



# **Le Sueur County, MN**

**Thursday, April 20, 2017**

**Regular Session**

## **Item 3**

### **Camp Fo Ho Cha Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Camp Fo Ho Cha; Grand Lodge of MN IOOF  
911 ADDRESS: 46397 Beaver Dam Road, Cleveland, MN  
VARIANCE REQUEST: To install a septic tank 54 feet from the Ordinary High Water Level (OHWL) & 5 feet from a cabin; Construct a septic drainfield 69 feet from the West OHWL and 71 feet from the East OHWL.  
VARIANCE NUMBER: 17026  
PARCEL NUMBER: 04.005.5000

## SITE INFORMATION

LOCATION: Government Lot 5, Section 5, Elysian Township (Island)  
ZONING & PURPOSE: Special Protection & Flood Plain-Flood Fringe

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

**Floodplain Overlay District.** It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

**Flood Fringe (FF) District:** The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007, Goal #3, Objective 1, Action 2, references septic replacement program.

GENERAL SITE DESCRIPTION: Shoreland, Island, recreational

LAKE: German Lake, 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:

Page 1 of 3

- | <u>Variance:</u>                     | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>                      | <u>Page:</u> |
|--------------------------------------|-----------------|------------------|--|--------------|
| a. <b>Septic tank to OHWL:</b>       | <b>54 feet</b>  | <b>100 feet</b>  | <b>Section 17; Subdiv. 4. D.5.b.1.</b> | <b>17-9</b>  |
| b. <b>Septic drainfield to OHWL:</b> | <b>69 feet</b>  | <b>100 feet</b>  | <b>Section 17; Subdiv. 4. D.5.b.1.</b> | <b>17-9</b>  |
| c. <b>Septic drainfield to OHWL:</b> | <b>71 feet</b>  | <b>100 feet</b>  | <b>Section 17; Subdiv. 4. D.5.b.1.</b> | <b>17-9</b>  |
| d. <b>Septic tank to cabin:</b>      | <b>5 feet</b>   | <b>10 feet</b>   | <b>Section 17; Subdiv. 4. D.1.b.</b>   | <b>17-9</b>  |
2. **Refer to DNR Guidance Letters:**
    - a. The Role of the Variances in Shoreland Management Ordinances pg. 9
    - b. Non-conforming Lots of Record in Shoreland Areas pg. 19
  3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
  4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
  5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
  6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

### CONSIDERATIONS

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
  - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
  - a. Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - b. Variances shall only be issued by the County upon the following:
    1. A showing of good and sufficient cause.
    2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
    3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. **Additional Considerations:**
  - a. Property is located within the German/Jefferson Sewer District. Installation deadline 12-31-17.
  - b.

## 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: CAMP FO HO CHA

Variance # 17026

**Variance Request:** TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 54' FROM THE OHWL & 5' FROM A CABIN; CONSTRUCT A SEPTIC DRAINFIELD 69' FROM THE WEST OHWL & 71' FROM THE EAST OWHL.

- 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 Tony Nichols President Odd Fellows Youth Camp  
 Mailing Address 2815 Cottonwood Lake Dr.  
 City Windom State MN Zip 56101  
 Phone # 507-830-1614 Phone # \_\_\_\_\_

**II. Landowner:**

Name Grand lodge of MN IOOF  
 Property Address 46397 Beaver Dam Road  
 City Cleveland State MN Zip 56017  
 Phone # 320-234-0101 Phone # \_\_\_\_\_

**III. Parcel Information:**

Parcel Number 04.005.5000 Parcel Acreage \_\_\_\_\_  
 Township Elysian Section 5 lot 5 Sec. 8 lot 5  
 Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ 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).

Set backs to The Septic Drain Field Septic Tank 54' from the Lake and 5' from the Cabin. Septic Drain Field 69' from Lake on East 79' on the West

**V. Description of Request:**

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

**VI. Township Notification:**

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

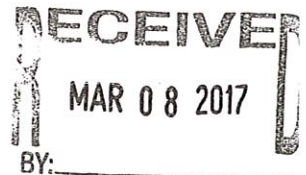
Elysian Township notified on 2/27/17 ~~3/3/17~~ 3/6/17  
 (Township Name) (Date)

Board Member Linus Hebel regarding the proposed request.  
 (Name) 507-362-4687

**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 request for a variance from the setback is the only alternative for a compliant septic system to be installed on the property.

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

it is on an island on German Lake and the available land area for the drain field is very limited. The setback variance is calculated at the minimum amount possible to install the appropriate compliant system

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

The setback requirements required by the state and County Ordinances are the reason for our difficulty

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

We will be able to install a drain field which will put us in compliance and allow us to continue to run the youth camp

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

Yes, due to the size of the island 24.7 acres and the natural topography and to preserve the natural setting of the island to accommodate the current County requirements for a drain field the location and size requirement does not allow for other locations within the island.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

Yes, LeSueur County Land Use Goal #2 and Goal #3

7. Describe how the request is consistent with the Comprehensive Land Use Plan.

This request is consistent with Goal #2, Objective #2 and Action #2 of the Comprehensive Land Use Plan. This variance will allow for protection of lake water quality by installing a compliant septic system

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

The current septic system is considered non-compliant and does not meet current code requirements. If the setback variance request is approved the new system will meet county requirements and County Land Use Goals.

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

Due to the land width of the island any location on the island would require this variance request. We are requesting the minimum amount to meet the required drain field size.

RECEIVED  
MAR 08 2017  
BY:

**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.*

Tom Nichols  
Applicant signature

3/6/17  
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.*

Grand Lodge of MN Tom Nichols  
Landowner signature

3/6/17  
Date

**OFFICE USE ONLY**

Date received 3-8-17 Present Zoning Classification SP/FF Feedlot within 500' 1000'  N

Meeting date 4-20-17 Lake Classification RD Erosion Control Plan  Y  N

60 Day 5-7-17 Lake Reverew Water courses Y  N

RFPE NA FEMA Panel # 27029003000 Bluff Y  N

Site Plan -survey Flood Zone A-100YR Other \_\_\_\_\_

Surveyor Certificate  Full legal description  Septic \_\_\_\_\_

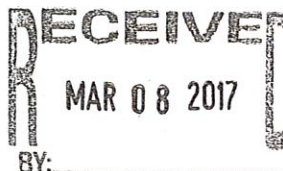
Floor plans/blue prints  Access approval \_\_\_\_\_

Description of Request  Blue Prints  Fee \$ 640 COC NONC/Waiver **Design**

Application complete Michelle R. M... 3-8-17 ATF / SPEC MTG 170260

Planning & Zoning Department Signature Date Permit #

01-15-16



Description of Request

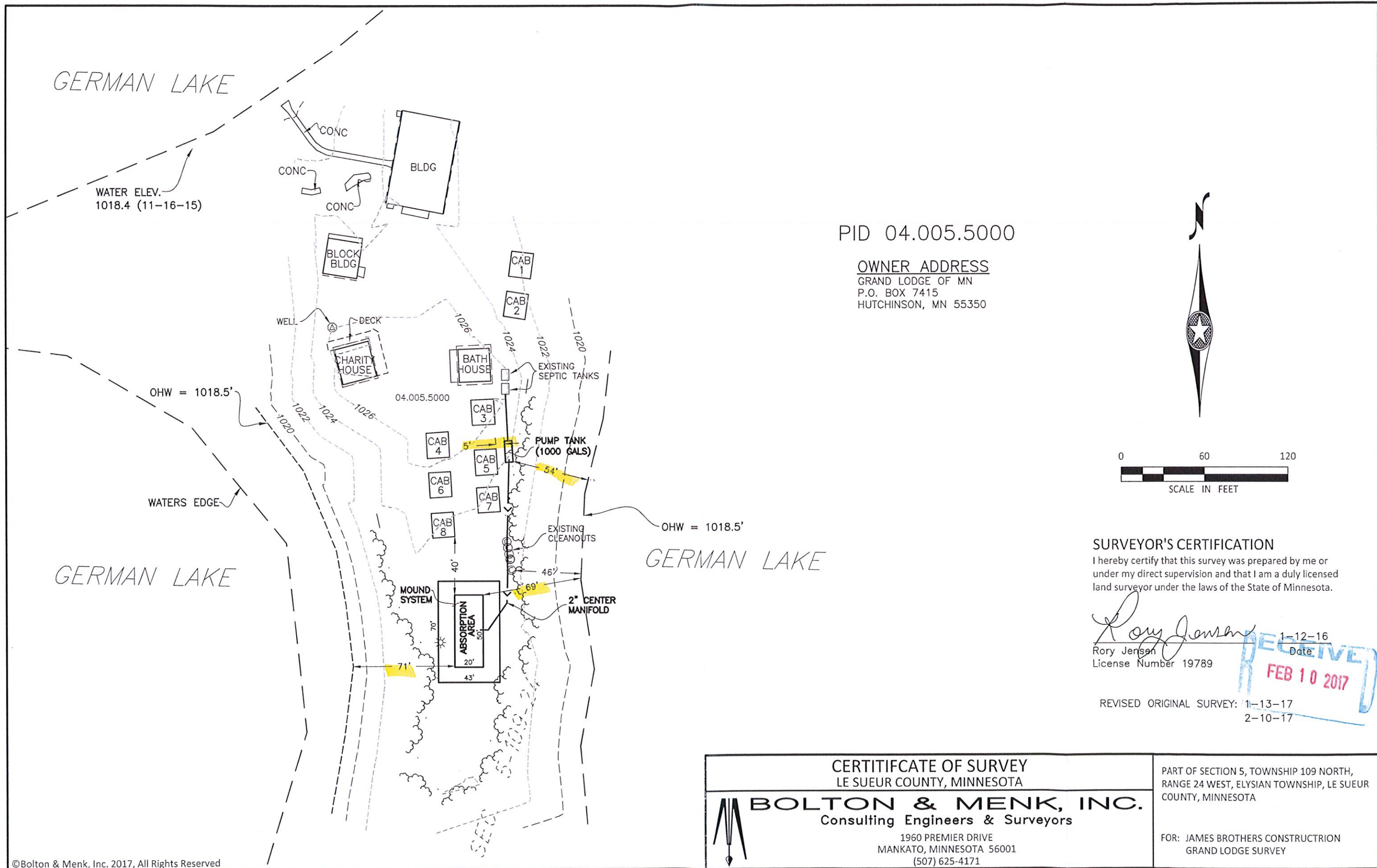
The Grand Lodge of MN IOOF requests a Variance to meet Le Sueur County Code for the installation of a 450-gallon per day mound septic system for Camp Fa Ho Cha.

Parcel #04.005.5000

Attached please find:

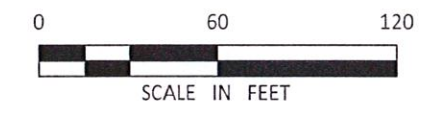
1. Variance Application.
2. Township Notification – Elysian Township Supervisors were contacted and the Variance application for Camp Fa Ho Cha was discussed. Elysian Township approved proceeding with a Variance application request to Le Sueur County.
3. Full Legal Description – Copy of Deed.





PID 04.005.5000

OWNER ADDRESS  
 GRAND LODGE OF MN  
 P.O. BOX 7415  
 HUTCHINSON, MN 55350



**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 1-12-16  
**RECEIVED**  
**FEB 10 2017**

REVISED ORIGINAL SURVEY: 1-13-17  
 2-10-17

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



**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors

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

PART OF SECTION 5, TOWNSHIP 109 NORTH,  
 RANGE 24 WEST, ELYSIAN TOWNSHIP, LE SUEUR  
 COUNTY, MINNESOTA

FOR: JAMES BROTHERS CONSTRUCTION  
 GRAND LODGE SURVEY

## Surveyor Certification

I. **Applicant:**  
 Name James BROTHERS

II. **Landowner:**  
 Name GRAND LODGE OF MN  
 Property Address WATERWAY EXPRESS - GERMAN LAKE  
 City \_\_\_\_\_ State MN Zip \_\_\_\_\_

III. **Parcel Information:**  
 Parcel Number 04.005.5000

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 Jan. 26, 2017, to reflect an accurate account of current and proposed conditions of the property identified above.

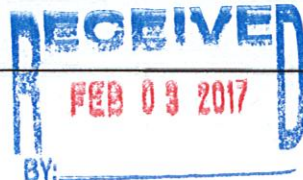
*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

Kory Jensen \_\_\_\_\_ 2/2/17 \_\_\_\_\_ 19789 \_\_\_\_\_  
 Surveyor Signature Date Lic #

**OFFICE USE ONLY**

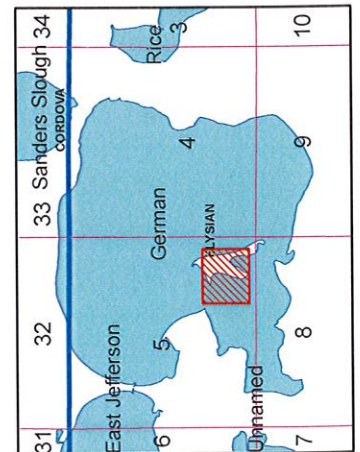
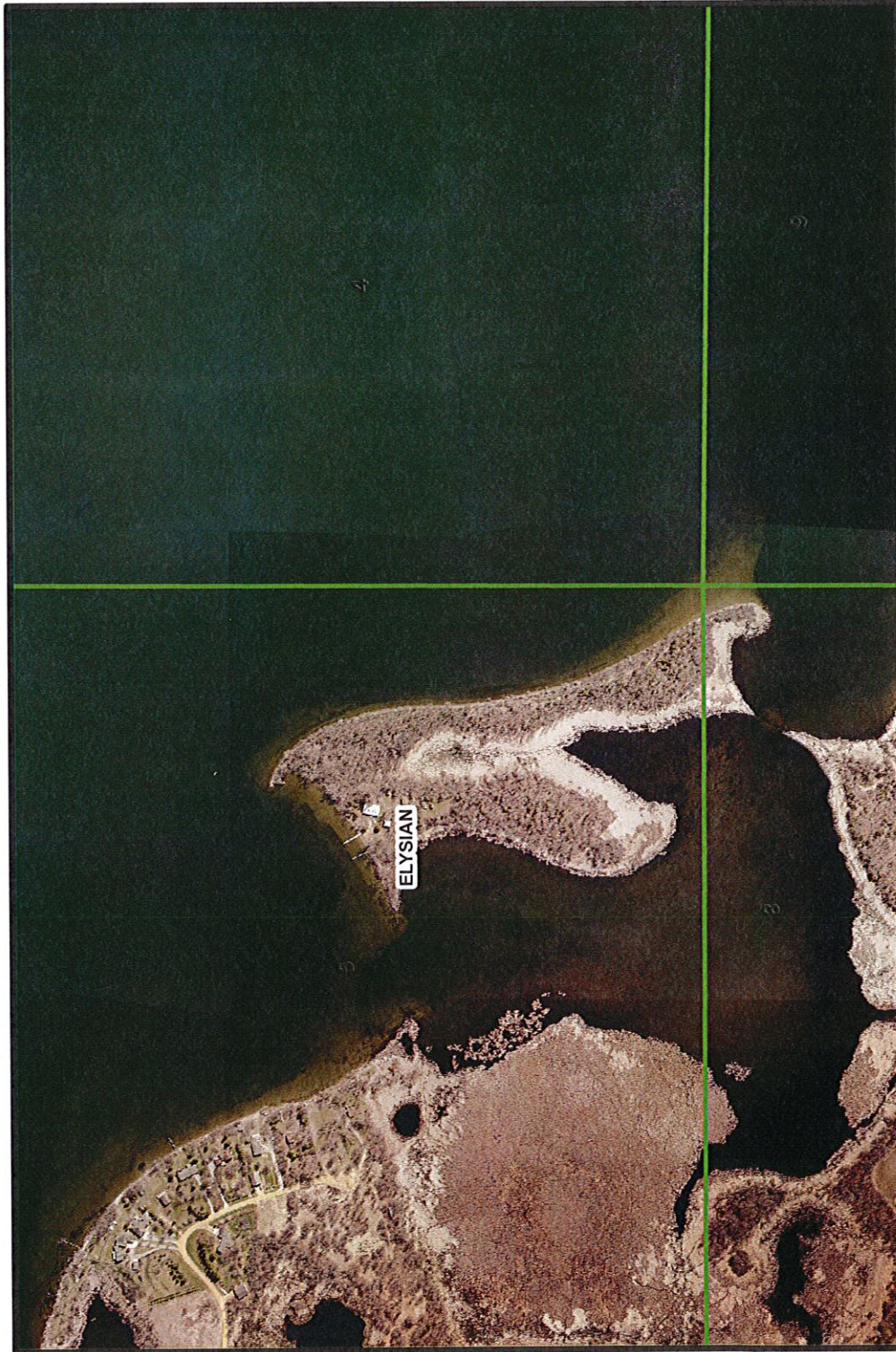
2/3/17  
 Date Received

mlm  
 Planning & Zoning Department Signature

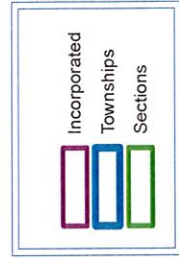


# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Camp Fo Ho Cha  
 PID: 04.005.5000  
 DATE: 4-7-17  
 FIRM #: 27079C0300D  
 F-Zone: A  
 RFPE: na  
 District: Special Protection



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