



Le Sueur County, MN

Thursday, March 16, 2017

Regular Session

Item 2

Braam Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Richard & Pamela Braam

911 ADDRESS: 27046 Sioux Trail, Madison Lake, MN

VARIANCE REQUEST: 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

VARIANCE NUMBER: 17016

PARCEL NUMBER: 13.500.0050

SITE INFORMATION

LOCATION: Lot 5, Krenik's Subdivision

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

ATTACHMENTS

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

STAFF FINDINGS

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

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Structure to road ROW:	25 feet	65 feet	Section 13; Subdiv. 5. B. 3.	13-43
b. Septic tank to deck:	2 feet	10 feet	Section 17; Subdiv. 4. D.1.b.	17-9
c. Septic tank to dwelling:	8 feet	10 feet	Section 17; Subdiv. 4. D.1.b.	17-9
d. Septic drainfield to deck:	10 feet	20 feet	Section 17; Subdiv. 4. D.1.a.	17-9
e. Septic drainfield to dwelling:	16 feet	20 feet	Section 17; Subdiv. 4. D.1.a.	17-9
f. Septic drainfield to proposed att gar:	2 feet	20 feet	Section 17; Subdiv. 4. D.1.a.	17-9
g. Septic drainfield to road ROW:	1 foot	10 feet	Section 17; Subdiv. 4. D. 4.	17-9

Page 1 of 2

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
 - c. 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 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.

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.

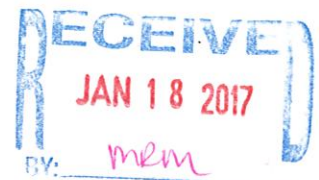
Le Sueur County

Variance Application

- I. Applicant:
Name Richard & Pamela Braam
Mailing Address 27046 Sioux Trail
City Madison Lake State MN Zip 56063
Phone # 507-351-5415 Phone # 507-351-3764
- II. Land Owner (s), if different from above:
Name same
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____
- III. Parcel Information:
Parcel Number 13.500.0050 Parcel Acreage 4117 sq. ft.
Legal Description-Full legal description must be attached (not from tax statement)
(Doc. NO. 3854480)
- IV. Variance Request: Proposed garage to Row 25. ft.
Septic tank to house 2. ft + 8'
Septic absorption to proposed garage 2. ft *mem*
Septic absorption to Row 1. ft
Septic absorption area to Deck to House 10'
- V. Township Notification: Township must be notified of proposed request prior to application.
Washington Township notified on 1-13-17
(Township Name) (Date)
317-3927 Board Member Susan Ziebarth regarding the proposed request.
(Name)

VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if 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.
- All required information must be correct and submitted at the time of application, or the application will not be accepted.
- Applications will not be accepted by mail.



VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface — Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(if applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

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

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 After-The-Fact meeting fees are doubled.
Filing Fee: \$ 46

Additional Fees:

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

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. 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.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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.

The septic system is placed to close to Row e house but is the only available location. The proposed garage doesn't meet the Row setback but is similar distance to existing neighboring properties

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

lack of available space

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

Initially subdivided into small lot

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?

Yes no other options

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.

We are minimizing environmental impact, while complying with county ordinance

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

current septic very close to lake e not compliant. New proposed system will treat sewage farther from lake

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

No other options



XII. 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] 1-13-17
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.

[Signature] 1-14-17
Land Owner signature Date

OFFICE USE ONLY

Date received 2-14-17 Present Zoning Classification RR Feedlot within 500' 1000' N
Meeting date 3-16-17 Lake Classification RD Erosion Control Plan Y N
60 Day 4-13-17 Lake Appurtenant Water courses Y N
FEMA Panel # 27079002700 Flood Zone X outside Bluff Y N
☒ Surveyor Certificate ☒ Ordinance ☒ Septic CI / DESIGN
☒ Site Plan -survey ☐ Access approval ☒ Fee \$ 646 ATF / SPEC MTG
☒ Full legal ☒ Blue Prints ☐ Other _____
☒ Application complete ☒ Written Detail of Var

Michelle R. Motta 2-14-17 17016
Planning & Zoning Department Signature Date Permit #

04-15-13



Description of Request

The property located at 27046 Sioux trail is requesting a variance for building an attached garage to a current home and installing a new septic system. This is a smaller lot with limited possibilities. The garage will be built over existing driveway and will have similar ROW setbacks as both neighboring properties. The existing septic system must be replaced by the end of 2017 and the front yard is the only possible location for a new SSTs.

Surveyor Certification

I. Applicant:
Name _____

II. Landowner:
Name RICHARD & PAMELA BRAAM
Property Address 27046 SIOUX TRAIL
City MADISON LAKE State MN Zip 56063

III. Parcel Information:
Parcel Number 13.500.0056

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.

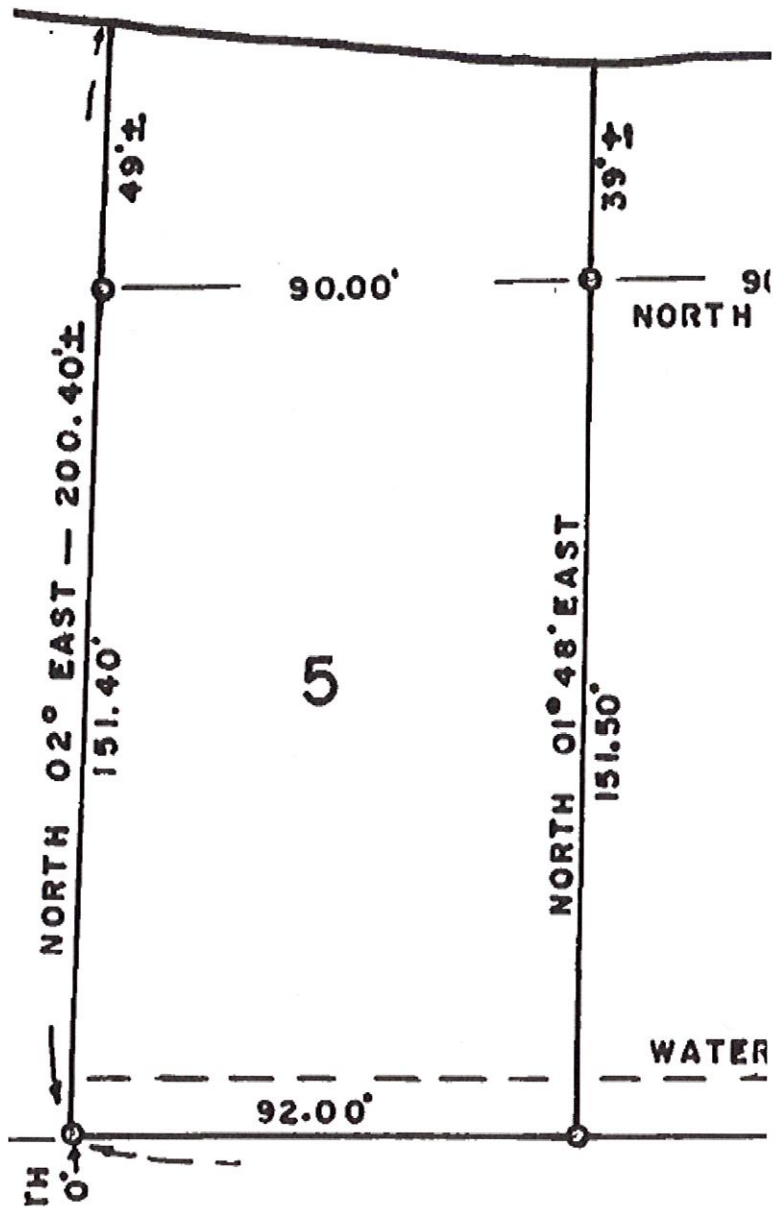
Rory Jensen _____ 1/12/17 19789
Surveyor Signature Date Lic #

OFFICE USE ONLY

2/14/17 Michelle R. Mitta
Date Received Planning & Zoning Department Signature

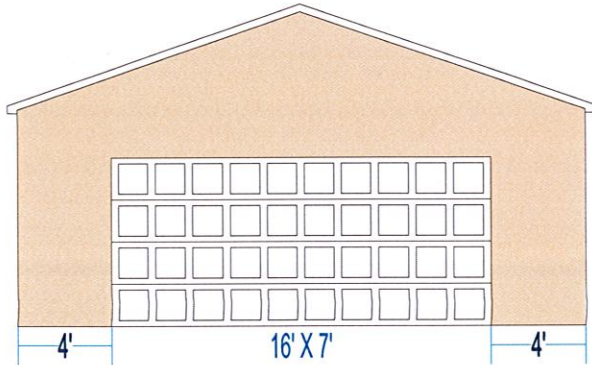
01-15-16





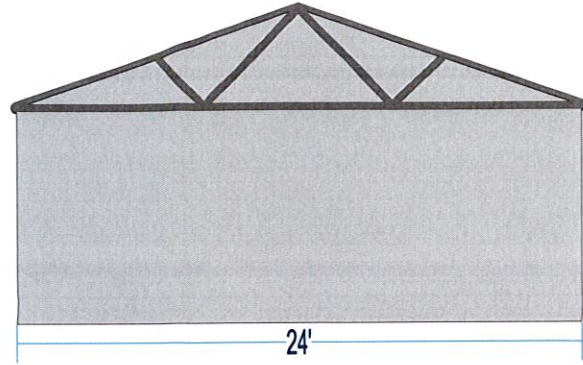
*** Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected

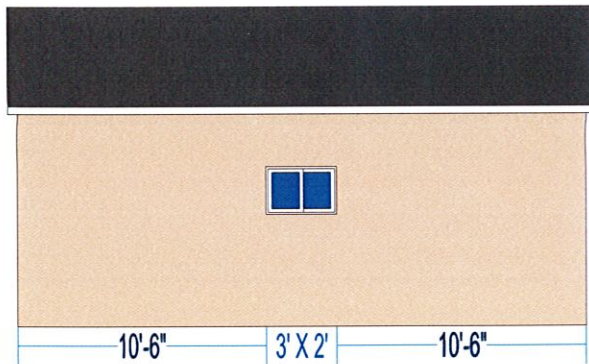


Gable Front View

(1) - GARAGE DOOR 16X7WHITE INSUL RAISEDPNL EZSETTORSN M4SV

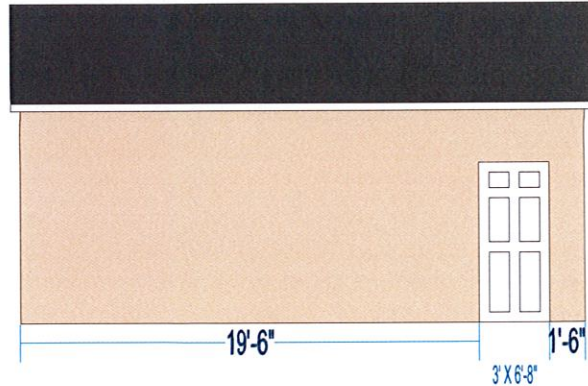


Back View With Open Gable Endwall



Eave Front View

(1) - SLIDER (GOOD) 36X24



Eave Back View

(1) - STEELDOOR 6-PANELDOO E-1 6-PANEL STEEL DOOR PH 36X80 RH DB



Building Size: 24 feet wide X 24 feet long X 9 feet high

Approximate Peak Height: 13 feet 4 inches (160 inches)

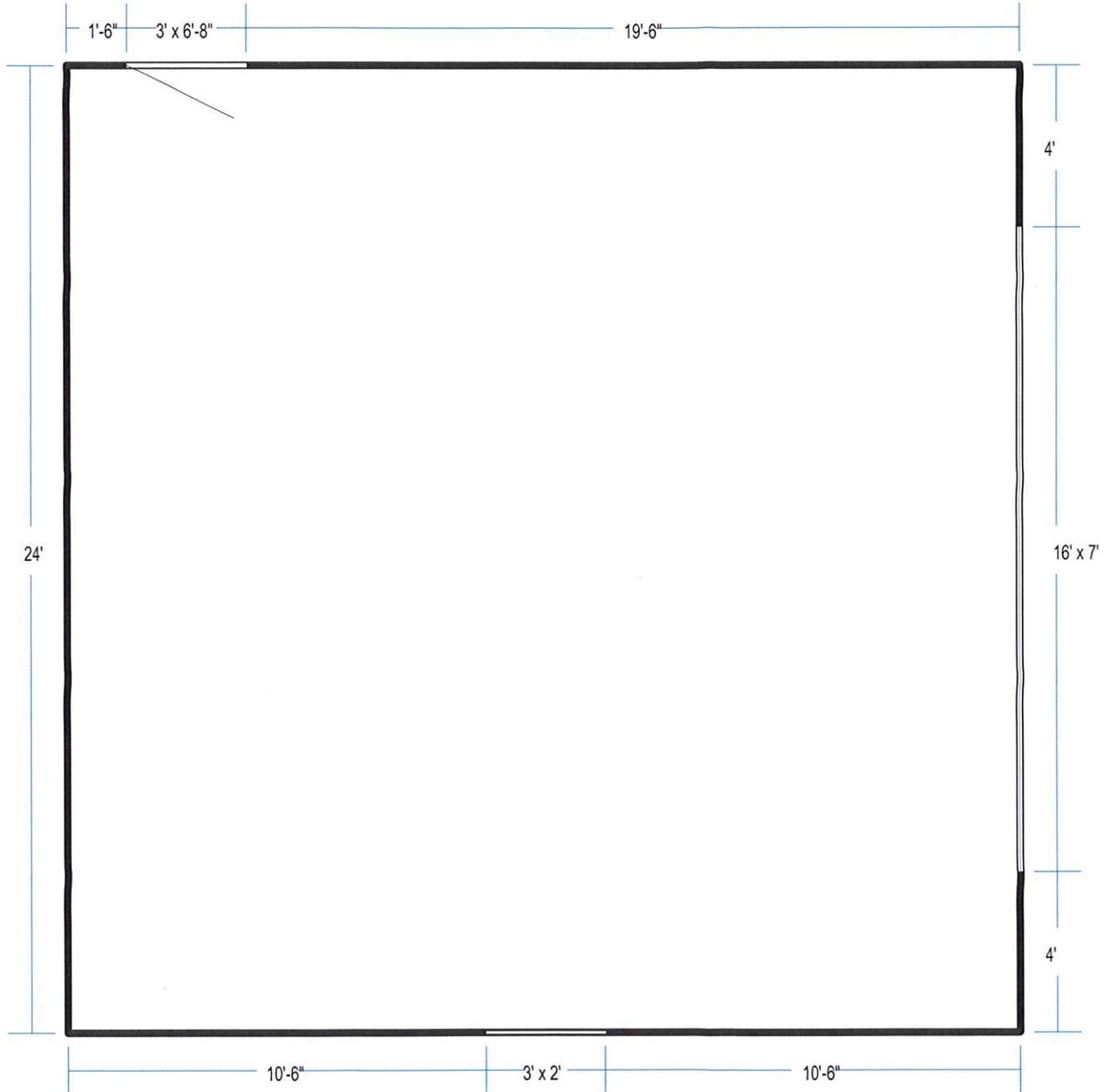
NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.

Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

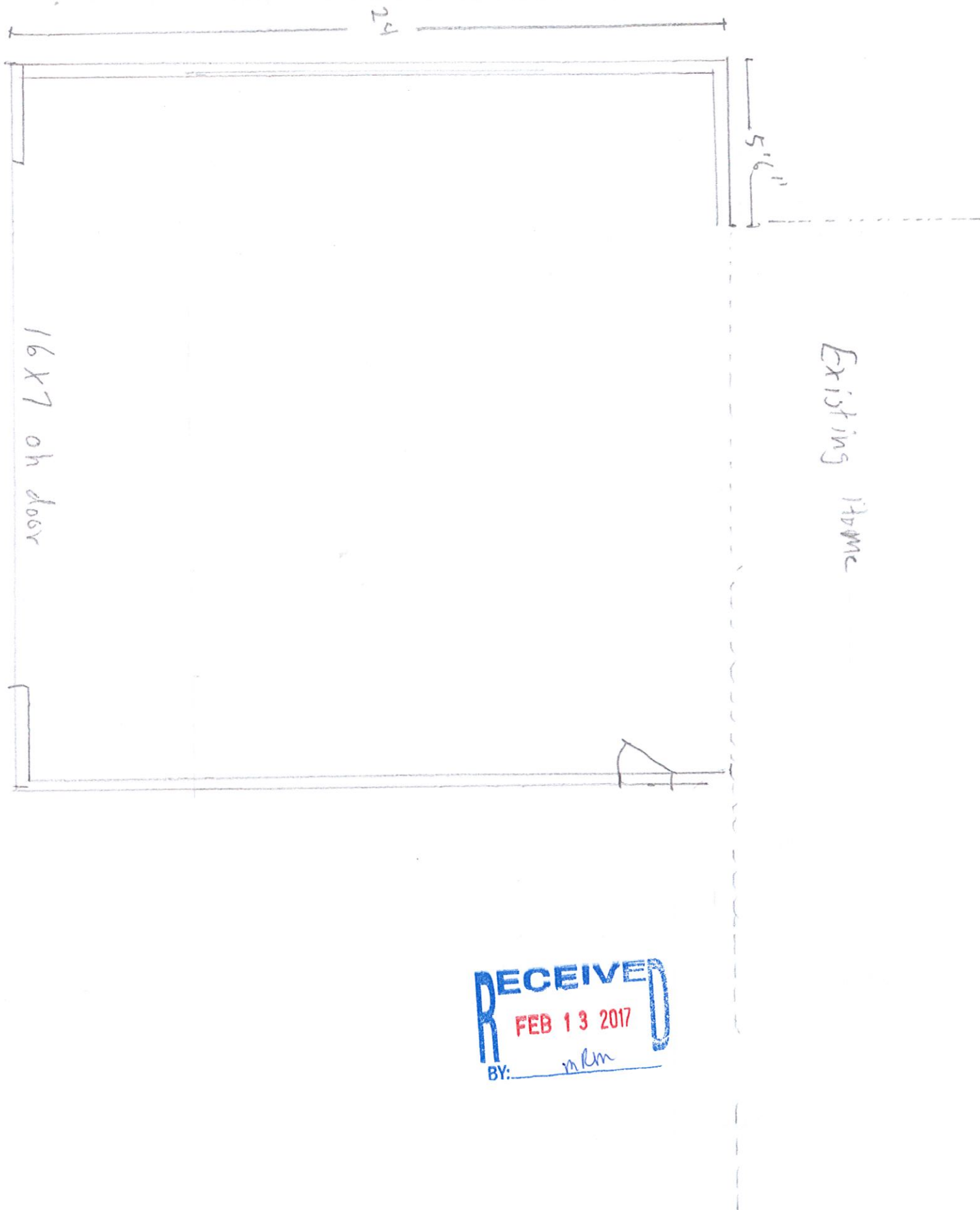
*** Garage Floor Plan.

Illustration May Not Depict All Options Selected



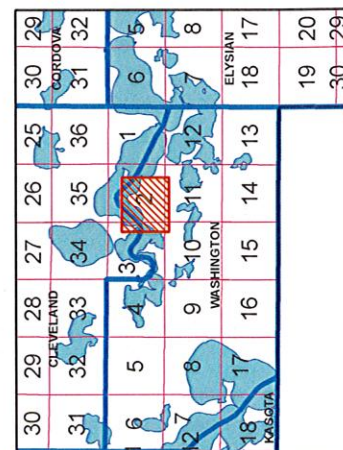
Building Size: 24 feet wide X 24 feet long X 9 feet high

Note: Wall construction is 2x4 @ 16" on center



RECEIVED
FEB 13 2017
BY: mlm

NAME: Braam
PID: 13.500.0050
DATE: 03-07-17
FIRM #: 2709C0270D
F-Zone: X-Outside
RFPE: 1022.86
District: Recreational Residential



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.

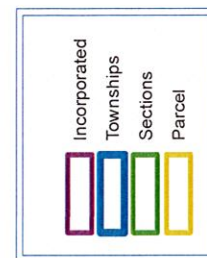
These maps should not be used for navigational, engineering, legal, or any other site-specific use.



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