subdivision ROEMERS BLUE MARINA Lot 3 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 to Lake - 42 FEET
Septic Tank to House - 5 FEET
Septic Tank to Property Line - 4 FEET

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.)
CORDOVA Township notified on 10/17/2016
 (Township Name) (Date)
 Board Member Bon Schmitt 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 - *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.



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.

only available option

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

smaller lake lot with no options

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

County mandated septic compliance

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

will be visually appealing

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

no other reasonable option

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.

the objective will remain the same

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

Water is from off site water well
sewage is currently being treated
and disposed of on-site

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

No other options



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 *Part of septic design*
- h. Description of request

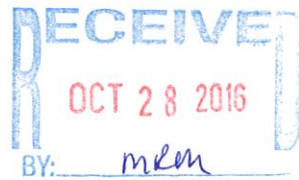
The Department may request additional information regarding the application.

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.

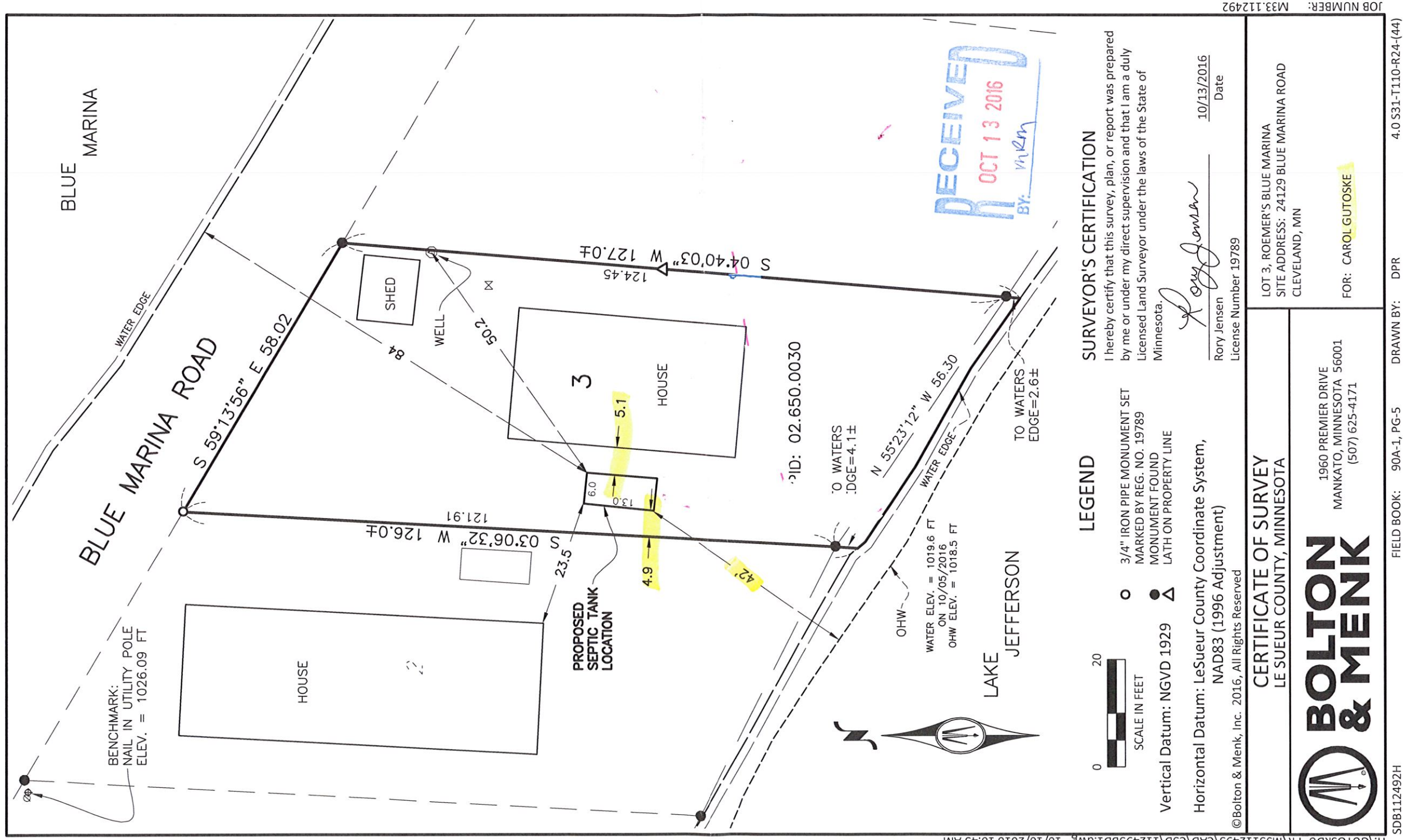
XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- 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.

Description of request

I'm requesting a variance to install a holding tank on Blue Marina road. I'm unable to meet the required setbacks from the property line, house, and lake.

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OCT 28 2016
BY: mlm



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SDB112492H

Surveyor Certification

I. Applicant:
 Name Seppmann & Sons / CAROL GUTOSKE

II. Landowner:
 Name CAROL GUTOSKE
 Property Address 24129 BLUE MARINA ROAD
 City CLEVELAND State MN Zip 56017

III. Parcel Information:
 Parcel Number _____

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

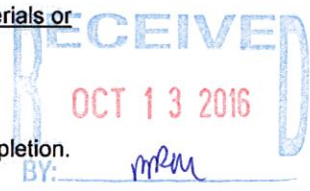
- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts*
- Access
- 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 Oct 5, 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.

[Signature] _____ Date 10/10/16 Lic # 19789
 Surveyor Signature

OFFICE USE ONLY

10-13-16 _____ Date Received
[Signature] _____ Planning & Zoning Department Signature



Le Sueur County, MN

Thursday, December 15, 2016

Regular Session

Item 3

Hall Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Lorean Hall
911 ADDRESS: 24137 Blue Marina Rd, Cleveland, MN
VARIANCE REQUEST: To install a holding tank 54 feet from the South Ordinary High Water Level (OHWL), 72 feet from the North OHWL, 7 feet from the dwelling, and 4 feet from the property line.
VARIANCE NUMBER: 16361
PARCEL NUMBER: 02.650.0020

SITE INFORMATION

LOCATION: Lot 2, Roemer's Blue Marina, Cleveland, MN
ZONING & PURPOSE: Recreational Residential & Flood Plain-Flood Fringe Overlay

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 Rd
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.

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

ATTACHMENTS

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

STAFF FINDINGS

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

- | <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|-----------------------------------------|-------------------------|------------------|---------------------------------------|--------------|
| a. Septic tank to OHWL: | 54 & 72 feet | 75 feet | Section 17, Subdiv. 4.D.5.b.2. | 17-9 |
| b. Septic tank to dwelling: | 7 feet | 10 feet | Section 17, Subdiv. 4.D.1.b. | 17-9 |
| c. Septic tank to property line: | 4 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. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
- a. Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances shall only be issued by the County upon the following:
 - 1. A showing of good and sufficient cause.
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. **Additional Considerations:**
- a. Property is located within 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: LOREAN HALL

Variance # 16361

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 54 FT FROM THE OHWL TO THE SOUTH; 72 FT FROM THE OHW TO THE (NORTH); 7 FT TO THE DWELLING; 4 FT TO THE 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 Lorean Hall
 Mailing Address 700 Weber Rd Apt. 205
 City O'Fallon State IL Zip 62269
 Phone # 618-726-4768 Phone # _____

II. **Landowner:**
 Name Lorean Hall
 Property Address 24137 Blue Marina Rd
 City Cleveland State MN Zip 56017
 Phone # _____ Phone # _____

III. **Parcel Information:**
 Parcel Number 02.650.0020 Parcel Acreage _____
 Township Cordova Section 31
 Subdivision Roemers Blue Marina Lot 2 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 to Lake - 54 FEET (SOUTH) & 72 FEET NORTH
Septic tank to house - 7 FEET
Septic tank to property line - 4 FEET

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.)
Cordova Township notified on 10-17-16
 (Township Name) (Date)

Board Member [Signature] 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 - *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.

RECEIVED

OCT 18 2016

BY: mem

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.
only available option
 2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
smaller lake lot with no options
 3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
County mandated septic compliance
 4. How will the request maintain the essential character of the locality?
will be visually appealing
 5. Does the alleged practical difficulty involve more than economic considerations?
NO other reasonable option
 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.
The objective will remain the same
 8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
Water is from off-site water well.
sewage is currently being treated and disposed of on-site
 9. Explain why this request is the minimum variance amount to afford relief.
No other options.



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 *+part of Septic design*
- 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: 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.

x Loreean Hall _____ Date 10/17/16
 Applicant signature

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.

x Loreean Hall _____ Date 10/17/16
 Landowner signature

OFFICE USE ONLY

Date received <u>10-18-16</u>	Present Zoning Classification <u>RR/FF</u>	Feedlot within 500' 1000' <u>N</u> <u>NA</u>
Meeting date <u>12-15-16</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>10-20-16 to 11-17-16</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>✓</u>	FEMA Panel # <u>270960300</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>A-100YR FP</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>10-30-15</u> <u>10-21-16</u>
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ _____
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Motz</u>	ATF / SPEC MTG <u>16361</u>
	Planning & Zoning Department Signature	Date <u>10-31-16</u> Permit # _____

45 Day DL 11-7-16
 01-15-16 Hold 10-26-17



Description of request

I'm requesting a variance to install a holding tank on Blue Marina road. I'm unable to meet the required setbacks from the property line, house, and lake.

RECEIVED
OCT 28 2016
BY: *mlm*

Surveyor Certification

I. **Applicant:**
Name Seppmann & Sons / LOREAN HALL

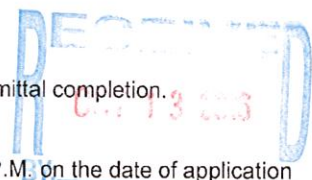
II. **Landowner:**
Name LOREAN HALL
Property Address 24137 BLUE MARINA ROAD
City Cleveland State MN Zip 56017

III. **Parcel Information:**
Parcel Number 02.650.0020

- 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
 - 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.*
 - 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

*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 Oct 5, 2016, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Rory Jensen _____ 10/10/16 _____ 19789 _____
 Surveyor Signature Date Lic #

OFFICE USE ONLY

10-13-16 _____ MEM _____
 Date Received Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Hall
PID: 02.650.0020
DATE: 12-06-16
FIRM #: 27079C0300D
F-Zone: A-100 Year
RFPE: NA
District: Recreational Residential
 Flood Fringe



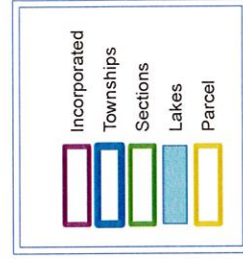
Map Disclaimer

*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: MIRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538





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 (4804th 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:

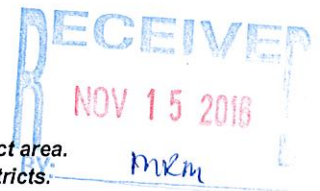
Township must be notified prior to application. *(County Commissioners are not the Township Board.)*

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.

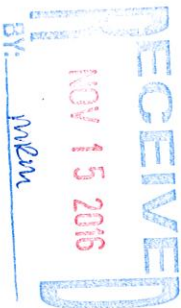
1. Water Quality goals. 2. New distance of septic system from lake requirements. 3. Meeting septic system replacement plan. 4. New percolation requirements. 5. Septic system size requirements

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



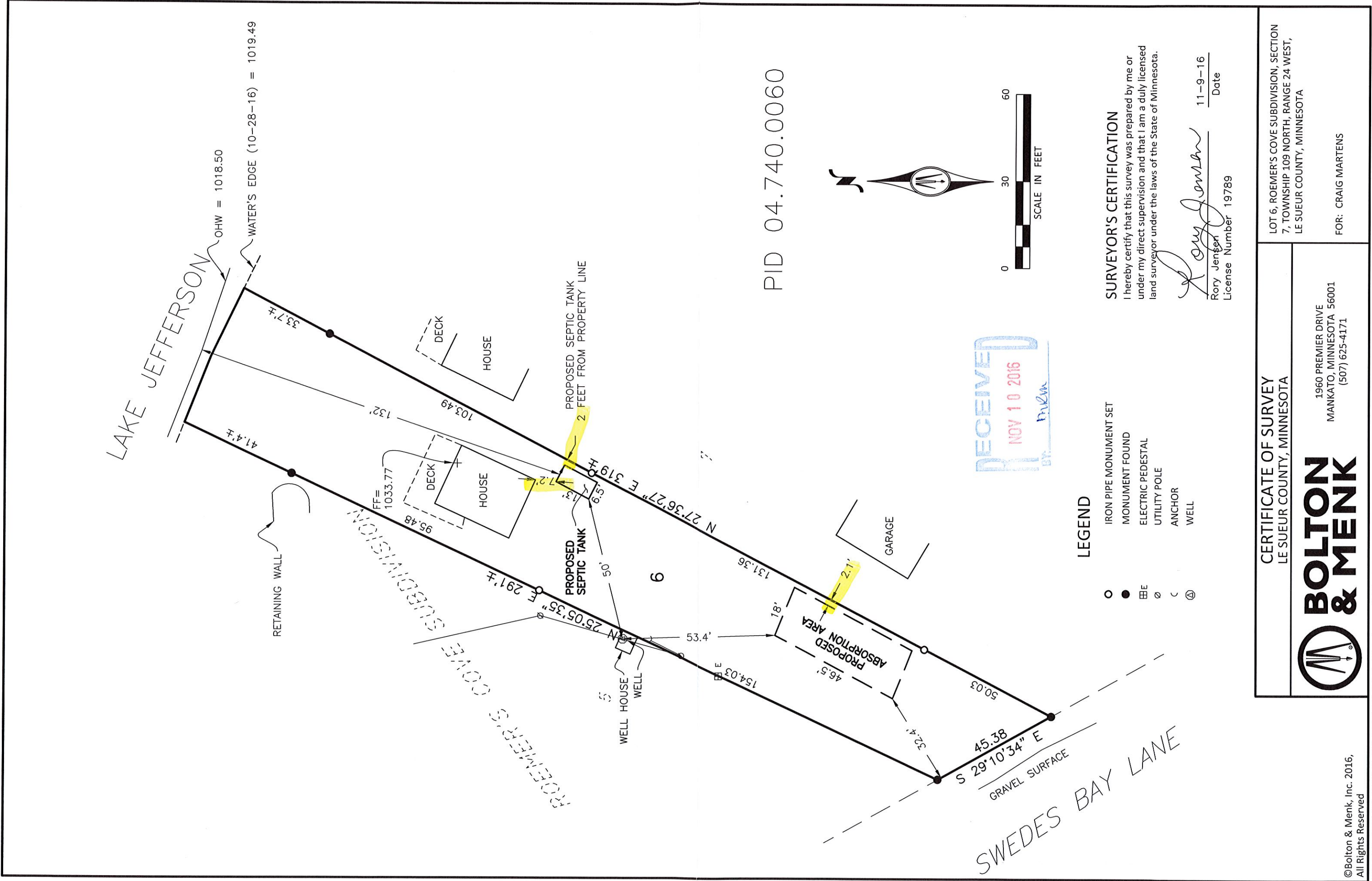
Variance Request Lot 6 Roemer's Cove

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 11-9-16
 License Number 19789 Date

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

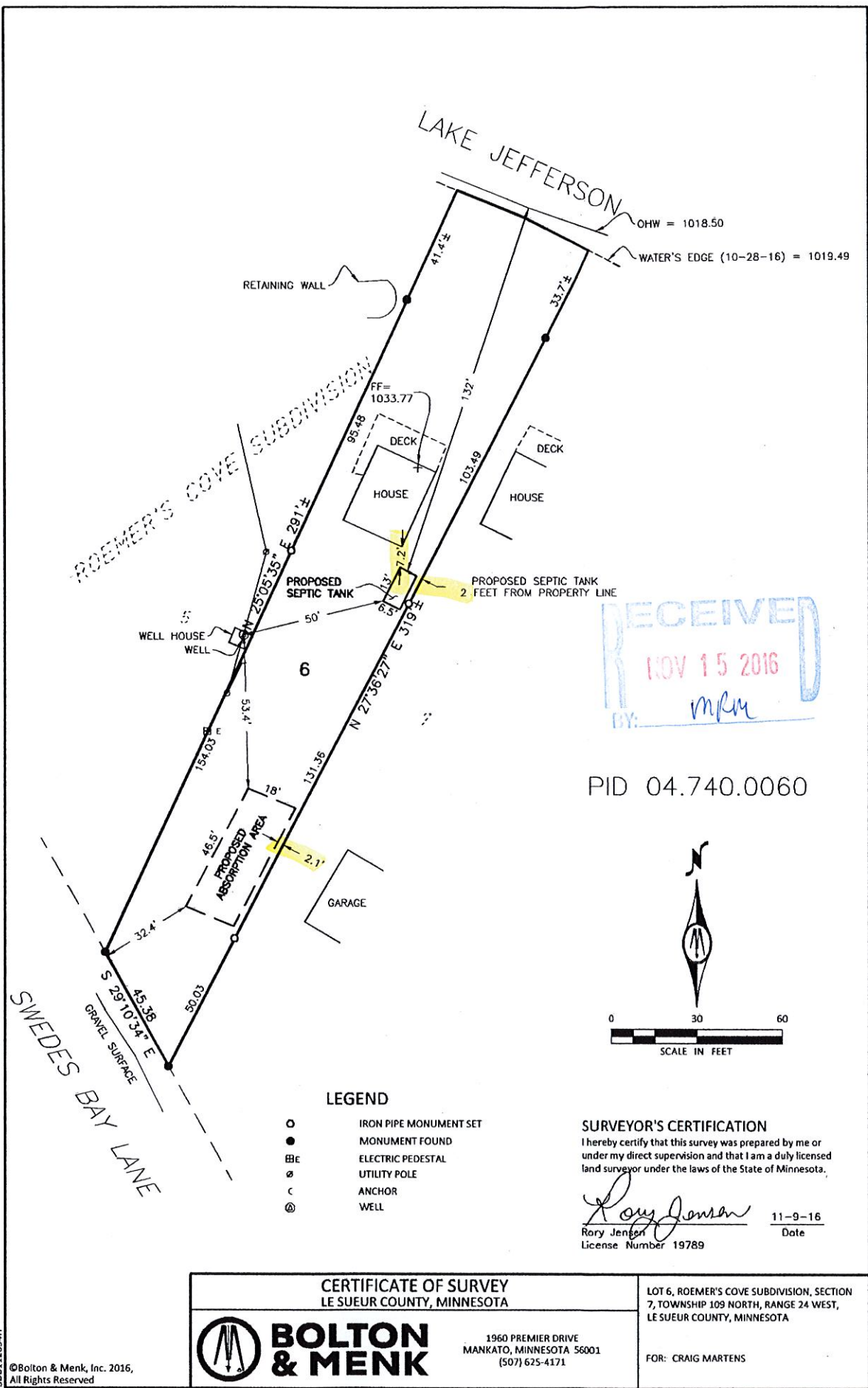
DRAWN BY: JLA 4.0 57-T109N-R24W-34

FIELD BOOK: 90H PG 60

JOB NUMBER: M33.112634

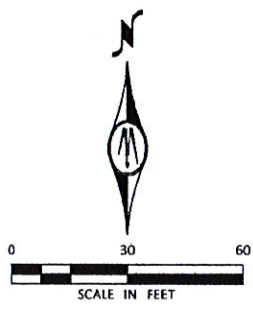
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SD8112634H



RECEIVED
 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
 License Number 19789

11-9-16
 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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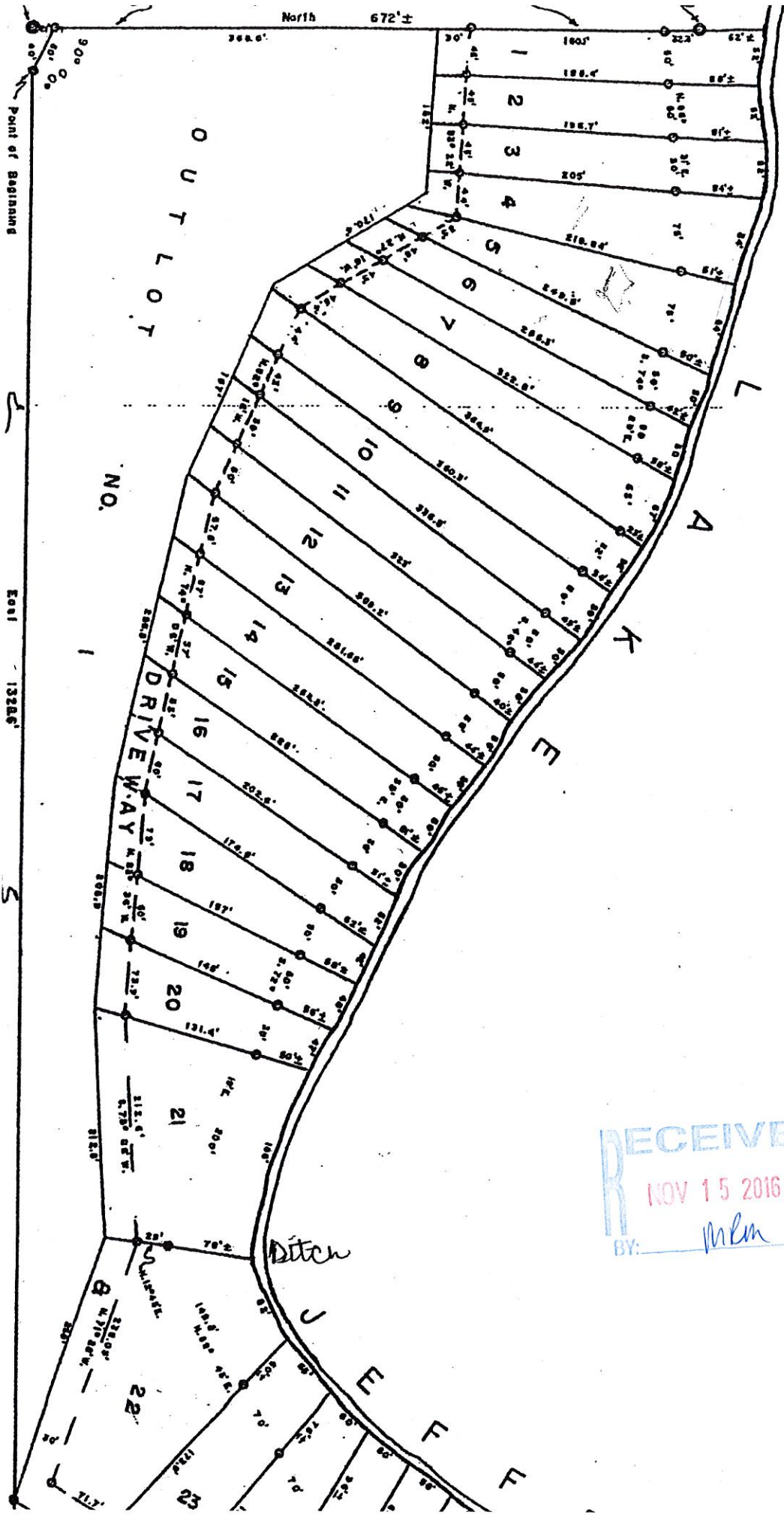
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H:\MARTENCR_PR\M33112634\CAD\C3D\112634BD1.dwg 11/9/2016 10:57 AM JOB NUMBER: M33.112634 FIELD BOOK: 90H PG 60 DRAWN BY: JLA 4.0 S7-T109N-R24W-34

BOEMER'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, MN

Thursday, December 15, 2016

Regular Session

Item 1

DRAFT December 15, 2016 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
December 15, 2016**

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

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

The special meeting was called to order at 1:30 PM. Jim Mladek motioned to close the special meeting for client/attorney discussions in regards to the pending law suit with Halvorson vs. Le Sueur County. Seconded by John Wolf. Motion carried.

At 2:30 PM, Motion by Jim Mladek to reopen the special meeting. Seconded by Colin Harris. Motion carried.

Paul Reuvers, MCIT Attorney representing Le Sueur County explained that the law does not allow conditions to be put on a variance that was already granted. The applicant was asking for an extension to what was already granted to him. The extension that was granted for 6 months was not challenged it was merely the removal of the existing shed that was challenged.

Therefore, as the Attorney representing the County he is asking that the Board of Adjustment remove the condition from the variance in regards to the removal of the shed within 6 months.

No public comment as this is a public meeting not public hearing.

Jim Mladek motioned to remove the condition regarding the removal of the shed within 6 months. Seconded by Fritz Cummins. Motion carried.

Motion by John Wolf to adjourn the special meeting. Seconded by Colin Harris. Motion carried.

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

ITEM #1: 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, a 2nd story dwelling addition, an attached garage addition, and to enlarge a non-conforming structure 63 feet from the Ordinary High Water Level (OHWL) and 13 feet from the road Right-Of-Way (ROW) and a total of 27.1% 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, & PROPERTY LINE SETBACKS AND IMPERVIOUS SURFACE. APPLICATION TABLED AT THE OCTOBER 21, 2016 MEETING.**

Martin Mohr was present for application. Township: Notified through application process, no comments. DNR: No comments. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: removed the addition towards the road right of way, will now be no closer than what is already there, reduced the peak height by 1', addition has 7' sidewalls, due to the location of the stairways to access the addition cannot reduce height due to state codes, reduced the impervious surface from 35% to 27%, currently has a holding tank will be hooking up to municipal services, working with Joshua Mankowski, LSC Resource Specialist in regards to reducing impervious surface and native plantings.

PUBLIC COMMENT: Paul Lyndgaard on behalf of Dale Wills, landowner, stated that Dale Wills has no objections to the proposal.

Motion was made by John Wolf to approve the application with the condition to continuing working with the Department in regards to reducing impervious surface and native plantings. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #2: CURT GUTOSKE, MINNEAPOLIS, MN, (APPLICANT); DUANE & CAROL GUTOSKE, SAVAGE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 42 feet from the Ordinary High Water Level (OHWL), 5 feet from the dwelling, and 4 feet from the property line in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Jefferson. Property is located at Lot 31, Roemer’s Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR DWELLING, PROPERTY LINE, AND OHWL SETBACKS.**

Curt Gutoske applicant along with Drew Seppmann, Seppmann and Sons, septic contractor were present for application. Township: Notification through the application process. DNR: No Comments. Letters submitted: none.

PUBLIC COMMENTS: none

Discussion was held regarding: Seasonal cabin, non-complying system, upgrade due to property within the German-Jefferson Sewer District, small lot, no other options available, needs to be in compliance by December 31, 2017.

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

ITEM #3: LOREAN HALL, O’FALLON, IL, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 54 feet from the South Ordinary High Water Level (OHWL), 72 feet from the North OHWL, 7 feet from the dwelling, and 4 feet from the property line in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Jefferson . Property is located at Lot 2, Roemer’s Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR OHWL, DWELLING, AND PROPERTY LINE SETBACKS.**

Curt Gutoske applicant along with Drew Seppmann, Seppmann and Sons, septic contractor were present for application. Township: Notification through the application process. DNR: No Comments. Letters submitted: none.

PUBLIC COMMENT: none

Discussion was held regarding: Seasonal cabin, non-complying system, upgrade due to property within the German-Jefferson Sewer District, small lot, no other options available, existing system over 40 years old, needs to be in compliance by December 31, 2017.

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

ITEM #4: CRAIG & DIANA MARTENS, ROCHESTER, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 2 feet from the East property line, 7 feet from the dwelling; construct a septic drainfield 2 feet from the East property line in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Jefferson. Property is located at Lot 6, Roemer’s Cove, Section 7, Elysian Township. **VARIANCE IS FOR PROPERTY LINE AND DWELLING SETBACKS.**

Craig Martens was present for application. Township: Notified through the application process. DNR: No comments. Letters submitted: none.

PUBLIC COMMENTS: none

Discussion was held regarding, lot is 50’ wide by 300’ deep, working with James Brothers to install a mound system, present system non-complying, must be in compliance by December 31, 2017, access to the lot, no other options available.

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

Minutes: Additions or corrections-None. Motion to approve minutes by Colin Harris. 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,
Kathy Brockway
December 15, 2016

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

DRAFT