



Le Sueur County, MN

Thursday, July 20, 2017

Regular Session

Item 3

Koppelman Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Dean & Mary Koppelman and Peter & Lisa Koppelman
911 ADDRESS: 26548 Lake Jefferson Rd, Cleveland, MN
VARIANCE REQUEST: To allow the applicants to construct a septic drainfield 0 feet from the property line and 7 feet from a detached screen porch.
VARIANCE NUMBER: 17190
PARCEL NUMBER: 01.035.5700 & 01.035.5200

SITE INFORMATION

LOCATION: Part of NW 1/4 SE 1/4, Section 35, Cleveland 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 does make 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.

Action 2: The County will take leadership in initiating a wastewater or septic replacement program.

Strategy #2.

a. Septic replacement program in areas with space to accommodate this type of improvement program.

b. Cluster and community collection for areas in which space and proper soils characteristics are available for large drainfield.

GENERAL SITE DESCRIPTION: Shoreland, clustered residents, farm site

ACCESS: Existing off Lake Jefferson 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: N/A

ATTACHMENTS

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

STAFF FINDINGS

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

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Septic drainfield to property line:	0 feet	10 feet	Section 17, Subdiv. 4. D. 2.	17-9
b. Septic drainfield to structure:	7 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
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.
 - b. Variance request from property line is shared property line.
 - c. Variance request from the structure is a detached screened porch.

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: DEAN & MARY KOPPELMAN

Variance # 17190

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC DRAINFIELD 0 FEET FROM PROPERTY LINE AND 7 FEET FROM A DETACHED SCREEN PORCH.

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain _____

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

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

Explain _____

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

G. **IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.**

() APPROVED

() DENIED

CONDITIONS: _____

Applicant response to conditions:

Agree ()

Disagree ()

Reasons: _____

Board of Adjustment Chairman _____

Date _____

Variance Application

I. Applicant:
 Name DEAN G. + MARY L. Koppelman
 Mailing Address 26548 Lake Jefferson Rd
 City Cleveland State MN Zip 56017
 Phone # 507-931-6297 H Phone # 507-340-2640 C

II. Landowner:
 Name Peter Koppelman
 Property Address 45734 Pelican Lane
 City Cleveland State MN Zip 56017
 Phone # 507-931-5994 H Phone # 507-351-6392 C

III. Parcel Information:
 Parcel Number 01.035.5700 / 01.035.5200 Parcel Acreage 2.36 / 2.72
 Township Cleveland Section 35
 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).
To Construct a shared Septic Mound System on both properties
Zero ft to property line + 7' to existing screen porch gazebo.

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.)

Cleveland Township notified on 6/20/17
 (Township Name) (Date)

Board Member John T. Kluntz 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.

~~Not~~ Cannot meet the property line setback and coming too close to a structure

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

Not large enough to construct a septic system without using both properties.

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

We were required by the county to put in a new septic system.

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

~~Not~~ No, it will not change what is there

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

~~Not~~ I Am required to update a old system.

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

Yes, Goal #3 of the Land Use and Goals is to improve water quality

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

~~Not~~ Goal #3 in Land use plan is to improve water quality. This variance will allow me to install a new septic system to improve the water quality around the lakeshore.

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

Outdated septic system, Variance is needed to install New System.

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

To meet the setback requirements, I have to have a variance to install a system across the property line and to come close to a structure

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- 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.

Jean Kopelman
Applicant signature

6/20/17
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.

Bob Kopelman
Landowner signature

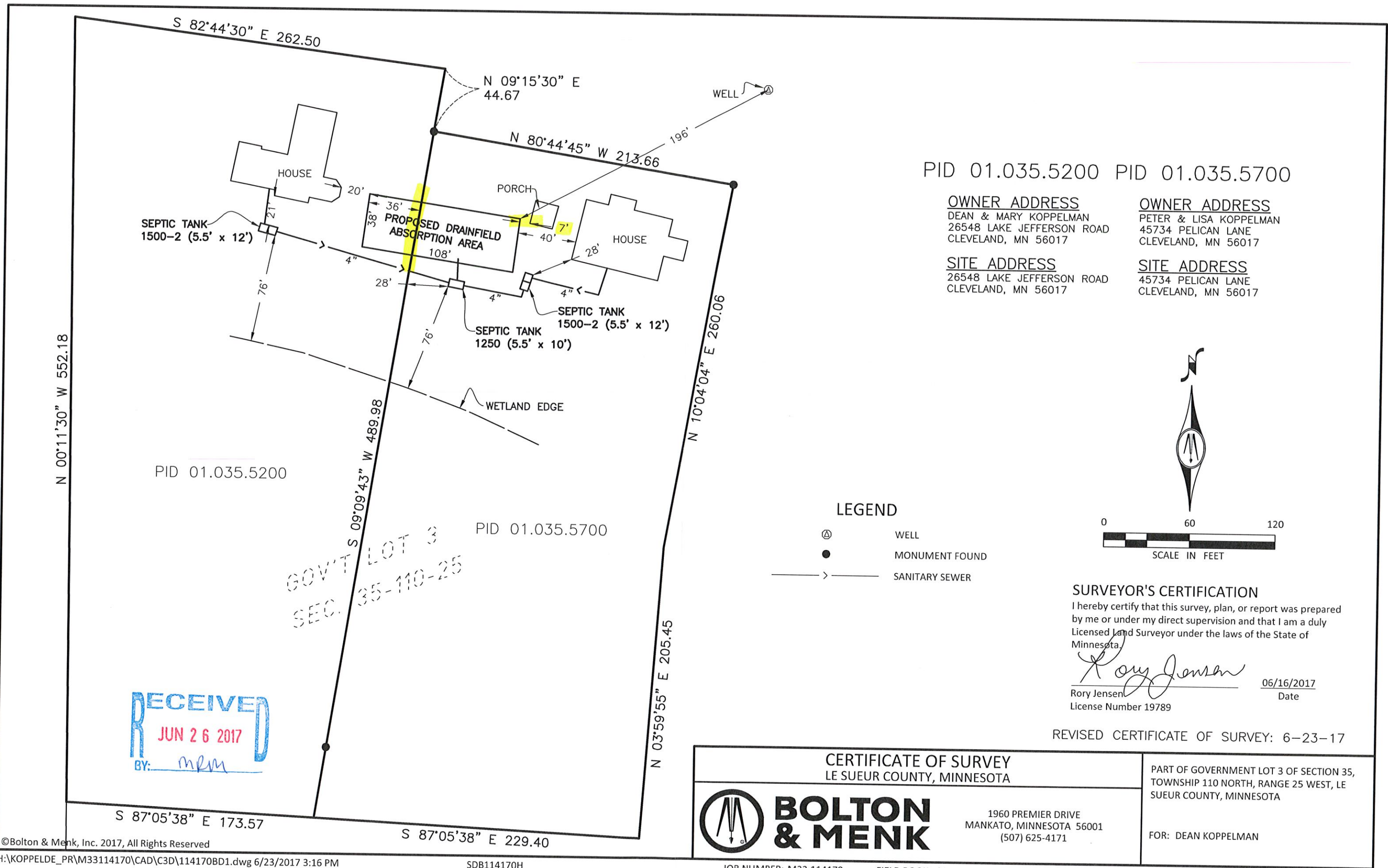
6/20/17
Date

OFFICE USE ONLY

Date received <u>6-20-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within <u>500'</u> 1000' N
Meeting date <u>7-20-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> N <i>Septic</i>
60 Day <u>8-19-17</u>	Lake <u>Jefferson</u>	Water courses Y <u>N</u>
RFPE <u>✓</u>	FEMA Panel # <u>27079C0270D</u>	Bluff Y <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other <u>wetland</u>
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	COC <u>NONC/Waiver Design</u>
<input type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints <u>-SSIS Design</u>	<input checked="" type="checkbox"/> Fee \$ <u>646</u> ATF / SPEC MTG
<input type="checkbox"/> Application complete	<u>Michelle Rmitta</u> Planning & Zoning Department Signature	<u>6-20-17</u> Date Permit # <u>17190</u>

The purpose of the variance is to be able to construct a new septic system to replace a 40 year old system that is out of compliance and is in the Lake Jefferson upgrades. The new system will be a shared system with my neighbor/nephew and has to be placed between a mature tree on my property and as close as 7' to a gazebo on my nephew's property. It will also be crossing the property line. I also have to stay back 75' from the wetlands to the south so it can't be place over the existing system. This is the only site option I have that will allow to construct a system this size to serve both households.

RECEIVED
JUN 21 2017
BY: mkh



PID 01.035.5200 PID 01.035.5700

OWNER ADDRESS
 DEAN & MARY KOPPELMA
 26548 LAKE JEFFERSON ROAD
 CLEVELAND, MN 56017

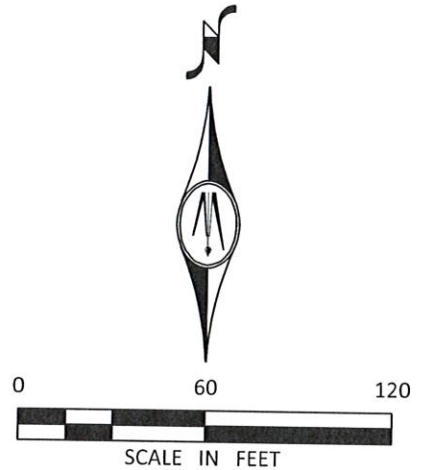
OWNER ADDRESS
 PETER & LISA KOPPELMA
 45734 PELICAN LANE
 CLEVELAND, MN 56017

SITE ADDRESS
 26548 LAKE JEFFERSON ROAD
 CLEVELAND, MN 56017

SITE ADDRESS
 45734 PELICAN LANE
 CLEVELAND, MN 56017

LEGEND

- ⊙ WELL
- MONUMENT FOUND
- >— SANITARY SEWER



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

06/16/2017
 Date

REVISED CERTIFICATE OF SURVEY: 6-23-17

CERTIFICATE OF SURVEY
 LE SUEUR COUNTY, MINNESOTA



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

PART OF GOVERNMENT LOT 3 OF SECTION 35,
 TOWNSHIP 110 NORTH, RANGE 25 WEST, LE
 SUEUR COUNTY, MINNESOTA

FOR: DEAN KOPPELMA

RECEIVED
 JUN 26 2017
 BY: *mem*

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SDB114170H

JOB NUMBER: M33.114170

FIELD BOOK: 90A-1 PG 15

DRAWN BY: JLA

4.0 S35-T110N-R25W

Surveyor Certification

- I. **Applicant:**
 Name DEAN KOPPELMAN JIM CINK C&R PLUMBING
- II. **Landowner:**
 Name DEAN KOPPELMAN & Peter KOPPELMAN
 Property Address 2654 BLAKE JEFFERSON RD 45734 PELICAN LANE
 City CLEVELAND State MN Zip 56017
- III. **Parcel Information:**
 Parcel Number 01.035.5200 01.035.5700

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

- North point
 - Setbacks
 - Property lines
 - Road Right-Of-Way
 - Lot Dimensions
 - Lakes
 - Rivers
 - Wetlands
 - Streams
 - Ponds
 - Well
 - Septic System
 - Proposed Structures
 - Existing structures - *Within and adjacent to project area.*
 - Location of trees to be removed - *Shoreland Districts*
 - Access
 - Easements
- Impervious Surface
 - Required for *Shoreland, Business, & Industrial Districts.*
 - Itemized current & proposed impervious surfaces to include total percentages.
 - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

- *Site shall be physically staked, then surveyed.
- *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
- *Stakes must remain in place until construction commences.

V. **Quantities and Submittal Formats:**

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aeriels or photographs.
- c. Electronic version of any supporting documents if available.
- d. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- e. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- f. All required information must be correct and submitted **at the time of application**, or the application will not be accepted.

RECEIVED
 JUN 19 2017
 BY: MEM

VI. **Signatures:**

The proposed improvements have been physically staked onsite **then** surveyed on JUNE 15, 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.

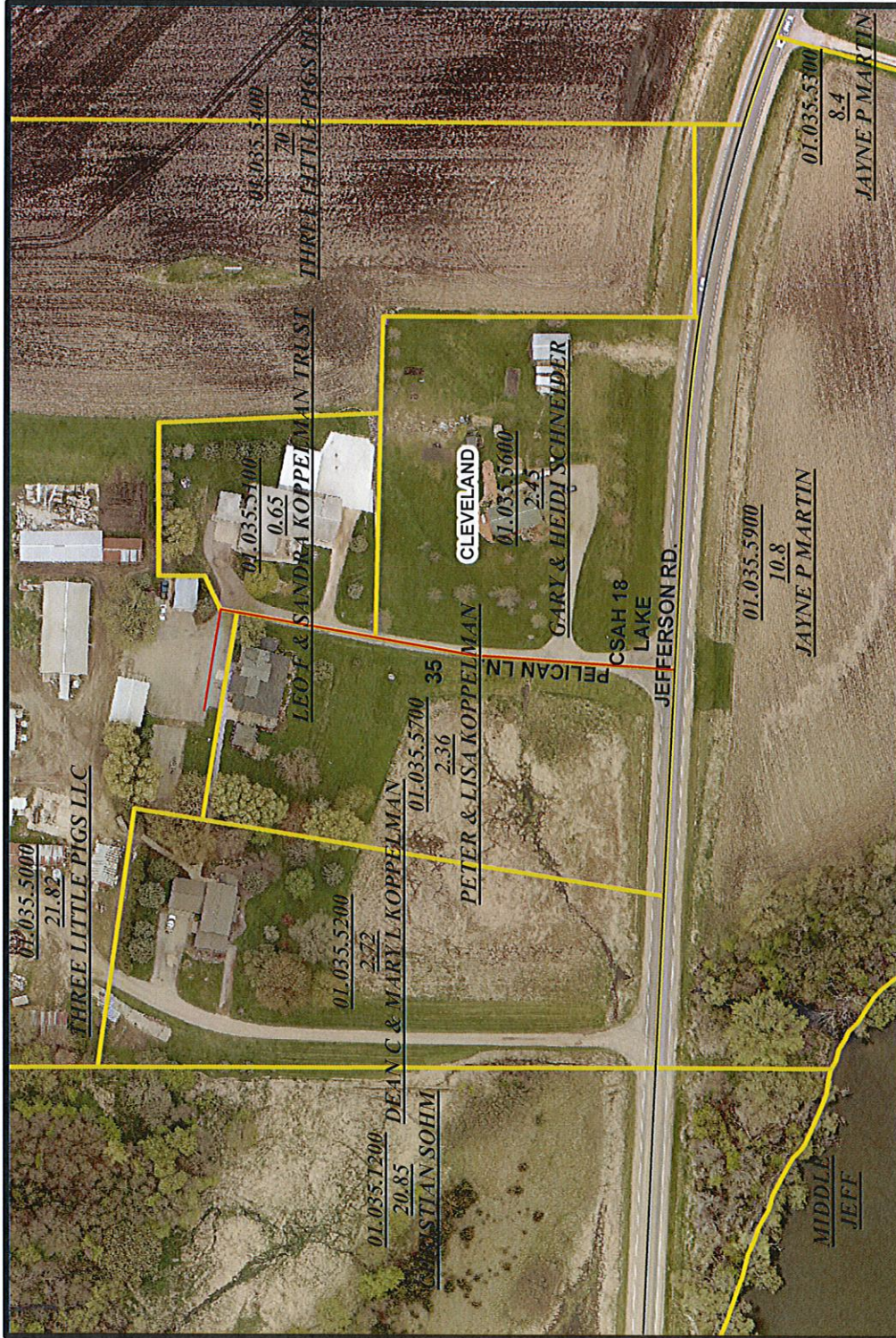
Roy Jema JUNE 16, 2017 19789
 Surveyor Signature Date Lic #

OFFICE USE ONLY

16-19-17 *Michelle R Mittlen*
 Date Received Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Dean & Mary Koppelman
 Peter & Lisa Koppelman
 PID: 01.035.5200 & 01.035.5700
 DATE: 07-06-17
 FIRM #: 27079C0270D
 F-Zone: X-Outside
 RFPE: na
 District: Recreational Residential



Roads	Road Code
US Highway	10.8
MN Highway	8.4
CSAH	10.8
County Road	8.4
Township Road	10.8
Municipal Street	8.4
Unspecified	10.8
Incorporated	8.4
Townships	10.8
Sections	8.4
Parcel	10.8



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.



31	32	33	34	35	36
6	5	4	3	2	1
7	8	9	10	11	12
13	17	16	15	14	13
18	20	21	22	23	24
19	29	28	27	26	25
30	31	32	33	34	35
31	32	33	34	35	36

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