



Le Sueur County, MN

Thursday, June 15, 2017

Regular Session

Item 3

Wing Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Bruce & Lonna Wing

911 ADDRESS: 23945 Scotch Lake Road, Cleveland, MN

VARIANCE REQUEST: To install a septic drainfield 5 feet from the property line, 5 feet from the detached garage, install a septic pump tank 3 feet from the property line and 8 feet from the dwelling, install a septic tank 9 feet from the property line.

VARIANCE NUMBER: 17132

PARCEL NUMBER: 04.440.0120

SITE INFORMATION

LOCATION: Lots 9 & 10, Beaver Dam Plat, Section 5, 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 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 Scotch Lake Road

LAKE: Lake Jefferson, 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:

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Septic drainfield to property line:	5 feet	10 feet	Section 17; Subdiv.4.D.2.	17-9
b. Septic drainfield to structure:	5 feet	20 feet	Section 17; Subdiv.4.D.1.a	17-9
c. Septic tank to property line:	3 & 9 feet	10 feet	Section 17; Subdiv.4.D.2.	17-9
d. Septic tank to structure:	8 feet	10 feet	Section 17; Subdiv.4.D.1.b.	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: BRUCE AND LONNA WING

Variance # 17132

Variance Request: To allow the applicant to install a septic drainfield 5' from the property line, 5' from the detached garage, the pump tank 3' from the property line, and 8' from the single family dwelling and the septic tank 9 ft. from the property line.

- 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 _____

\$646.⁰⁰

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BY: _____

Variance Application

I. Applicant:
 Name Bruce Wing
 Mailing Address 23945 Scotch Lake Road
 City Cleveland State MN Zip 56017
 Phone # 507-931-5325 Phone # 507-514-0854

II. Landowner:
 Name Bruce Wing
 Property Address 23945 Scotch Lake Road
 City Cleveland State MN Zip 56017
 Phone # 507-931-5325 Phone # 507-514-0854

III. Parcel Information:
 Parcel Number 04.440.0120 Parcel Acreage _____
 Township Elysian Section 24
 Subdivision Beaver Dam Plat Lot 10 Block 003

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).
Install a septic at 5' from pl. & 5' from detached garage, pump tank 3' from pl, 8' from SFD, Septic tank 9' from pl.

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 Township notified on 4/19/17
(Township Name) (Date)

Board Member Kathy Rients 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:

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

No other options on parcel

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

The area is not big enough for a 6 bedroom septic system

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

The county/state code requires the septic to be upgraded as part of the G-J Sewer Dist.

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

no change

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

yes - the septic requirements cause the difficulty

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

yes - Update a non-complying septic system in order to comply with G-J Sewer Dist.

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

We are following Le Sueur County Code

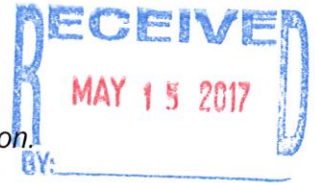
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

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

No other options available to bring septic system into compliance.

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.

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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.

[Handwritten Signature] _____ 5-15-17
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.

[Handwritten Signature] _____ 5-15-17
Landowner signature Date

OFFICE USE ONLY

Date received <u>5/15</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>6/15</u>	Lake Classification <u>RD</u>	Erosion Control Plan Y N
60 Day <u>7/13</u>	Lake <u>Self</u>	Water courses Y N
RFPE _____	FEMA Panel # <u>27079C0300D</u>	Bluff Y <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>XURBside</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 <u>NA</u>	<input type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>1000.00</u>
<input checked="" type="checkbox"/> Application complete	<u><i>[Handwritten Signature]</i></u> Planning & Zoning Department Signature	<u>5/15/17</u> Date
		<u>COG</u> <u>NONE/Waiver</u> <u>Design</u> ATF / SPEC MTG <u>17132</u> Permit #

01-15-16



To the Board of Adjustment Members.

I am applying for a variance in order to deviate from setbacks from the property line and structures in order to update my non-complying septic system.

My property lies within the G-J Sewer District and therefore needs to be in compliance on or before December 31, 2017. I do not have any other options available on my property for the placement of the septic system without applying for variances.

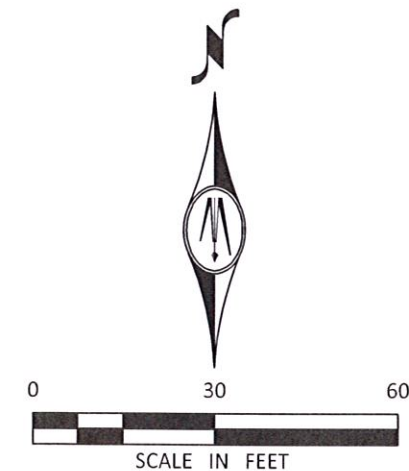
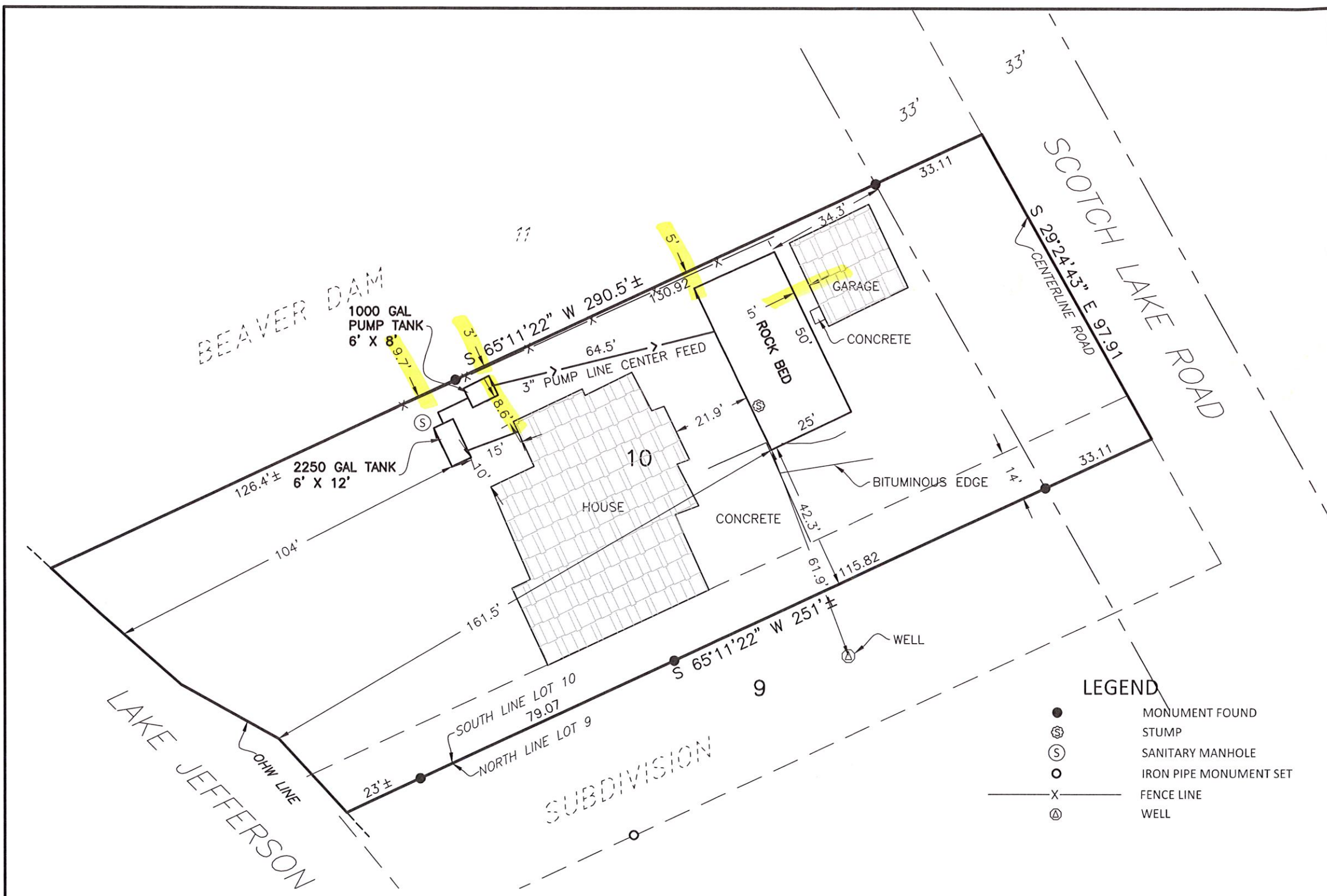
A handwritten signature in blue ink that reads "Grace L. Wing". The signature is written in a cursive style with a large initial "G".

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PID 04.440.0120

OWNER ADDRESS
BRUCE & LONNA WING
23945 SCOTCH LAKE ROAD
CLEVELAND, MN 56017

SITE ADDRESS
23945 SCOTCH LAKE ROAD
CLEVELAND, MN 56017



- LEGEND**
- MONUMENT FOUND
 - ⊗ STUMP
 - ⊙ SANITARY MANHOLE
 - IRON PIPE MONUMENT SET
 - X- FENCE LINE
 - ⊕ WELL

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

05/12/2017
Date

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA		PART OF LOT 9 & 10, BEAVER DAM PLAT, LE SUEUR COUNTY, MINNESOTA FOR: BRUCE WING
	BOLTON & MENK 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

Surveyor Certification

I. Applicant:
Name Bruce Wing

II. Landowner:
Name Bruce Wing
Property Address 23945 Scotch Lake Road
City CLEVELAND State MN Zip 56017

III. Parcel Information:
Parcel Number 04.440.0120

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 5/4/17, 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.

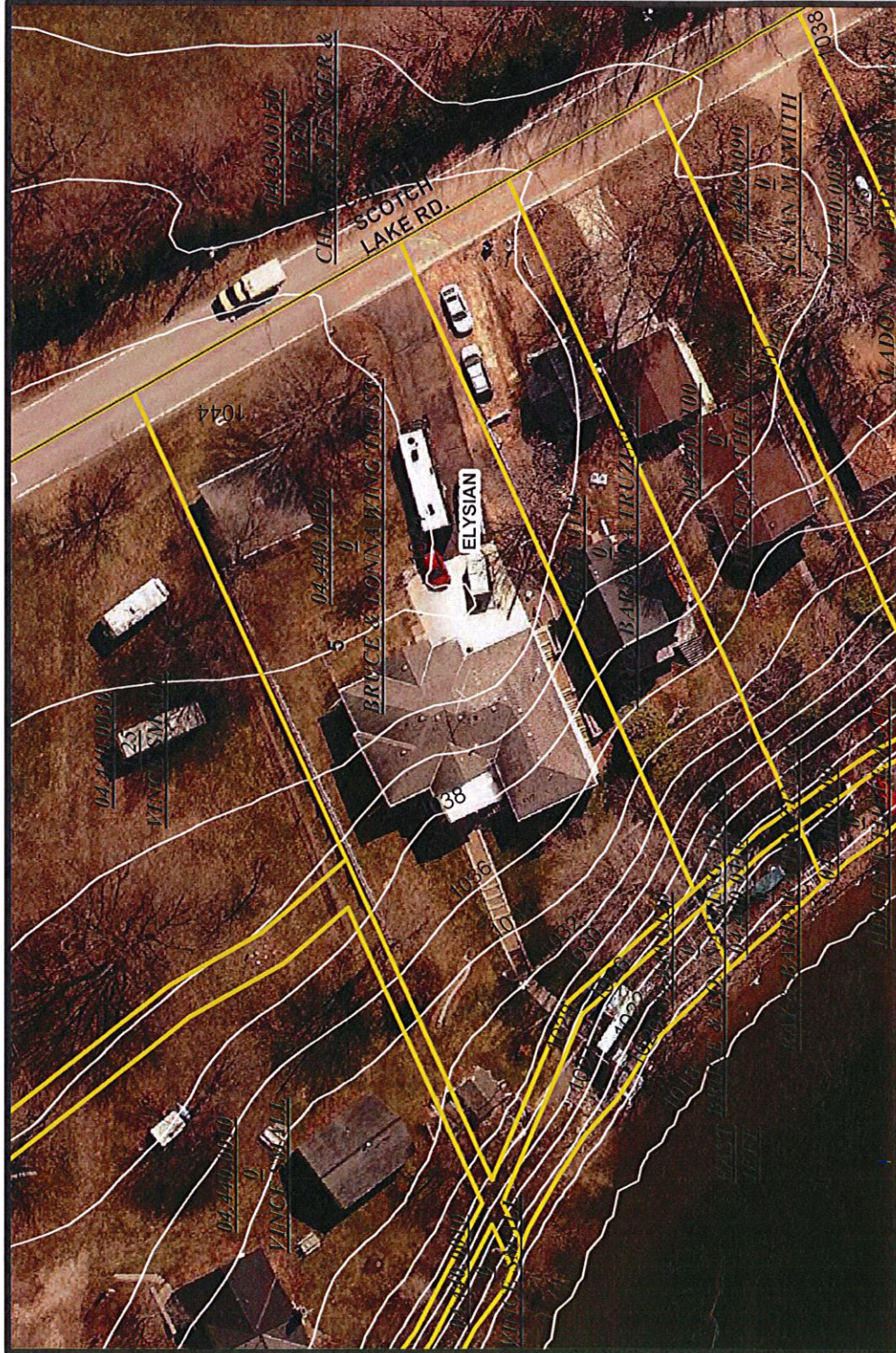
Roy Jona _____ 5/4/17 _____ 19789 _____
 Surveyor Signature Date Lic #

5/15/17 _____ Kathy Brochway _____
 Date Received Planning & Zoning Department Signature

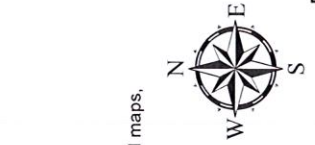
OFFICE USE ONLY

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Wing
PID: 04.440.0120
DATE: 05-25-17
FIRM #: 27079C0300D
F-Zone: X-Outside
RFPE: na
District: Recreational Residential



Roads	Road Code
US Highway	Red line
MN Highway	Blue line
CSAH	Black line
County Road	Grey line
Township Road	Red line
Municipal Street	Blue line
Unspecified	Green line
Incorporated	Blue line
Townships	Green line
Sections	Yellow line
Parcel	Yellow line
Contours 2 ft	White line



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

