



**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: JUNE 15, 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 Ewert Packet**

**ITEM #4 Hartman/Trautmiller Packet**

**ITEM #5 Wing Packet**

**ITEM #6 Letts Packet**

**ITEM #7 Approved June 15, 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 June 15, 2017.**

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



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# **Le Sueur County, MN**

**Thursday, June 15, 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](http://www.co.le-sueur.mn.us)

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

**DATE: JUNE 15, 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 **JUNE 6, 2017**.

**ITEM #1: MATHEW DAVIS, MADISON LAKE, MN (APPLICANT/OWNER):**

Per court order, remand consideration of decision, findings, and reason for decision on Variance #16220, request on August 18, 2016 to construct a pool and pool house 55 feet to 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 9, Harriet Isle Subdivision, Section 4, Washington Township. **VARIANCE IS FOR OHWL SETBACKS.** Pursuant to the court's remand order, the Board's decision will be based on the existing record and the Board will articulate its ultimate decision, the reasons for its ultimate decision, with specific reference to the relevant provisions of statute and zoning ordinance and the statutory factors dealing with whatever their ultimate decision may be.

**ITEM #2: JOHN EWERT, WATERVILLE, MN (APPLICANT); JOHN & MELINDA EWERT, WATERVILLE, MN (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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 in a Mineral Resources Overlay District and a Recreational Residential "RR" District on a Recreational Development "RD" lake, German Lake. Property is located at Lot 1, 2, & 3, Glen's Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACKS.**

**ITEM #3: JACOB HARTMAN, NEW PRAGUE, MN (APPLICANT); DONNA TRAUTMILLER, WATERVILLE, MN (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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 in a Recreational Residential "RR" District on a Recreational Development "RD" lake, German Lake. Property is located at Lot 35, Glen's Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, AND STRUCTURE SETBACKS.**

**ITEM #4: BRUCE & LONNA WING, CLEVELAND, MN (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 9 & 10, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR PROPERTY LINE AND STRUCTURE SETBACKS.**

**ITEM #5: THOMAS LETTS, ST PETER, MN (APPLICANT); THOMAS & JENNIFER LETTS, ST PETER, MN (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to separate an existing nonconforming lot from an existing contiguous conforming lot under the same ownership for the purposes of sale and development and to make the nonconforming lot more nonconforming for lot size in a Conservancy "C" District. Property is located in the NW 1/4 of the SW 1/4, Section 23, Kasota Township. **VARIANCE IS TO SEPARATE A NONCONFORMING LOT FROM A CONTIGUOUS CONFORMING LOT UNDER THE SAME OWNERSHP AND FOR LOT SIZE.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.  
**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT JUNE 15, 2017**

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





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# Le Sueur County, MN

Thursday, June 15, 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:** June 15, 2017

**Meeting Time:** 3:00 pm

**Onsite Date:** June 15, 2017

**Onsite Time:** 1:00 pm

**ITEM #1:** Mathew Davis

**ITEM #2:** John & Melinda Ewert

**ITEM #3:** Jacob Hartman /Donna Trautmiller

**ITEM #4:** Bruce & Lonna Wing

**ITEM #5:** Tomas & Jennifer Letts

**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.



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# 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:

1. <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>
2. <b>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.



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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:

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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 1 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.



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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BY: \_\_\_\_\_

**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.*

JOHN EWERS  
Applicant signature

05/15/2017  
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.*

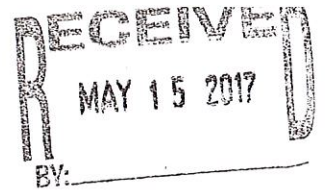
JOHN EWERS  
Landowner signature

05/15/2017  
Date

**OFFICE USE ONLY**

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

01-15-16



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

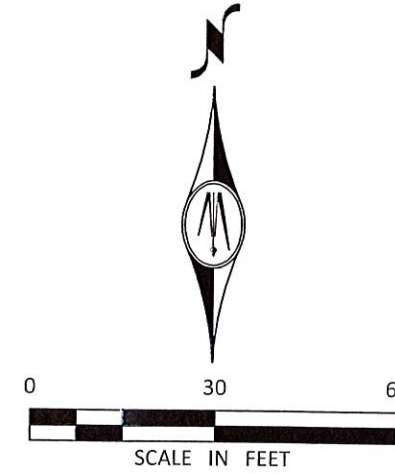
**DESCRIPTION OF RECORD**

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

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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

05/11/2017  
Date

License Number 19789

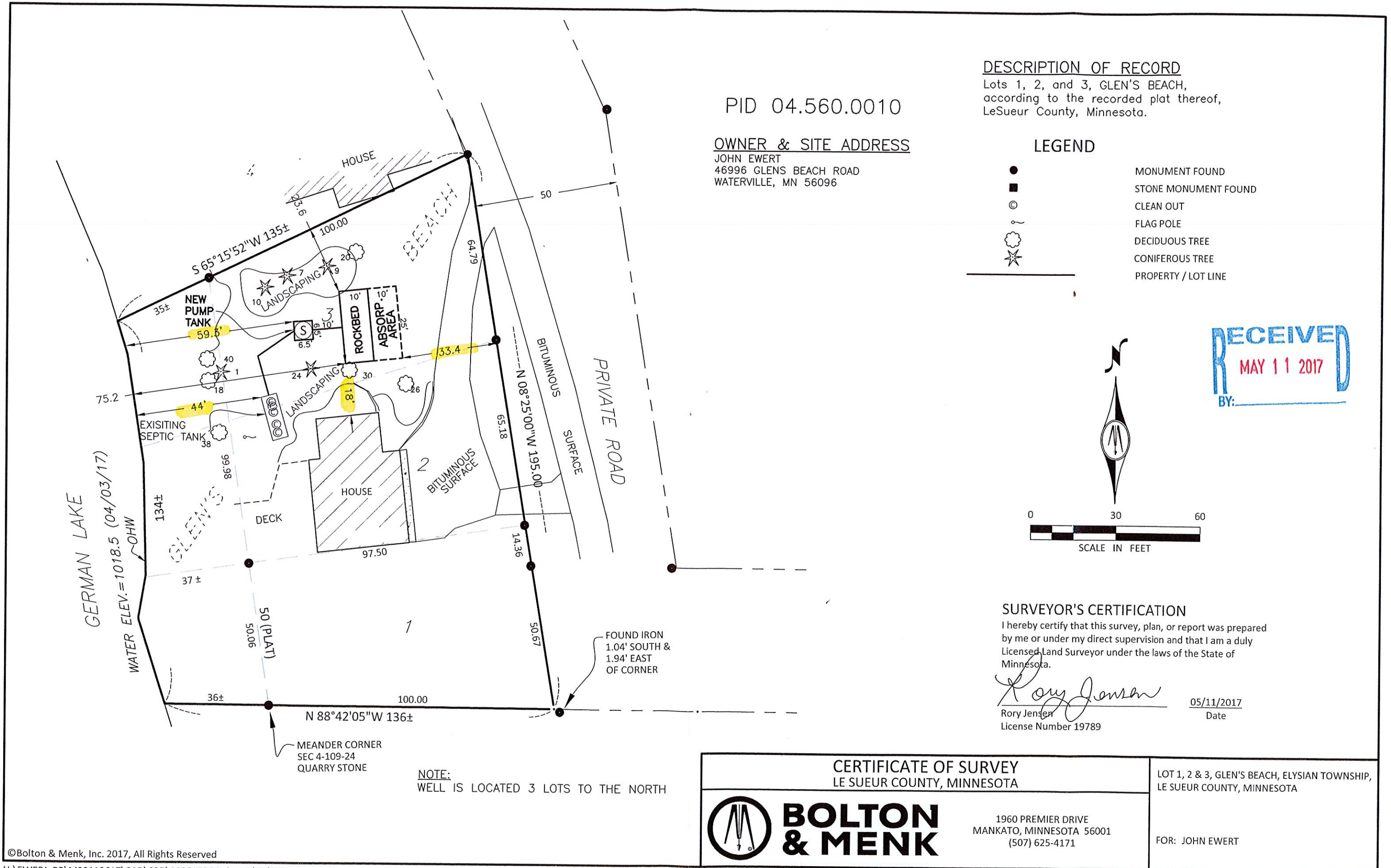
**CERTIFICATE OF SURVEY**  
LE SUEUR COUNTY, MINNESOTA



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

LOT 1, 2 & 3, GLEN'S BEACH, ELYSIAN TOWNSHIP,  
LE SUEUR COUNTY, MINNESOTA

FOR: JOHN EWERT



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

Surveyor Certification

I. Applicant:  
Name JOHN EWERT

II. Landowner:  
Name JOHN EWERT  
Property Address 46996 GLENS BEACH ROAD  
City WATERVILLE State MN Zip 56096

III. Parcel Information:  
Parcel Number 04.560.0010

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 5/10/2017, 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.*

Roy Jema  
Surveyor Signature Date 5/11/2017 Lic # 19789

5/11/17  
Date Received **OFFICE USE ONLY**  
Kathy Brockway  
Planning & Zoning Department Signature

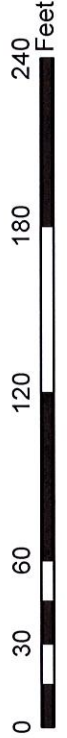


# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

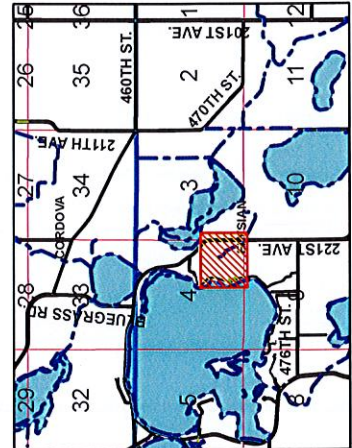
**NAME:** Ewert  
**PID:** 04.560.0040  
**DATE:** 05-25-17  
**FIRM #:** 27079C0300D  
**F-Zone:** X-Outside  
**RFPE:** na  
**District:** Recreational Residential  
Mineral Resources Overlay



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.



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



# 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



# **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. Variance:	Request:	Required:	Ordinance:	Page:
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 0405600340 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 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>646</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle [Signature]</u>	<input type="checkbox"/> _____
	Planning & Zoning Department Signature	Date <u>5-15-17</u>
		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.



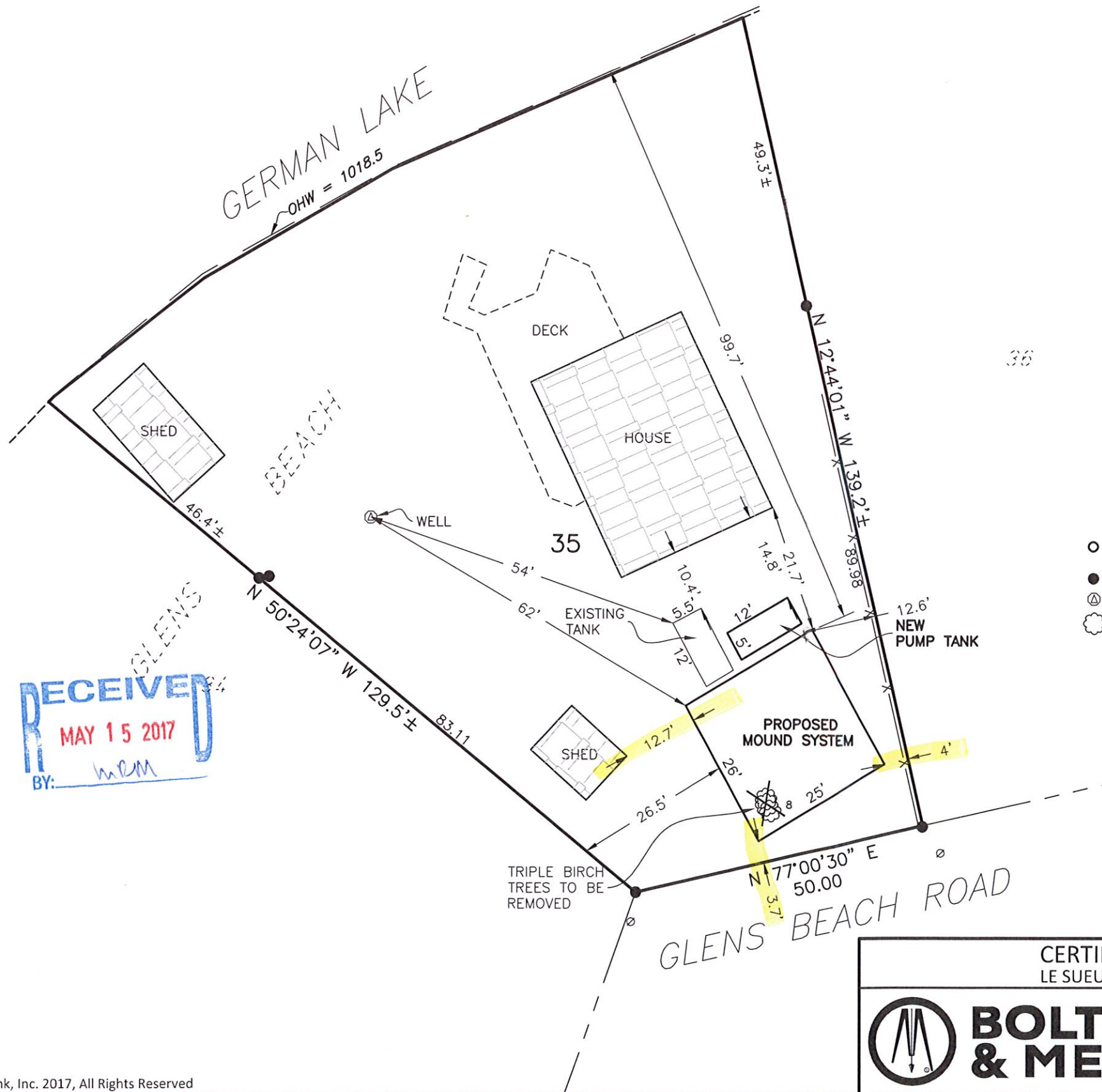
PID 04.560.0340

OWNER ADDRESS

DONNA TRAUTMILLER  
10100 29TH AVE N  
PLYMOUTH, MN 55441

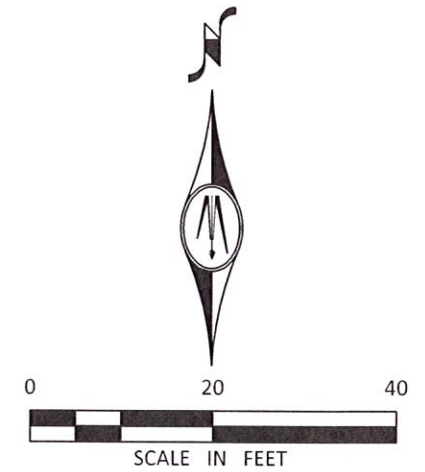
SITE ADDRESS

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 MA Zip 56086

**III. Parcel Information:**  
Parcel Number 04500.0340

**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

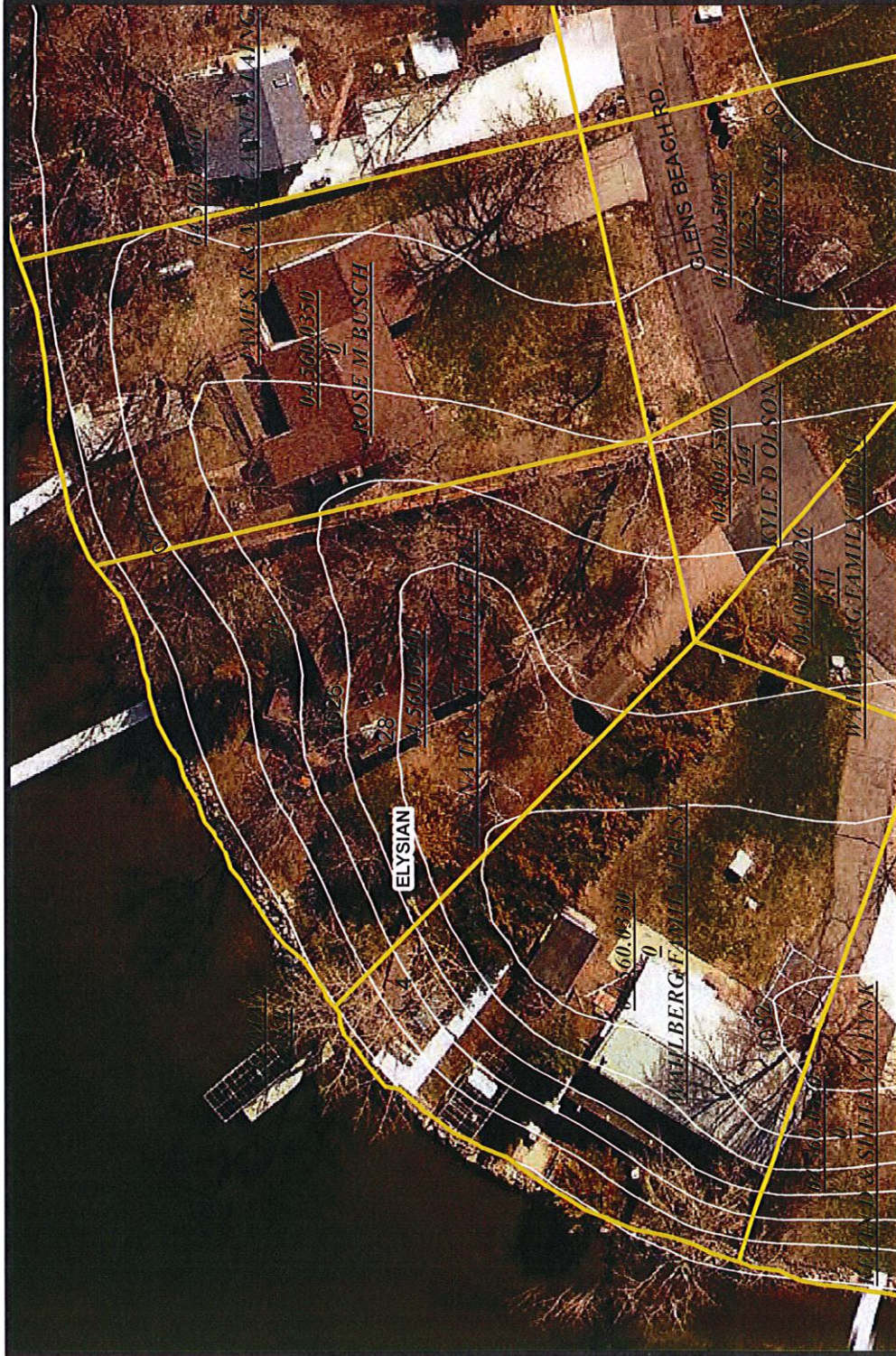
01-15-16





# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

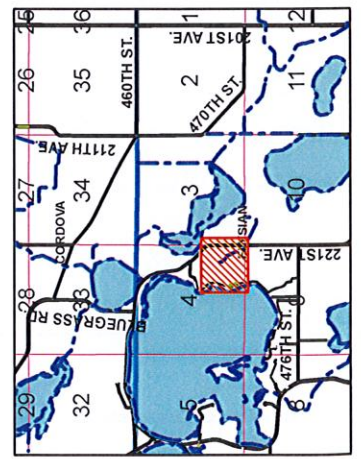
**NAME:** Hartman/Trautmiller  
**PID:** 04.560.0340  
**DATE:** 05-25-17  
**FIRM #:** 27079C0300D  
**F-Zone:** X-Outside  
**RFPE:** na  
**District:** Recreational Residential



**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.



Roads	
Road Code	
US Highway	<span style="color: red;">—</span>
MN Highway	<span style="color: blue;">—</span>
CSAH	<span style="color: black;">—</span>
County Road	<span style="color: black;">—</span>
Township Road	<span style="color: red;">—</span>
Municipal Street	<span style="color: black;">—</span>
Unspecified	<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>
Incorporated	<span style="border: 1px solid blue; display: inline-block; width: 10px; height: 10px;"></span>
Townships	<span style="border: 1px solid cyan; display: inline-block; width: 10px; height: 10px;"></span>
Sections	<span style="border: 1px solid green; display: inline-block; width: 10px; height: 10px;"></span>
Parcel	<span style="border: 1px solid yellow; display: inline-block; width: 10px; height: 10px;"></span>
Contours 2 ft	<span style="color: black;">—</span>



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM





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# 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:

<u>1. Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
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.<sup>00</sup>  
**RECEIVED**  
 MAY 15 2017  
 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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MAY 15 2017  
BY: \_\_\_\_\_

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.

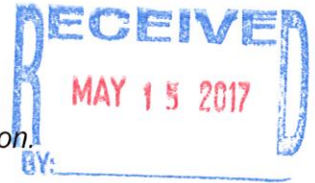
No other options available to bring septic system into compliance.



**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.







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, flowing style.

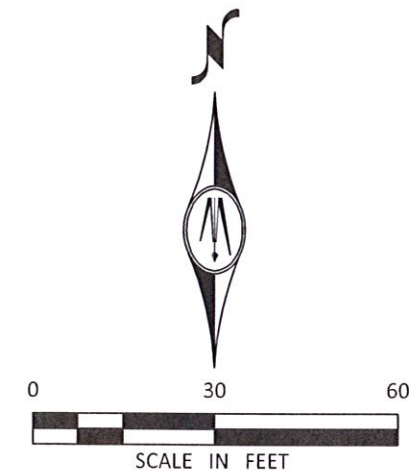
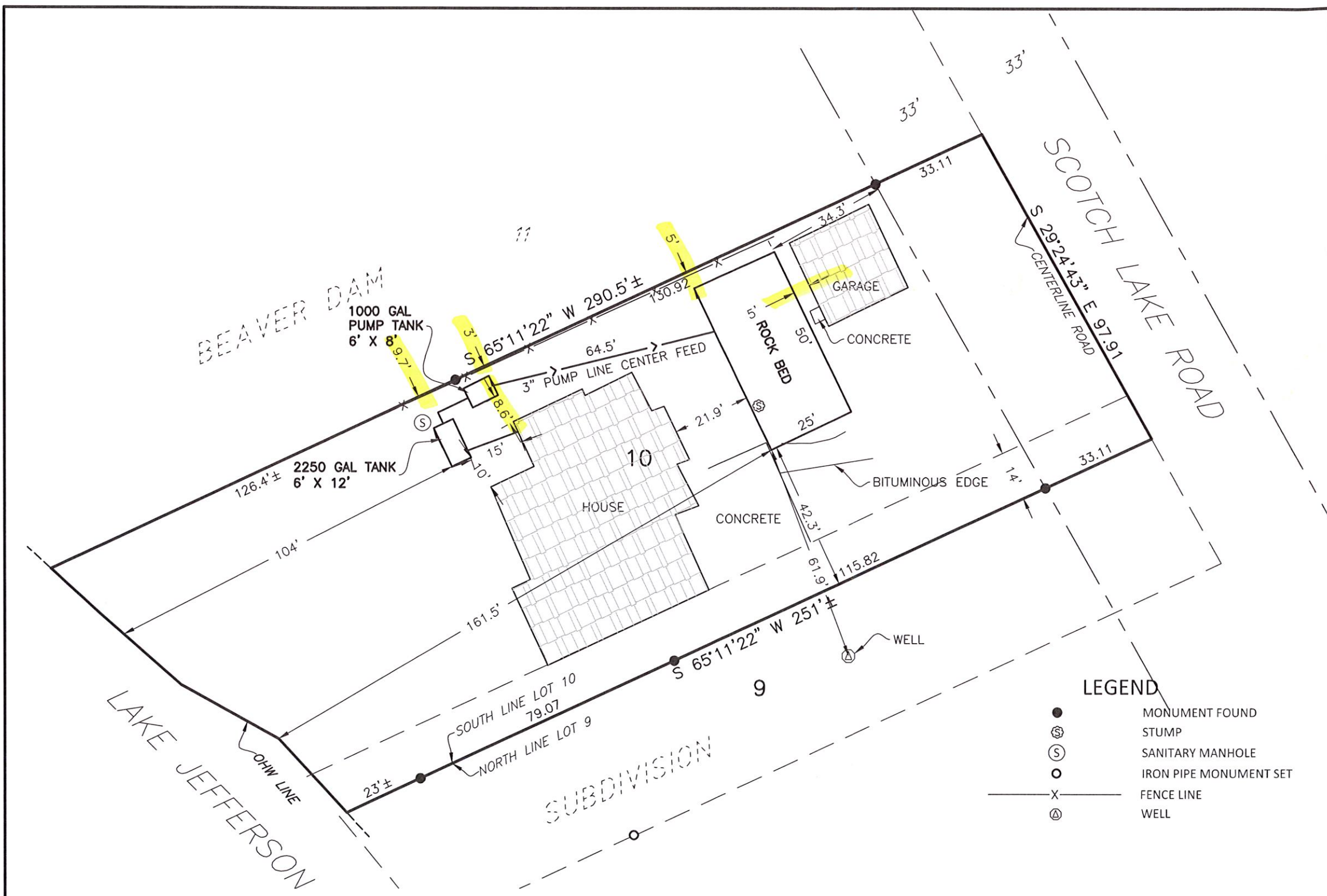


RECEIVED  
MAY 15 2017  
BY: \_\_\_\_\_

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

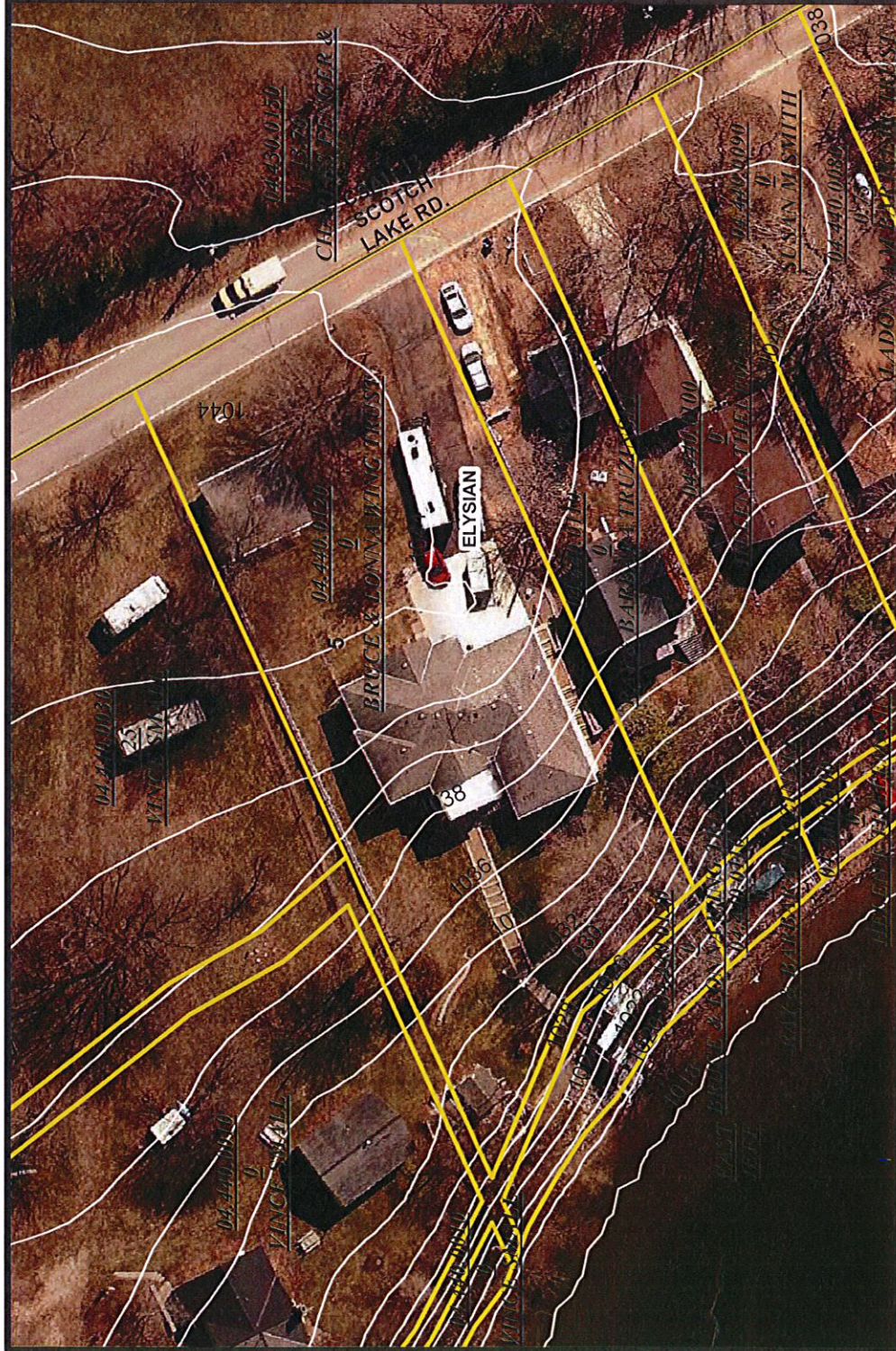
<p>CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA</p>		<p>PART OF LOT 9 &amp; 10, BEAVER DAM PLAT, LE SUEUR COUNTY, MINNESOTA</p>
<p><b>BOLTON &amp; MENK</b></p>	<p>1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p>	
		<p>FOR: BRUCE WING</p>





# 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



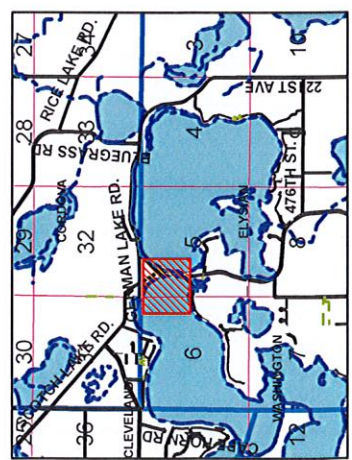
Map Disclaimer  
 \*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, 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





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# Le Sueur County, MN

Thursday, June 15, 2017

Regular Session

## Item 4

**Letts Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Thomas & Jennifer Letts  
911 ADDRESS: 33041 State Highway 99, St Peter, MN  
VARIANCE REQUEST: To allow the applicant to separate an existing nonconforming lot from an existing contiguous conforming lot under the same ownership for the purposes of sale and development and to make the nonconforming lot more nonconforming for lot size.  
VARIANCE NUMBER: 17136  
PARCEL NUMBER: 05.023.8700

## SITE INFORMATION

LOCATION: NW 1/4 of the SW 1/4, Section 23, Kasota Township.  
ZONING & PURPOSE: Conservancy

The **Conservancy (C) District** is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does make reference to lot size in the Conservancy District.

**Goal # 2:** Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

**Objective #1:** The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

**Action #2:** The County should continue using a lot size requirement of five (5) acres, however, the 'buildable land' requirement in this district for the 5 acre lot will be 1 ½ acres.

GENERAL SITE DESCRIPTION: Scattered residential, ravine, bluff

ACCESS: Existing off state highway 99

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:	Ordinance:	Page:
a. Nonconforming Lot:	Separate contiguous lots under the same ownership.	Section 24; Subdiv. 9.C.	24-3
b. Nonconforming Lot:	Make the nonconforming lot <u>more</u> nonconforming.	Section 24; Subdiv. 9.C.	24-3

2. 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.
3. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
4. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
5. 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: Section 24; Subdiv. 9. C:**

In a group of two (2) or more contiguous lots or parcels of land under the same ownership, any individual lot or parcel of land does not meet the requirements of this Ordinance, the lot or parcel of land must not be considered as a separate lot or parcel of land for the purposes of sale or development. ***The lot shall be considered combined with the one or more contiguous lots or parcels of land so they equal one or more lots or parcels of land, each meeting the requirements of this Ordinance as much as possible.***

#### 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: THOMAS LETTS

Variance # 17136

**Variance Request:** TO ALLOW THE APPLICANT TO SEPARATE A CONTIGUOUS NON-CONFORMING LOT AND MAKE IT MORE NON-CONFORMING 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 Thomas / Jennifer Letts  
 Mailing Address 32967 Hwy 99  
 City St. Peter State MN Zip 56082  
 Phone # 507.934.9083 Phone # \_\_\_\_\_

**II. Landowner:**

Name Thomas / Jennifer Letts  
 Property Address 32967 Hwy 99  
 City St. Peter State MN Zip 56082  
 Phone # 507.934.9083 Phone # 612.991.4966

**III. Parcel Information:**

Parcel Number 05.023.8700 Parcel Acreage 2.87  
 Township Kasota Section 23  
 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).

- Separate contiguous non-conforming lots under same ownership & make 1 parcel more non-conforming in lot size

**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 5/12/17  
 (Township Name) (Date)

Board Member Joe Kienlen 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.**

*See Attach.*

**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.**

"

**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.*

*[Signature]*  
Applicant signature

5/17/17  
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.*

*[Signature]*  
Landowner signature

5/17/17  
Date

**OFFICE USE ONLY**

Date received <u>5/17</u>	Present Zoning Classification <u>C</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>6/15</u>	Lake Classification <u>/</u>	Erosion Control Plan Y <u>(N)</u>
60 Day <u>/</u>	Lake <u>/</u>	Water courses Y <u>(N)</u>
RFPE <u>/</u>	FEMA Panel # <u>270790235D</u>	Bluff <u>(Y)</u> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X outside</u>	Other <u>/</u>
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>/</u>
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>(COC)</u> 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>X Brackley</u> Planning & Zoning Department Signature	Date <u>5/17/17</u> Permit # <u>/</u>

May 16, 2017



Description of Request:

This letter is to request a variance to sell the above property as a single-family home with a non-conforming lot. Since we own contiguous lots (32967 Hwy 99) in a conservancy district, we are required to get a variance from the County for a lot that is less than five acres. The proposed single family home would be sold off with 2.34 acres.

We acquired the property at 33041 Hwy 99 in November 2017. It was operating as a non-conforming lot and four-plex apartment. We are in the process of remodeling the dwelling into a single-family home that would meet the permitted use for the district. The lot size for the re-sale of the property would be 2.34 acres. The original apartment included 1.2 acres with no garage for parking. In 1998, an additional 1.67 acres were added with septic changes. We would be reducing the 1.67 acre parcel by .53 acres of bluff property to conserve the bluff area and still meet any set-back requirements. In the process of remodeling the apartment to a single-family home, we are also adding a two-car tuck-under garage to provide parking and eliminate past property disputes with adjoining property owners.

While the 2.34 acres is still non-conforming for a conservancy district, we believe it will be a much-improved use of the land that fits with the purpose of a conservancy district. We provide the following descriptions of the listed criteria:

1. We feel this is a reasonable request since the lot was previously non-compliant and since purchasing it, we have made significant improvements to the property to more closely align with its permitted use.
2. There are unique circumstances of this property that prevent zoning ordinance compliance. First, the lot was originally only 1.2 acres. Second, when an additional 1.67 acres were added in 1998, there were still no designated parking areas for the lot. Thus, creating ongoing disputes with adjacent property owners. We believe with this variance, we are addressing the parking concerns association with this property.
3. The circumstances causing practical difficulty were created before we purchased the property by other owners.
4. This request will maintain the essential character of the locality by making it a single-family home that will be a permitted use and the acreage will be conserved as a property buffer.
5. Due to the history of this property, the 2.34-acre lot will be a better property for all neighbors and is more than an economic consideration.
6. We feel this request is supported by the purpose and objectives of the ordinance and is much improved from the past use.
7. It is also more consistent with the Land use plan than the original use.
8. The on-site septic system was inspected and made compliant on November 3, 2017, shortly after we purchased the property.
9. We believe this is the minimum variance amount needed to afford relief. And we have made major changes to the property to make a non-compliant lot size and use in a conservancy district as compliant as possible with the pre-existing limitations.

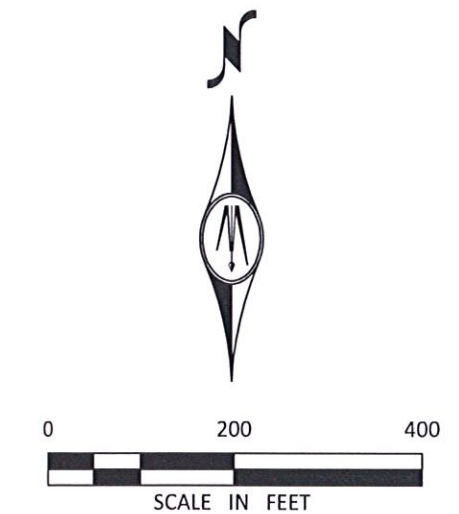
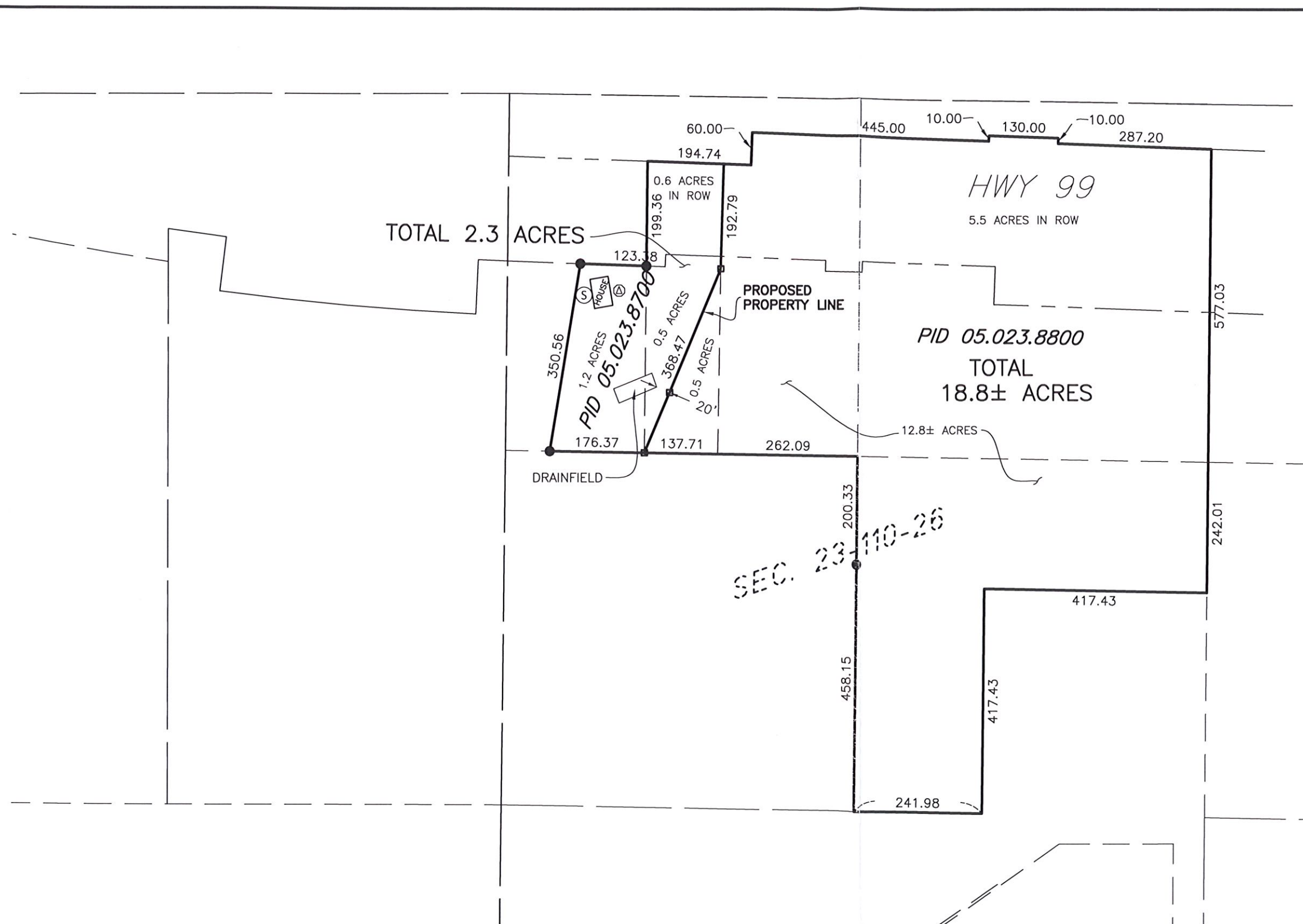
Survey materials and documents in support of the requested variance are attached hereto.

Thank you for your time and consideration.

Respectfully submitted,  
Tom and Jen Letts



RECEIVED  
MAY 17 2017  
BY: \_\_\_\_\_



- LEGEND**
- (S) SANITARY MANHOLE
  - (A) WELL
  - MONUMENT FOUND
  - LATHE ONLINE

**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

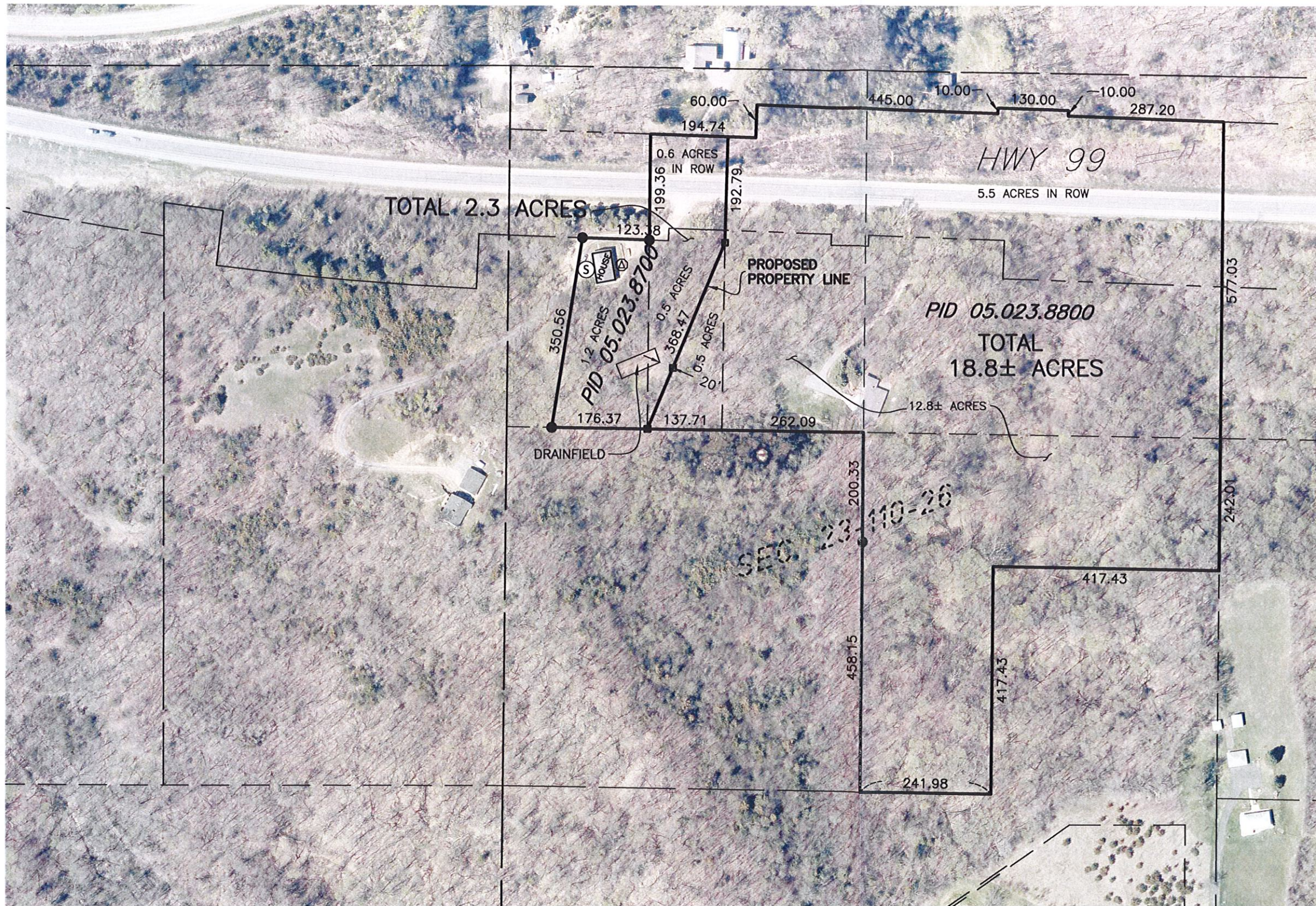
05/17/2017  
Date

<b>EXHIBIT SKETCH</b> LE SUEUR COUNTY, MINNESOTA		PART OF SECTION 23, TOWNSHIP 110 NORTH, RANGE 26 WEST, NORTH KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA
 <b>BOLTON &amp; MENK</b>	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
FOR: TOM LETTS		

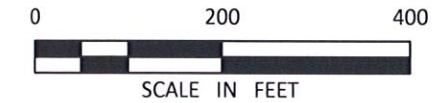
©Bolton & Menk, Inc. 2017, All Rights Reserved  
L:\Tom Letts 5-16-17.dwg 5/17/2017 7:50 AM

JOB NUMBER:                      FIELD BOOK:                      DRAWN BY: JLA                      4.0 S23-T110N-R26W





RECEIVED  
MAY 17 2017  
BY: \_\_\_\_\_



LEGEND

- ⊙ SANITARY MANHOLE
- ⊕ WELL
- MONUMENT FOUND
- LATHE ONLINE

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

05/17/2017  
Date

EXHIBIT SKETCH  
LE SUEUR COUNTY, MINNESOTA



**BOLTON & MENK**

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

PART OF SECTION 23, TOWNSHIP 110 NORTH,  
RANGE 26 WEST, NORTH KASOTA TOWNSHIP,  
LE SUEUR COUNTY, MINNESOTA

FOR: TOM LETTS



Surveyor Certification

I. Applicant:

Name Thomas / Jennifer Letts

II. Landowner:

Name Thomas / Jennifer Letts

Property Address 33041 Hwy 99

City St. Peter State MN Zip 56082

III. Parcel Information:

Parcel Number 05.023.8700

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 16, 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 Jansa*  
Surveyor Signature

May 17, 2017  
Date

19789  
Lic #

**OFFICE USE ONLY**

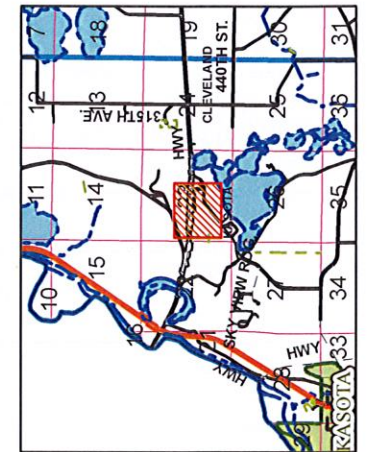
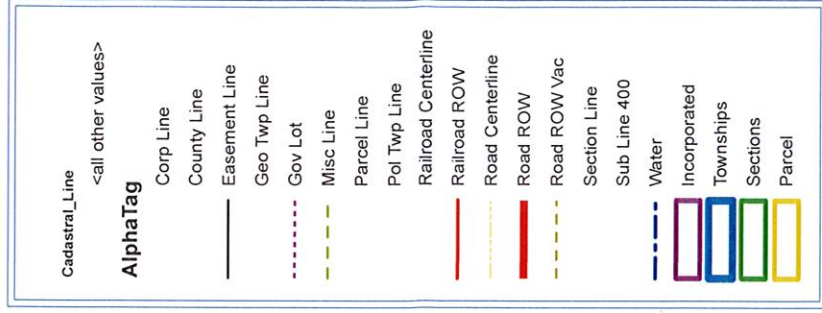
\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Planning & Zoning Department Signature



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Letts  
**PID:** 05.023.8700  
**DATE:** 05-25-17  
**FIRM #:** 27079C0235D  
**F-Zone:** X-Outside  
**RFPE:** na  
**District:** Conservancy



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





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# **Le Sueur County, MN**

**Thursday, June 15, 2017**

**Regular Session**

## **Item 1**

**Approved June 15, 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  
June 15, 2017**

**MEMBERS PRESENT:** Jeanne Doheny, Jim Mladek, John Wolf, Francis Cummins  
**MEMBERS ABSENT:** Colin Harris  
**OTHERS PRESENT:** Kathy Brockway, Commissioners Connolly and Rohlfling

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

**ITEM #1: MATHEW DAVIS, MADISON LAKE, MN (APPLICANT/OWNER):** Per court order, remand consideration of decision, findings, and reason for decision on Variance #16220, request on August 18, 2016 to construct a pool and pool house 55 feet to 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 9, Harriet Isle Subdivision, Section 4, Washington Township. **VARIANCE IS FOR OHWL SETBACKS.** Pursuant to the court's remand order, the Board's decision will be based on the existing record and the Board will articulate its ultimate decision, the reasons for its ultimate decision, with specific reference to the relevant provisions of statute and zoning ordinance and the statutory factors dealing with whatever their ultimate decision may be.

Chairperson, Jeanne Doheny indicated that no public testimony on this remand order will be heard, asked Atty. Kenneth Bayliss representing Le Sueur County, to bring the Board up to date as to why we are here and how we got here.

Kenneth Bayliss, stated that this is a remand order from Judge Vandelist, that the findings were not sufficient and therefore, asked that the Board of Adjustment relook at their findings. A variance was granted for a single family dwelling on this property, but the board denied the variance request for a pool house and pool.

The applicants appealed to district court the decision to district court. Judge Vandelist heard arguments from both parties as to whether the variance was denied properly. Due to the several blanks on the findings form, the judge indicated that there was not sufficient information to make a determination on the appeal.

Judge indicated at the end of his order whatever the case may be, which could mean that the board could go through the findings and change their answers if they so desired with a statement might change your mind.

Advised the board to go back through the 7 factors before you and explain your reasons as to why you made that determination.

Kathryn Swenson, Attorney representing Mr. Davis, indicated that she did not have comments at this time.

Chairperson Doheny, we can go through the Findings of Fact. Consider each question independently from remand order.

- No variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
  - 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.
  - A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
  - It is the responsibility of the applicant/landowner to prove evidence that a practical difficulty exists.
  - A determination that a practical difficulty exists upon the consideration of the following criteria.
1. Does the property owner propose to use the property in a reasonable manner? All answered No.  
*The request is for 55' from the OHWL, the Ordinance requires 100 ft. this is a substantial intrusion into the lake setback area. Already a significant intrusion on the lot with allowing the construction of the home. Driven by the lake, you can see the add the pool and pool house you increase visibility not only from the road as well as lake Alters the essential character of the area and takes away from the area.*
  2. Is the alleged practical difficulty unique to the property? All answered No.  
*Shoreland properties have the same type of issues with setbacks, erosion control issues not just unique to this property. Referred to the DNR letter, read into the record at the August meeting. Change character to this area. Received a document from the DNR it supports/reiterates the concerns of the DNR.*
  3. Were the circumstances causing the practical difficulty created by someone other than the applicant/landowner? All answered No



*No practical difficulty was established; they created it on their own. Water toys can be stored in the house.*

4. Will the issuance of the Variance maintain the essential character of the locality? All answered No.  
*As stated before, it will definitely change the character of the area, the character of the area has already been altered due to the house, the house is already a substantial intrusion to this property.*
5. Does the alleged practical difficulty involve more than economic considerations? 3- No. 1-Yes  
*It is to satisfy their preference to utilize the property.*
6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance? All answered No.  
*Health of the lakes, how we use our land has an impact on the water quality of the lakes, need to preserve our lakes in the county. Responsibility to control impervious surface close to the lake, Land Use Goals 2-3 of the Plan specifically address these issues.*
7. Is the Variance consistent with the Comprehensive Plan? All answered No.  
*Protect our lakes is part of the plan.*

Motion was made by John Wolf to deny the application pertaining to the pool and pool house. Seconded by Jim Mladek. Jim Mladek-deny the variance, John Wolf-deny the variance, Jeanne Doheny- deny the variance, Fritz Cummins-deny the variance. Motion approved. Motion carried.

Chairperson requested that Mr. Bayliss prepare the written findings for the next meeting.

**ITEM #2: JOHN EWERT, WATERVILLE, MN (APPLICANT); JOHN & MELINDA EWERT, WATERVILLE, MN (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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 in a Mineral Resources Overlay District and a Recreational Residential "RR" District on a Recreational Development "RD" lake, German Lake. Property is located at Lot 1, 2, & 3, Glen's Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACKS.**

John Ewert was present for application. Township: Notified through the application process. DNR: No comments. Letters submitted: none.

PUBLIC COMMENT: None

Discussion was held regarding property located within the G-J Sewer District, update prior to December 31, 2017, fortunate to have 3-lots, however, no other options on the property, utilizing an existing tank, new tank further from the lake than the complying tank.

Findings-see file

Motion was made by Fritz Cummins to approve the application as presented. Seconded by John Wolf. Motion approved. Motion carried.

**ITEM #3: JACOB HARTMAN, NEW PRAGUE, MN (APPLICANT); DONNA TRAUTMILLER, WATERVILLE, MN (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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 in a Recreational Residential "RR" District on a Recreational Development "RD" lake, German Lake. Property is located at Lot 35, Glen's Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, AND STRUCTURE SETBACKS.**

Mike Skluzacek, MS Excavating, representing was present for application. Township: Notified through the application process. DNR: No Comments. Letters submitted: None.

PUBLIC COMMENT: None

Discussion was held regarding, property located within the G-J Sewer District, required to update non-complying system by December 31, 2017, meets the lake and well setbacks, no other options on the property for a standard system, new system with retaining walls will enhance the property, private road, placement of accessory structures.

Findings- see file

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

**ITEM #4: BRUCE & LONNA WING, CLEVELAND, MN (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 9 & 10, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR PROPERTY LINE AND STRUCTURE SETBACKS.**

Wayne James, James Brothers Construction, was present for application. Township: Notified through the application process. DNR: No comments. Letters submitted: None.

Discussion was held regarding: property within the G-J Sewer District, no other options for placement of standard system, year round dwelling, small lake lot.

Findings-see file

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

**ITEM #5: THOMAS LETTS, ST PETER, MN (APPLICANT); THOMAS & JENNIFER LETTS, ST PETER, MN (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to separate an existing nonconforming lot from an existing contiguous conforming lot under the same ownership for the purposes of sale and development and to make the nonconforming lot more nonconforming for lot size in a Conservancy "C" District. Property is located in the NW 1/4 of the SW 1/4, Section 23, Kasota Township. **VARIANCE IS TO SEPARATE A NONCONFORMING LOT FROM A CONTIGUOUS CONFORMING LOT UNDER THE SAME OWNERSHP AND FOR LOT SIZE.**

Tom Letts was present for application. Township: Notified through the application process. Joe Kienlen, Kasota Township Officer, contacted the office and wanted Mr. Letts commended for all the improvements to this property, will be an improvement to the property, numerous complaints received by both the Township and Sheriff's office due to this property. DNR: No Comments. Letters submitted: None.

**PUBLIC COMMENT:** Steve Rohfling, Chairman of the Board, LSC Commissioners, stated that the Letts family has cleaned up this property, blighted for years, increase in tax base.

Discussion was held regarding: history of the 2.87 acre parcel, did not realize when purchasing the property he would be required to combine the contiguous property to make a 5-acre parcel, he did not create the problem, the property has been a problem for quite some time in regards to rental property, 4-plex, parking, made several improvements to the property such as converted to a single family dwelling, tuck under garage, parking area, reclaimed the area, this will be an improvement to this area, conservancy district policies, easements, complying septic, would like to downsize the non-conforming lot in order to vacate an easement, if able to downsize the 2.87 acre parcel the easement would go away, regulations in the ordinance concerning contiguous lots.

Findings- See file

Motion was made by John Wolf to approve the variance to separate a non-conforming lot from a contiguous conforming lot under the same ownership for the purposes of sale and development. Seconded by Jim Mladek. Motion approved. Motion carried.

and Motion by Jim Mladek to deny the variance request to make the nonconforming lot more nonconforming for lot size. Seconded by Fritz Cummins. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.

Motion to adjourn meeting by Fritz Cummins. Seconded by Jim Mladek. Motion approved. Motion carried.

Meeting Adjourned.



Respectfully submitted,  
Kathy Brockway  
June 15, 2017

Approved July 20, 2017

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