



Le Sueur County, MN

Thursday, June 15, 2017

Regular Session

Item 2

Hartman/Trautmiller Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Jacob Hartman
OWNER: Donna Trautmiller
911 ADDRESS: 46686 Glens Beach Road, Waterville, MN
VARIANCE REQUEST: To allow the applicant to construct a septic system drainfield 3 feet from the road Right-Of-Way (ROW), 4 feet from the East property line and 12 feet from the shed.
VARIANCE NUMBER: 17128
PARCEL NUMBER: 04.560.0340

SITE INFORMATION

LOCATION: Lot 35, 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.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to improving 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, 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.

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:

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic drainfield to road ROW:	3 feet	10 feet	Section 17; Subdiv.4.D.4.	17-9
b. Septic drainfield to property line:	4 feet	10 feet	Section 17; Subdiv.4.D.2.	17-9
c. Septic drainfield to structure:	12 feet	20 feet	Section 17; Subdiv.4.D.1.a.	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: JACOB HARTMAN

Variance # 17128

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC SYSTEM DRAINFIELD 3 FEET FROM ROAD ROW, 4 FEET FROM EAST PROPERTY LINE, & 12 FEET FROM SHED.

- 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 Jacob Hartman
 Mailing Address 806 Wencel Ave NE
 City New Prague State MN Zip 56071
 Phone # 952-292-4993 Phone # _____

II. Landowner:
 Name Donna Trautmiller
 Property Address 46686 Glens Beach Rd
 City Waterville State MN Zip 56096
 Phone # 763-546-2590 Phone # 763-226-5300

III. Parcel Information:
 Parcel Number 040560.0340 Parcel Acreage _____
 Township 109 Section 4
 Subdivision Glens Beach Lot 35 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).
8" septic drain field 3' from road right of way, and 4' from east property line 12' to the shed

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 5-15-17 mailed
 (Township Name) (Date)
 Board Member Clerk and 3 supervisors 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.

Please see attached

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

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

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

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

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

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

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

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

RECEIVED
MAY 15 2017
BY: *mlm*

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

It is a reasonable request because

- the proposed mound soil treatment area will allow treatment of sewage on-site;
- it is the only location on the parcel in which to place the proposed mound; and
- the proposed mound septic system will replace an existing, non-compliant septic system.

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

The circumstances that prevent compliance are the dimensions of the lot, the location of the dwelling on the lot, the lake, and the location of the well. These circumstances leave the only reasonable location to construct/install the proposed mound between the dwelling and the road right-of-way.

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

We are not the first landowners of the property; therefore, the location of the dwelling and well on the property were in place prior to purchase.

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

The proposed mound will be, when constructed, a 33.5 foot by 25 foot mound with retaining walls along the down and endslopes. Once installed, it will be planted to grass. It will be similar to other planter box mounds along Glens Beach Road.

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

Yes, by constructing/installing the mound in the proposed location we are meeting the setbacks to the lake's ordinary high water mark and the well. By constructing/installing the proposed mound, it will also reduce the need for multiple pumpings per year by a maintainer (less truck traffic on Glens Beach Road).

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

Yes, it is the goal of the Ordinance to treat sewage so as to protect ground and surface water.



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

This variance request is consistent with Goal #2, Objective #2 (protecting the county's natural resources) and Goal #3, Objective #1 (protect ground and surface water) by having a septic designed by a licensed contractor that meets the required design standards as prescribed in state statute and county ordinance.

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

Current on-site sewage treatment is a 1,000 gallon septic tank with trenches. The proposed septic system will be to re-use the 1,000 gallon septic tank and install a new 1,500 gallon 2-compartment reversed tank (500 gallon septic tank and 1,000 gallon pump tank) and a 33.5 foot by 25 foot mound with three feet of sand. The water supply is obtained from a well located on the property.

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

It is our request to have a soil treatment area (mound) on our property rather than holding tanks (reduce the number of times a maintainer's pump truck to drive on Glens Beach Road). Also, the proposed sewage tanks and mound locations will be able to meet the setbacks to German Lake's Ordinary High Water Level, the well, and the dwelling.



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:	<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.

[Signature] _____ Date 5-15-17 _____

Applicant signature

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

[Signature] _____ Date 5-13-17 _____

Landowner signature

OFFICE USE ONLY

Date received <u>5-15-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>N</u>
Meeting date <u>6-15-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>7-14-17</u>	Lake <u>German</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>/</u>	FEMA Panel # <u>27079C0300D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description <u>(attached)</u>	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input checked="" type="checkbox"/> Access approval	<input checked="" type="checkbox"/> COC <u>NONC/Waiver Design</u>
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>646</u> ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u>Michelle [Signature]</u> Planning & Zoning Department Signature	<u>5-15-17</u> Date Permit # <u>17128</u>

01-15-16

Written Detail of Variance

We are requesting a variance to construct/install a septic system

- Mound absorption area
 - 4 feet from the east property line (southeast corner of the mound);
 - MS* ○ *34* feet from the road right-of-way (southwest corner of the mound);
 - 12 feet, 11 inches from the shed (northwest corner of the mound).

The existing system consists of 1,000 gallon septic tank and trenches. The proposed septic system will consist of re-using the existing 1,000 gallon septic tank, a new 1,500 gallon-2 compartment reversed tank (500 gallon septic tank and 1,000 gallon pump tank), and a 33.5 foot by 25 foot mound with three (3) feet of sand with retaining walls along the down and endslope berms.

We utilize the property as a seasonal, lakeshore dwelling. As we have enjoyed our lake home, we have determined that a soil treatment system is practical to us. By installing a replacement soil treatment area, it will reduce the number times a pump truck (both empty and full) will be driving on Glens Beach Road and will provide on-site treatment.

We have hired a state licensed designer to determine a location on the property in which to construct/install a mound. The contractor determined that the previous soil treatment area was the only location on the parcel that would require the least amount of variance requests and meet the required county setbacks to the lake and well. The contractor will be removing the existing system and properly disposing of its components. The mound's finished landscaping will be retaining walls along the down and endslope berms. When completed, the mound will be similar to other mound systems in the neighborhood.

We believe this variance request is reasonable because, once constructed/installed, will provide the property with a septic system that will treat the sewage per the state and county regulations.



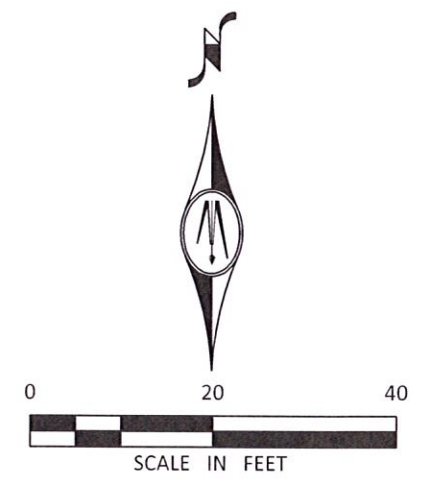
PID 04.560.0340

OWNER ADDRESS

DONNA TRAUTMILLER
10100 29TH AVE N
PLYMOUTH, MN 55441

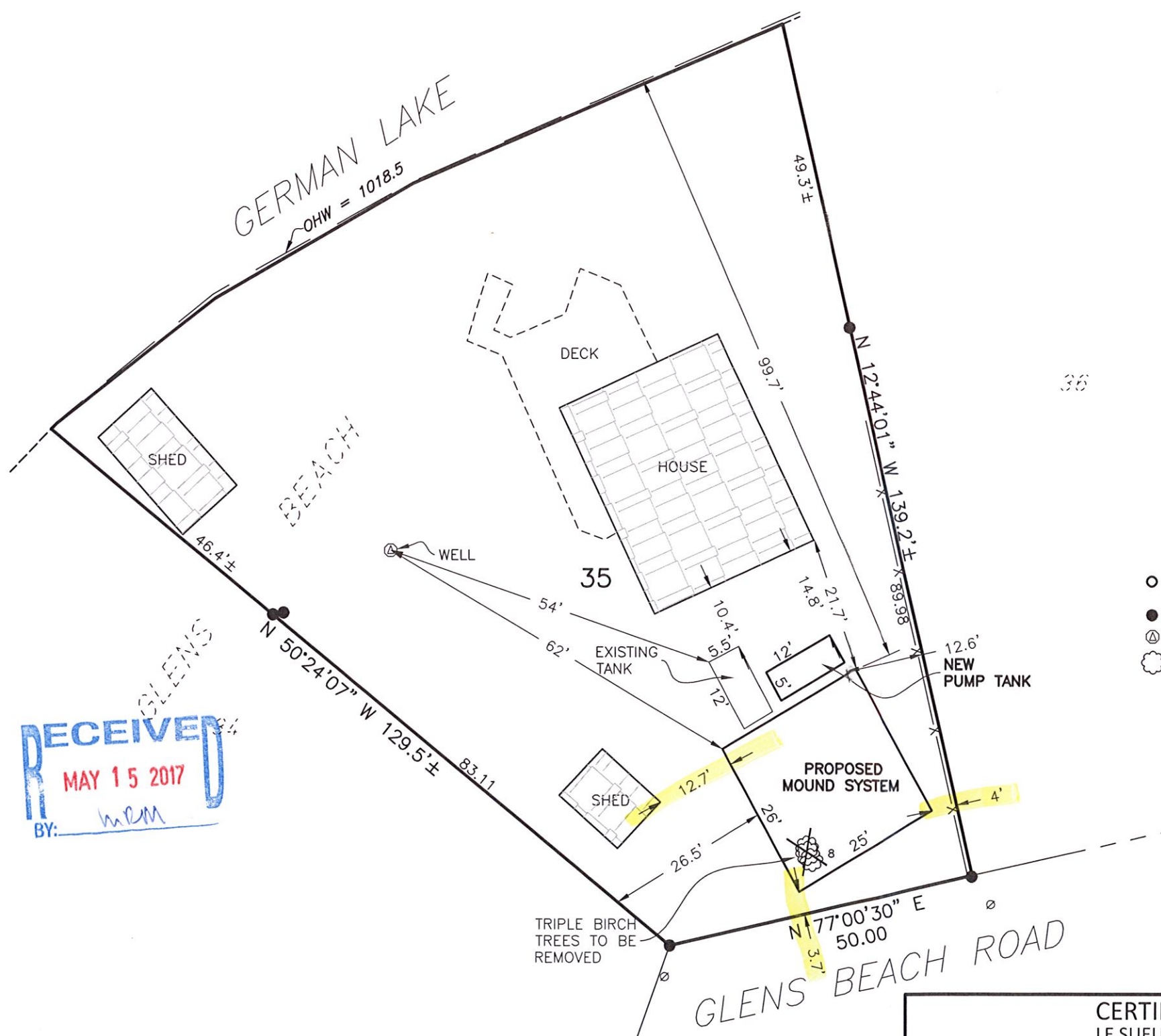
SITE ADDRESS

4686 GLENS BEACH ROAD
WATERVILLE, MN 56096



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- MONUMENT FOUND
- ⊙ WELL
- ⊗ DECIDUOUS TREE



RECEIVED
MAY 15 2017
BY: *MEM*

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

05/15/2017
Date

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



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

LOT 35, GLENS BEACH, LE SUEUR COUNTY,
MINNESOTA

FOR: MS EXCAVATING

Surveyor Certification

I. Applicant:
Name MS EXCAVATING

II. Landowner:
Name DONNA TRUTMILLER
Property Address 46686 GLENS BEACH ROAD
City WATERVILLE State MN Zip 56096

III. Parcel Information:
Parcel Number 04.900.0340

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 May 9, 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.

Roy Jones _____ May 12, 2017 19789
Surveyor Signature Date Lic #

OFFICE USE ONLY

5-12-17 _____ mem _____
Date Received Planning & Zoning Department Signature

01-15-16



