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# **Le Sueur County, MN**

**Thursday, May 11, 2017**

**Regular session**

## **Item 3**

### **Item #3: Volkenant and Novak**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Mark Volkenant & Debra Novak

**911 ADDRESS:** 46487 Evergreen Ln, Cleveland, MN

**PROJECT DESCRIPTION:** Allow grading, excavating and filling of **152 cubic yards of material** within the bluff, bluff impact zone and shore impact zone for the construction of a new single family dwelling, retaining wall, stairways and a patio in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Jefferson.

**ZONING ORDINANCE SECTIONS:** 13.2, 18

### **DISTRICT PURPOSE:**

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 2007 references shoreland development.

**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 resource areas.

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

### **DEFINITIONS:**

**Bluff** - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

**Bluff, Toe** - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

**Bluff, Top** - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

**Bluff Impact Zone (BIZ)** - Land located within 30 feet from the top or toe of a bluff.

**Shore Impact Zone (SIZ)** - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

**Impervious Surface** - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. 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. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.

## SITE INFORMATION

**LOCATION:** Lot 4, Block 3, Tomahawk Point Second Addition, Section 3, Cleveland Township

**ZONING:** Recreational Residential "RR"

**GENERAL SITE DESCRIPTION:** Shoreland, residential

**ACCESS:** Existing access off Evergreen Lane

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Residential/Ag

East: Residential/Ag/Wooded

South: Residential/ Lake

West: Lake/Residential

**TOWNSHIP BOARD NOTIFICATION**

The applicants contacted Pat Mc Cabe, Cleveland Township Board member on December 26, 2016.

**NATURAL RESOURCES INFORMATION**

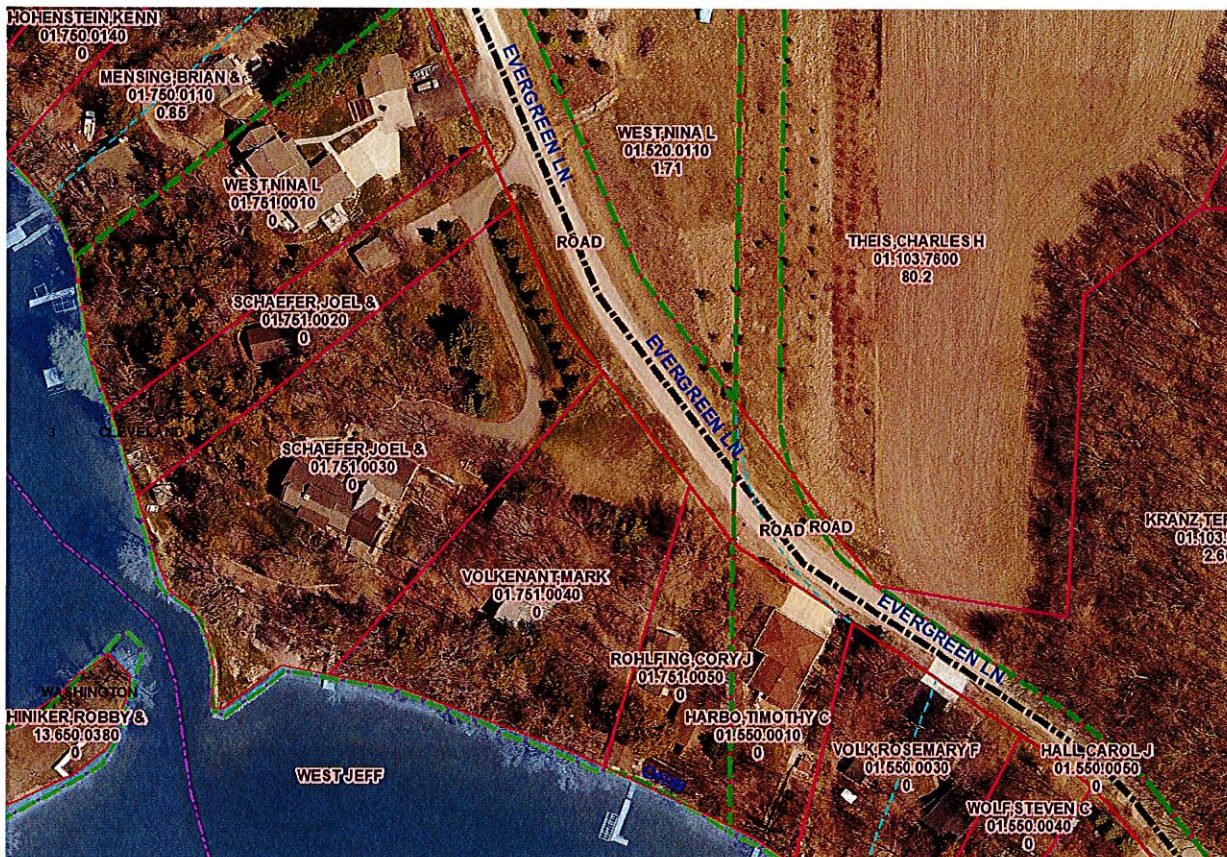
**SHORELAND:** The proposal is located within the Shoreland District.

**WETLANDS:** According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

**ATTACHMENTS**

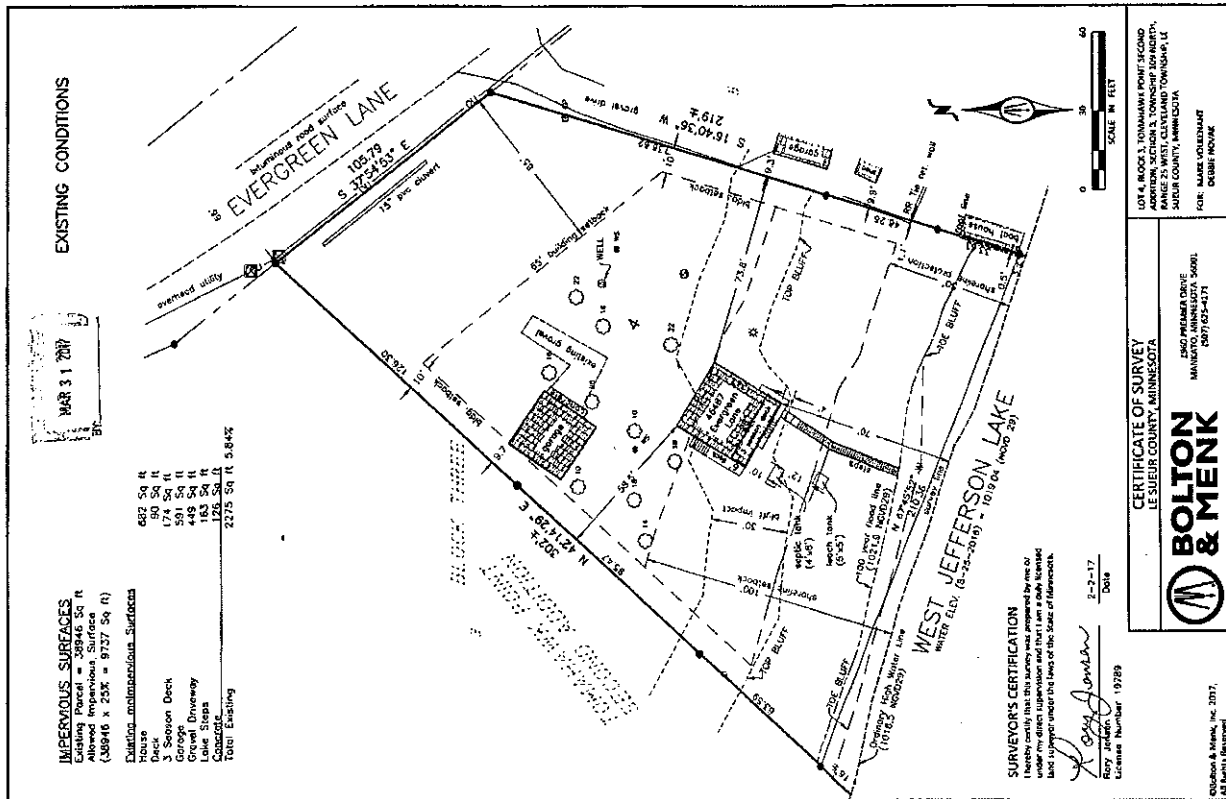
Application, Narrative, Survey, Criteria Form, Letter from Joshua Mankowski, LSC Resource Specialist, Board of Adjustment Minutes –approving variance March 16, 2017.

**AERIAL PHOTO/SITE PLANS-EXT.PROPOSED**

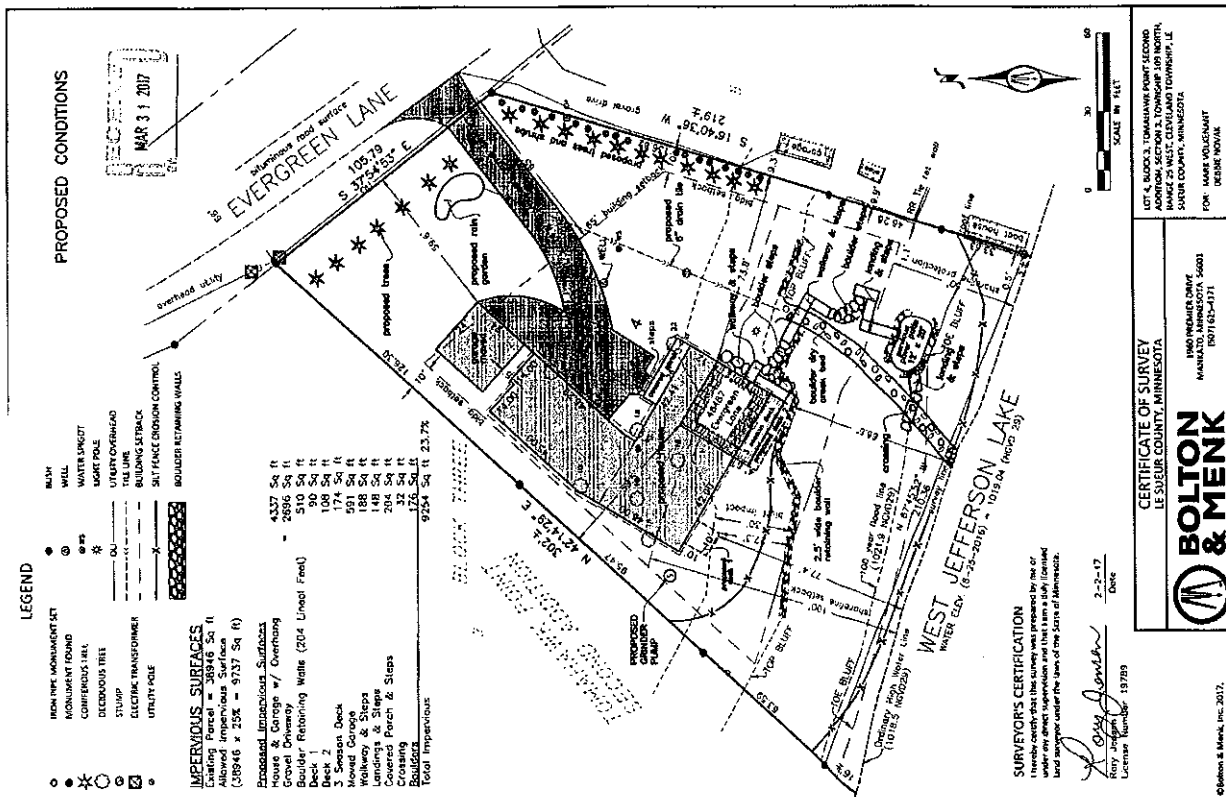




# EXISTING CONDITIONS:



# PROPOSED CONDITIONS:



## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

## PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

## PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

*Recommend (circle one) approval / denial / table / of Conditional Use Permit.*

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17069

**Applicant:** MARK VOLKENANT & DEBORAH NOVAK    **Land Owner:** MARK VOLKENANT & DEBORAH NOVAK

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT GRADING, EXCAVATING & FILLING OF APPROXIMATELY 152 CUBIC YARDS OF MATERIAL W/IN THE BLUFF, BIZ & SIZ IN ORDER FOR THE CONSTRUCTION OF A STAIRWAYS, PATIO & RETAINING WALL.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

7. The conditional use is consistent with the Comprehensive Land Use Plan.

| Al | Don Rk | Don Ry | Jeanne | Doug | Shirley | Pam | TOTAL |
|----|--------|--------|--------|------|---------|-----|-------|
|    |        |        |        |      |         |     |       |

Explain \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

**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: 04/28/2017

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

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**Applicant:**

Mark Volkenant & Deborah Novak

**Property owner:**

Mark Volkenant & Deborah Novak

**Property:**

01.751.0040

**Description:**

Request a Conditional Use Permit to allow Grading, Excavating, and Filling of approximately 152 cu. yds. of material within the Bluff Impact Zone (BIZ) and the Shore Impact Zone (SIZ) in order for the construction of a stairways, patio, and retaining wall.

**Recommendation:**

My recommendation would be to approve the application for a CUP with the conditions listed below. The proposed retaining walls would help stop erosion issues and protect the trees from damage caused by erosion. The proposed dry creek bed will address an area already suffering from erosion and stabilize it to prevent future damage.

**Condition(s):**

- Native vegetation planted to screen the retaining walls. These plantings will reduce the visibility of the retaining walls as well as provide increased soil stability.
- Plant bluff in native vegetation as discussed during site visit. This would greatly assist the retaining walls in adding stability to the bluff and prevent future erosion.

Sincerely,



Joshua Mankowski  
Le Sueur County  
Environmental Resources Specialist

# Le Sueur County

## Conditional Use Application-Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

### I. Applicant:

Name Mark Volkenant & Deborah Novak  
Mailing Address 46192 Jefferson Shore Drive  
City Cleveland State MN Zip 56017  
Phone # 507-317-0447 Phone # 952-292-4512

### II. Landowner:

Name Mark Volkenant & Deborah Novak  
Mailing Address 46192 Jefferson Shore Drive  
City Cleveland State MN Zip 56017  
  
Property Address 46487 Evergreen Lane  
City Cleveland State MN Zip 56017  
Phone # 507-317-0447 Phone # 952-292-4512

### III. Parcel Information:

Parcel Number 01.751.0040 Parcel Acreage .9  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Cleveland Section 3  
Subdivision Tomahawk Point Lot 4 Block 3  
Second Addition

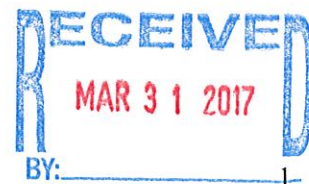
### IV. Township Notification: Township must be notified of proposed use prior to application.

Cleveland Township notified on 12/26/2016  
(Township Name) (Date)

Board Member Pat McCabe regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**





**VI. Fees: Must be paid at the time of application.**

Conditional Use Permit                      \$ 750 After-The-Fact fee is doubled.  
Filing Fee                                      \$ 46

**Additional Fees:**

Special Meeting                              \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

**VII. Type of Request: Grading, Excavating or Filling.**

|   |  |
|---|--|
| <input type="checkbox"/> <b>Non-Shoreland</b>                                   | Cubic yards of material movement: _____      |
| <input type="checkbox"/> Within Bluff Impact Zone                               | Cubic yards of material movement: _____      |
| <input type="checkbox"/> Within Bluff   | Cubic yards of material movement: _____      |
| <b>TOTAL cubic yards of material movement: _____</b>                            |  |
| <input checked="" type="checkbox"/> <b>Shoreland- Outside Shore Impact Zone</b> | Cubic yards of material movement: <u>93</u>  |
| <input checked="" type="checkbox"/> Within Shore Impact Zone                    | Cubic yards of material movement: <u>4.5</u> |
| <input checked="" type="checkbox"/> Within Bluff Impact Zone                    | Cubic yards of material movement: <u>51</u>  |
| <input checked="" type="checkbox"/> Within Bluff                                | Cubic yards of material movement: <u>3.5</u> |
| <b>TOTAL cubic yards of material movement: <u>152</u></b>                       |  |

☒ Assurance security shall be required for projects that are >1500 cubic yards.

**VIII. Description of Request:**

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
- Our plan is to improve on the environmental impact by reducing the water run-off and stop the current erosion that is taking place on the property
1. **ENVIRONMENTAL IMPACT:** the current erosion that is taking place on the property
  2. **ADVERSE IMPACT ON SURROUNDING AREAS:** We are confident there will be no adverse impact to surrounding areas throughout the entire process.
  3. **STORMWATER RUNOFF:** Controlled by the installation of rain garden, boulder walls, dry creek bed, and rain barrels (4).
  4. **DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL:** No
  5. **WETLAND IMPACT:** None
  6. **SLOPE STABILITY:** Our plan is to improve on the slope stability by installing boulder walls
  7. **CERTIFICATE OF INSURANCE:** Woyda Home Builders; Boening Brothers Const. Svc; Smith Lawn & Landscaping
  8. **MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:**  
(For example additional licensing and/or permitting) Yes

**IX. Site Plan: Shall include but not limited to the following:**

- **Parcels < 5 AC =** 2-foot contours depicting existing and proposed topography.
  - **Parcels 5-20 AC =** 5-foot contours depicting existing and proposed topography.
  - **Parcels >20 AC =** 10-foot contours depicting existing and proposed topography.
  - Location of grading, excavating, and/or filling sites.
  - Location of areas for obtaining fill or disposing of excavated materials.
  - Tree inventory of all trees, indicating trees to be cut or removed.  
(Caliper of 6 inches or greater measured 4.5 feet from ground level).
- |                                      |           |                       |                            |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point                        | • Lake    | • Existing Structures | • Septic system            |
| • Setbacks                           | • River   | • Proposed Structures | • Well                     |
| • Property Lines                     | • Wetland | • Lot Dimensions      | • Access (size & location) |
| • Road Right-Of-Way                  | • Stream  | • Ponds               | • Easements                |
| • Landscape, screening and buffering |           |                       | • Drainage                 |
- **Site plan & As-Built must be completed by a surveyor or professional engineer.**

**X. Restoration Plan:** Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD))*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Distircts)*
  - Root zone of existing trees shall be preserved and protected during development.
  - Replace one tree for every tree that is removed.
  - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

**XI. Attachments:** Shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full Legal Description**-Not abbreviated description from tax statement.
- ☐ d. **Access approval**-Attach approval in writing from proper road authority.
- ☒ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection**
- ☒ g. **Erosion Control Plan**-Attach completed and signed plan including map.
- ☒ h. **Restoration Plan**-See Part X for full details and requirements.
- ☒ i. **Approved Stormwater Pollution Prevention Plan**  
*-Must meet NPDES requirements and prepared by a licensed professional engineer.*

**XII. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

**XIII. Signatures:**

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

  
Applicant signature

4/10/17  
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.*

\_\_\_\_\_  
Property Owner signature

\_\_\_\_\_  
Date



**OFFICE USE ONLY**

**Request: GRADING, EXCAVATING & FILLING**

☒ **Non-Shoreland**

☒ Within Bluff Impact Zone

☒ Within Bluff

Cubic yards of material movement: \_\_\_\_\_

Cubic yards of material movement: \_\_\_\_\_

Cubic yards of material movement: \_\_\_\_\_

**TOTAL cubic yards of material movement:** \_\_\_\_\_

☐ **Shoreland - Outside Shore Impact Zone**

☒ Within Shore Impact Zone

☐ Within Bluff Impact Zone

☐ Within Bluff

Cubic yards of material movement: 93

Cubic yards of material movement: 4.5

Cubic yards of material movement: 51

Cubic yards of material movement: 3.5

**TOTAL cubic yards of material movement:** 152

Pre-App Date 4/10

Meeting Date 5/11

60 Day \_\_\_\_\_

Zoning District RR

Lake Classification RD

Lake Jay

FEMA Panel # 27079C0

Flood Zone X Subst

Feedlot

Wetland Type

Water courses

Bluff

500' 1000' N

1-2 3-8 N

8 N

Y N

☒ Request Description

☒ Site Plan

☒ Full Legal

☐ Ordinance

☒ Access Approval

☒ Erosion Control Plan

☒

☐ Other \_\_\_\_\_

☒ Septic **Comp Insp / Design**

☒ Meeting Reg / ATF / Spec

☒ Fee \$ 196.00

☐ Penalty \$ \_\_\_\_\_

☒ Application Complete

Kathy Brockway  
Planning & Zoning Department Signature

4/10/17  
Date

Permit # \_\_\_\_\_

March 31, 2017

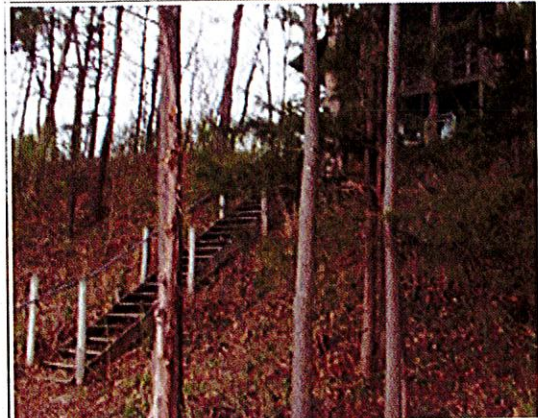
To: Le Sueur County  
Environmental & Zoning Services

RE: Request for Conditional Use Permit (CUP) – Grading, Excavating & Filling at 46487 Evergreen Lane, Cleveland MN.

This letter is in combination of the approved Variance which was received on March 16<sup>th</sup>, 2017.

The CUP is for the location of 46487 Evergreen Lane, Cleveland MN, in Section 3, Subdivision Tomahawk Point Second Addition, Lot 4, Block 3 of Cleveland Township, on the north side of West Lake Jefferson. This request will address the cubic yards of material movement in the following locations:

- 1) Non-Shoreland
  - a. Rain garden
  - b. Dry creek bed
  - c. Boulder wall landscaping
  - d. Old stair removal/New stair installation
  - e. House foundation
- 2) Shoreland
  - a. Impervious surface creation with boulders
  - b. Old stair removal/New stair installation



In the table below we describe the amount of material to be moved within each category. The calculation amounts were developed by our General Contractor (Rick Woyda) as well as Landscape Company (Smith Landscaping).

| Grading, Excavating or Filling | Item   | Excavation (Cubic Yards) |
|--------------------------------|--|--------------------------|
| <u>Non-Shoreland</u>           | Rain Garden, Grade old driveway, trenching between rain garden and dry creek bed |                          |
| Within Bluff Impact Zone       | Dry creek bed, boulder wall, house foundation                                    |                          |
| Within Bluff                   | Footings for walkways, new stairs/steps  |                          |
|                                | <b>Total yds<sup>3</sup></b>   |                          |
|                                |  |                          |
| <u>Shoreland</u>               |  | 15,70,8 (93)             |
| Within Shore Impact Zone       | Impervious surface creation with boulders  | 4.5                      |
| Within Bluff Impact Zone       | N/A  | 11,12,28 (51)            |
| Within Bluff                   | N/A  | 3.5                      |
|                                | <b>Total yds<sup>3</sup></b>   | 4.5                      |
|                                |  |                          |
|                                | <b>Grand Total yds<sup>3</sup></b>   | 152                      |





We believe this total of material movement to be accurate in terms of the overall project. If there are areas that can be reduced during construction phases, we will certainly make those adjustments.

### **Environmental Impact**

Our plan is to improve on the environmental impact by reducing the water run-off and stop the current erosion that is taking place on the property. This will be done by installing the rain garden, boulder walls, dry creek bed, and rain barrels (4).

### **Adverse Impact On Surrounding Areas**

We are confident there will be no adverse impact to surrounding areas throughout the entire process. In fact, we are going to improve how storm water will be controlled from our neighbors to the West. All the water from those property's rushes down the hill and empties on our property (this will be fixed by the installation of the rain garden).

### **Storm water Runoff**

Controlled by the installation of rain garden, boulder walls, dry creek bed, and rain barrels (4).

### **Does Any Part Of The Project Extend Below OHWL**

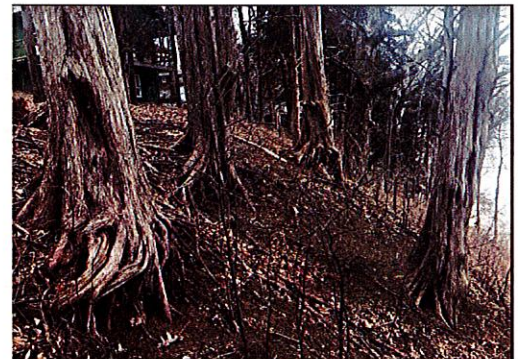
No

### **Wetland Impact**

None

### **Slope Stability**

Our plan is to improve on the slope stability by installing boulder walls to solidify the slope as well as save > 10 large white cedar trees. The boulder walls will be reclaiming the space on the South face of them which currently has all roots exposed and washed away. We want to save these trees from falling down the bluff.



### **Certificates of Insurance**

Woyda Home Builders  
Boening Brothers Construction Service  
Smith Lawn and Landscaping



### **Meet All Applicable County State & Federal Regulations**

Yes, we've worked very close with Kathy & Josh with the Le Sueur County Environmental Services to ensure all the bases were being covered.

## Erosion Control Plan

Figure 1, is a snapshot of what the current survey looks like with the proposed addition and landscaping dropped into it. It also identifies the placement of the erosion control. It will consist of silt fencing and mulch mounds. One will be placed across the entire shoreline, extending from the east side of the property across to the west property line. The second layer will be placed on the upper west side of the bluff to provide erosion control where the addition is being built.

## Septic System

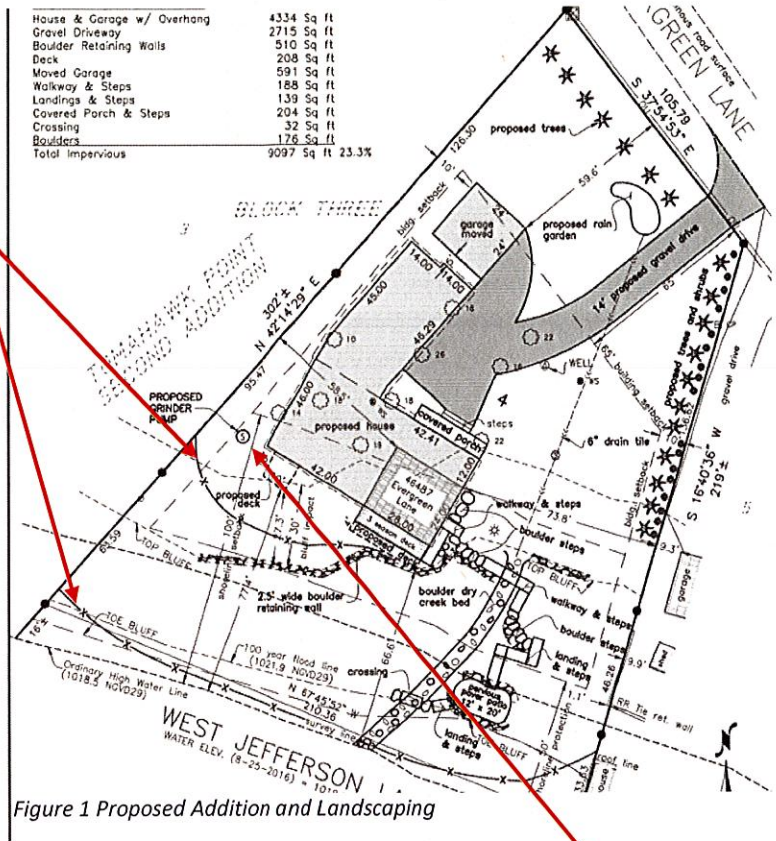
We were aware at the time we purchased the cabin that the current septic system, which consists of a septic and leach tank, that is located on the south side of the cabin was non-complaint. This location can be found on the survey of the existing condition of the property. Since the purchase we have joined the West Jefferson Lake Sanitary Sewer Collection System. Based on information today, this project is supposed to begin by July 2017. We are working closely with Bolton & Menk on this project as well, and have had our initial meeting with Derek Olinger so that he could view the property and current system. During this survey, he determined that based on the proposed location of the addition, he would bring the new sewer pipe down the west property line and connect it to the Grinder Pump Station as indicated in Figure 4.

If the addition would be finished before the new sewer line is in place, our plan would be to continue using the current septic system, since it is functional, until the line is in place. At that time Derek from Bolton & Menk is suggesting that the original tanks be left where they are, filled and permanently sealed.

## Conclusion

In closing, we want to reiterate that the proposed structures and landscaping that we are requesting the variances on do not encroach or infringe on any neighboring residential properties, nor will it impose hardship on any neighbors, or serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. In fact, after talking with adjacent neighbors, they are pleased that the property will be once again be occupied and cared for. It has been neglected for many years, and has proven to be an eye sore. We believe that our addition, if allowed to be carried out as proposed, will help property values and be a welcomed improvement to the neighborhood.

Respectfully Submitted,



Mark Volkenant & Debbie Novak





**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
BOARD OF ADJUSTMENT  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057  
March 16, 2017**

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

**OTHERS PRESENT:** Kathy Brockway, Commissioner Connolly

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

**ITEM #1: JIM GRABOW, MADISON LAKE, MN, (APPLICANT); TOM MCGREGOR, PRIOR LAKE, MN, (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a shared septic tank 0 feet to the property line and 9 feet from the deck; construct a shared septic drainfield 15 feet and 17 feet from the dwellings, 0 feet from the road Right-Of-Way (ROW) and 0 feet from the property line in an Recreational Residential "RR" district on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 2 & 3 Krenik's Subdivision, Section 2, Washington Township. **VARIANCE IS FOR PROPERTY LINE, DWELLING AND ROAD ROW SETBACKS.**

Drew Seppman, Seppman & Sons (septic contractor) representing the applicants was present for application. Township: Notified through the application process. DNR: None. Letters submitted: None.

**PUBLIC COMMENT:** None.

Discussion was held regarding: property is within the German-Jefferson Sewer District, must be in compliance by December 31, 2017, has worked with the property owners for about a year trying to figure out the best options for placement of a shared system, no other options available.

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

**ITEM #2: RICHARD & PAMELA BRAAM, MADISON LAKE, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an attached garage 25 feet from the road Right-Of-Way (ROW); install a septic tank 2 feet from the deck and 8 feet from the dwelling; construct a septic drainfield 10 feet from the deck, 16 feet from the dwelling, 1 foot from the road ROW and 2 feet from the proposed attached garage in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 5, Krenik's Subdivision, Section 2, Washington Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE AND DWELLING SETBACKS.**

Drew Seppman, Seppman & Sons (septic contractor) representing the applicants was present for application to discuss the septic portion of the request. Richard Braam, applicant was present to discuss the request for the garage. Township: Notified through the application process. DNR: None. Letters submitted: None.

**PUBLIC COMMENT:** None

Discussion was held regarding: property is within the German-Jefferson Sewer District, must be in compliance by December 31, 2017, has worked with the property owners for about a year trying to figure out the best options for placement of a shared system, no other options available, relocate the water line serving the property, location of proposed septic does not affect the location of the septic, garage to be constructed over the existing driveway, currently has a single car garage, need for storage.

Motion was made by Colin Harris to approve the request for the septic system. Seconded by John Wolf. Motion was made by John Wolf to approve the request for the garage. Seconded by Jim Mladek. Motion approved. Motion carried.



**ITEM #3: MARK VOLKENANT & DEBORAH NOVAK, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the expansion of a nonconforming structure, construction an addition within the bluff and shore impact zones, 0' to the bluff and 66 feet to the Ordinary High Water Level (OHWL); create impervious surface within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Block 3, Tomahawk Point 2<sup>nd</sup> Addition, Section 3, Cleveland Township. **VARIANCE IS FOR EXPANSION OF A NONCONFORMING STRUCTURE, STRUCTURE IN THE BLUFF IMPACT ZONE, CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE, OHWL AND BLUFF SETBACKS.**

Mark Volkenant and Deborah Novak were present for application. Township: Notified through the application process. DNR: None. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Public Comment: None

Discussion was held regarding: converting the cabin to a year round single family dwelling, purchased the property as it has been vacant and neglected, cabin has not been updated since the 70's, cleaning up the property, building a modest home in order to continue to enjoy the lake with their growing family, tree replacement plan, will meet or exceed the ordinance requirement for tree replacement, will be part of the newly formed West Jefferson Sewer District, will have municipal sewer system with the City of Cleveland, working with Bolton and Menk Engineering, grading, filling and excavating with the bluff will require a conditional use permit, construction proposed for Spring will move in sometime in the Fall of 2017 if all approved, will be utilizing the existing foundation walls to the East and South, therefore not going any closer to the bluff than already existing. Board of Adjustment members commended the applicants for the complete application that was presented.

Motion was made by John Wolf to approve the application as requested for the construction of the dwelling with conditions as stated by Joshua Mankowski. Seconded by Colin Harris. Motion approved. Motion carried.

Motion was made by Colin Harris to approve the application pertaining to impervious surface within the shore impact zone with conditions as stated by Joshua Mankowski. Seconded by Fritz Cummins. Motion approved. Motion carried.

Minutes: Additions or corrections: None. Motion to approve the December 15<sup>th</sup>, 2016 minutes by Jim Mladek. Seconded by Fritz Cummins. Motion approved. Motion carried.

Motion to adjourn meeting by John Wolf. Seconded by Fritz Cummins. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Kathy Brockway

March 16, 2017

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

**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: Mark Volkenant and Debbie Novak PID: \_\_\_\_\_  
Mailing Address: 46192 Jefferson Shores Drive Cleveland, MN 56017  
Property Address: 46487 Evergreen Lane, Cleveland, MN 56017  
Phone: ( 507 ) 317-0447 Mobile/Cell: ( ) \_\_\_\_\_ Same

Responsible party for Implementation/Inspection: Mark Volkenant  
Address: 46192 Jefferson Shores Drive, Cleveland, MN 56017  
Phone: ( 507 ) 317-0447 Mobile/Cell: ( ) \_\_\_\_\_ Same

**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                        |

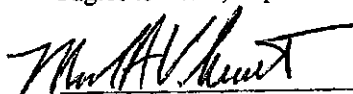


12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. 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.

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.

|  |  |                           |
|--|--|---------------------------|
| <br>_____<br>(Property Owner) | <br>_____<br>(Person Responsible for Implementation) | <u>12/26/16</u><br>(Date) |
|  | <br>_____<br>(Person Responsible for Implementation)  | <u>12/26/16</u><br>(Date) |

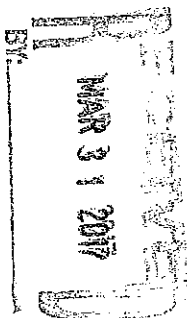
If you have any questions, please contact Environmental Services, at 507-357-8538.



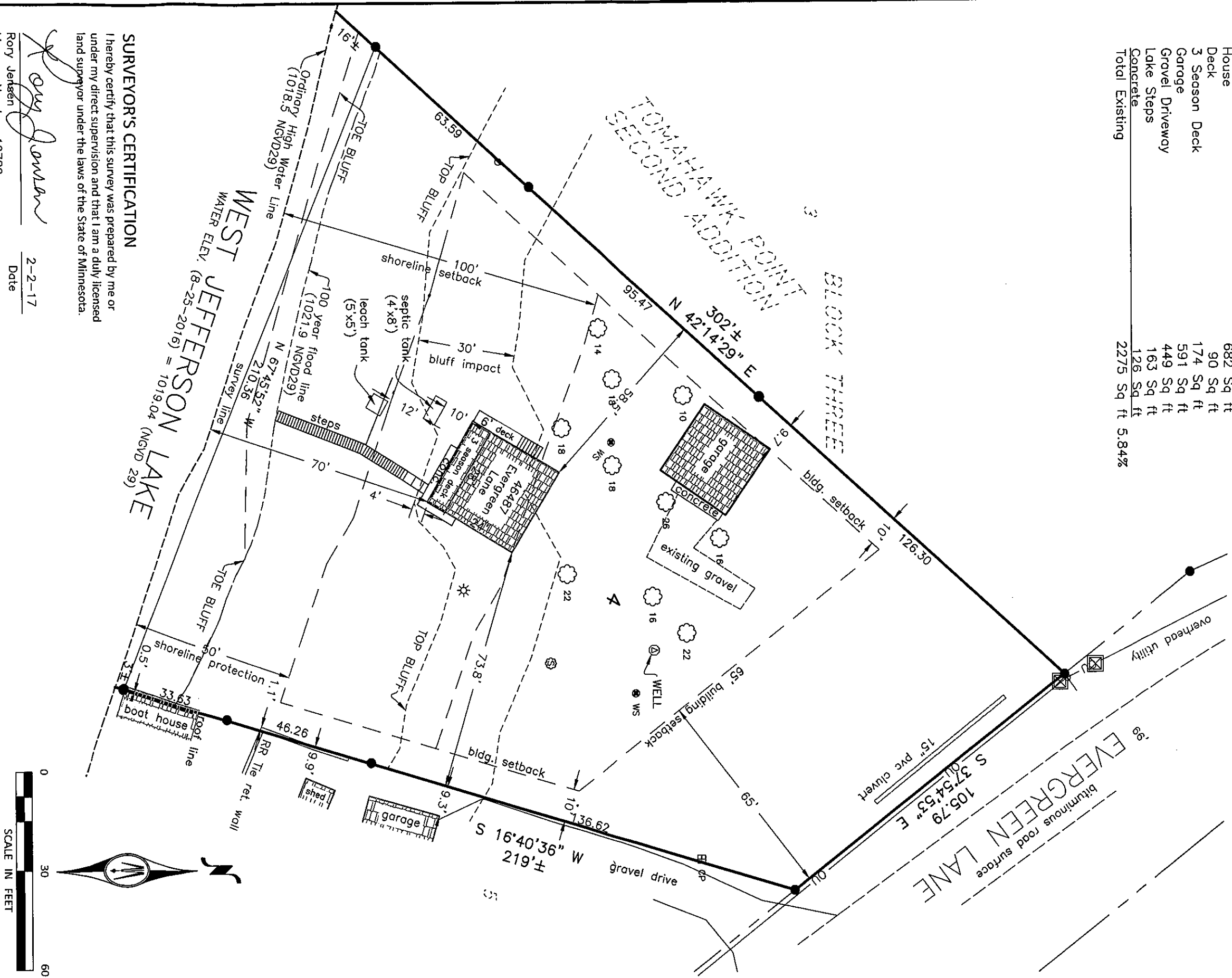
**IMPERVIOUS SURFACES**  
Existing Parcel = 38946 Sq ft  
Allowed Impervious Surface  
(38946 x 25% = 9737 Sq ft)

**Existing m/Impervious Surfaces**

|                 |                  |
|-----------------|------------------|
| House           | 682 Sq ft        |
| Deck            | 90 Sq ft         |
| 3 Season Deck   | 174 Sq ft        |
| Garage          | 591 Sq ft        |
| Gravel Driveway | 449 Sq ft        |
| Lake Steps      | 163 Sq ft        |
| Concrete        | 126 Sq ft        |
| Total Existing  | 2275 Sq ft 5.84% |



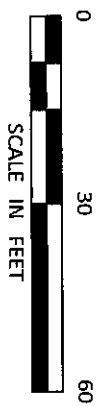
**EXISTING CONDITIONS**



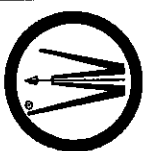
**SURVEYOR'S CERTIFICATION**

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.

*Roy Jensen*  
Roy Jensen  
License Number 19789  
Date 2-2-17



**CERTIFICATE OF SURVEY**  
LE SUEUR COUNTY, MINNESOTA



**BOLTON & MENK**

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

LOT 4, BLOCK 3, TOMAHAWK POINT SECOND  
ADDITION, SECTION 3, TOWNSHIP 109 NORTH,  
RANGE 25 WEST, CLEVELAND TOWNSHIP, LE  
SUEUR COUNTY, MINNESOTA  
FOR: MARK VOLKENANT  
DEBBIE NOVAK



LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- CONIFEROUS TREE
- DECIDUOUS TREE
- STUMP
- ELECTRIC TRANSFORMER
- UTILITY POLE
- BUSH
- WELL
- WATER SPIGOT
- LIGHT POLE
- UTILITY OVERHEAD
- TILE LINE
- BUILDING SETBACK
- SILT FENCE EROSION CONTROL
- BOULDER RETAINING WALLS

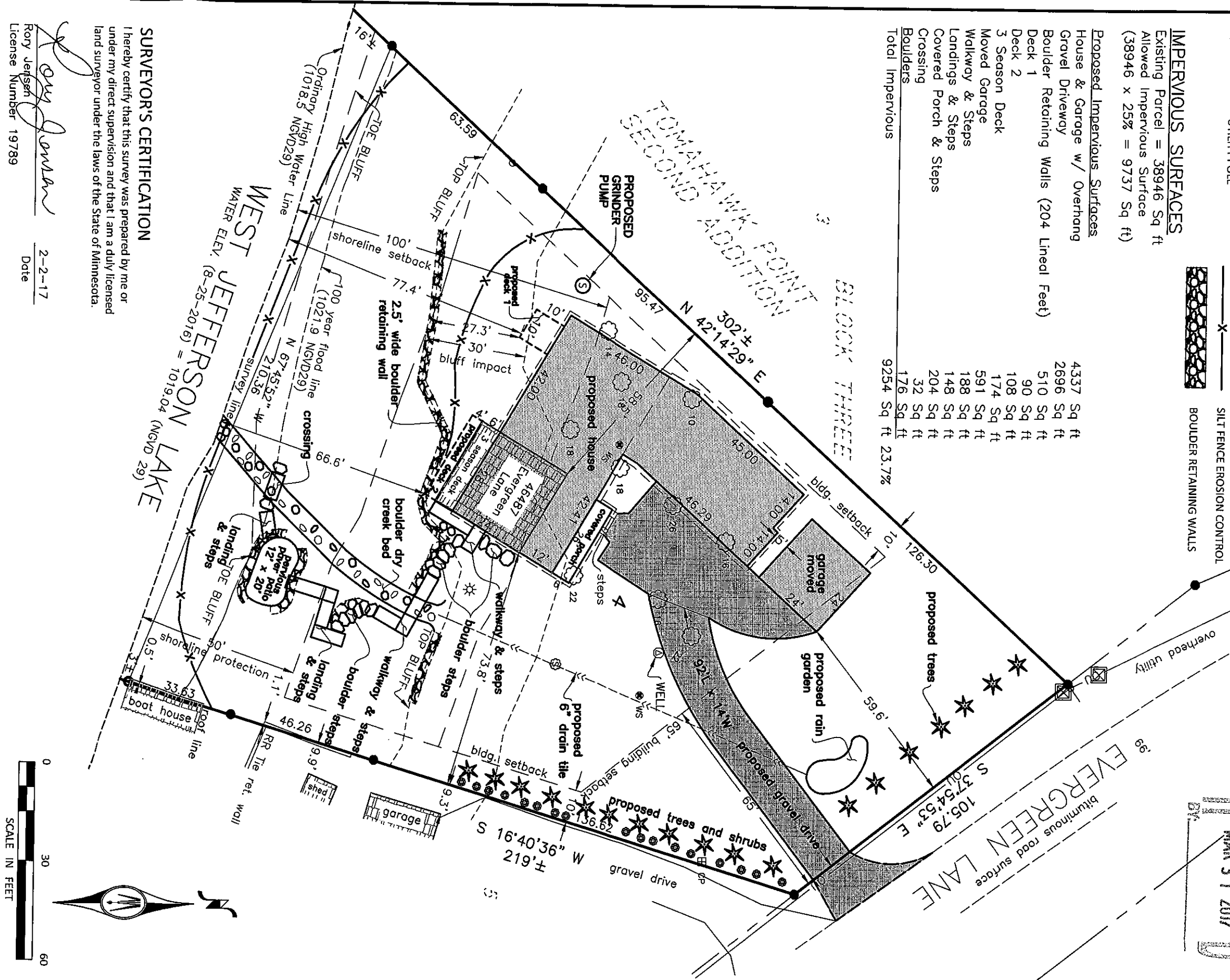
IMPERVIOUS SURFACES

Existing Parcel = 38946 Sq ft  
Allowed Impervious Surface  
(38946 x 25% = 9737 Sq ft)

|   |                  |
|---|------------------|
| Proposed Impervious Surfaces              |                  |
| House & Garage w/ Overhang                | 4337 Sq ft       |
| Gravel Driveway                           | 2696 Sq ft       |
| Boulder Retaining Walls (204 Lineal Feet) | 510 Sq ft        |
| Deck 1                                    | 90 Sq ft         |
| Deck 2                                    | 108 Sq ft        |
| 3 Season Deck                             | 174 Sq ft        |
| Moved Garage                              | 591 Sq ft        |
| Walkway & Steps                           | 188 Sq ft        |
| Landings & Steps                          | 148 Sq ft        |
| Covered Porch & Steps                     | 204 Sq ft        |
| Crossing                                  | 32 Sq ft         |
| Boulders                                  | 176 Sq ft        |
| Total Impervious                          | 9254 Sq ft 23.7% |

PROPOSED CONDITIONS

RECEIVED  
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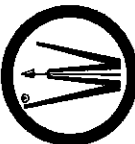


SURVEYOR'S CERTIFICATION

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.

*Roy Jensen*  
Roy Jensen  
License Number 19789  
Date 2-2-17

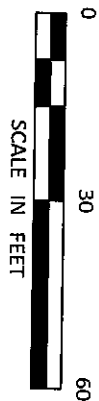
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SDB113121

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FIELD BOOK: SEE FILE

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