



Le Sueur County, MN

Thursday, March 16, 2017

Regular Session

Item 1

Grabow/McGregor Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Jim Grabow & Tom McGregor

911 ADDRESS: 27002 & 27018 Sioux Trail, Madison Lake, MN

VARIANCE REQUEST: 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.

VARIANCE NUMBER: 17008

PARCEL NUMBER: 13.500.0020 & 13.500.0030

SITE INFORMATION

LOCATION: Lots 2 & 3, Kenik's Subdivision, Section 2, Washington Township

ZONING & PURPOSE: Recreational Residential

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

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does not make specific reference to the variance request. However Goal#3, Objective 1, Action 2 does promote leadership in waste water or septic replacement program.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Sioux Trail

LAKE: Lake Jefferson, Recreational Development lake

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

RFPE: NA

ATTACHMENTS

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

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. Septic tank to property line:	0 feet	10 feet	Section 17, Subdiv. 4. D.2.	17-9
b. Septic tank to structure:	9 feet	10 feet	Section 17, Subdiv. 4. D.1.b.	17-9
c. Septic drainfield to dwelling:	15 & 17 feet	20 feet	Section 17, Subdiv. 4. D.1 a.	17-9
d. Septic drainfield to property line:	0 feet	10 feet	Section 17, Subdiv. 4. D.2.	17-9
e. Septic drainfield to road ROW:	0 feet	10 feet	Section 17, Subdiv. 4. D.4.	17-9

2. **Refer to DNR Guidance Letters:**

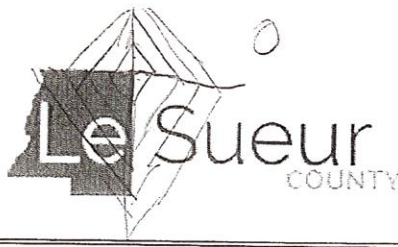
- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - b. Non-conforming Lots of Record in Shoreland Areas pg. 19
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
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. **Additional Considerations:**
- a. Property is located within the German Jefferson Sewer District.
 - b. Installation deadline for non-compliant septic systems within the district is December 31, 2017.
 - c. Two dwellings both with non-compliant systems. Proposed shared system.
 - d. Move tank to meet 10 foot setback to deck.

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 Application

I. Applicant:
Name Jim Grabow
Mailing Address 27002 Sioux Trail
City Madison Lake State MN Zip 56063
Phone # 934-2689 Phone # _____

II. Landowner:
Name Same
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:
Parcel Number 13.500.0020 Parcel Acreage _____
Township Washington Section 2
Subdivision Krenik Lot 24 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 property line 0' (McGregor)
Septic absorption to house 15' (Grabow)
Septic absorption to R.O.W 0'
Septic absorption to property line 0'

V. Description of Request: Tank to deck 9' (Grabow)
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 3-14-16
(Township Name) (Date)

Board Member Gregory Davis regarding the proposed request.
(Name) Supervisor

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.



Variance Application

I. **Applicant:**
 Name Tom McGregor
 Mailing Address 15357 Breezy Point Road
 City Prior Lake State MN Zip 55372
 Phone # _____ Phone # 952-447-5356

II. **Landowner:**
 Name _____
 Property Address _____
 City _____ State _____ Zip _____
 Phone # _____ Phone # _____

III. **Parcel Information:**
 Parcel Number 12.500.0030 Parcel Acreage _____
 Township Washington Section 2
 Subdivision Krenik 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 property line 0 feet (McGregor)
absorption to house 15 feet +17' (Grabow)
absorption to ROW 9 in. 0'
absorption to property line 0 ft.

V. **Description of Request:** Tank to deck 9' - (Grabow)
 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.)
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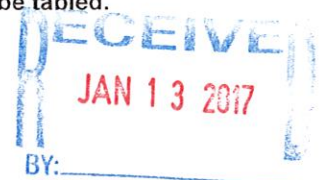
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- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts.*
- Access
- Easements
- Impervious Surface
 - Required for *Shoreland, Business, & Industrial Districts.*
 - Itemized current & proposed impervious surfaces to include total percentages.
 - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

*Site shall be physically staked, then surveyed.

*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.

*Stakes must remain in place until construction commences.



VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

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.

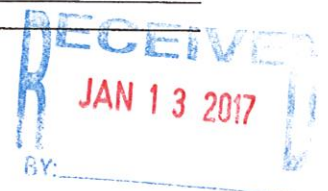
The objective will remain the same

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
- ☐ 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

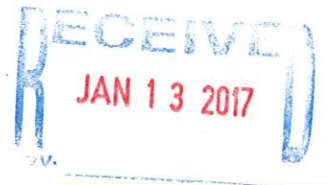
Additional Fees:

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.

[Signature]
Applicant signature

6-14-16
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.

[Signature]
Landowner signature

6-24-2016
Date

X Tom M. Gregory

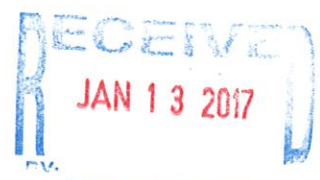
8-23-16

OFFICE USE ONLY

Date received <u>2-7-17</u>	Present Zoning Classification <u>RL</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>3-16-17</u>	Lake Classification <u>LD</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>4-8-17</u>	Lake <u>diff</u>	Water courses <u>(Y)</u> <u>(N)</u>
RFPE <u>/</u>	FEMA Panel # <u>270790270</u>	Bluff <u>(Y)</u> <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>Not outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input checked="" type="checkbox"/> Access approval	COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u>mm</u>	Fee \$ <u>1046</u>
Planning & Zoning Department Signature	Date <u>2-7-17</u>	Permit # <u>17008</u>

01-15-16

4



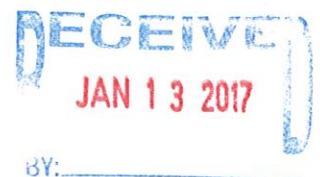
Description of request

I'm requesting a variance for a replacing a septic system for 27018 & 27002 Sioux Trail. The homes currently have individual systems but because of limited locations the owners have decided to share a new septic system. In order to install a shared septic, I'm requesting a variance for multiple setbacks as described in the application/site sketch paperwork.

Thanks,

Drew Seppmann

Jadd Seppmann & Sons



OHW = 1018.5
WATER ELEV = 1018.5' (12-2-16)

LAKE JEFFERSON



PID 13.500.0030 PID 13.500.0020

OWNER ADDRESS

ROGER MCGREGOR
C/O TOM MCGREGOR
15357 BREEZY PT ROAD
PRIOR LAKE, MN 55372

SITE ADDRESS

27018 SIOUX TRAIL
MADISON LAKE, MN 56063

DESCRIPTION OF RECORD

(DOC. NO. 153119)

Lot Number Three (3) of "KRENIK'S
SUB-DIVISION", County of Le Sueur,
and State of Minnesota.

OWNER ADDRESS

JAMES & VIRGINIA GRABOW
27002 SIOUX TRAIL
MADISON LAKE, MN 56063

SITE ADDRESS

27002 SIOUX TRAIL
MADISON LAKE, MN 56063

DESCRIPTION OF RECORD

(DOC. NO. 154595)

Lot Number Two (2) of "KRENIK'S
SUB-DIVISION", County of Le Sueur,
and State of Minnesota.

LEGEND

● MONUMENT FOUND
(N 90°00'00" W) PLAT BEARING



SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or
under my direct supervision and that I am a duly licensed
land surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789
Date 2-7-17

RECEIVED
FEB 03 2017
BY: *MPM*

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



BOLTON & MENK

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

FOR: JAMES GRABOW - ROGER MCGREGOR

LOT 2 & 3, KRENIK'S SUBDIVISION, SECTION 2,
TOWNSHIP 109 NORTH, RANGE 25 WEST,
LE SUEUR COUNTY, MINNESOTA

Surveyor Certification

I. **Applicant:**
Name _____

II. **Landowner:**
Name JAMES & VIRGINIA GRAZOW
Property Address 27002 SIOUX TRAIL
City MADISON LAKE State MIN Zip 56063

III. **Parcel Information:**
Parcel Number 13.500.0020

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
- 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 12/2/2016 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.

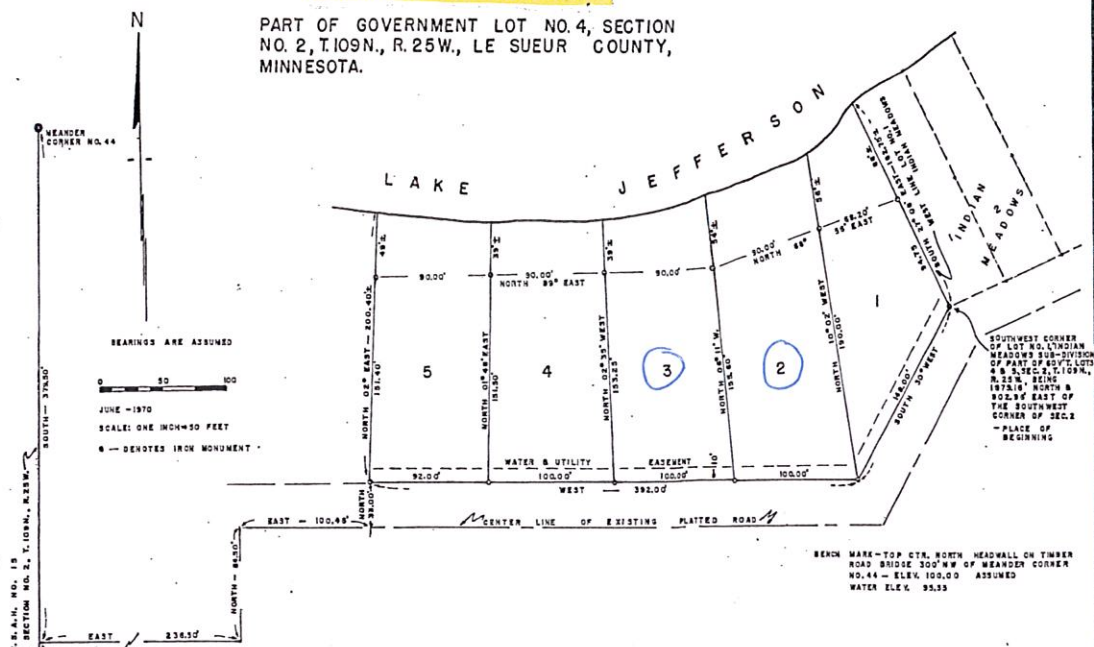
Rory Jensen _____ 1/12/17 19789
Surveyor Signature Date Lic #

OFFICE USE ONLY

2-7-17 Michelle R. Muttler
Date Received Planning & Zoning Department Signature

'KRENIK'S SUB-DIVISION'

PART OF GOVERNMENT LOT NO. 4, SECTION NO. 2, T.109N., R.25W., LE SUEUR COUNTY, MINNESOTA.



INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, James W. Krenik and Lyla M. Krenik, husband and wife, owners of the following described property, to wit:

Beginning at the Southwest corner of Lot Number 1 of 'Indian Meadows' sub-division of part of Government Lot 4 and 5, Section Number 2, Township Number 109 North, Range Number 25 West, Le Sueur County, Minnesota, thence South 30° West 145.00 feet, thence West 392.00 feet, thence North 00° East 200.40 feet more or less to the waters edge of Lake Jefferson, thence Easterly along the waters edge of said lake to the West line of Lot Number 1 of said Indian Meadows Sub-Division, thence South 27° 08' East along said West line 152.75 feet more or less to place of beginning, containing 2.18 acres more or less and being part of Government Lot Number 4 of said Section Number 2.

We hereby declare that we have caused the above described property to be surveyed and platted and monuments to be set as designated on said Plat and that we have named the said platted area 'KRENIK'S SUB-DIVISION', and that we dedicate the drive to the owners of the property herein platted forever, along, easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked 'utility easements'.

Witnesses:

James W. Krenik
Lyla M. Krenik

SOUTHWEST CORNER
SECTION NO. 2, T.109N., R.25W.

NOTARY'S CERTIFICATE

State of Minnesota
County of Le Sueur

On this the 11th day of August, 1970, before me, a Notary Public in and for said County, personally appeared the above named James W. Krenik and Lyla M. Krenik, husband and wife, known by me to be the persons who did execute the above named instrument and who did acknowledge the same to be their free act and deed.

Samuel P. Pankratz
Notary Public
Le Sueur County, Minnesota
My Commission expires 12/31/1970
Notary Public, Le Sueur Co. 1098
My Commission Expires Oct 15, 1971

SURVEYOR'S CERTIFICATE

I do hereby certify that this survey and plat was made by me at the request of the owner thereof and that all measurements and angles are correct and as shown thereon, that monuments for the guidance of future surveys have been set as shown, that the boundaries are correctly designated, that said plat is a true and correct representation of said survey, and that there are no wetlands or public highways except as shown thereon under the provisions of Section 505.02 of Minnesota Statutes Annotated.

R. L. Pradkha
R. L. Pradkha, County Surveyor
Le Sueur County, Minnesota

Subscribed and sworn to before me, a Notary Public, on this the 11th day of August, 1970.



Samuel P. Pankratz
Notary Public
Le Sueur County, Minnesota
My Commission expires 12-31-71

127909

I hereby certify that the within plat was filed in this Office for record on this the 11th day of August, 1970, at 2 o'clock P.M., and was recorded in Book 178 of Plats on Page 527 Number 329.

And Pumper
Register of Deeds
Le Sueur County, Minnesota

I hereby certify that the taxes for the year 1970 on the property described on the within plat have been paid.

Robert F. Puma
County Treasurer
Le Sueur County, Minnesota

Taxes paid and transfer attested this the 13th day of August, 1970.

Russell Barker
County Auditor
Le Sueur County, Minnesota

Approved by the Le Sueur County Planning Advisory Commission on this the 6th day of August, 1970.

John T. Zimmerman
Chairman
Le Sueur County Planning Commission

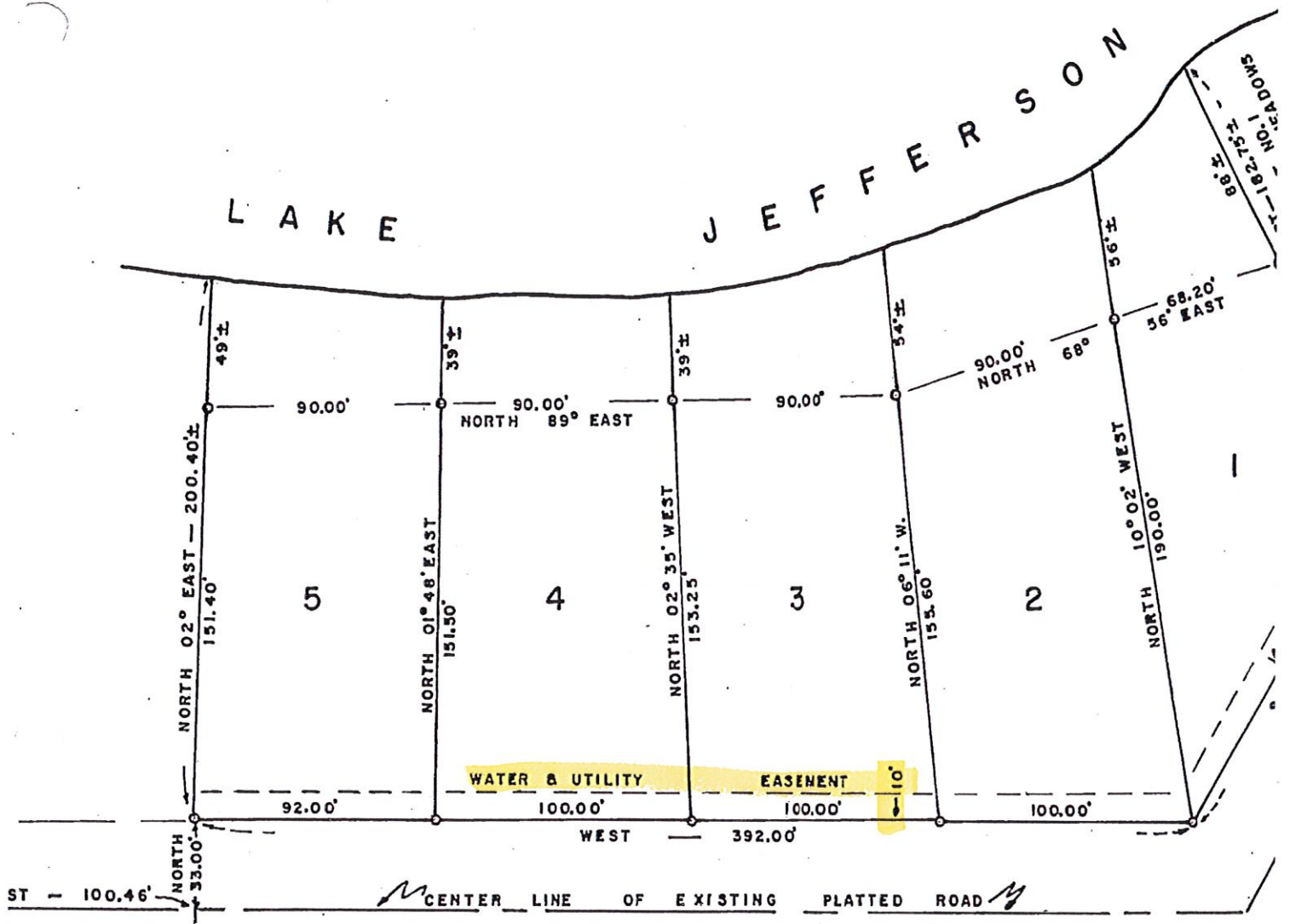
Approved by the County Board of Commissioners of Le Sueur County on this the 11th day of August, 1970.

Shirley Sullivan
Chairman of County Board of Commissioners, Le Sueur County, Minnesota.

WITH RESTRICTIONS
Doc # 177110

ORIGINAL

PART OF GOVERNMENT LOT NO. 4, SECTION
 2, T.109N., R. 25W., LE SUEUR COUNTY,
 MINNESOTA.

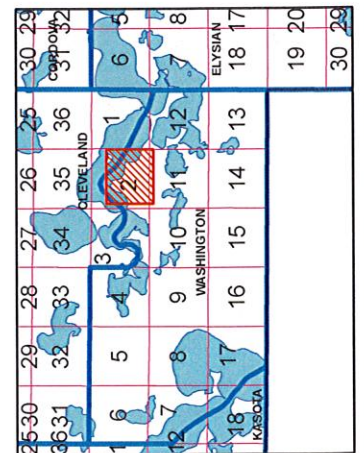
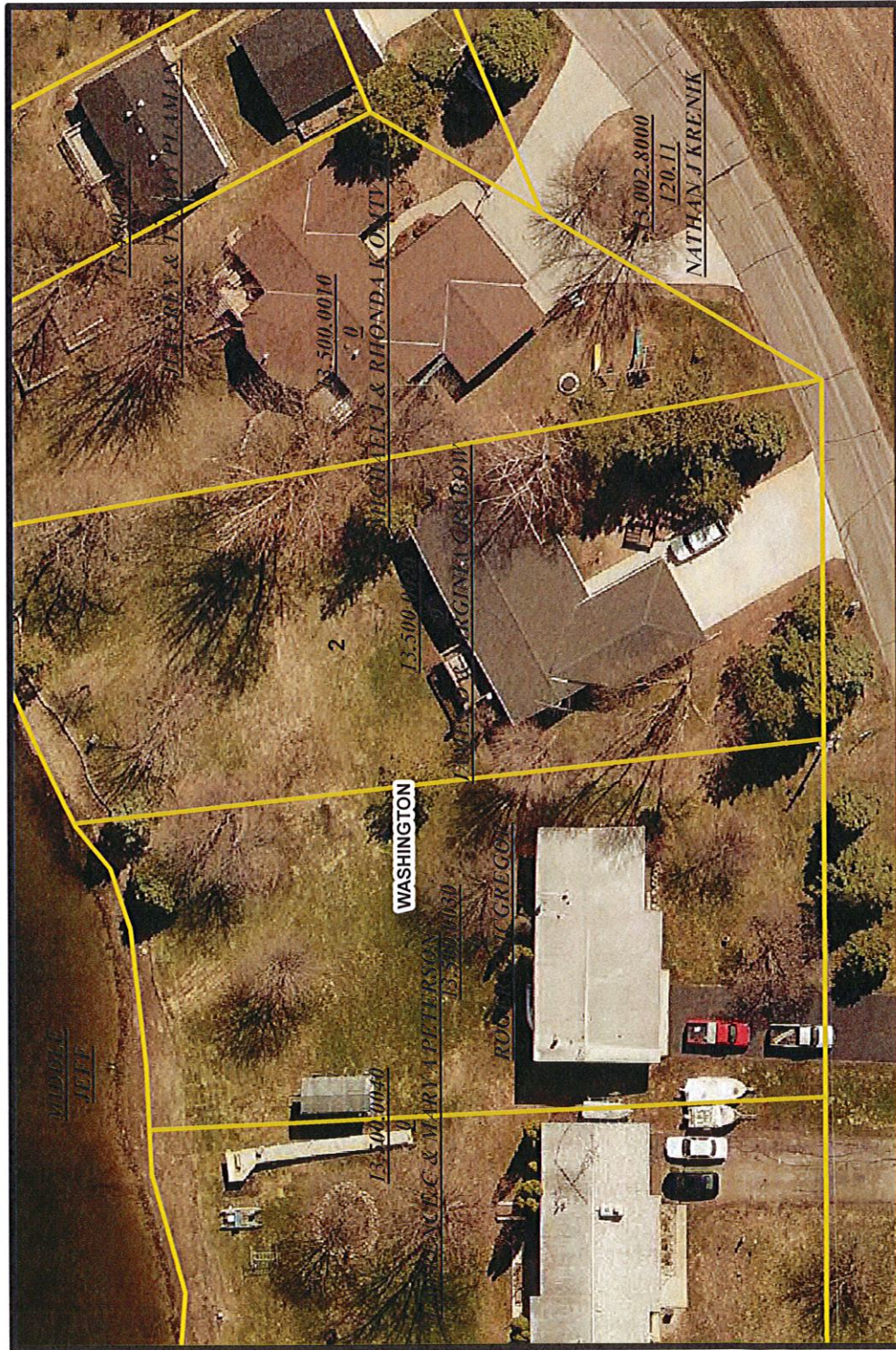


BENCH MARK - TO
 ROAD BRIDGE
 NO. 44 - E
 WATER ELI

20f 2

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Grabow/McGregor
 PID: 13.500.0020 & 0030
 DATE: 03-07-17
 FIRM #: 27079C0270D
 F-Zone: X-Outside
 RFPE: na
 District: Recreational Residential



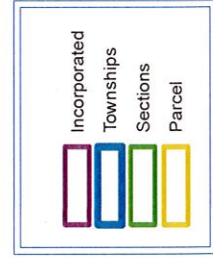
Map Disclaimer

*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



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538