



# **Le Sueur County, MN**

**Thursday, April 20, 2017**

**Regular Session**

## **Item 2**

**Lood Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Richard Lood  
911 ADDRESS: 26890 Sioux Trail  
VARIANCE REQUEST: To install a holding tank 41 feet from the Ordinary High Water Level (OHWL).  
VARIANCE NUMBER: 17025  
PARCEL NUMBER: 13.490.0110

## SITE INFORMATION

LOCATION: Lot 13, Indian Meadows 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, Goal #3, Objective 1, Action 2, references septic replacement program.

GENERAL SITE DESCRIPTION: Residential, shoreland

ACCESS: Existing off Sioux Trail

LAKE: Lake Jefferson, Recreational Development

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

## ATTACHMENTS

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

## STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic tank to OHWL:	41 feet	75 feet	Section 17; Subdiv. 4. D.5.b.2.	17-9
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Non-conforming Lots of Record in Shoreland Areas				pg. 19

3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

#### CONSIDERATIONS

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
  - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
  - a. Property is located within the German/Jefferson Sewer District. Installation deadline 12-31-17.

#### CONDITIONS

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

# VARIANCE FINDINGS OF FACT

Name of Applicant: RICHARD LOOD

Variance # 17025

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 41 FEET FROM THE OHWL.

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain \_\_\_\_\_ JM JW JD CH FC

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

Explain \_\_\_\_\_ JM JW JD CH FC

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

Explain \_\_\_\_\_ JM JW JD CH FC

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

Explain \_\_\_\_\_ JM JW JD CH FC

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

Explain \_\_\_\_\_ JM JW JD CH FC

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain \_\_\_\_\_ JM JW JD CH FC

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

Explain \_\_\_\_\_ JM JW JD CH FC

G. **IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.**

( ) APPROVED ( ) DENIED

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_

Applicant response to conditions: Agree ( ) Disagree ( )

Reasons: \_\_\_\_\_

\_\_\_\_\_  
Board of Adjustment Chairman

\_\_\_\_\_  
Date

Variance Application

I. Applicant:  
 Name Richard Hood  
 Mailing Address 3014 74th St. W.  
 City Richfield State MN Zip 55423  
 Phone # 612-209-6301 Phone # \_\_\_\_\_

II. Landowner:  
 Name Richard Hood  
 Property Address 26890 Sioux Trail  
 City Madison Lake State MN Zip 56063  
 Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

III. Parcel Information:  
 Parcel Number 13.490.0110 Parcel Acreage \_\_\_\_\_  
 Township Washington Section 2  
 Subdivision Indian Meadows Lot 13 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).  
41 From Holding Tank to Lake \_\_\_\_\_  
 \_\_\_\_\_

mfm

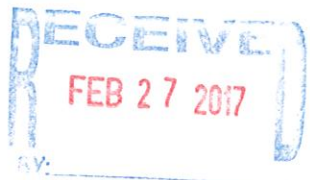
V. Description of Request:  
 a. A full written description of the proposed variance request with detailed information must be attached.

VI. Township Notification:  
 Township must be notified prior to application. (County Commissioners are not the Township Board.)  
Washington Township notified on 2/13/17  
 (Township Name) (Date)  
 Board Member Bob Kaveney regarding the proposed request.  
 (Name)

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

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

\*Site shall be physically staked, then surveyed.  
 \*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.  
 \*Stakes must remain in place until construction commences.



VIII. Practical Difficulty:

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

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

The only location is between  
the house and the lake  
2 water wells

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 sub divided into small lots  
2 wells on property - 1 on neighboring property

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

Wont change anything - tank buried in ground

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

NO - no other place to install

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.

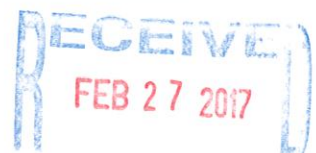
Upgrade septic to holding tank  
no space for drainfield

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

Current drainfield doesn't pass Compliance  
no room to upgrade drainfield  
only option to install Holding Tank

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

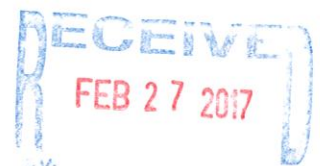
**Additional Fees:**

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.

Gracie Seppman \_\_\_\_\_ Date 2-13-17  
Applicant signature

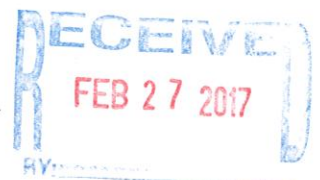
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

X Michael Wood \_\_\_\_\_ Date 2-15-17  
Landowner signature

**OFFICE USE ONLY**

Date received <u>2-27-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>4-20-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>5-7-17</u>	Lake <u>Jefferson</u>	Water courses <u>(Y)</u> <u>(N)</u>
RFPE <u>/</u>	FEMA Panel # <u>2701900200</u>	Bluff <u>(Y)</u> <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input checked="" type="checkbox"/> COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ <u>646</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mitta</u> Planning & Zoning Department Signature	ATF / SPEC MTG <u>17025</u>
		Date <u>3-8-17</u> Permit # _____

01-15-16





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Fax (507) 625-7717

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"Seppmann Mill"  
Toll Free: (800) 767-2120

March 2, 2017

RE: 26890 Sioux Trail

Description of Request

The property at 26890 Sioux Trail, Madison Lake is requesting a variance to upgrade the septic system. This is a smaller lot with limited possibilities. There is no available room to install a septic treatment system. We are applying for a variance to install a holding tank with reduced setbacks from the small building and the lake. The existing septic system must be replaced by the end of 2017, the lake side of the yard is the only available space to install holding tank, the well is located between the road and the cabin.



PID 13.490.0110

**OWNER ADDRESS**

RICHARD LOOD  
3014 74TH ST W  
RICHFIELD, MN 55426

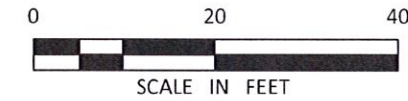
**SITE ADDRESS**

26890 SIOUX TRAIL  
MADISON LAKE, MN 56063



**PROJECT NOTES**

- 1) WELL IS LOCATED ON 26880 SIOUX TRAIL



**LEGEND**

- DECIDUOUS TREE
- SANITARY MANHOLE
- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- WATER SYSTEM
- SANITARY SEWER

**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

2-28-27  
Date

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



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

LOT 13, INDIAN MEADOWS, LE SUEUR COUNTY,  
MINNESOTA

FOR: RICHARD LOOD

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SDB113349H

JOB NUMBER: M33.113349

FIELD BOOK: 90A-1 PG 10

DRAWN BY: JLA

4.0 S2-T109N-R25W

**Surveyor Certification**

I. Applicant:  
Name \_\_\_\_\_

II. Landowner:  
Name RICHARD LOOD  
Property Address 26890 SIOUX TRAIL  
City MADISON LAKE State MN Zip 56063

III. Parcel Information:  
Parcel Number 13,490.0110

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.

RECEIVED  
MAR 02 2017  
 BY: mjm

VI. Signatures:

The proposed improvements have been physically staked onsite then surveyed on 2/21/17 to reflect an accurate account of current and proposed conditions of the property identified above.

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

*Roy Jona* \_\_\_\_\_ 3/2/17 19789  
 Surveyor Signature Date Lic #

**OFFICE USE ONLY**

3-2-17 \_\_\_\_\_ mjm \_\_\_\_\_  
 Date Received Planning & Zoning Department Signature

# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Richard Lood  
**PID:** 13.490.0110  
**DATE:** 04-07-17  
**FIRM #:** 27079C0270D  
**F-Zone:** X-outside  
**RFPE:** NA  
**District:** Recreational Residential

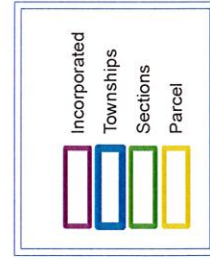


14	13	18	17	16	13	18	17	16	19	20	21
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25	26	27	28	29	30	31	32	33	34	35	36
35	36	37	38	39	40	41	42	43	44	45	46
1	2	3	4	5	6	7	8	9	10	11	12
11	12	13	14	15	16	17	18	19	20	21	22
14	15	16	17	18	19	20	21	19	20	21	22



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.



LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet  
 Photo dated April/May 2013  
 Created By: MRM