



---

# Le Sueur County, MN

Thursday, June 15, 2017

Regular Session

## Item 1

**Ewert Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: **John & Melinda Ewert**

911 ADDRESS: **16996 Glens Beach Road, Waterville, MN**

VARIANCE REQUEST: **To allow the applicant to install a septic pump tank 59 feet from the OHWL, utilize the existing septic tank 44 feet from the OHWL, install a septic drainfield 18 feet from the structure.**

VARIANCE NUMBER: **17126**

PARCEL NUMBER: **04.560.0010**

## SITE INFORMATION

LOCATION: **Lot 1, 2, & 3, Glen's Beach Subdivision, Section 4, Elysian 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.

### **Mineral Resources Overlay District**

The **Mineral Resources Overlay District** is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.

GOALS AND POLICIES: **The current Land Use Plan as adopted in 2007 makes reference to improve water quality.**

**Goal #3: Improve Water Quality in Le Sueur County.**  
**Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.**

GENERAL SITE DESCRIPTION: **Residential, shoreland**

ACCESS: **Existing off Glens Beach Road**

LAKE: **German Lake, Recreational Development Lake**

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

RFPE: **na.**

## ATTACHMENTS

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

## STAFF FINDINGS

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

<u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. <b>Septic tank to OHWL:</b>	<b>59 &amp; 44 feet</b>	<b>75 feet</b>	<b>Section 17; Subdiv. 4.D.5.b.2.</b>	<b>17-9</b>
b. <b>Septic drainfield to structure:</b>	<b>18 feet</b>	<b>20 feet</b>	<b>Section 17; Subdiv. 4.D.1.a.</b>	<b>17-9</b>
<b>2. Refer to DNR Guidance Letters:</b>				
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 <b><u>only</u></b> where the strict enforcement of the official controls will result in a <b>practical difficulty</b> .				
5. It is the responsibility of the <b><u>applicant</u></b> and/or landowner to prove evidence that a practical difficulty exists.				
6. A determination that a <b><u>practical difficulty exists</u></b> upon the consideration of the <b>findings of fact</b> .				

### 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.



RECEIVED  
MAY 15 2017  
BY: \_\_\_\_\_

Variance Application

I. Applicant:  
Name JOHN C EWERT  
Mailing Address 46996 GLENS BEACH RD.  
City WATERVILLE State MN Zip 56096  
Phone # (507) 438-2620 Phone # \_\_\_\_\_

II. Landowner:  
Name JOHN C EWERT & MELINDA M EWERT  
Property Address 46996 GLENS BEACH RD  
City WATERVILLE State MN Zip 56096  
Phone # (507) 438-2620 Phone # (507) 438-5572

III. Parcel Information:  
Parcel Number 04.560.0010 Parcel Acreage \_\_\_\_\_  
Township ELYSIAN 109 Section 4  
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).  
THE NEW PUMP TANK AND MOUND ARE TO CLOSE TO THE HOUSE, PROPERTY LINE AND HIGH WATER LINE  
(pump tank 59' to HWL, mound 18' to SFD, + utility ext. tanks 44' to HWL)

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 09/16/16  
(Township Name) (Date)

Board Member LEN HEBL 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:

RECEIVED  
MAY 15 2017  
BY: \_\_\_\_\_

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

IT IS REASONABLE SINCE THE DISTANCES NOT MEETING SET BACKS ARE SMALL

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

THE PROPERTY IS TOO NARROW TO MEET SETBACKS BETWEEN THE HOUSE & PROPERTY LINE & LAKE AND R.O.W.

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

THE SET BACK DISTANCES WERE TOO LARGE FOR THE SIZE OF THE PROPERTY

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

THE MOUND FOR THE TANK WILL BLEND INTO THE SLOPE OF THE LOT

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

YES, WE WANT TO BE IN COMPLIANCE WITH THE SEPTIC/SEWER REQUIREMENTS

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

YES, WITH GOAL #3 TO IMPROVE WATER QUALITY AND OBJECTIVE / ACTION 2 TO INITIATE A SEPTIC REPLACEMENT PROGRAM

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

IT IS CONSISTENT WITH GOAL 3 TO IMPROVE WATER QUALITY AND WILL MEET THE POLICY TO HELP PROTECT GROUND AND SURFACE WATER

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

CURRENT TANK IS COMPLIANT AND THE DRAIN FIELD WAS NOT. THE NEW SYSTEM WILL ADD A PUMP TANK AND A MOUND TO MAKE EVERYTHING COMPLIANT

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

THE NEW SYSTEM WAS DESIGNED TO BE AS COMPACT AS POSSIBLE SO THAT THE DISTANCES NOT MEETING SETBACK RULES WERE SMALL

**IX. Attachments shall include but not limited to:**

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

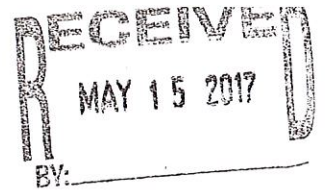
***Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.***

**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.







We volunteered to participate in the Loran Jefferson Sewer District septic survey. The results were that our septic tank (1500 GAL) was compliant and our drainfield was not compliant.

We chose to go with Bruender Construction to install a 750 gal pump tank with a timer panel and a small mound (10x25 rock bed) to go along with our existing septic tank.

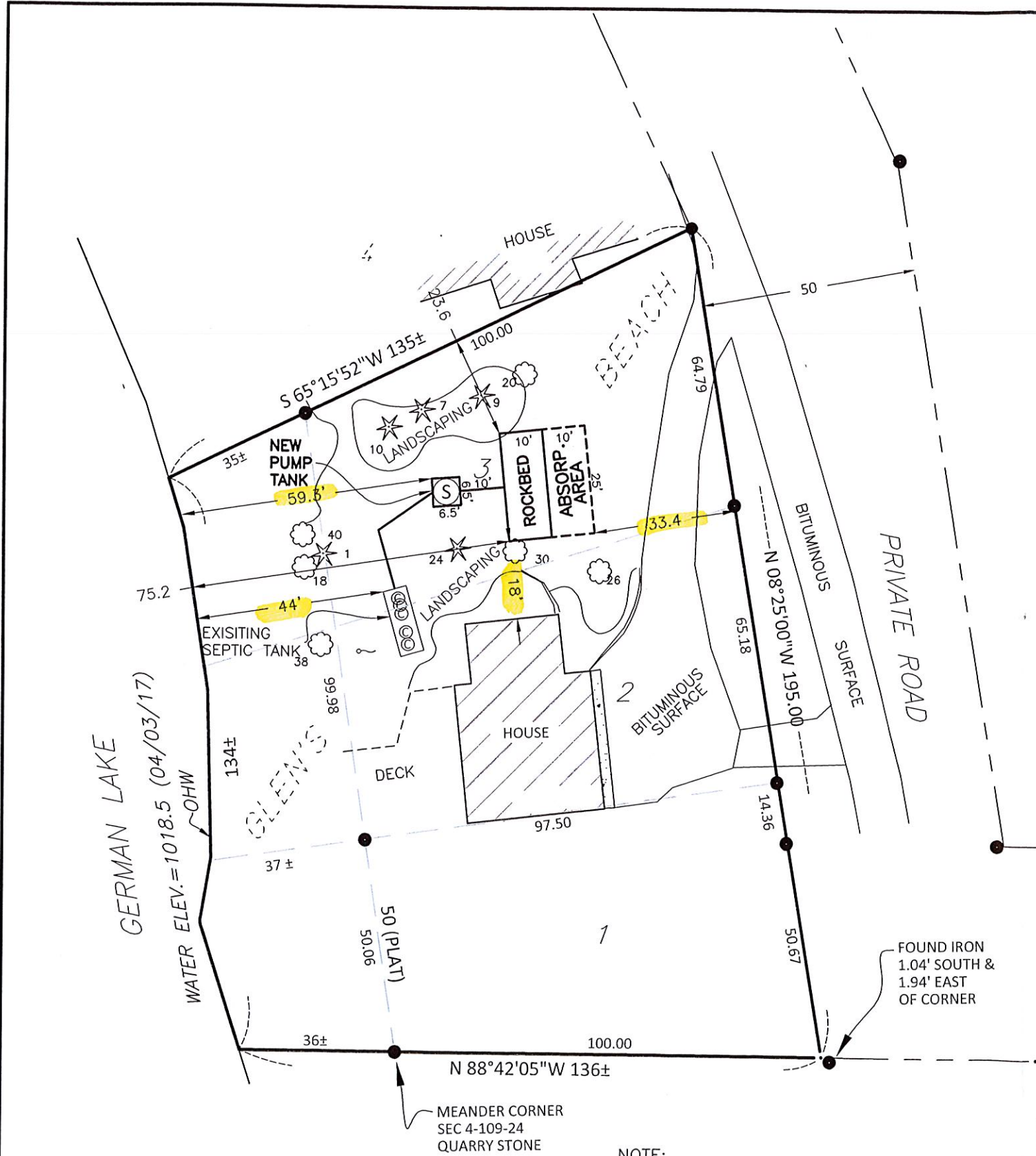
We are asking for a variance from the high water line for the new pump tank (59.3) FEET and the existing septic tank (44 feet). We would also like a variance for the new mound which is 18 feet from our single family house. The variance would be because the mound is 2 feet to close to the house

We feel that this is a good solution to making us compliant with the Sewer District regulations. We hope that you agree and give us the okay to continue with the project.

Thank you

John E. [Signature]





PID 04.560.0010

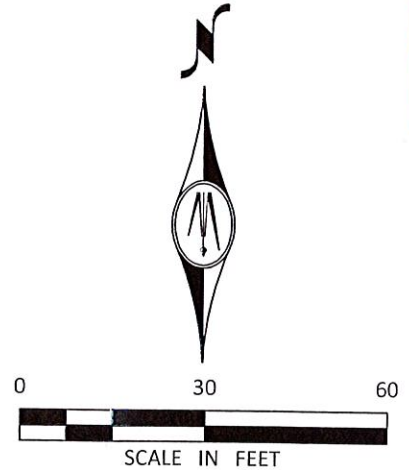
**OWNER & SITE ADDRESS**  
 JOHN EWERT  
 46996 GLENS BEACH ROAD  
 WATERVILLE, MN 56096

**DESCRIPTION OF RECORD**  
 Lots 1, 2, and 3, GLEN'S BEACH,  
 according to the recorded plat thereof,  
 LeSueur County, Minnesota.

**LEGEND**

- MONUMENT FOUND
- STONE MONUMENT FOUND
- CLEAN OUT
- ⊙ FLAG POLE
- ☼ DECIDUOUS TREE
- ★ CONIFEROUS TREE
- PROPERTY / LOT LINE

**RECEIVED**  
 MAY 11 2017  
 BY: \_\_\_\_\_




**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey, plan, or report 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

05/11/2017  
 Date

**NOTE:**  
 WELL IS LOCATED 3 LOTS TO THE NORTH

<b>CERTIFICATE OF SURVEY</b> LE SUEUR COUNTY, MINNESOTA		LOT 1, 2 & 3, GLEN'S BEACH, ELYSIAN TOWNSHIP, LE SUEUR COUNTY, MINNESOTA
 <b>BOLTON &amp; MENK</b>	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
		FOR: JOHN EWERT

©Bolton & Menk, Inc. 2017, All Rights Reserved

H:\EWERJ\_PR\M33113617\CAD\C3D\113617BD2.dwg 5/11/2017 10:31 AM

SDB113617H

JOB NUMBER: M33.113617

FIELD BOOK: MISC 1018 PG 2

DRAWN BY: JLA

4.0 S4-T109N-R24W-40



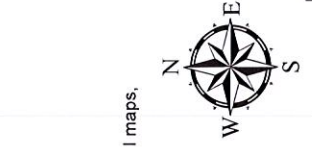


# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Ewert  
**PID:** 04-560-0040  
**DATE:** 05-25-17  
**FIRM #:** 27079C0300D  
**F-Zone:** X-Outside  
**RFPE:** na  
**District:** Recreational Residential  
Mineral Resources Overlay

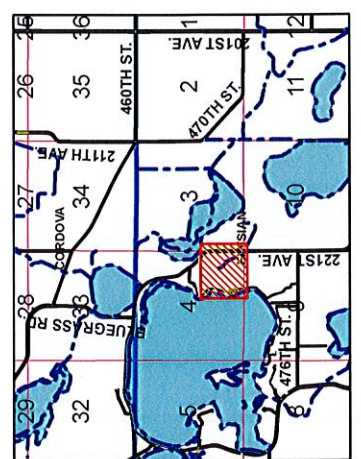


Cadastral_Line	<all other values>
<b>Alpha Tag</b>	
Corp Line	—
County Line	—
Easement Line	—
Geo Twp Line	—
Gov Lot	---
Misc Line	- - -
Parcel Line	—
Pol Twp Line	—
Railroad Centerline	—
Railroad ROW	—
Road Centerline	—
Road ROW	—
Road ROW Vac	—
Section Line	—
Sub Line 400	—
Water	—
Incorporated	—
Townships	—
Sections	—
Contours 2 ft	—



**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



# VARIANCE FINDINGS OF FACT

Name of Applicant: JOHN EWERT

Variance # 17126

**Variance Request:** TO ALLOW THE APPLICANT TO INSTALL A SEPTIC PUMP TANK 59 FT TO THE OHWL, UTILIZE THE EXT. SEPTIC TANK 44' TO THE OHWL, INSTALL A SEPTIC DRAINFIELD 18 FT. TO THE STRUCTURE .

- 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?

JM JW JD CH FC

Explain \_\_\_\_\_

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

JM JW JD CH FC

Explain \_\_\_\_\_

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

JM JW JD CH FC

Explain \_\_\_\_\_

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

JM JW JD CH FC

Explain \_\_\_\_\_

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

JM JW JD CH FC

Explain \_\_\_\_\_

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?

JM JW JD CH FC

Explain \_\_\_\_\_

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

JM JW JD CH FC

Explain \_\_\_\_\_

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