



**LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
(507) 357-8538**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: APRIL 20, 2017

TIME: 3:00 PM

PLACE: ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER, MN 56057

PURPOSE: To hear testimony from interested parties and consider Variance Applications as provided by the Zoning Ordinance of Le Sueur County as described below:

ITEM #1 Board of Adjustment Notice of Public Hearing

ITEM #2 Board of Adjustment Agenda

ITEM #3 Good Packet

ITEM #4 Lood Packet

ITEM #5 Camp Fo Ho Cha Packet

ITEM #6 Scheurer Packet

ITEM #7 Approved April 20, 2017 Meeting Minutes

INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT April 20, 2017.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, April 20, 2017

Regular Session

Item 1

Board of Adjustment Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
(507) 357-8538
www.co.le-sueur.mn.us

TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: APRIL 20, 2017

TIME: 3:00 PM

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Variance and Appeal Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **APRIL 3, 2017**.

ITEM #1: LINDA GOOD, CLEVELAND, MN (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 0 feet from the deck and 68 feet from the Ordinary High Water Level (OHWL); install a pump tank 4 feet from the deck and 62 feet from the OHWL; construct the septic drainfield 1 foot from the dwelling, 2 feet from the property line, 50 feet from the OHWL and 2 feet from the deck in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 17 & 18, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, PROPERTY LINE & OHWL SETBACKS.**

ITEM #2: RICHARD LOOD, RICHFIELD, MN (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 41 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 13, Indian Meadows Subdivision, Section 2, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

ITEM #3: CAMP FO HO CHA, CLEVELAND, MN (APPLICANT); GRAND LODGE OF MN IOOF, WINDOM, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 5 (Island), Section 5, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACK.**

ITEM #4: ROGER & MARY SCHEURER, KASOTA, MN (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to separate 2 contiguous non-conforming lots under the same ownership for the purposes of sale and development in an Urban/Rural Residential "R1" District. Property is located at Lots 30 & 31, Thunderbird Hills Subdivision, Section 17, Kasota Township. **VARIANCE IS FOR NON-CONFORMING LOTS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT APRIL 20, 2017.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, April 20, 2017

Regular Session

Item 1

Board of Adjustment Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

MEETING AGENDA

Meeting Date: April 20, 2017

Meeting Time: 3:00 pm

Onsite Date: April 20, 2017

Onsite Time: 1:00 pm

ITEM #1: Linda Good

ITEM #2: Richard Lood

ITEM #3: Camp Fo Ho Cha

ITEM #4: Roger & Mary Scheurer

Discussion Items: Minutes

ADJOURN

Board of Adjustment Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed to the board, not the applicant. After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



Le Sueur County, MN

Thursday, April 20, 2017

Regular Session

Item 1

Good Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Linda Good

911 ADDRESS: 46509 Cape Horn RD, Cleveland, MN

VARIANCE REQUEST: To install a septic tank 0 feet from the deck and 68 feet from the Ordinary High Water Level (OHWL); install a pump tank 4 feet from the deck and 62 feet from the OHWL; construct the septic drainfield 1 foot from the dwelling, 2 feet from the property line, 50 feet from the OHWL and 2 feet from the deck.

VARIANCE NUMBER: 17024

PARCEL NUMBER: 01.500.0150

SITE INFORMATION

LOCATION: Lot 17 & N ½ Lot 18, Cape Horn Subdivision, Section 1, Cleveland Township

ZONING & PURPOSE: Recreational Residential "RR"

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 Cape Horn Road

LAKE: Lake Jefferson, Recreational Development "RD" 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

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. Variance:	Request:	Required:	Ordinance:	Page:
a. Septic tank to deck:	0 feet	20 feet	Section 17; Subdiv. 4. D.1.b.	17-9
b. Pump tank to deck:	4 feet	20 feet	Section 17; Subdiv. 4. D.1.b.	17-9
c. Drainfield to deck:	2 feet	20 feet	Section 17; Subdiv. 4. D.1.a.	17-9
d. Drainfield to dwelling:	1 foot	20 feet	Section 17; Subdiv. 4. D.1.a.	17-9
e. Septic tank to OHWL:	68 feet	75 feet	Section 17; Subdiv. 4. D.5.b.2.	17-9
f. Pump tank to OHWL:	62 feet	75 feet	Section 17; Subdiv. 4. D.5.b.2.	17-9
g. Drainfield to OHWL:	50 feet	75 feet	Section 17; Subdiv. 4. D.5.b.2.	17-9
h. Drainfield to property line:	2 feet	10 feet	Section 17; Subdiv. 4. D.2.	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
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: LINDA GOOD

Variance # 17024

Variance Request: INSTALL A SEPTIC TANK 0' FROM THE DECK, 68' FROM THE OHWL, PUMP TANK 4' DECK, 62' OHWL, AND THE DRAINFIELD 1' FROM THE SFD, 2' FROM THE PROPERTY LINE, 50' FROM THE OHWL, AND 2' FROM THE DECK.

- 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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 Linda Good, Mailing Address 46509 Cape Horn Road, City Cleveland, State MN, Zip 56017, Phone # 507-931-6471

II. Landowner: Name same, Property Address, City, State, Zip, Phone #

III. Parcel Information: Parcel Number 01,500,0150, Township Cleveland, Section 1, Subdivision Cape Horn, Lot 17-N, Block 518

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). Installation of septic tank 0' from deck, 68' from OHWL, pump tank 4' deck, OHWL 62', drainfield 8'11" from SFD, property line 2', OHWL 50' + 2' from deck.

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. Cleveland Township notified on 3-2-17

Board Member Susan Ely regarding the proposed request.

- VII. 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, Location of trees to be removed, Access, Easements, Impervious Surface

*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.

no other options available on the property to bring a non-compliant system up to date

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

the lot is sub-standard

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

lot was platted prior to ordinance requirements. No other land available.

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

Improve lot by updating a non-compliant system; does not change the essential character.

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

Yes, updating to be compliant.

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

complying with the ordinance

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

improving water quality

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

no other options available to update a non-compliant system

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

no other options available

IX. Attachments shall include but not limited to:

- | | |
|---|--|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input type="checkbox"/> e. Floor plans and/or blue prints (<i>For structures</i>) |
| <input checked="" type="checkbox"/> b. Surveyor Certification | <input type="checkbox"/> f. Septic System Compliance Inspection |
| <input type="checkbox"/> c. Access approval | <input checked="" type="checkbox"/> g. Erosion control plan |
| <input checked="" type="checkbox"/> d. Full legal description | <input type="checkbox"/> h. Description of request |

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- One (1) reproducible copy of the request and all other supporting documents.
- Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- Electronic version of any supporting documents if available.
- 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:	<u>Doubled</u> + 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.

- Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- 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.**
- All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- Fees **will not** be accepted by mail and must be paid at the time of application.
- 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.
- 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.

Dinda Hood 3-8-17
 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.

Dinda Hood 3-8-17
 Landowner signature Date

OFFICE USE ONLY

Date received <u>3/8/17</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> N
60 Day <u>5/5/17</u>	Lake <u>Jefferson</u>	Water courses <u>(Y)</u> N
RFPE _____	FEMA Panel # <u>27079CO270D</u>	Bluff <u>(Y)</u> N
<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 checked="" 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 checked="" type="checkbox"/> Fee \$ <u>5046.00</u> ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u>K Brockway</u> Planning & Zoning Department Signature	<u>3/8/17</u> Date Permit # <u>17024</u>

01-15-16

I am applying for a variance for my septic system because there are no other options for me to meet the requirements of the German/Jefferson Sewer District to come into compliance by December, 2017. I am a full-time resident on East Lake Jefferson whose home sets on a very small lot.

Since I was notified about my non-compliance, I have been searching for solutions. I met with Kathy Brockway at LeSueur County Environmental Services shortly after I learned about my non-compliant drain field. She advised me to consider a cluster system or a sewer system or to convert my present tanks to holding tanks. Since I am a full-time resident, I did not want to have the burden of frequent pumping of my septic tanks since I am on a fixed income as a retired person and this seemed like a temporary solution to me. I wanted to pursue a cluster system. Because of the sewer system controversy, action on my part was delayed. After the sewer pipeline was defeated, I pursued a cluster system. I asked my adjoining neighbors if I might join them in a small cluster, but they declined because they were told that their mounds would be greatly increased in size to accommodate me which would affect their property for resale value. I joined with others in the Cape Horn area to form a cluster with John Bruender as the contractor, but land was not readily available at a reasonable price for the number of people who wanted to join the cluster so that option disappeared in late summer, 2016. I continued to seek out options by contacting various septic contractors. In fall, 2016, JRBruender Construction encouraged me to apply for a variance for the system that they would design for my property. I have obtained permission from my adjoining neighbor, Doris Borchardt, to allow access for a system to be installed.

Thank you for your consideration of this request.

Linda Good
46509 Cape Horn Road
Cleveland, Mn. 56017
Linda.good@mnsu.edu
507-931-6471

Steve Bruender <steve@jrbruender.com>

Reply all

Yesterday, 11:39 AM (March 2, 2017)

Good, Linda A

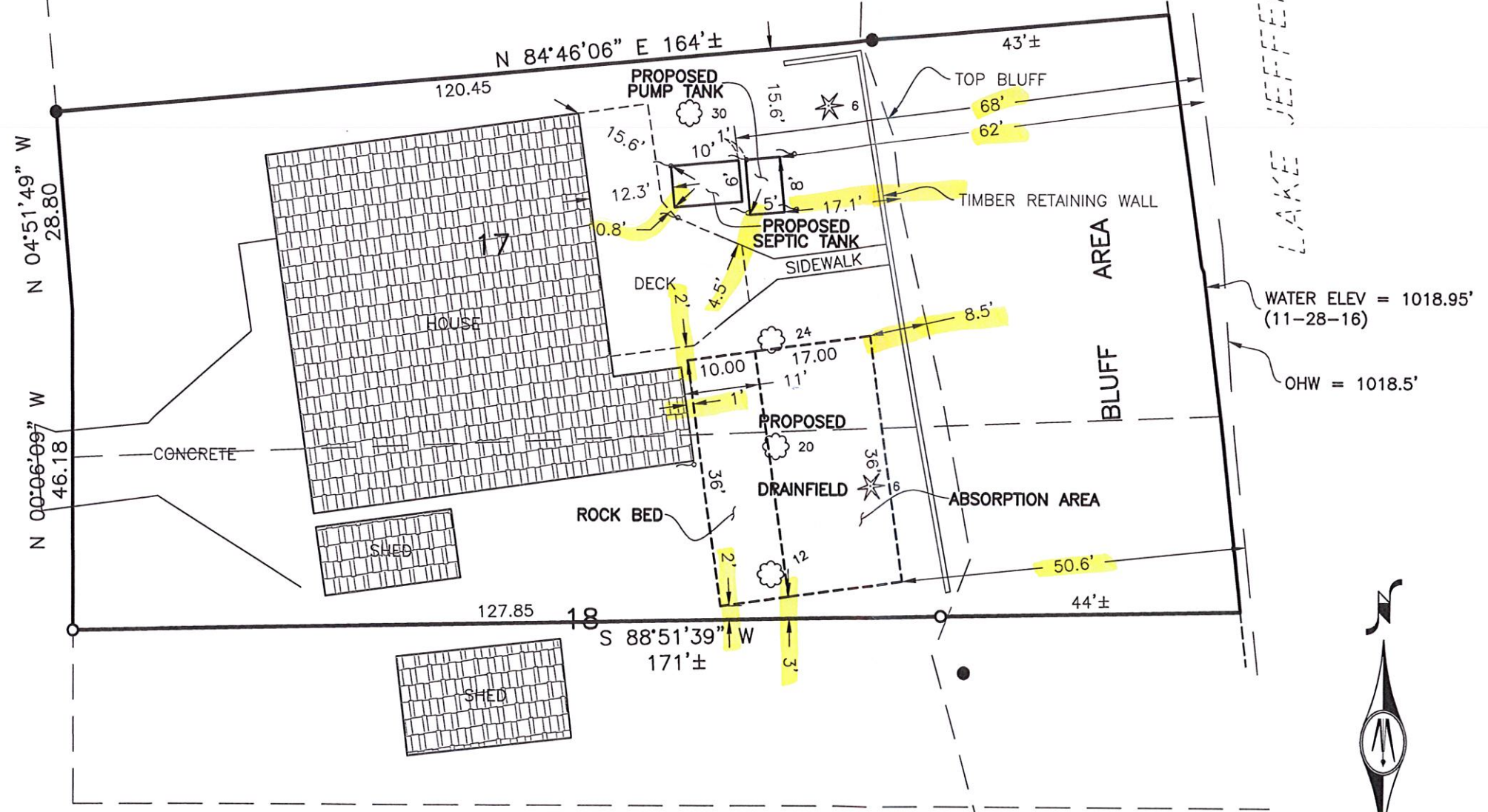
Yes, Please state that erosion control logs will be staked at the top of wall on the lawn area. (at the edge of mound & tanks) Seeding to be done by owner.

PID 01.500.0150

OWNER ADDRESS
LINDA GOOD
46509 CAPE HORN ROAD
CLEVELAND, MN 56017
SITE ADDRESS
46509 CAPE HORN ROAD
CLEVELAND, MN 56017

CAPE HORN ROAD

LAKE JEFFERSON



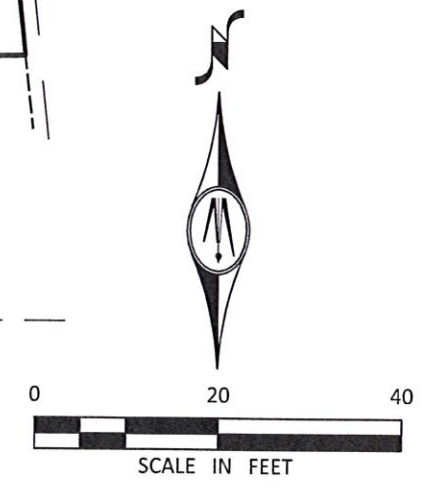
LEGEND


- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ☁ DECIDUOUS TREE
- ★ CONIFEROUS TREE
- ⋈ SEPTIC LOCATION FLAG

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
2-17-17
Date

REVISED: 2-23-17



CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA		LOT 17 & THE N 1/2 OF LOT 18, CAPE HORN, SECTION 1, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA
 BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
		FOR: LINDA GOOD

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Surveyor Certification

I. Applicant:
Name _____

II. Landowner:
Name LINDA GOOD
Property Address 46509 CAPE HORN RD
City CLEVELAND State MN Zip 56017

III. Parcel Information:
Parcel Number 01.500.0150

IV. 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.

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 2/14/2017, 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.

Surveyor Signature *Roy Jensen* Date 2/17/17 Lic # 19709

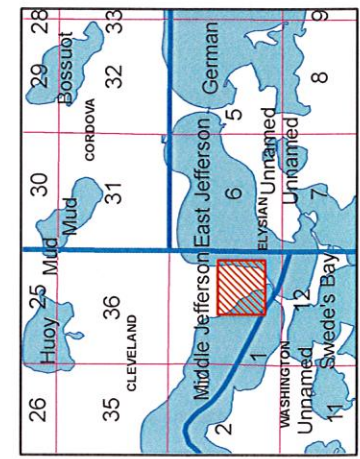
OFFICE USE ONLY

RECEIVED
Date Received FEB 17 2017
BY: mem

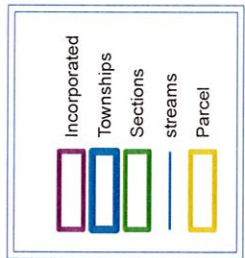
mem
Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Linda Good
PID: 01.500.0150
DATE: 4-7-17
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.



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

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:

<u>1. 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:

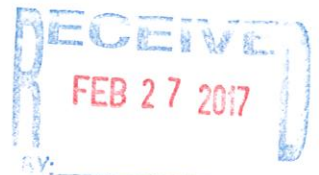
- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland 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?

Won't 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.

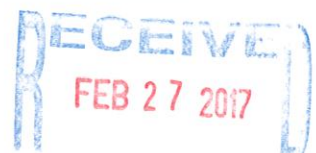
Upgrade septic to holding tank
no space for drainfield

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.

Jared Seppman
Applicant signature

2-13-17
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.

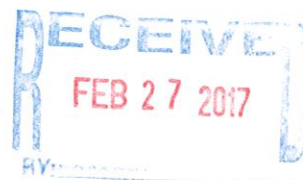
X *Michael Wood*
Landowner signature

2-15-17
Date

OFFICE USE ONLY

Date received <u>2-27-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <input type="radio"/> Y <input checked="" type="radio"/> N
Meeting date <u>4-20-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input checked="" type="radio"/> Y <input type="radio"/> N
60 Day <u>5-7-17</u>	Lake <u>Jefferson</u>	Water courses <input type="radio"/> Y <input checked="" type="radio"/> N
RFPE <u>/</u>	FEMA Panel # <u>2707900200</u>	Bluff <input type="radio"/> Y <input checked="" type="radio"/> N
<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 checked="" 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> ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u><i>Michelle R. Mitta</i></u> Planning & Zoning Department Signature	Date <u>3-8-17</u> Permit # <u>17025</u>

01-15-16



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507-625-3400

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Mankato, MN 56001
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Fax (507) 625-7717

Located directly across from the
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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

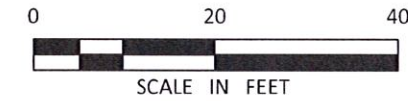
SITE ADDRESS

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

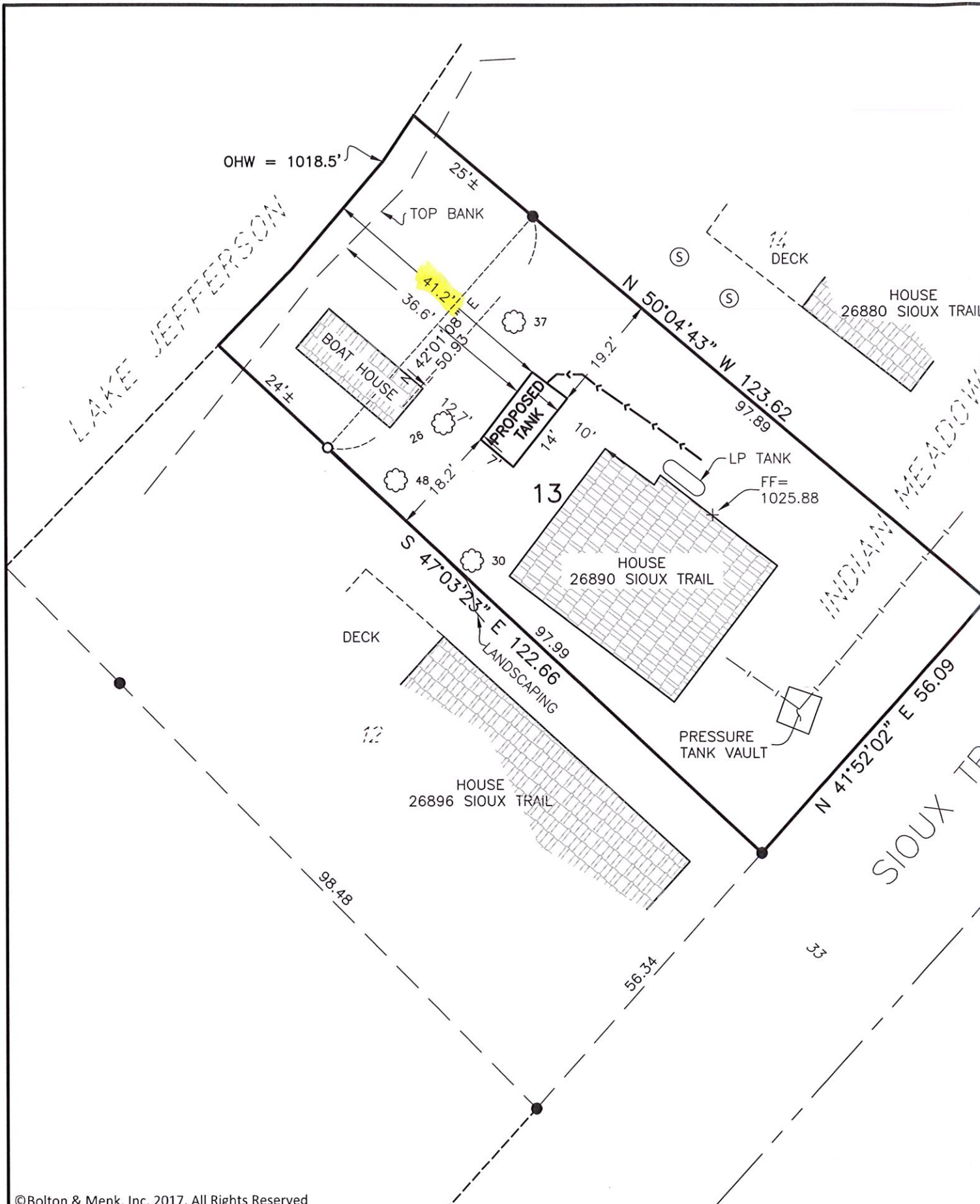
**CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA**



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

LOT 13, INDIAN MEADOWS, LE SUEUR COUNTY,
MINNESOTA

FOR: RICHARD LOOD



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H:\LODRICH_PR\M33113349\CAD\C3D\113349BD1.dwg 2/28/2017 11:36 AM

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	13	18	17	16				
23	24	19	20	21	23	24	19	20	21	23	24	19	20	21		
26	25	30	29	28	26	25	30	29	28	26	25	30	29	28		
35	36	31	32	33	34	35	36	31	32	33	34	35	36	31	32	33
2	1	6	5	4	3	2	1	6	5	4	3	2	1	6	5	4
11	12	7	8	9	10	11	12	7	8	9	10	11	12	7	8	9
14	13	18	17	16	15	14	13	18	17	16	15	14	13	18	17	16
														19	20	21

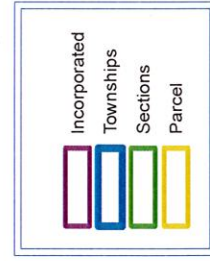


Map Disclaimer

*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

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. Septic tank to OHWL: | 54 feet | 100 feet | Section 17; Subdiv. 4. D.5.b.1. | 17-9 |
| b. Septic drainfield to OHWL: | 69 feet | 100 feet | Section 17; Subdiv. 4. D.5.b.1. | 17-9 |
| c. Septic drainfield to OHWL: | 71 feet | 100 feet | Section 17; Subdiv. 4. D.5.b.1. | 17-9 |
| d. Septic tank to cabin: | 5 feet | 10 feet | Section 17; Subdiv. 4. D.1.b. | 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. **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.)*

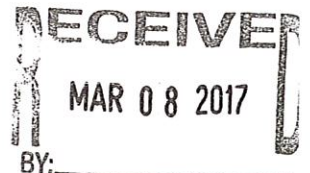
Elysian Township notified on 2/27/17 ~~3/3/17~~ 3/6/17
 (Township Name) (Date)

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

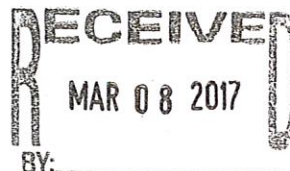
3/6/17
Date

OFFICE USE ONLY

Date received <u>3-8-17</u>	Present Zoning Classification <u>SR/FF</u>	Feedlot within 500' 1000' <input type="radio"/> N
Meeting date <u>4-20-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input checked="" type="radio"/> Y <input type="radio"/> N
60 Day <u>5-7-17</u>	Lake <u>Greenway</u>	Water courses <input type="radio"/> Y <input checked="" type="radio"/> N
RFPE <u>NA</u>	FEMA Panel # <u>27029003000</u>	Bluff <input type="radio"/> Y <input checked="" type="radio"/> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>A-100 YR</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Motta</u> Planning & Zoning Department Signature	<u>3-8-17</u> Date
		<input checked="" type="radio"/> COC <input checked="" type="radio"/> NONC/Waiver <input checked="" type="radio"/> Design
		ATF / SPEC MTG
		<u>170260</u> Permit #

01-15-16

4



Description of Request

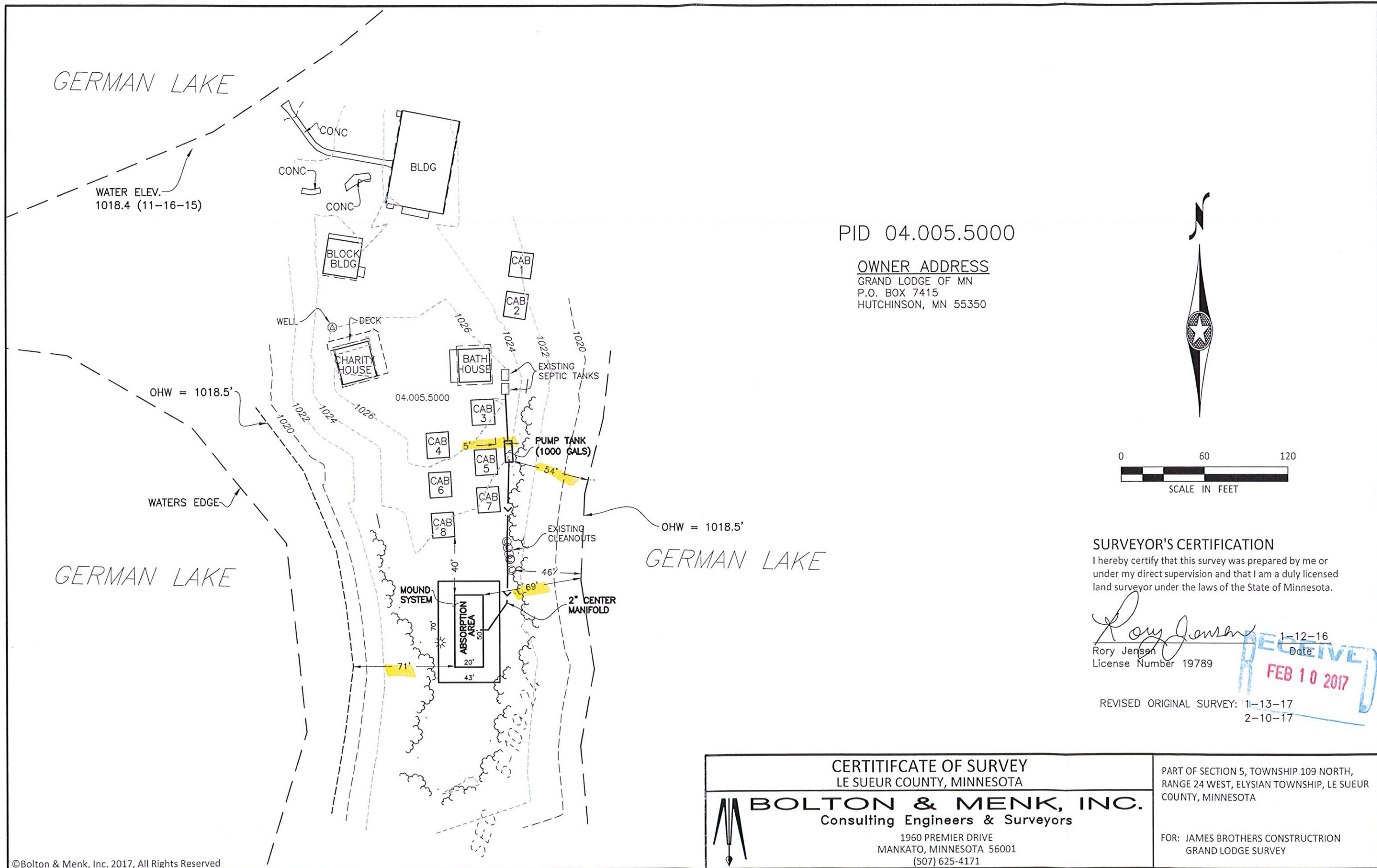
The Grand Lodge of MN IOOF requests a Variance to meet Le Sueur County Code for the installation of a 450-gallon per day mound septic system for Camp Fa Ho Cha.

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.





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H:\JAMEB_PR\M33110974\CAD\C3D\110974BD1.DWG 11-18-2015 6:25a.m.

SDB110974H

JOB NUMBER: M33.110974

FIELD BOOK: 90J PG 22

DRAWN BY: JLA

4.0 S5-T109N-R24W

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.

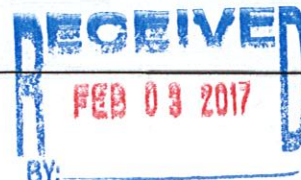
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Kory Jensen _____ 2/2/17 _____ 19789 _____
Surveyor Signature Date Lic #

OFFICE USE ONLY

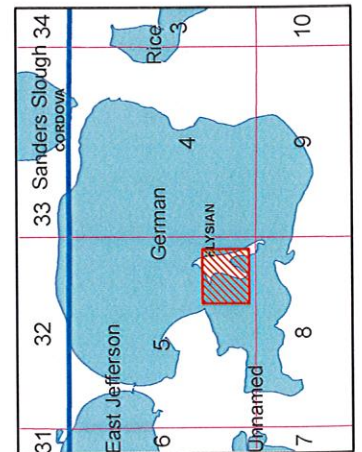
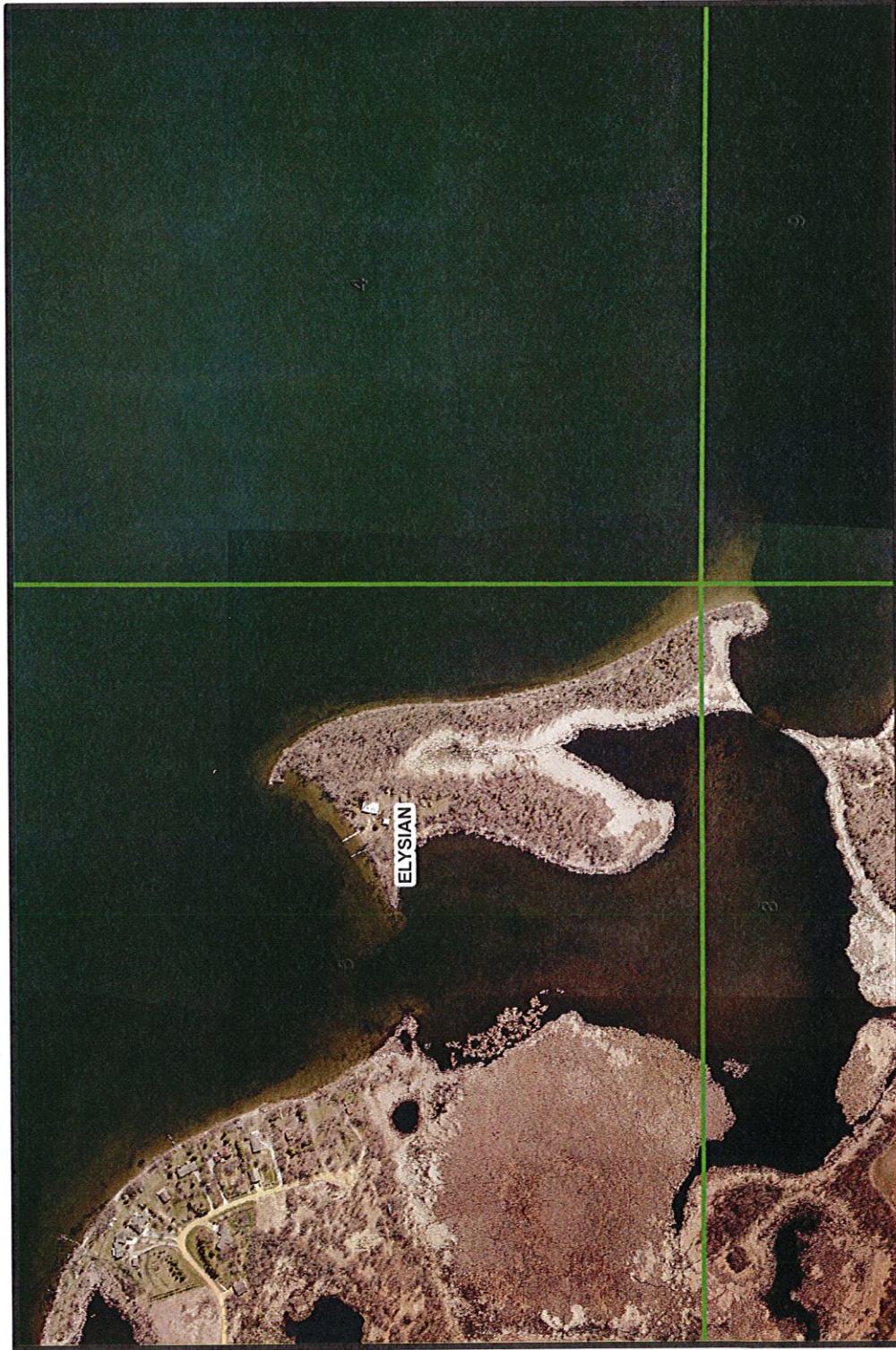
2/3/17
Date Received

mlm
Planning & Zoning Department Signature

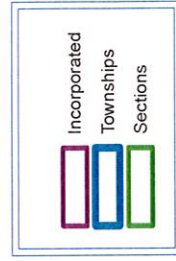


LE SUEUR COUNTY ENVIRONMENTAL SERVICES

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



Le Sueur County, MN

Thursday, April 20, 2017

Regular Session

Item 4

Scheurer Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 3/10/2017	PERMIT NUMBER 17035	FEE: \$646.00
60 DAY RULING DATE: 5/9/2017		
APPLICANT: ROGER & MARY SCHEURER	PROPERTY OWNER: ROGER & MARY SCHEURER	
ADDRESS: 48150 RED IRON RD	ADDRESS: 48150 RED IRON RD	
CITY: KASOTA	CITY: KASOTA	
STATE: MN	STATE: MN	ZIP: 56050
PHONE: 507-317-4715	PHONE: 507-317-4715	

PARCEL NO: 05.750.0310 & 05.750.0300	TOWNSHIP: KASOTA	911: 48150 RED IRON RD, KASOTA
SEC: 17	SUBDIV: THUNDERBIRD HILLS	
TWP: 109	LOT: 31	ZONE: R1
RANGE: 26	BLOCK: 1	FEMA PANEL #: 27079C0240D
Q/Q:	ROAD: TWP	FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:


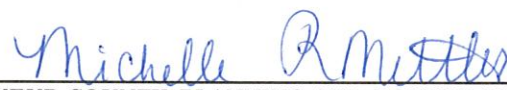
1.) Reason for Requested Variance:

TO ALLOW THE APPLICANT TO SEPARATE 2 CONTIGUOUS NON-CONFORMING LOTS UNDER THE SAME OWNERSHIP FOR THE PURPOSES OF SALE AND DEVELOPMENT.

2.) Reasons for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:

 APPLICANT/PROPERTY OWNER	<u>3-10-17</u> DATE
 LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	<u>3-10-17</u> DATE

**** FEES ARE NON-REFUNDABLE****

ON-SITE TOUR DATE: <u>4/20/2017</u>	
PUBLIC HEARING DATE: _____	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

_____	_____
BOARD OF ADJUSTMENT CHAIRMAN	DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Roger & Mary Scheurer
911 ADDRESS: 48150 Red Iron Rd, Kasota, MN 56050
VARIANCE REQUEST: To separate 2 contiguous non-conforming lots under the same ownership for the purposes of sale and development.
VARIANCE NUMBER: 17035
PARCEL NUMBER: 05.750.0310 & 05.750.0300

SITE INFORMATION

LOCATION: Lots 30 & 31, Thunderbird Hills Subdivision, Section 17, Kasota Township
ZONING & PURPOSE: Urban/Rural Residential

The **Urban/ Rural Residential (R1) District** is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does make reference to buildable area of 40,000 square feet in the Urban/Rural Residential District. Goal #4, Objective 1, Action 8.

GENERAL SITE DESCRIPTION: Residential

ACCESS: Existing off Red Iron Road on developed Lot 30. New access off Red Iron Road and also Long Hill Road on undeveloped Lot 3.

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. Separate 2 non-conforming lots: | Separate | Combine | Section 24; Subdiv. 9. C. | 24-3 |
| b. Lot depth (Lot 31): | 243 feet | 260 feet | Section 9; Subdiv. 5. J. 2. | 9-8 |
| c. Buildable area (Lot 30): | 35,365 sq ft | 90% of lot size | Section 9; Subdiv. 5. K. 1. | 9-8 |
- Variations 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 controls 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 **findings of fact**.

CONSIDERATIONS

Page 1 of 2

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.

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: ROGER & MARY SCHEURER

Variance # 17035

Variance Request: TO ALLOW THE APPLICANT TO SEPARATE 2 CONTIGUOUS NON-CONFORMING LOTS UNDER THE SAME OWNERSHIP FOR THE PURPOSES OF SALE AND DEVELOPMENT.

- 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 Roger + Mary Scheurer
 Mailing Address 48150 Red Iron Road
 City Kasota State Mn Zip 56050
 Phone # 507-317-4715 Phone # same

II. Landowner:
 Name Roger + MARY Scheurer
 Property Address new on Red Iron Rd
 City Kasota State Mn Zip 56050
 Phone # 507-317-4715 Phone # same

III. Parcel Information: 05-750 0300
 Parcel Number 05-750-0310 Parcel Acreage 1 acre
 Township Kasota 109 Section 17
 Subdivision Thunder Bird Hills Lot 31 Block 1

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).
To split our 2 non conforming lots

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.)*

Kasota Township notified on 1-31-17
(Township Name) (Date)

Board Member Joe Hienlen regarding the proposed request.
(Name)

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

- | | | | |
|---|-----------------------------------|--|---|
| <input checked="" type="checkbox"/> North point | <input type="checkbox"/> Lakes | <input checked="" type="checkbox"/> Well | <input checked="" type="checkbox"/> Access |
| <input checked="" type="checkbox"/> Setbacks | <input type="checkbox"/> Rivers | <input checked="" type="checkbox"/> Septic System | <input checked="" type="checkbox"/> Easements |
| <input checked="" type="checkbox"/> Property lines | <input type="checkbox"/> Wetlands | <input checked="" type="checkbox"/> Proposed Structures | |
| <input checked="" type="checkbox"/> Road Right-Of-Way | <input type="checkbox"/> Streams | <input type="checkbox"/> Existing structures - <i>shown</i> | |
| <input checked="" type="checkbox"/> Lot Dimensions | <input type="checkbox"/> Ponds | <input type="checkbox"/> Location of trees to be removed - <i>Shoreland Districts.</i> | |

- 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.

We are asking for a variance to build a patio home that would better fit our needs.

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

The width of our lot is short of the township ordinance

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

Since purchasing this land from the county in 1989 the ordinances have changed

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

We will keep the essential character of the locality by maintaining and caring for it

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

No, downsizing & being 1 level

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

yes it's consistent with the bluff in our back yard.

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

Our lot is not farm land or lake property

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

St. Peter Well Company is designing and installing a new septic & sewer system. Water will be coming from our well on lot 1030

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

we will be able to build a home for our needs

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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 *Waiver*
- 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:	<u>Doubled</u> + 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.

_____ Applicant signature

_____ Date

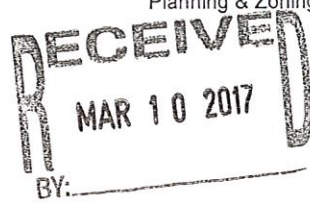
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Roger Scheurer
Landowner signature

_____ Date

OFFICE USE ONLY

Date received <u>3-10-17</u>	Present Zoning Classification <u>R1</u>	Feedlot within 500' 1000' <u>N</u>
Meeting date <u>4-20-17</u>	Lake Classification <u>/</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>5-9-17</u>	Lake <u>/</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>/</u>	FEMA Panel # <u>27079CO240D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="checked" type="checkbox"/> Site Plan -survey	Flood Zone <u>/</u>	Other _____
<input checked="checked" type="checkbox"/> Surveyor Certificate	<input checked="checked" type="checkbox"/> Full legal description	<input checked="checked" type="checkbox"/> Septic <u>W</u>
<input checked="checked" type="checkbox"/> Floor plans/blue-prints	<input type="checkbox"/> Access approval	COC <u>NONC/Waiver Design</u>
<input checked="checked" type="checkbox"/> Description of Request	<input checked="checked" type="checkbox"/> Blue Prints	<input checked="checked" type="checkbox"/> Fee \$ <u>1046</u>
<input checked="checked" type="checkbox"/> Application complete	<u><i>Michelle R. Mitta</i></u> Planning & Zoning Department Signature	ATF / SPEC MTG <u>1703415</u>
		Date <u>3-10-17</u> Permit # _____



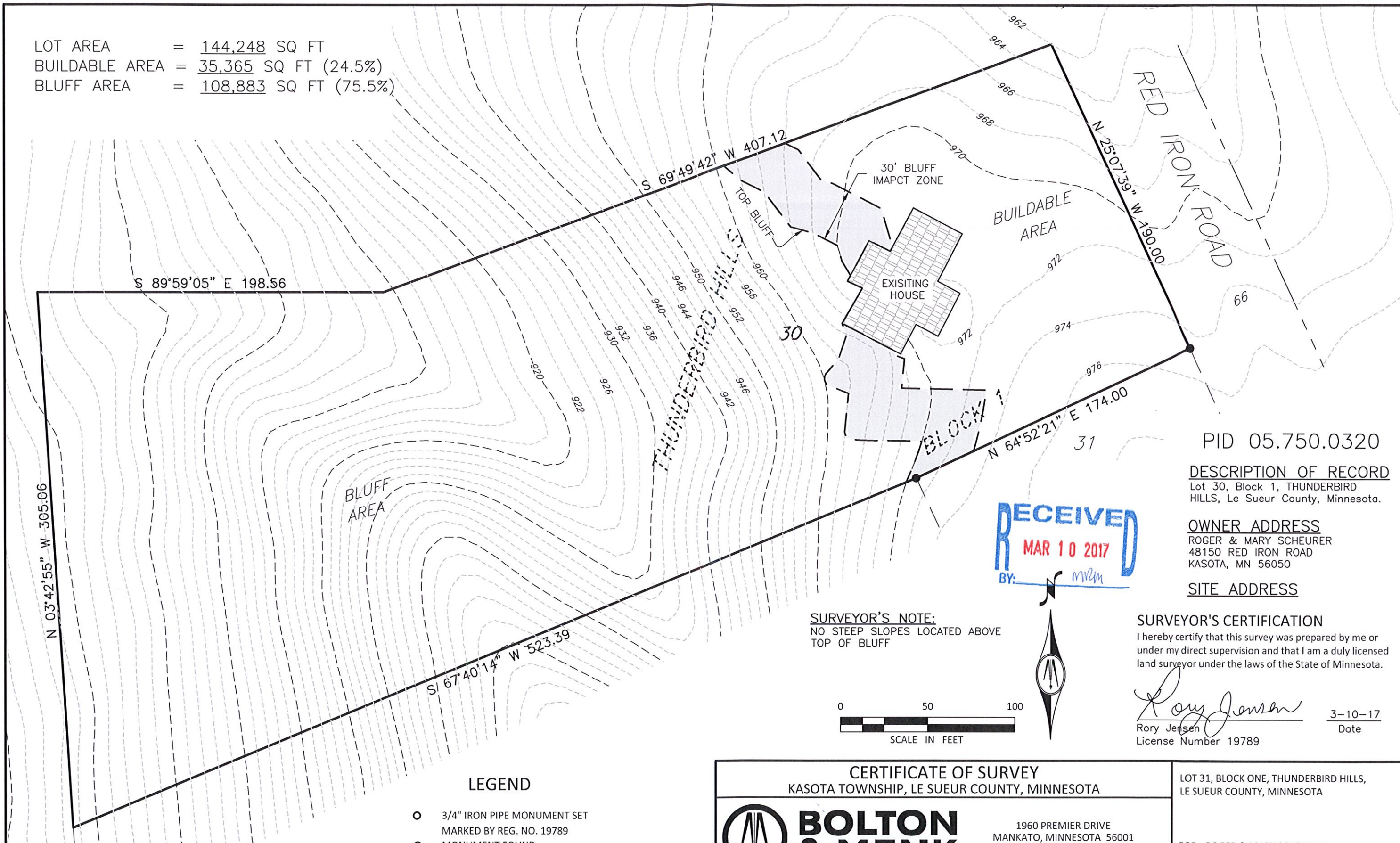
01-15-16

V.

We are requesting a variance to split our 2 lots (1030 & 1031) which are now non conforming with County standards in order to be able to construct a new patio home for our retirement years by downsizing our home.

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BY: mm

LOT AREA = 144,248 SQ FT
 BUILDABLE AREA = 35,365 SQ FT (24.5%)
 BLUFF AREA = 108,883 SQ FT (75.5%)



PID 05.750.0320

DESCRIPTION OF RECORD
 Lot 30, Block 1, THUNDERBIRD HILLS, Le Sueur County, Minnesota.

OWNER ADDRESS
 ROGER & MARY SCHEURER
 48150 RED IRON ROAD
 KASOTA, MN 56050

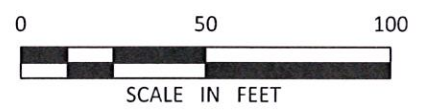
SITE ADDRESS



SURVEYOR'S NOTE:
 NO STEEP SLOPES LOCATED ABOVE TOP OF BLUFF

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
 3-10-17
 Date



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- MONUMENT FOUND

CERTIFICATE OF SURVEY KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA		LOT 31, BLOCK ONE, THUNDERBIRD HILLS, LE SUEUR COUNTY, MINNESOTA FOR: ROGER & MARY SCHEURER
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

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PID 05.750.0310

OWNER ADDRESS
ROGER & MARY SCHEURER
48150 RED IRON ROAD
KASOTA, MN 56050

SITE ADDRESS

DESCRIPTION OF RECORD
Lot 31, Block 1, THUNDERBIRD HILLS,
Le Sueur County, Minnesota.

Note: Shared well is on Lot 30.

LOT AREA = 41,514 SQ FT
BUILDABLE AREA = 41,514 SQ FT

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- MONUMENT FOUND

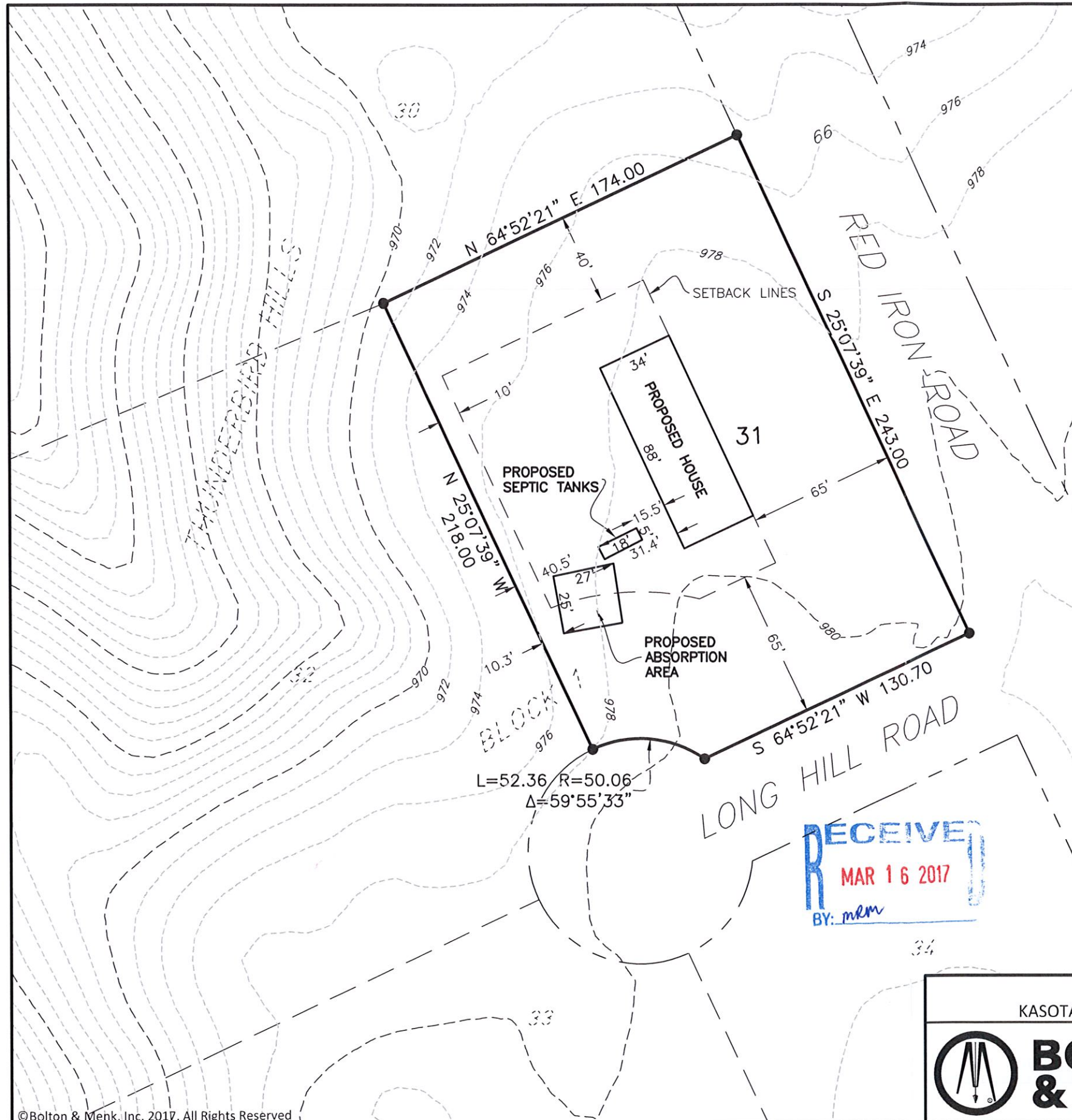
SURVEYOR'S CERTIFICATION

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

3-10-17
Date

ADDED FOUND IRON MONUMENTS: 3-16-17



CERTIFICATE OF SURVEY KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA		LOT 31, BLOCK ONE, THUNDERBIRD HILLS, LE SUEUR COUNTY, MINNESOTA
 BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	FOR: ROGER & MARY SCHEURER

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H:\SCHEURRO_PR\M33113250\CAD\C3D\113250BD1.dwg 8/23/2016 8:08 AM

SDB113250H

JOB NUMBER: M33.113250

FIELD BOOK: 90H PG 63

DRAWN BY: JLA

4.0 S17-T109N-R26W

Surveyor Certification

I. Applicant:
Name ROGER & MARY SCHEURER

II. Landowner:
Name ROGER & MARY SCHEURER
Property Address _____
City KASOTA State MN Zip 56050

III. Parcel Information:
Parcel Number 05.750.0310

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, aeriels 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 2/10/2017, 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.

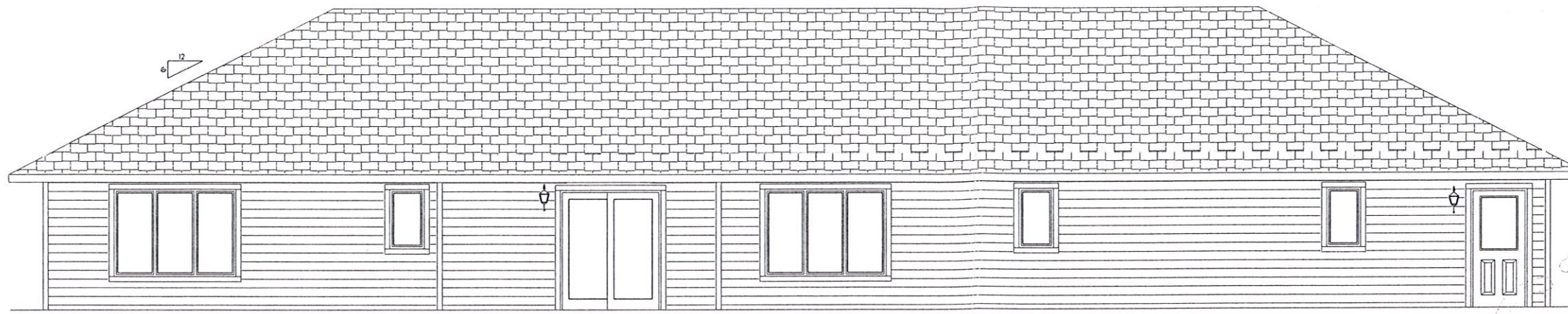
Surveyor Signature Roy Jensen Date 3/10/2017 Lic # 19789

OFFICE USE ONLY

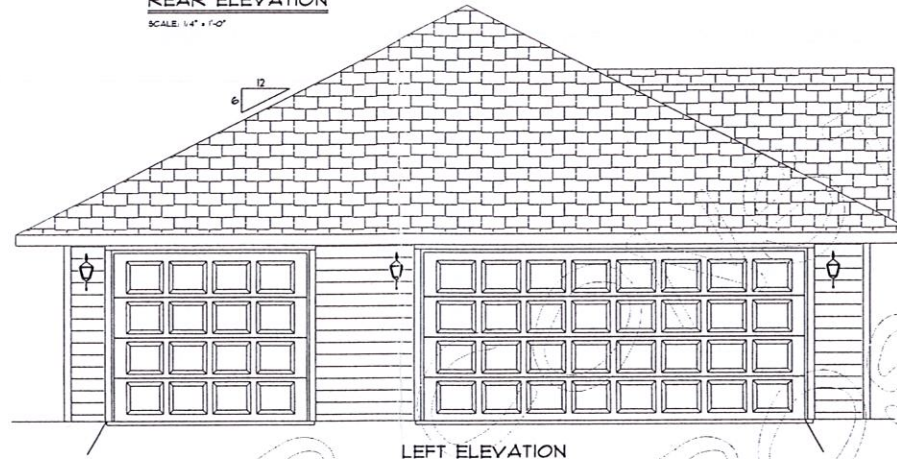


Michelle R. Mettler
Planning & Zoning Department Signature

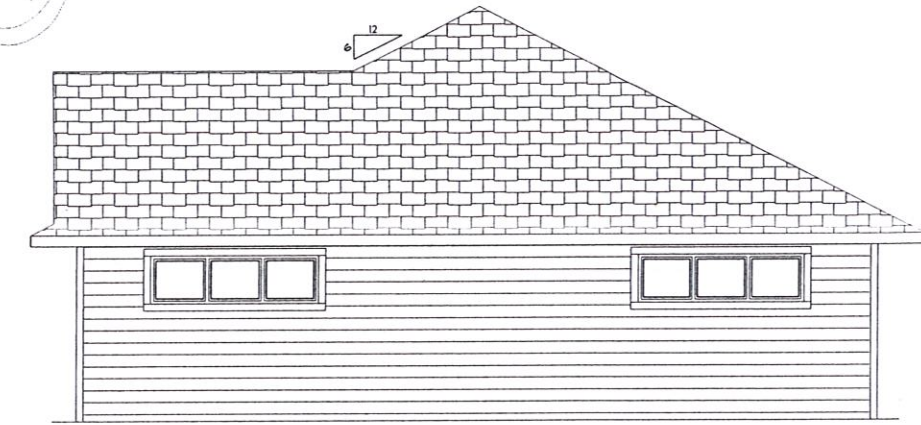
01-15-16



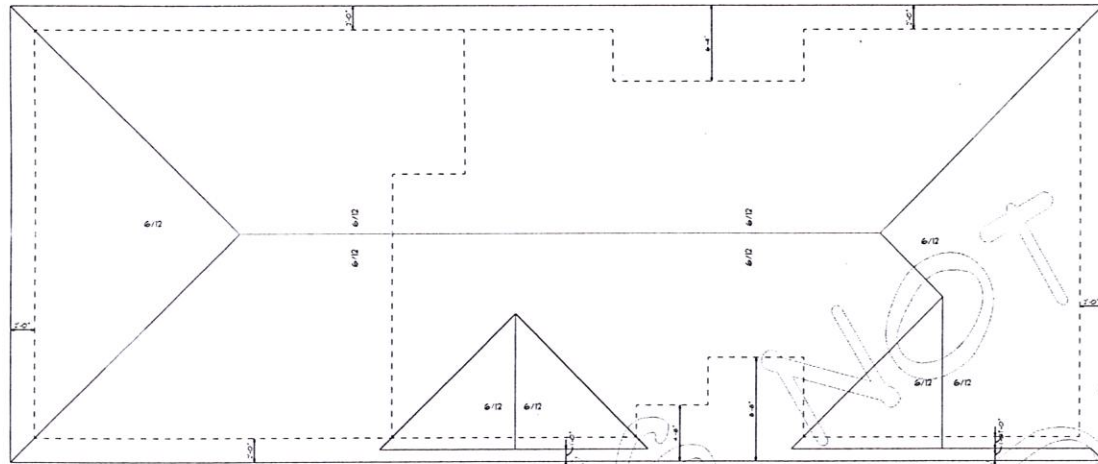
REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



ROOF PLAN
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

BUILDER/HOMEOWNER TO VERIFY MATERIALS AND LOCATIONS OF MATERIAL WHICH MAY AFFECT TRUSS LOADING SPECIFICATIONS
1st FLOOR COVERINGS/FINISHES/COUNTERTOPS

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MAR 10 2017
BY: *mlm*

THE DESIGN AND PLANS INDICATED ON THIS DRAWING ARE THE PROPERTY OF PRO-BUILD, HANKATO, PA. ALL RIGHTS ARE RESERVED. NO DESIGN OR CONSTRUCTION SHALL BE MADE WITHOUT WRITTEN PERMISSION OF PRO-BUILD, HANKATO, PA. AUTHORIZED BY:

CONSTRUCTION WARRANTY
BECAUSE OF THE POSSIBILITY OF PROVIDING A PERSONAL AND/OR ON-SITE CONSULTATION AND SUPERVISION OVER THE CONSTRUCTION AND BECAUSE OF THE VARIATION OF LOCAL CONDITIONS, PRO-BUILD, HANKATO, PA. SHALL ASSUME NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL FAILURES DUE TO ANY DEFICIENCIES OR OMISSIONS IN THE CONSTRUCTION. THE OWNER'S CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL ORDERS, ROOM OPENINGS, MATERIALS, FINISHES AND SPECIFICATIONS THAT MAY AFFECT ORDERING AND DELIVERY OF MATERIALS.

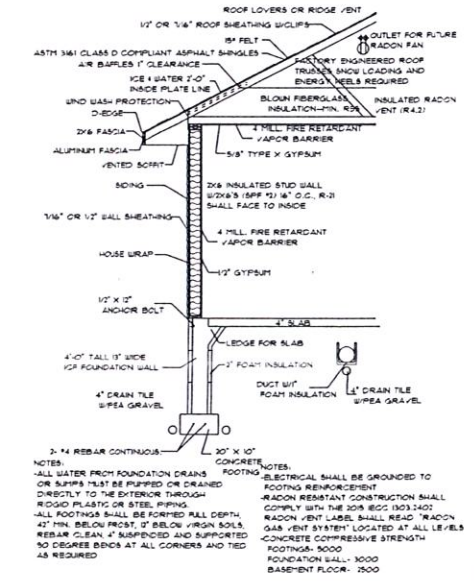
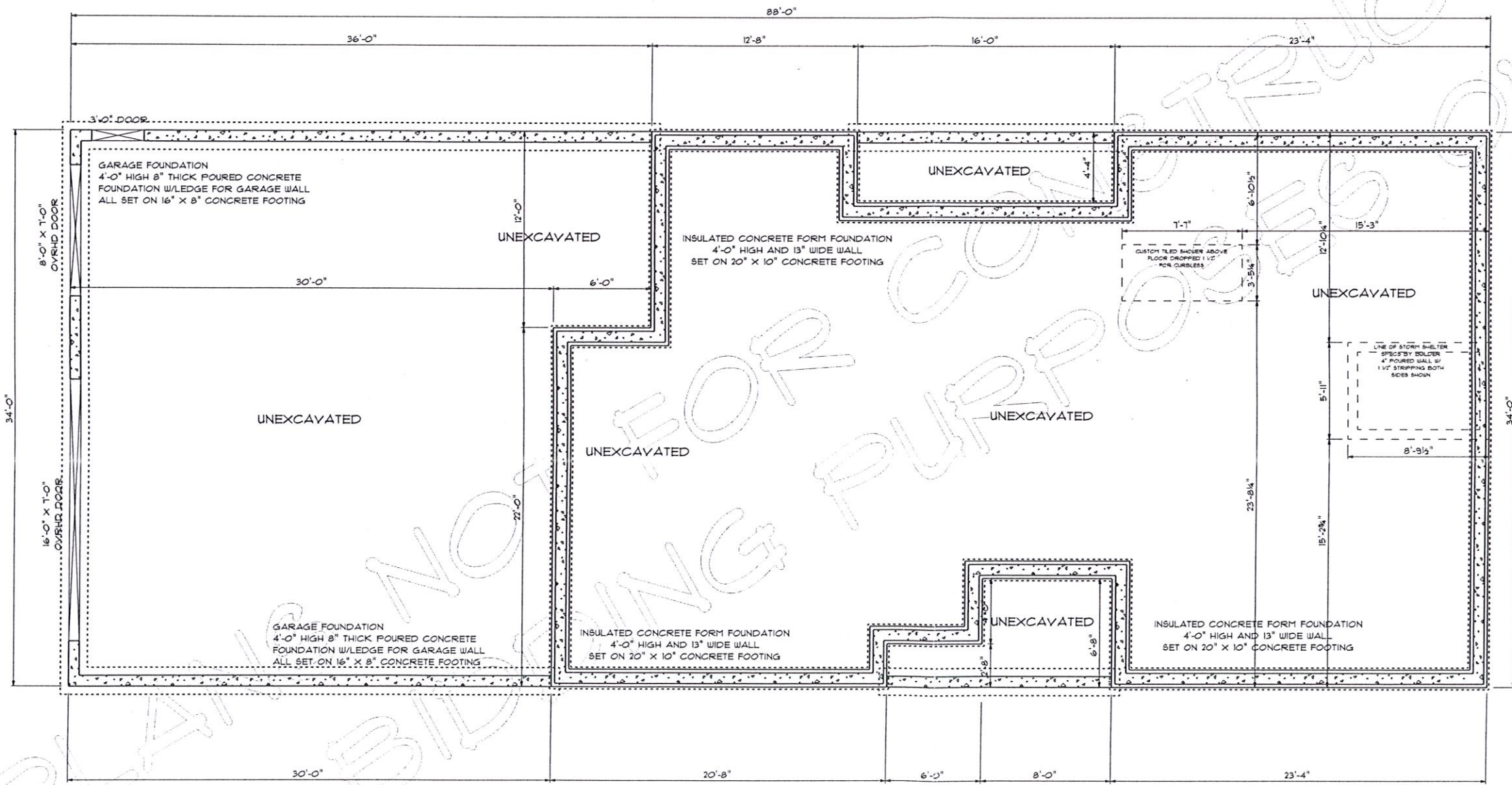
PRO-BUILD	
BUS. 1507-3815408	CONTR. 1507-3815332
183 STADIUM RD., HANKATO, PA. 16802	
PRELIM. DATE: 5/8/16	REVISION DATE: 11/16/16
REVISION DATE: 5/20/16	REVISION DATE:
REVISION DATE: 10/18/16	REVISION DATE:



PLANS FOR: ROGER & MARY SCHEURER
507-420-6596 mary.scheurer@ghcc.com
EMERICK CONSTRUCTION
SCALE: 1/4" = 1'-0"
DESIGN BY: RACHEL DUGAN
ELEVATIONS

CATEGORY ONE HOUSE
 WINDOWS TO BE CAULKED AND TAPED
 WALL SEALER TO BE INSTALLED UNDER ALL BALL PLATES
 SEALED CONTINUOUS AIR AND VAPOR BARRIER TO BE INSTALLED ON JAMB SIDE OF EXTERIOR WALLS WITH ALL JOINTS, OPENINGS AND PENETRATIONS SEALED IN A PERMANENT MANNER
 PENETRATION IN THE RIM JOIST OR WALLS BY SUB-CONTRACTORS TO BE SEALED
 UNSUPPORTED SHEATHING JOINTS TO BE SEALED ON EXTERIOR OF JOIST
 AIR BARRIER ON EXTERIOR OF HOME TO BE WITH JOISTS OR SOLID WOOD BLOCK FOR PENETRATIONS
 ATTIC ACCESS TO BE SEALED WITH SPRAY TEXTURE OR CAULK
 UNSEALED COMBUSTION PURNACE
 CENTRALIZED EXHAUST SYSTEM
 DIRECT VENT GAS WATER HEATER
 MAXIMUM 300 CFM ON ANY ONE APPLIANCE

GENERAL NOTES:
 ALL TRUSSES ARE TO BE ENGINEERED AND INSTALLED ACCORDING TO TRUSS MANUFACTURER
 TRUSS LAYOUTS TO BE VERIFIED BEFORE CONSTRUCTION
 TRUSS MANUFACTURER TO VERIFY HEADER BEAM SIZES AND JOINT LOADS AND SEND ORDERS EXERT CONCENTRATED LOADS
 ALL 12" OR 14" BEAMS, GIRDERS TRUSS SIZES AND LOCATION ARE TO BE STRUCTURALLY ENGINEERED AND VERIFIED PRIOR TO CONSTRUCTION
 ALL BONA FIDE ROOMS TO BE VERIFIED BY TRUSS MANUFACTURER PRIOR TO CONSTRUCTION
 SOLID BEARINGS REQUIRED FOR ALL BEAMS AND HEADERS
 IRC CODE STATES ALL WALLS OVER 0'-0" IN HEIGHT REQUIRE ENGINEERING. ENGINEERING PROVIDED BY OTHERS
 WHEN NARROW WALL CONSTRUCTION IS REQUIRED THE METHOD IS TO BE VERIFIED BY SILENCE
 TYPICAL CEILING PLATE HEIGHT IS 8'-4" UNLESS NOTED
 1/2" MINIMUM DEPTH REQUIRED FOR ALL NON-HEATED FROST FOOTINGS
 #4 REBAR # 4'-0" ON CENTER AND 6"-IN 12" FROM CORNER
 #4 REBAR CONTINUOUS FOR FOOTING REINFORCEMENT
 VAPOR RETARDER REQUIRED UNDER ALL CONCRETE SLABS IN HABITABLE AREAS
 ANCHOR BOLTS # 4'-0" ON CENTER
 10" MINIMUM REQUIRED WITH # TOLETS
 SPOKE DETECTORS REQUIRED IN COMMON AREA AND ALL BEDROOMS
 HOUSE GARAGE GYPSON WALLS AND CEILING TO BE SHEETROCKED WITH 5/8" SHEETROCK FOR FIRE PROTECTION
 SAFETY GLAZING REQUIRED FOR ALL GLASS WITHIN 8' OF THE FLOOR
 SAFETY GLAZING REQUIRED FOR ALL GLASS WITHIN 14" ARC SPANS OF DOORS
 SAFETY GLAZING REQUIRED FOR ALL GLASS WITHIN STAIRWELLS



NOTES:
 ALL WATER FROM FOUNDATION DRAINS OR SUMP MUST BE PUMPED OR DRAINED DIRECTLY TO THE EXTERIOR THROUGH RIGID PLASTIC OR STEEL PIPING
 ALL FOOTINGS SHALL BE FORMED FULL DEPTH 42" MIN. BELOW FROST, 12" BELOW VIRGIN SOILS
 REBAR CLEAN, #4 SUPPLIED AND SUPPORTED 90 DEGREE BENDS AT ALL CORNERS AND TIES AS REQUIRED
 ELECTRICAL SHALL BE GROUNDED TO FOOTING REINFORCEMENT
 RADON RESISTANT CONSTRUCTION SHALL COMPLY WITH THE 2008 ICCS (603.2402)
 RADON VENT LABEL SHALL READ: "RADON GAS VENT SYSTEM" LOCATED AT ALL LEVELS
 CONCRETE COMPRESSIVE STRENGTH FOOTING: 3000 FOUNDATION WALL: 3000 BASEMENT FLOOR: 2500

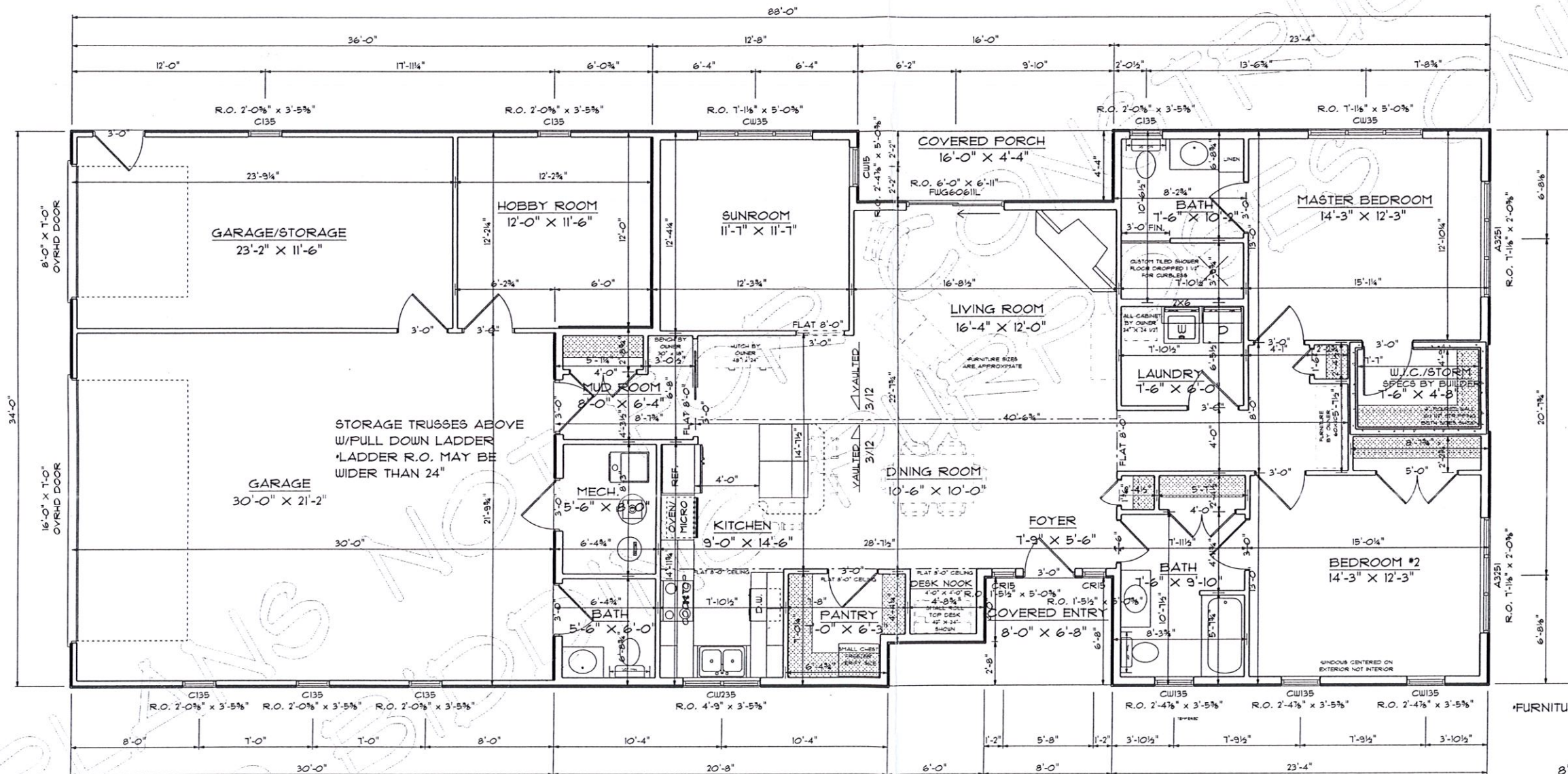
CONSTRUCTION WARRANTY
 PRO-BUILD CONSTRUCTION warrants that the construction work shown on these drawings shall be completed in accordance with the drawings and specifications. PRO-BUILD CONSTRUCTION shall not be responsible for any delays or cost overruns caused by weather, labor shortages, or other factors beyond its control. This warranty is void if the work is not completed within the specified time frame.

PRO-BUILD 605 15013876028 CONR. 15013876028 FAX 15013876028 831 STADIUM BLVD. MANASSAS, VA 20108	
PRELIM. DATE: 9-14-16 REVISION DATE: 9-20-16	REVISION DATE: 10-26-16

PLANS FOR: ROGER & MARY SCHEURER
 501-420-6596 mary.scheurer@yahoo.com
EMERICK CONSTRUCTION
 SCALE: 1/4" = 1'-0"
 DRAWN BY: RICHARD GACHS

RECEIVED
MAR 1 0 2017
 BY: *mjm*

BUILDER/HOMEOWNER TO VERIFY MATERIALS AND LOCATIONS OF MATERIAL WHICH MAY AFFECT TRUSS LOADING SPECIFICATIONS
 1st FLOOR COVERINGS/FINISHES/COUNTERTOPS



*FURNITURE SIZES ARE APPROXIMATE

8'-0" CEILINGS UNLESS NOTED

1756 SQ. FT. MAIN FLOOR
 INCLUDES MECH. AND GARAGE 1/2 BATH
 DOES NOT INCLUDE COVERED ENTRY & PORCH

1032 SQ. FT. GARAGE
 INCLUDES HOBBY ROOM

RECEIVED
 MAR 10 2017
 BY: *mfm*

BUILDER/HOMEOWNER TO VERIFY MATERIALS AND
 LOCATIONS OF MATERIAL WHICH MAY AFFECT TRUSS
 LOADING SPECIFICATIONS
 1st FLOOR COVERINGS/FINISHES/COUNTERTOPS

- 1. TRUSS MANUFACTURER TO VERIFY BEFORE CONSTRUCTION
- 2. TRUSS MANUFACTURER TO VERIFY HEADER BEAM SIZES AND POINT LOADS WHERE LOADS ARE CONCENTRATED
- 3. ALL FLOOR LAY BEAMS, GIRDERS, TRUSS SIZES AND LOCATIONS ARE TO BE STRUCTURALLY ENGINEERED AND VERIFIED PRIOR TO CONSTRUCTION
- 4. ALL BENCH ROOMS TO BE VERIFIED BY TRUSS MANUFACTURER PRIOR TO CONSTRUCTION
- 5. SOLID BEARINGS REQUIRED FOR ALL BEAMS AND HEADERS
- 6. IRC CODE STATES ALL WALLS OVER 10'-0" IN HEIGHT REQUIRE ENGINEERING. ENGINEERING PROVIDED BY OTHERS
- 7. WHEN NARROW WALL CONSTRUCTION IS REQUIRED THE METHOD IS TO BE VERIFIED BY BUILDER
- 8. TYPICAL CEILING PLATE HEIGHT IS 8'-11/8" UNLESS NOTED
- 9. 4" MINIMUM DEPTH REQUIRED FOR ALL NON-SEALED FROST FOOTINGS
- 10. #4 REBAR # 6'-0" ON CENTER AND WITHIN 5'-0" FROM CORNER
- 11. #4 REBAR CONTINUOUS FOR FOOTING REINFORCEMENT
- 12. VAPOR RETARDER REQUIRED UNDER ALL CONCRETE SLABS IN HABITABLE AREAS
- 13. ANCHOR BOLTS # 4'-0" ON CENTER
- 14. 30" MINIMUM REQUIRED WITH # TOILETS
- 15. SMOKE DETECTORS REQUIRED IN COMMON AREA AND ALL BEDROOMS
- 16. HOUSE GARAGE COTTON BALLS AND CEILING TO BE SHEETROCK WITH 5/8" SHEETROCK FOR FIRE PROTECTION
- 17. SAFETY GLAZING REQUIRED FOR ALL GLASS WITHIN 18" OF THE FLOOR
- 18. SAFETY GLAZING REQUIRED FOR ALL GLASS WITHIN 24" AND 48" OF DOORS
- 19. SAFETY GLAZING REQUIRED FOR ALL GLASS WITHIN STAIRWELLS

THE DESIGN AND PLANS INDICATED ON THIS DRAWING ARE THE PROPERTY OF ERICK CONSTRUCTION, INC. NO PARTS OF THIS DRAWING OR ANY INFORMATION CONTAINED HEREIN ARE TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ERICK CONSTRUCTION, INC. AUTHORIZED BY: PRO-BUILD, MANKATO, MN.

CONSTRUCTION WARRANTY
 ERICK CONSTRUCTION, INC. WARRANTS THE WORKMANSHIP AND MATERIALS ON THE CONSTRUCTION AND SUPERVISION OF THE CONSTRUCTION AND BECAUSE OF THE VARIANCES IN LOCAL BUILDING CODE REQUIREMENTS, AND WEATHER CONDITIONS, OR ERRORS IN THE DESIGN OF THE BLUE PRINTS, IT IS RECOMMENDED THAT THE OWNER'S CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING DIMENSIONS, ROOM OPENINGS, PLAN CHANGES AND SPECIFICATIONS THAT MAY AFFECT ORDERING AND DELIVERY OF MATERIALS.

PRO-BUILD
 805 15013815009 CONTIN. 15013815002 FAX 15013815009
 9011 BRADY RD. MANKATO, MN. 56002
 PRELIM. DATE: 9-9-16 REVISION DATE: 10-4-16
 REVISION DATE: 9-20-16 REVISION DATE: 10-18-16



PLANS FOR: ROGER & MARY SCHEURER
 5071-420-6596 mary.scheurer@yahoo.com
ERICK CONSTRUCTION
 SCALE: 1/4" = 1'-0"
 DRAWN BY: ERICK CONSTRUCTION
FLOORPLAN

Deegan Construction

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Roger & MARY Scheurer PID: _____
Mailing Address: 48150 Red Iron Rd Kasota Mn 56050
Property Address: new on Red Iron Rd
Phone: (507) 317-4715 Mobile/Cell: () SAME

Responsible party for Implementation/Inspection: Dan Deegan, Deegan Const
Address: 23873 3rd ave
Phone: (507) 382-6122 Mobile/Cell: () _____

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow.
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

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MAR 10 2017
BY: _____

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

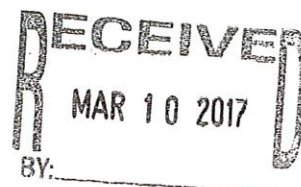
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

R. R. Roger Schauer
 (Property Owner)

[Signature]
 (Person Responsible for Implementation)

 (Date)
2-1-17
 (Date)

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



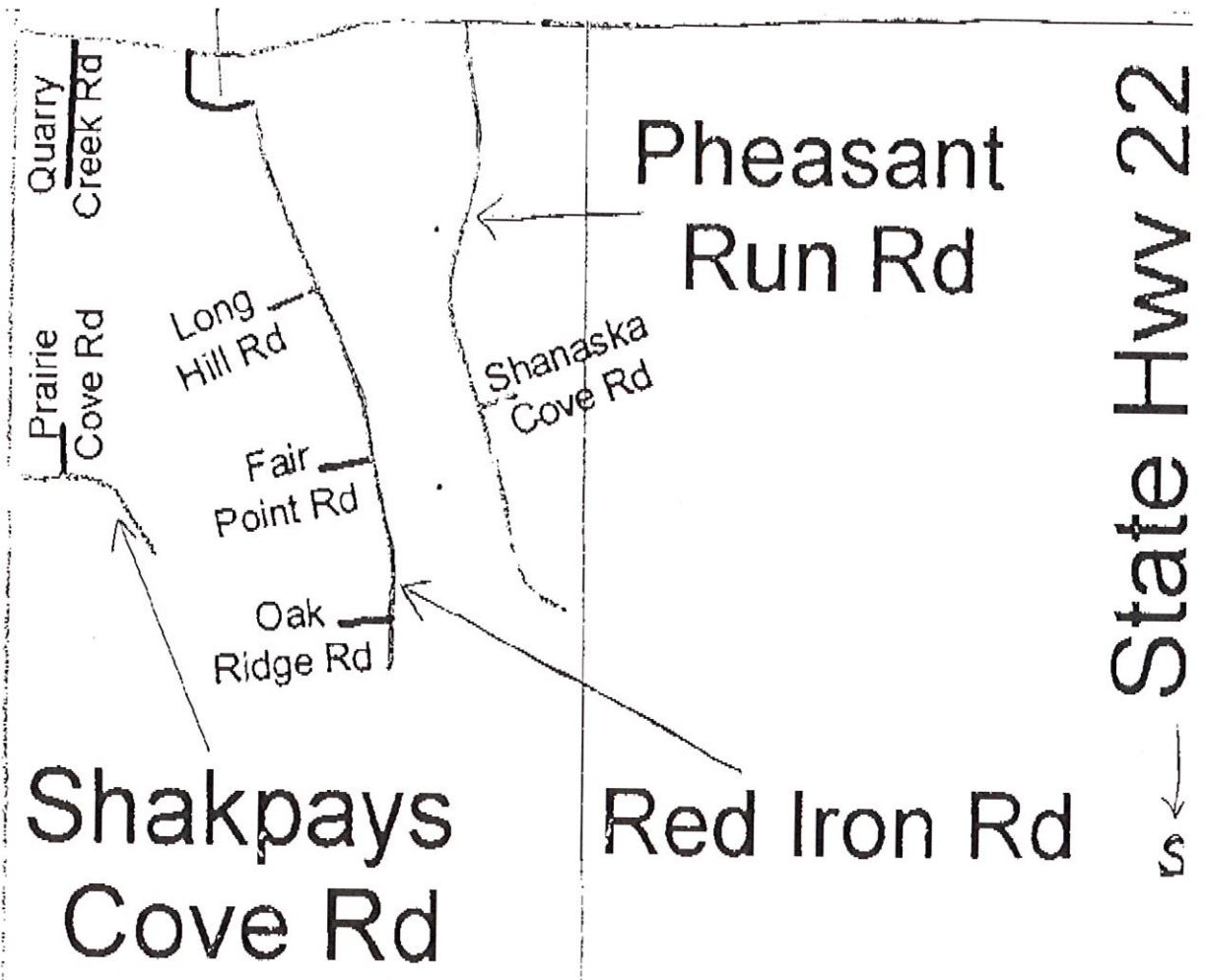
3-14-17

To: Michelle Mettler

From: Kasota Township

Joe Kienlen
507-931-6085
507-995-4006

Re: Roger Scheurer
placement of two
driveways

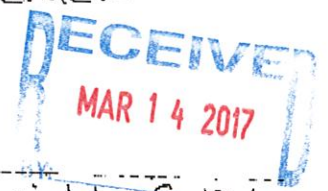


Driveway #1 (exiting onto Red Iron Road)

No less than 20 feet north of the road right of way from the corner of Red Iron Road and Long Hill Road. Culvert must be no less than 15 inches in diameter with a maximum length of 25 feet.

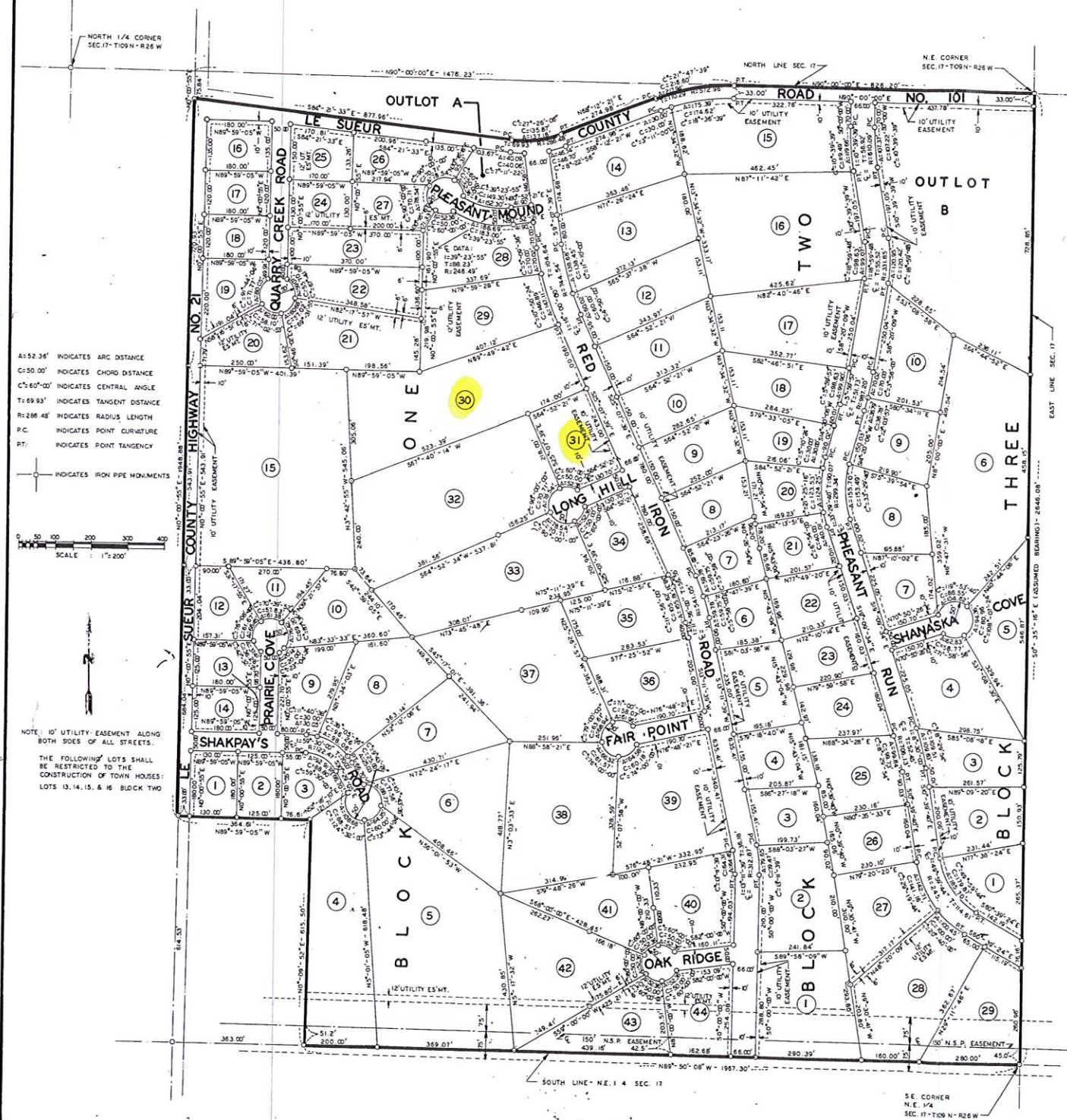
Driveway #2 (exiting onto Long Hill Road)

No less than 20 feet west of the road right of way from the corner of Long Hill Road and Red Iron Road. Culvert must be no less than 15 inches in diameter with a maximum length of 25 feet.



THUNDERBIRD HILLS

LE SUEUR COUNTY, MINNESOTA



A152.34' INDICATES ARC DISTANCE
 C150.00' INDICATES CHORD DISTANCE
 C160.00' INDICATES CENTRAL ANGLE
 T169.93' INDICATES TANGENT DISTANCE
 R1288.48' INDICATES RADIUS LENGTH
 P.C. INDICATES POINT CURVATURE
 P.T. INDICATES POINT TANGENCY
 --- INDICATES IRON PIPE MONUMENTS

NOTE: 10' UTILITY EASEMENT ALONG BOTH SIDES OF ALL STREETS.
 THE FOLLOWING LOTS SHALL BE RESTRICTED TO THE CONSTRUCTION OF TOWN HOUSES: LOTS 13, 14, 15, & 16 BLOCK TWO

INSTRUMENT OF DEDICATION

Know all men by these presents that we, North States Mortgage Co., Inc., a corporation under the laws of the State of Minnesota, and Clairon V. Moses and Anna V. Moses, husband and wife, owners of the following described property, to wit:

All that part of the Northeast quarter of Section 17, Township 109 North, Range 26 West described as: Beginning at the Northeast corner of Section 17; thence South 0 degrees, 35 minutes, 16 seconds East (assumed bearing) along the East line of Section 17, 2646.08 feet to the Southeast corner of the Northeast quarter of Section 17; thence North 89 degrees, 50 minutes, 08 seconds West along the South line of the Northeast quarter of Section 17, 1967.30 feet; thence North 0 degrees, 09 minutes, 52 seconds East, 615.50 feet; thence North 89 degrees, 59 minutes, 05 seconds West, 364.61 feet to a point on the centerline of Le Sueur County Highway No. 21; thence North 0 degrees, 00 minutes, 55 seconds East along said centerline, 1948.88 feet to the point of intersection with the centerline of Le Sueur County Road No. 101; thence South 84 degrees, 21 minutes, 33 seconds East along said County Road No. 101 centerline, 877.96 feet to a tangential curve deflecting left; thence along a 286.48 foot radius curve, central angle 27 degrees, 26 minutes, 06 seconds, an arc distance of 137.18 feet to the tangent; thence North 68 degrees, 12 minutes, 21 seconds East along the tangent, 274.98 feet to a tangential curve deflecting right; thence along a 572.96 foot radius curve, central angle 21 degrees, 47 minutes, 39 seconds, an arc distance of 217.94 feet to the North line of Section 17, tangent to said curve; thence North 90 degrees, 00 minutes, 00 seconds East along the North line of Section 17, 826.20 feet to the point of beginning.

do hereby declare that we have caused the above described property to be surveyed and platted and monuments to be set and that we have named said platted area THUNDERBIRD HILLS, and that we dedicate to the public use the streets and roadways shown thereon and that we dedicate the easements for the purposes shown.

WITNESS:
 Karen Lidstrom
 Walter P. Smith
 William R. Johnson
 Thomas B. Pearson

SIGNED:
 Bayard Shellum
 Thelma Shellum
 Clairon V. Moses
 Anna V. Moses

NOTARY'S CERTIFICATE

State of Minnesota) ss
 Blue Earth County)
 On this the 30 day of July, 1971, before me a Notary Public in and for said county, personally appeared Bayard Shellum and Thelma Shellum, who each being duly sworn did say that they are respectively the President and Secretary of North States Mortgage Co., Inc., a corporation under the laws of the State of Minnesota, the corporation named in the foregoing instrument and the seal affixed to same instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by the above named President and Secretary and Clairon V. Moses and Anna V. Moses, husband and wife, do hereby acknowledge said instrument to be their free act and deed.

Arvak Kozlita
 Notary Public, Blue Earth County, Minn.
 My Commission Expires Feb. 24, 1977

SURVEYOR'S CERTIFICATE

I, Martin C. Menk, Jr., Registered Land Surveyor, State of Minnesota, hereby certify that I have surveyed and platted the above described property at the request of the owners thereof, that the plat is correct representation of the survey, that all distances are correctly shown on the plat, that the monuments for the guidance of future surveys have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no marshlands or public highways within the platted area except as shown thereon.

On this the 17 day of July, 1971, before me a Notary Public in and for said County, appeared Martin C. Menk, Jr., who being duly sworn did say that he has executed the foregoing instrument.

Arvak Kozlita
 Notary Public, Blue Earth County, Minn.
 My Commission Expires Feb. 24, 1977

APPROVAL

Be it known that on this the 1st day of JULY, 1971, the Planning Commission of Le Sueur County did duly approve this plat of THUNDERBIRD HILLS.

Robert J. Gary
 Secretary to the Le Sueur County Planning Commission

R. L. Bradshaw
 Chairman of the Le Sueur County Planning Commission

APPROVAL

Be it known that on this the 12th day of JULY, 1971, the County Board of Le Sueur County did duly approve this plat of THUNDERBIRD HILLS.

Roger J. Wolfe
 Chairman

Russell Fisher
 Clerk

MORTGAGEE'S CONSENT

Clairon Moses and Anna Moses, husband and wife, approve this plat in so far as their interest is concerned.

Clairon V. Moses
 Anna V. Moses

COUNTY AUDITOR
LE SUEUR COUNTY, MINNESOTA

I hereby certify that the taxes on the land described herein are paid and transfer entered this 9th day of AUGUST, 1971.

Russell Fisher
 County Auditor
 Le Sueur County, Minnesota

REGISTER OF DEEDS
LE SUEUR COUNTY, MINNESOTA

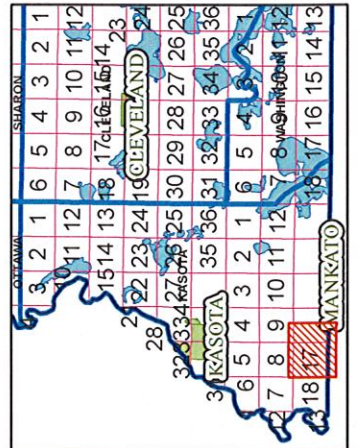
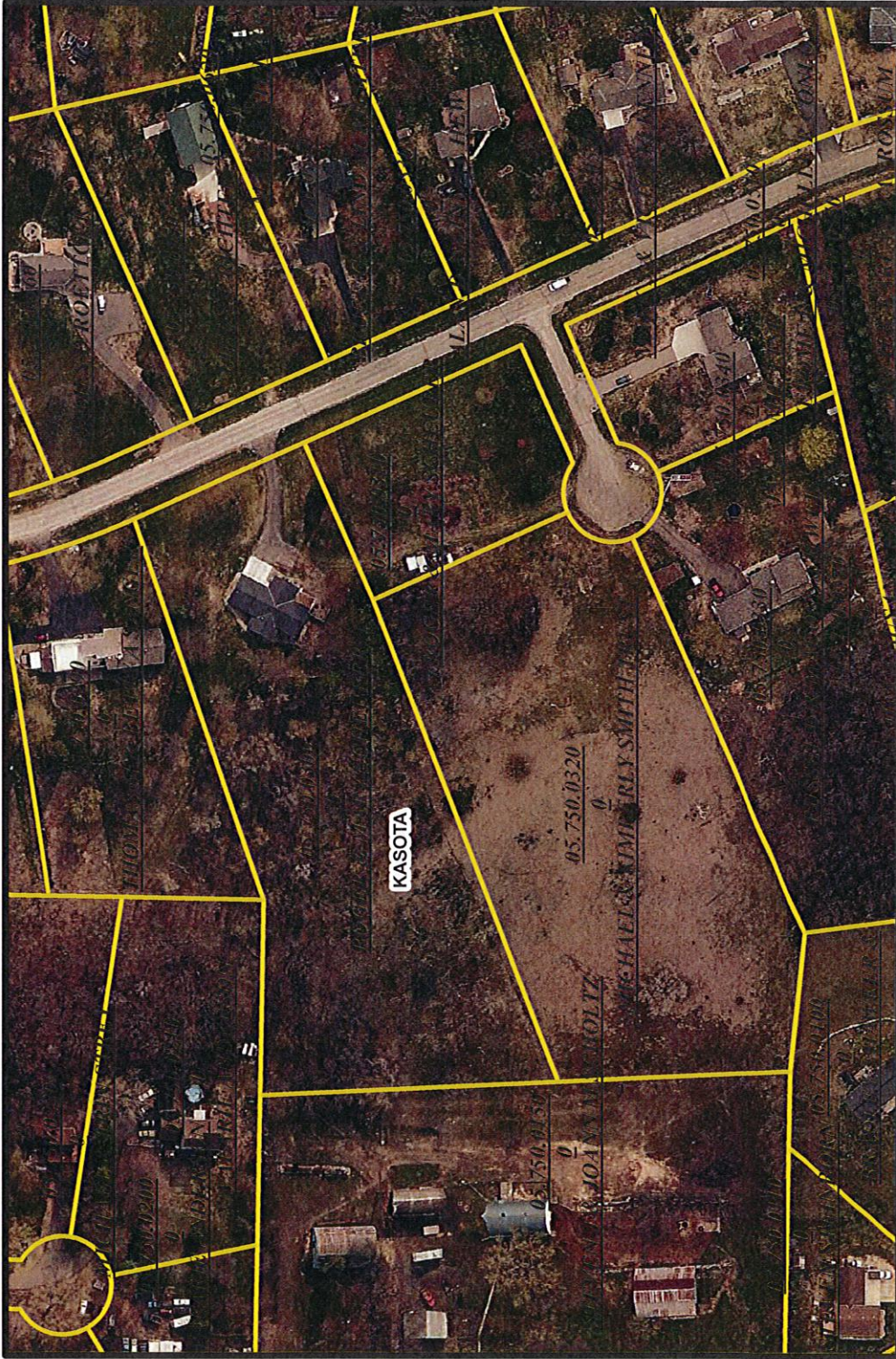
I hereby certify that this instrument was filed in my office for record on the 10th day of August, 1971 at 9 o'clock A.M. and that it was recorded on page 371 of book B of PLATS.

M. A. Dumper
 Register of Deeds
 Le Sueur County, Minnesota

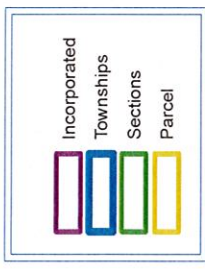
OFFICIAL PLAT

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Roger & Mary Scheurer
PID: 05.750.0310 & 0300
DATE: 04-07-17
FIRM #: 27079C0270D
F-Zone: X-outside
RFPE: NA
District: Urban Rural 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.



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



Le Sueur County, MN

Thursday, April 20, 2017

Regular Session

Item 1

Approved April 20, 2017 Meeting Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 20, 2017**

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

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

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

ITEM #1: LINDA GOOD, CLEVELAND, MN (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 0 feet from the deck and 68 feet from the Ordinary High Water Level (OHWL); install a pump tank 4 feet from the deck and 62 feet from the OHWL; construct the septic drainfield 1 foot from the dwelling, 2 feet from the property line, 50 feet from the OHWL and 2 feet from the deck in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 17 & 18, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, PROPERTY LINE & OHWL SETBACKS.**

Linda Good, applicant, along with John Bruender, contractor, were present for application. Township: No comments. DNR: no comments. Letters submitted: none.

Public Comment: none

Discussion was held regarding: property within the German-Jefferson Sewer District, required to update by December 31, 2017, was working with neighbors in order to install a cluster system, land deal fell through, no other options, was not in favor of the pipe, heard stories of draining the lake due to a community pipe in White Bear Lake.

Motion was made by John Wolf to approve the application as she has no other options available. Seconded by Fritz Cummins. Motion approved. Motion carried.

ITEM #2: RICHARD LOOD, RICHFIELD, MN (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 41 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 13, Indian Meadows Subdivision, Section 2, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

Jadd Seppmann, Seppman and Sons, contractor, was present for application. Township: No Comments. DNR: No Comments. Letters submitted: None.

Public Comment: none

Discussion was held regarding: non-conforming lot, due to well locations no other options available.

Motion was made by Fritz Cummins to approve the application as written. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #3: CAMP FO HO CHA, CLEVELAND, MN (APPLICANT); GRAND LODGE OF MN IOOF, WINDOM, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 5 (Island), Section 5, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACK.**

Tony Nichols, President of the Board for Camp Fo Ho Cha was present for application. Township: no comments. DNR: none. Letters submitted: none.

Public Comment: none

Discussion was held regarding: non-compliant septic system, required to update by December 31, 2017, they hold a camp for 2-weeks a year for children between the ages of 10-12, about 40 children per week, no other options available.

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

ITEM #4: ROGER & MARY SCHEURER, KASOTA, MN (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to separate 2 contiguous non-conforming lots under the same ownership for the purposes of sale and development in an Urban/Rural Residential "R1" District. Property is located at Lots 30 & 31, Thunderbird Hills Subdivision, Section 17, Kasota Township. **VARIANCE IS FOR NON-CONFORMING LOTS.**

Roger and Mary Scheurer applicant were present for application. Township: no comments. Letters submitted: none.

Public Comment: Tom Sanger, property owner, covenants within the subdivision, no problems with their proposal.

Discussion was held regarding: history of parcel, no other variances needed in order to construct a new home on the property, adequate area available for a septic system, construct a patio home for retirement, downsizing home, platted in the 70's, ordinance changes.

Motion was made by Jim Mladek to approve the request as presented. Seconded by Fritz Cummins. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes from the March 16, 2017 meeting by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.

Motion to adjourn meeting by Colin Harris. Seconded by Fritz Cummins. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
April 20, 2017

Approved May 18, 2017

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