



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:** JULY 20, 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** Kuebler, Schwichtenberg, Joseph Packet

**ITEM #4** Brown Packet

**ITEM #5** Koppelman Packet

**ITEM #6** Approved July 20, 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 July 20, 2017.***





# **Le Sueur County, MN**

**Thursday, July 20, 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: JULY 20, 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 **JULY 10, 2017**.

**ITEM #1: BRAD & TRACI KUEBLER, LAKEVILLE, MN; RELOU SCHWICHTENBERG, WATERVILLE, MN; ROBERT & LINDA JOSEPH, WATERVILLE, 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 pump tank 0 feet from the property line and construct a septic cluster drainfield 0 feet from two property lines and 11feet from an existing detached garage in a Recreational Residential "RR" District on a Recreational Development "RD" lake, German Lake . Property is located at lots 14, 15, 16, Glens Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR PROPERTY LINE AND STRUCTURE SETBACKS.**

**ITEM #2: JEROME & CARRIE BROWN, WATERVILLE, MN, (APPLICANT\OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant a total of 41.6% impervious surface in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka . Property is located at Lot 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

**ITEM #3: DEAN & MARY KOPPELMAN, CLEVELAND, MN; PETER & LISA KOPPELMAN, CLEVELAND, MN, (APPLICANT\OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a septic drainfield 0 feet from the property line and 7 feet from an existing detached screen porch in a Recreational Residential "RR" District on a Recreational Development "RD" Lake, Lake Jefferson . Property is located in Section 35, Cleveland Township. **VARIANCE IS FOR PROPERTY LINE AND STRUCTURE SETBACKS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.  
**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT JULY 20, 2017**

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



# **Le Sueur County, MN**

**Thursday, July 20, 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:** July 20, 2017

**Meeting Time:** 3:00 pm

**Onsite Date:** July 20, 2017

**Onsite Time:** 1:00 pm

**ITEM #1:** Brad & Traci Kuebler  
ReLou Schwichtenberg  
Robert & Linda Joseph

**ITEM #2:** Jerome & Carrie Brown

**ITEM #3:** Dean & Mary Koppelman  
Peter & Lisa Koppelman

**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, July 20, 2017**

**Regular Session**

## **Item 1**

**Kuebler, Schwichtenberg, Joseph Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Brad & Traci Kuebler, Relou Schwichtenberg, Robert & Linda Joseph  
**911 ADDRESS:** 46874, 46884, & 46890 Glens Beach Road, Elysian, MN  
**VARIANCE REQUEST:** To allow the applicant to install a pump tank 0 feet from the side property line, construct a cluster drainfield serving three dwellings 0 feet from two side yard property lines and 11 feet from an existing garage.  
**VARIANCE NUMBER:** 17186  
**PARCEL NUMBER:** 04.004.5007, 04.004.5008, 04.004.5009

## SITE INFORMATION

**LOCATION:** Lots 14, 15, 16, Glens Beach Subdivision, and part of 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 does make reference to 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, Strategy #2.**

- a. Septic replacement program in areas with space to accommodate this type of improvement program.
- b. Cluster systems and community collection for areas in which space and property soils characteristics are available for large drainfields.

**GENERAL SITE DESCRIPTION:** Shoreland, residential  
**ACCESS:** N/A  
**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:** 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. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic drainfield to structure:	11 feet	20 feet	Section 17, Subdiv. 4. D. 1. a.	17-9
b. Septic tank to property line:	0 feet	10 feet	Section 17, Subdiv. 4. D. 2.	17-9
c. Septic drainfield to property line:	0 feet	10 feet	Section 17, Subdiv. 4. D. 2.	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.
  - b. Variance request is for two “interior” property lines for the three lots.

**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: BRAD & TRACI KUEBLER

Variance # 17186

**Variance Request:** TO ALLOW THE APPLICANT TO INSTALL A PUMP TANK 0' FROM SIDE PROPERTY LINE, CONSTRUCT A CLUSTER SERVING THREE DWELLINGS 0' FROM TWO SIDE PROPERTY LINES AND 11 FEET FROM AN EXISTING GARAGE. (ALSO RC#17187)

- 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 Brad + Traci Kuebler  
 Mailing Address 17573 Hyacinth Way  
 City Lakeville State MN Zip 55044  
 Phone # 952.891.2802(H) Phone # 952.210.8635 (Brad Cell)

**II. Landowner:**  
 Name Brad + Traci Kuebler  
 Property Address 46884 Glens Beach Road  
 City Elysian State MN Zip 56096  
 Phone # 952.891.2802(H) Phone # 952.210.8635 (Brad Cell)

**III. Parcel Information:** 04:004.5008  
 Parcel Number ~~04:004.5008~~ Parcel Acreage \_\_\_\_\_  
 Township 109 Section 4 (Four)  
 Subdivision \_\_\_\_\_ Lot (15)(3)(4) 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).

*- mem*  
11 feet zero (0) feet side property line and  
to an existing garage. Septic tank  
& pump tank zero feet to side property line.

**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 6.5.17  
 (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
- 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.

**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.**

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

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

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

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

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

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

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

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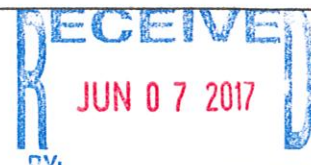
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**9. Explain why this request is the minimum variance amount to afford relief.**

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**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 *+Design*
- 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

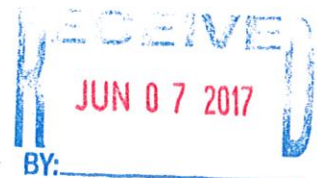
**Additional Fees:**

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.

Bradley G. Paul  
Applicant signature

June 7, 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.

Bradley G. Paul  
Landowner signature

June 7, 2017  
Date

**OFFICE USE ONLY**

Date received <u>6-20-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>N</u>
Meeting date <u>7-20-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>8-19-17</u>	Lake <u>German</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>/</u>	FEMA Panel # <u>2707900300D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description <u>Joseph Legal</u>	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>1646</u> ATF / SPEC MTG <u>1246</u>
<input type="checkbox"/> Application complete	<u>Michelle R. Mutt</u> Planning & Zoning Department Signature	+ 200 per lot x 3 = 600 <u>6-20-17</u> Date <u>17180</u> Permit #

01-15-16

14 6-7-17  
SPDC 6-27-17

4

**RECEIVED**  
**JUN 07 2017**  
BY: \_\_\_\_\_

**Variance Application**

I. **Applicant:**  
 Name Reid A. Schwichtenberg  
 Mailing Address 46874 Colens Beach Road  
 City Waterville State MN. Zip 56096  
 Phone # 507-362-4264 Phone # \_\_\_\_\_

II. **Landowner:**  
 Name Reid A. Schwichtenberg  
 Property Address 46874 Colens Beach Road  
 City Waterville State MN. Zip 56096  
 Phone # 507-362-4264 Phone # \_\_\_\_\_

III. **Parcel Information:**  
 Parcel Number 04,004.5009 Parcel Acreage \_\_\_\_\_  
 Township Phyllis Section \_\_\_\_\_  
 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).  
 \_\_\_\_\_  
 \_\_\_\_\_

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.)

Phyllis Township notified on 6/15/17  
 (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.



- 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.*

*Debra A. Schmittberg*  
Applicant signature

6-14 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.*

*Debra A. Schmittberg*  
Landowner signature

6-14 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
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	_____ NONC/Waiver
<input type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	_____ Design
<input type="checkbox"/> Application complete	<input type="checkbox"/> Fee \$ _____	ATF / SPEC MTG
_____	_____	_____
Planning & Zoning Department Signature	Date	Permit #

01-15-16





Variance Application

I. **Applicant:**  
 Name Bob Joseph  
 Mailing Address 46890 Glen Beach RD  
 City Waterville State MN Zip 56096  
 Phone # 507-362-8005 Phone # \_\_\_\_\_

II. **Landowner:**  
 Name Bob Joseph  
 Property Address 46890 Glen Beach RD  
 City Waterville State MN Zip 56096  
 Phone # 507-362-8005 Phone # \_\_\_\_\_

III. **Parcel Information:**  
 Parcel Number 04.004.5007 Parcel Acreage \_\_\_\_\_  
 Township Elysian 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).  
 \_\_\_\_\_  
 \_\_\_\_\_

V. **Description of Request:**  
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VI. **Township Notification:**  
**Township must be notified prior to application.** (County Commissioners are not the Township Board.)  
Elysian Township notified on 6/5/17  
 (Township Name) (Date)

Board Member Kathy Ruents regarding the proposed request.  
 (Name)

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

- North point
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- Lot Dimensions
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- 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*.
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- \*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.



- 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.*

Bob Joseph  
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.*

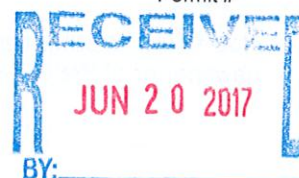
Bob Joseph  
Landowner signature

6-20-17  
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
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	_____ NONC/Waiver
<input type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	_____ Design
<input type="checkbox"/> Application complete	<input type="checkbox"/> Fee \$ _____	ATF / SPEC MTG
_____ Planning & Zoning Department Signature		_____ Date
		_____ Permit #

01-15-16



Brad and Traci Kuebler Practical Difficulty Questionnaire

June 8, 2017

1. We believe installing a multi-home septic drain field is a more efficient use of land and therefore better for the environment and housing development. Both working towards accomplishing goals 2 and 4 of the County's Policy.
2. To accomplish the goal of installing the most ecologically friendly and efficient system, we must install a drain field that utilizes a portion of land from all three parcels involved in the new system.
3. Goal number 2 of the County's Policy is to improve water quality in the county, as such, we must install a new system to work towards this very important goal.
4. We have worked diligently with our surveyor, contractor and county to determine the best location of the multi-home system to limit changes to the character of the three parcels as well as any negative effects on the environment.
5. Yes, we believe it does. We believe the installation of three separate systems will use more energy. Although installing a multi-home system requires a variance, we believe it will be better for the environment.
6. Yes we believe the installation of a multi-home system (with a variance) works towards accomplishing goals 2, 3, 4, 5, 6 and 8 of the Le Sueur County Land Use Goals and Policies.
7. We believe the installation of a multi-home system (with a variance) works towards accomplishing goals 2, 3, 4, 5, 6 and 8 of the Le Sueur County Land Use Plan Document.
8. Each of the three parcels contain a well and septic system. We have worked diligently with our surveyor, contractor and county to design a new, more environmentally friendly, collection discharge and drainage system.
9. We have worked diligently with our surveyor, contractor and county to determine the most efficient system to service three homes, while limiting the consumption of land from the three applicable parcels. We believe the proposed design accomplishes this goal.

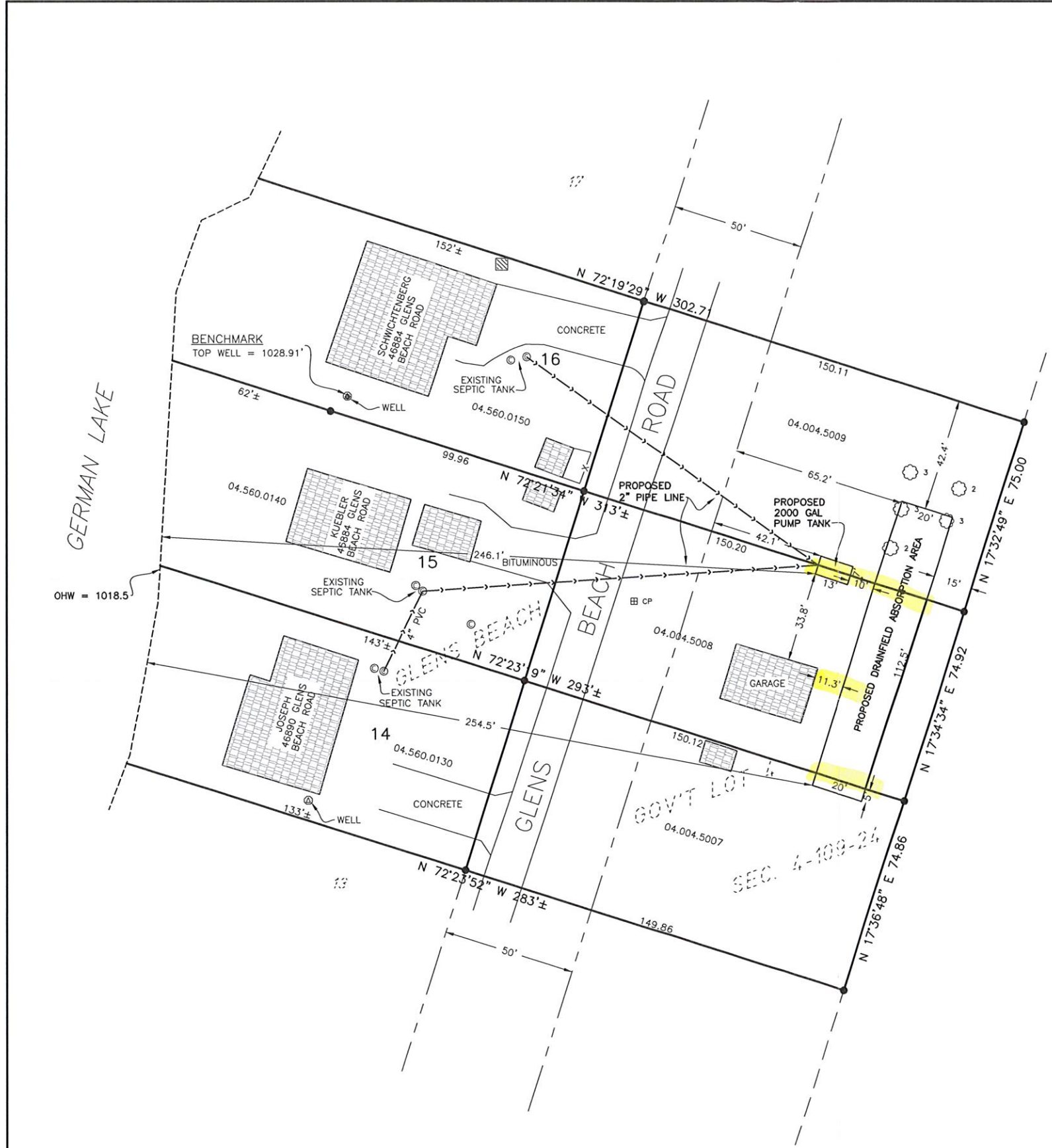
RECEIVED  
JUN 16 2017  
BY: mm

In 2014, the Le Sueur County Board of Commissioners approved an ordinance requiring property owners to bring their septic systems into compliance by the end of the year to assist in the determination of whether soils near the planned systems would be able to properly treat sewage before it mixed with groundwater

In an effort to assure our systems are compliant with county and state guidelines we have worked diligently with our contractor (James Bros Construction), surveyor (Bolton & Menk) and county employees to determine the most economical and eco-friendly system. We believe a multi-home system serving the Kuebler, Joseph and Schwichtenberg households meets these goals.

However, the proposed multi-home system – specifically the absorption field – will need to consume property of all three home owners and span across the applicable property lines. As such, we are respectfully requesting the approval of a variance detailed in the submitted application and survey provided.

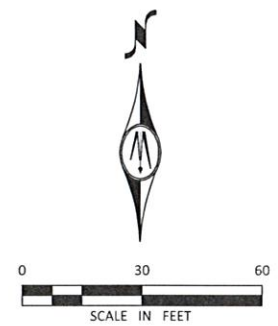




PID 04.004.5007 PID 04.560.0130	PID 04.004.5008 PID 04.560.0140	PID 04.004.5009 PID 04.560.0150
<b>OWNER ADDRESS</b> ROBERT JR. & LINDA JOSEPH 46890 GLENS BEACH ROAD WATERVILLE, MN 56096	<b>OWNER ADDRESS</b> BRADLEY & TRACI KUEBLER 17573 HYACINTH WAY LAKEVILLE, MN 55044	<b>OWNER ADDRESS</b> RELOU SCHWICHTENBERG 46874 GLENS BEACH ROAD WATERVILLE, MN 56096
<b>SITE ADDRESS</b> 46890 GLENS BEACH ROAD WATERVILLE, MN 56096	<b>SITE ADDRESS</b> 46884 GLENS BEACH ROAD WATERVILLE, MN 56096	<b>SITE ADDRESS</b> 46874 GLENS BEACH ROAD WATERVILLE, MN 56096

**RECEIVED**  
JUN 16 2017  
BY: *mkm*

- LEGEND**
- IRON PIPE MONUMENT SET
  - MONUMENT FOUND
  - ⊗ DECIDUOUS TREE
  - ⊙ CONIFEROUS TREE
  - ⊕ WELL
  - ⊞ CP COMMUNICATION PEDESTAL
  - CLEAN OUT
  - BENCHMARK
  - ⊞ CATCH BASIN



**SURVEYOR'S CERTIFICATION**  
I hereby certify that this survey 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  
1-13-17  
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System

ORIGINAL SURVEY REVISED: 2-17-17  
6-15-17

<b>CERTIFICATE OF SURVEY</b> LE SUEUR COUNTY, MINNESOTA		LOTS 14, 15, & 16, GLENS BEACH & PART OF GOV'T LOT 4, SECTION 4, TOWNSHIP 109 NORTH, RANGE 24 WEST, LE SUEUR COUNTY, MINNESOTA
<b>BOLTON &amp; MENK</b> 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		
FOR: KUEBLER, JOSEPH & SCHWICHTENBERG		

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

H:\KUEBLER\_PR\M33112752\CAD\C3D\112752BD1.dwg 1/13/2017 4:18 PM

SDB112752H

JOB NUMBER: M33.112752 FIELD BOOK: 90J PG 64

DRAWN BY: JLA

4.0 S4-T109N-R24W

## Surveyor Certification

- I. **Applicant:**  
 Name WAYNE JAMES
- II. **Landowner:**  
 Name KUEBLER, JOSEPH & SCHWICTENBERG  
 Property Address 46874, 46884, 46890 GLENS BEACH ROAD  
 City WATERVILLE State MINN Zip 56086
- III. **Parcel Information:** <sup>JOSEPH</sup> 04.560.0130 (House) <sup>KUEBLER</sup> 04.560.0140 (House) <sup>SCHWICTENBERG</sup> 04.560.0150 (House)  
 Parcel Number 04.004.5007, 04.004.5008, 04.004.5009

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 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.*

Wayne James  
 Surveyor Signature

June 16, 2017  
 Date

19789  
 Lic #

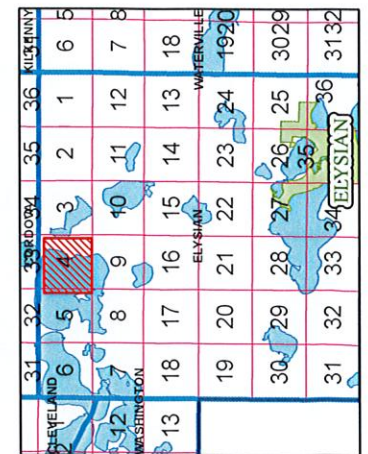
**OFFICE USE ONLY**

6-16-17  
 Date Received

MJM  
 Planning & Zoning Department Signature

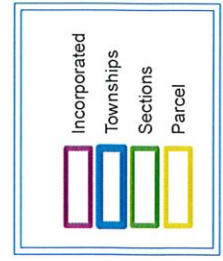
# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Kuebler, Joseph,  
 Schwichtenberg  
**PID:** 04.004.5007, 5008, 5009  
**DATE:** 07-06-17  
**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.



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, July 20, 2017

Regular Session

## Item 2

**Brown Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Jerome & Carrie Brown  
911 ADDRESS: 49206 Riverside Ln, Waterville  
VARIANCE REQUEST: Total of 41.6 % impervious surface.  
VARIANCE NUMBER: 17189  
PARCEL NUMBER: 14.662.0060

## SITE INFORMATION

LOCATION: Lot 6, Rearrangement Raedeke #2, Section 20, Waterville  
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 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 1:** The County will adopt and implement the goals, objectives, and actions of the County's Local Water Management Plan.

**Action 6:** In addition to traditional stormwater designs, the use of new technologies in dealing with on-site stormwater should be reviewed and considered for use such as:

- a. Use of individual on-site rain gardens.
- b. Permeable pavers for use in traditionally large impermeable surface areas.
- c. Other new technologies as identified.

GENERAL SITE DESCRIPTION: Shoreland, residential  
ACCESS: Existing off Riverside LN  
LAKE: Lake Tetonka, 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: N/A

## ATTACHMENTS

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

## 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. Impervious Surface:	41.6%	25 %	Section 13, Subdiv.5.A.10.a.	13-15

Page 1 of 2

2. **Refer to DNR Guidance Letters:**
  - a. The Role of the Variances in Shoreland Management Ordinances pg. 9
  - b. Bluffs and Steep Slopes pg. 11
  - c. Limiting Impervious Surface pg. 15
  - d. 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. Majority of impervious surface is located outside the shore impact zone.
  - b. Removing existing deck within the shore impact zone, 50 square feet impervious surface.
  - c. Removing existing stairs and walkway (155 sq ft) and replacing with new stairs (93 sq ft), reducing 62 sq ft, majority within the shore impact zone.
  - d. Proposal reduces impervious surface from 41.9% to 41.6%. Consider removing additional impervious surface or changing to pervious.
  - e. Consider a plan for addressing stormwater runoff.

#### 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.

LE SUEUR COUNTY ENVIRONMENTAL SERVICES  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057-1600

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 07/11/2017

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

---

**Applicant:**

Jerome Brown

**Property owner:**

Jerome Brown

**Property:**

14.662.0060

**Description:**

Request for a Variance to allow the applicant a total of 41.6% Impervious Surface.

**Recommendation:**

By completion of the planned project, the applicant will reduce the total impervious surface on the lot by 0.3%. This will be done by removing a small deck on a shed in the Shore Impact Zone and by replacing a continuous sidewalk from the house to the lake with sections of steps within the retaining walls. This is not a significant reduction in impervious surface and there is no plan to address stormwater runoff. It would be my recommendation to table the application until significant reductions can be made.

**Condition(s) if approved:**

1. Work with Environmental Resources Specialist to implement stormwater practices on property such as an infiltration basin. Must receive approval as part of the Conditional Use Permit.

**Alternative Reductions:**

1. Reduce size of concrete driveway.
2. Reduce size of concrete walkway from driveway to house
3. Remove Shed 1 (65 square feet, approximately .6%)
4. Remove Shed 2 (49 square feet, approximately .5%)
5. Replace the deck 1 with permeable surface (216 square feet, approximately 2.1%)

Sincerely,



Joshua Mankowski  
Le Sueur County  
Environmental Resources Specialist

# VARIANCE FINDINGS OF FACT

Name of Applicant: JEROME BROWN

Variance # 17189

Variance Request: TO ALLOW THE APPLICANT A TOTAL OF 41.6 % IMPERVIOUS SURFACE. *mem*

41.6%

- 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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain \_\_\_\_\_

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

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

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

# Variance Application

**I. Applicant:**  
 Name Jerome Brown  
 Mailing Address 49206 Riverside Lane  
 City Waterville State MN Zip 56096  
 Phone # \_\_\_\_\_ Phone # 507-351-5969

**II. Landowner:**  
 Name Jerome Brown  
 Property Address 49206 Riverside Lane  
 City Waterville State MN Zip 56096  
 Phone # \_\_\_\_\_ Phone # 507-351-5969

**III. Parcel Information:**  
 Parcel Number 14.662.0060 Parcel Acreage Square Feet 12,800  
 Township Waterville Section \_\_\_\_\_  
 Subdivision Raedeke #2 Lot 6 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).  
41.6 % IS  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.)  
Waterville Township notified on April 29, 2017  
 (Township Name) (Date)

Board Member Francis Cummins regarding the proposed request.  
 (Name)

**VII. 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.

VIII. Practical Difficulty:

All relating to impervious

- 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.

Our lot has 41% impervious surface and the lot is small. We will remove a 48 sq foot deck in the shore impact zone and a 48 sq foot walkway.

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

Small lot and failing retaining walls that need to be replaced.

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

Small lot and many needs for safety of my children

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

We will improve remove wood walk way and deck located in shore impact zone

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

No, we want to remove green treated walk way and deck to improve impervious surface.

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

We want to reduce impervious surface while updating failing walls with natural stone.

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.

holding tank was installed in October 2012 and is compliant. the property has a well

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

We need a Variance to impervious surface to remove a wood walk way and deck in the shore impact zone. 2

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

- a. Site Plan-*survey*
- b. Surveyor Certification
- c. Access approval
- d. Full legal description
- e. ~~Floor~~<sup>Deck</sup> plans and/or blue prints (For structures)
- f. **Septic System Compliance Inspection**
- g. Erosion control plan (*curb*)
- 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

05-20-2017  
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.*

[Signature]  
Landowner signature

05-20-2017  
Date

**OFFICE USE ONLY**

Date received <u>6-20-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' <input type="radio"/> 1000' <input type="radio"/> <u>N</u>
Meeting date <u>7-20-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input type="radio"/> Y <input type="radio"/> N
60 Day <u>8-19-17</u>	Lake <u>Petronka</u>	Water courses <input type="radio"/> Y <input type="radio"/> N
RFPE <u>/</u>	FEMA Panel # <u>27079C0430.D</u>	Bluff <input type="radio"/> Y <input type="radio"/> N
<input type="checkbox"/> Site Plan -survey	Flood Zone <u>AE - 100 YR</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>5-23-12</u>
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> COC <u>(15/17)</u> <u>10-17</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	NONC/Waiver Design
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Muth</u>	<input checked="" type="checkbox"/> Fee \$ <u>640</u> ATF / SPEC MTG
	Planning & Zoning Department Signature	<u>6-20-17</u> Date
		<u>17189</u> Permit #

01-15-16



# Environmental Friendly Landscape Project Variance

## **Overview:**

To reduce the amount of the current amount of our properties impermeable surface to an acceptable ratio of permeable vs impermeable surface area when considering the total amount of property size, needed structures to maintain the structure of the land, and serve the purpose a functional single family home.

## **Goals:**

Use natural environmentally friendly building materials when surface area demands impermeable materials to ensure the safety of existing structures, people, and the environment.

To increase permeable land as much as possible, while achieving the goals of the project.

Ensure our property is safe for our children outdoors.

### **Specifications:**

We are permanently removing the 6 ft by 8ft observation deck on shed # 1, eliminating 48 square feet of impermeable surface.

We will be permanently removing wood stairs and boardwalks and replacing with kasota stone in areas that require steps do to slope of land. All other surface area will be replaced with grass, which will significantly increase the total property permeable surface area.

The existing cement on the property will remain the same, to ensure a safe walkway to enter and exit the home.

We will remove the existing deck and surrounding wood boardwalk. We will replace the deck in the same location, and follow the 10 ft setback rule. Therefore, the

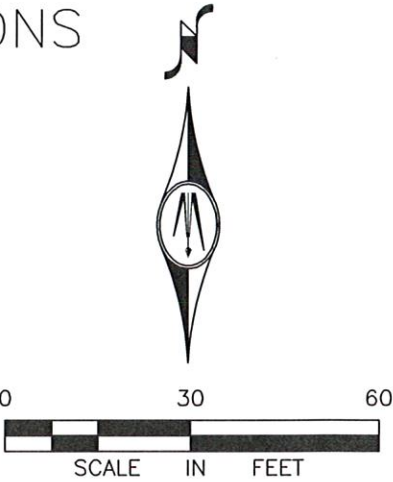
deck will be slightly smaller which will decrease the total impermeable surface area.

The existing gutters and downspouts effectively transfer water to permeable surfaces and will remain the same

**PROPOSED CONDITIONS**

**LEGEND**

- 3/4" IRON PIPE MONUMENT SET  
MARKED BY REG. NO. 19789
- MONUMENT FOUND
- + 1017.64 EXISTING SPOT ELEVATION



Horizontal Datum: Le Sueur County Coordinate System  
NAD83, 1996 Adjustment

PID 14.662.0060

**OWNER ADDRESS**  
JEROME S & CARRIE L BROWN  
49206 RIVERSIDE LANE  
WATERVILLE, MN 56096

**SITE ADDRESS**  
49206 RIVERSIDE LANE  
WATERVILLE, MN 56096



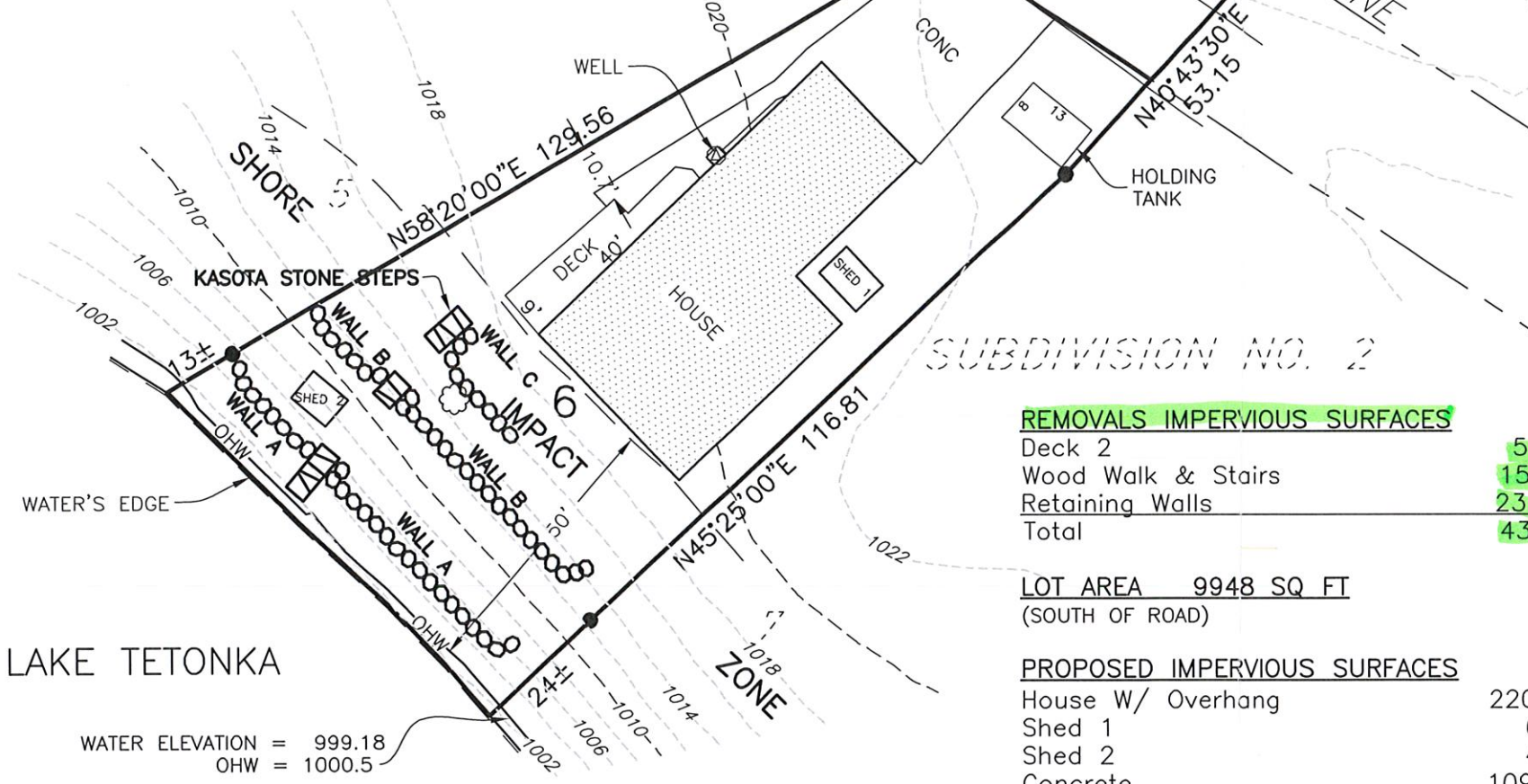
**DESCRIPTION OF RECORD**  
LOT 6, REARRANGEMENT RAEDEKE'S  
LAKE TETONKA SUBDIVISION NO. 2

**SURVEYOR'S CERTIFICATION**  
I hereby certify that this survey 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  
6/20/2017  
Date

REARRANGEMENT OF

RAEDEKE'S LAKE TETONKA



**REMOVALS IMPERVIOUS SURFACES**

Deck 2	50 SQ FT
Wood Walk & Stairs	155 SQ FT
Retaining Walls	231 SQ FT
<b>Total</b>	<b>436 SQ FT</b>

**LOT AREA** 9948 SQ FT  
(SOUTH OF ROAD)

**PROPOSED IMPERVIOUS SURFACES**

House W/ Overhang	2202 SQ FT
Shed 1	65 SQ FT
Shed 2	49 SQ FT
Concrete	1094 SQ FT
Bituminous	23 SQ FT
Wall A (70L x 4.5H x 2.5W)	175 SQ FT
Wall B (70L x 4.5H x 2.5W)	175 SQ FT
Wall C (25L x 4.5H x 2.0W)	50 SQ FT
Deck	216 SQ FT
Kasota Stone Steps (4' Wide)	93 SQ FT
<b>Total Impervious</b>	<b>4142 SQ FT (41.6%)</b>

**MATERIAL MOVEMENT**

Wall A =	32 Cubic Yards
Wall B =	66 Cubic Yards
Wall C =	12-14 Cubic Yards

NOTE: NO BLUFF

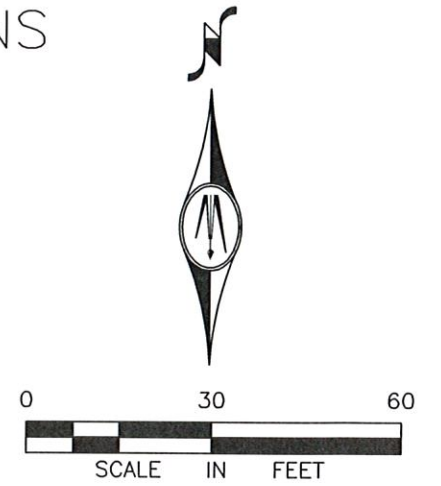
<b>CERTIFICATE OF SURVEY</b> LE SUEUR COUNTY, MINNESOTA		LOT 6, REARRANGEMENT RAEDEKE'S LAKE TETONKA SUBDIVISION NO. 2
	<b>BOLTON &amp; MENK</b>	FOR: JEROME & CARRIE BROWN
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

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**EXISTING CONDITIONS**

**LEGEND**

- 3/4" IRON PIPE MONUMENT SET  
MARKED BY REG. NO. 19789
- MONUMENT FOUND
- + 1017.64 EXISTING SPOT ELEVATION



Horizontal Datum: Le Sueur County Coordinate System  
NAD83, 1996 Adjustment

PID 14.662.0060

**OWNER ADDRESS**  
JEROME S & CARRIE L BROWN  
49206 RIVERSIDE LANE  
WATERVILLE, MN 56096

**SITE ADDRESS**  
49206 RIVERSIDE LANE  
WATERVILLE, MN 56096



**DESCRIPTION OF RECORD**

LOT 6, REARRANGEMENT RAEDEKE'S  
LAKE TETONKA SUBDIVISION NO. 2

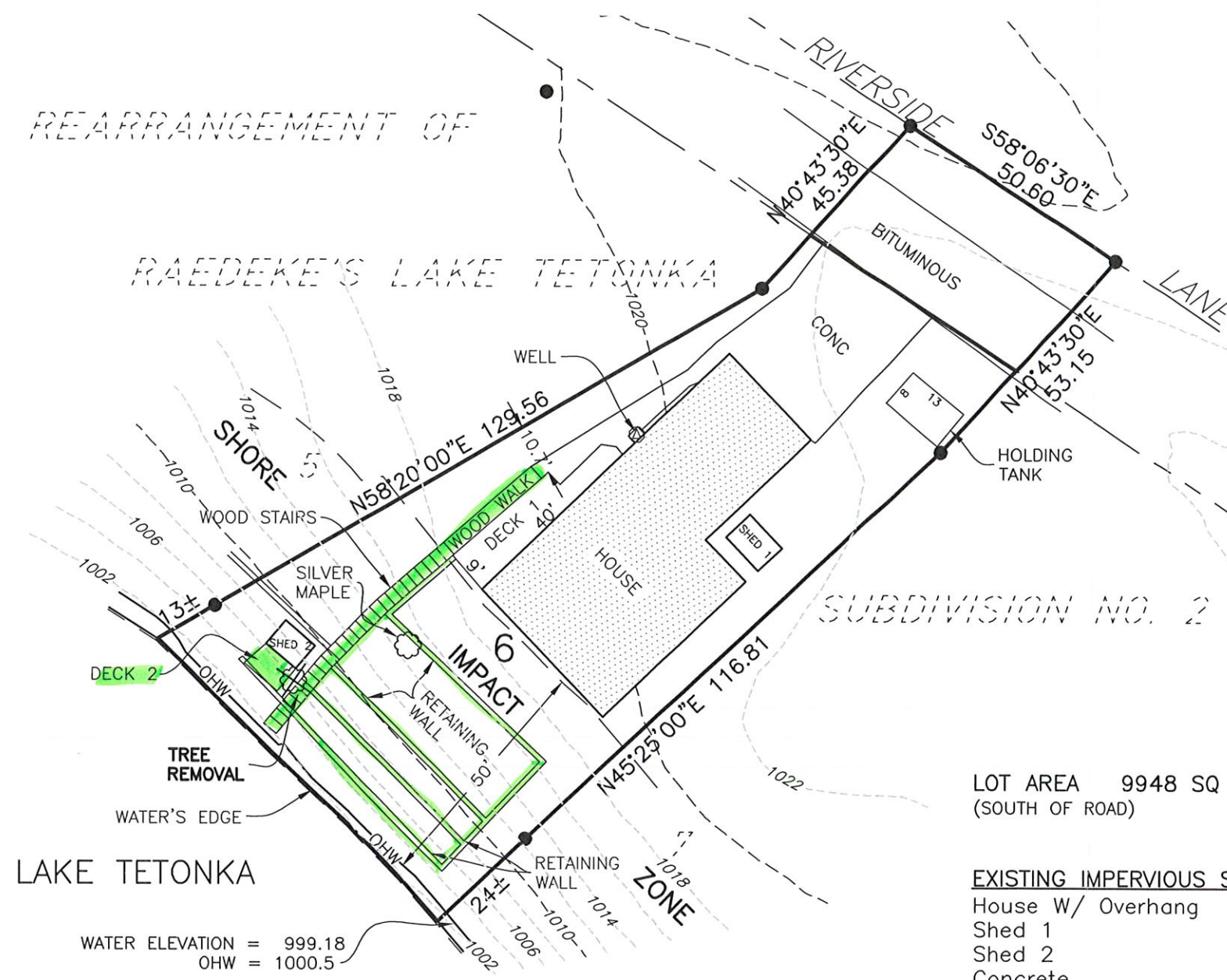
**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey 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

6/20/2017  
Date



LOT AREA 9948 SQ FT  
(SOUTH OF ROAD)

**EXISTING IMPERVIOUS SURFACES**

House W/ Overhang	2202 SQ FT
Shed 1	65 SQ FT
Shed 2	49 SQ FT
Concrete	1094 SQ FT
Bituminous	23 SQ FT
Retaining Wall	231 SQ FT
Wood Walk & Stairs	248 SQ FT
Deck 1	216 SQ FT
Deck 2	50 SQ FT
<b>Total Impervious</b>	<b>4178 SQ FT (41.9%)</b>

NOTE: NO BLUFF

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



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

LOT 6, REARRANGEMENT RAEDEKE'S  
LAKE TETONKA SUBDIVISION NO. 2

FOR: JEROME & CARRIE BROWN

Surveyor Certification

I. Applicant: Name JEROME BROWN
II. Landowner: Name JEROME BROWN, Property Address 49206 RIVERSIDE LANE, City WATERVILLE, State MN, Zip 56096
III. Parcel Information: Parcel Number 14.662.0060

- 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 June 29, 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.

Surveyor Signature Roy Jensen Date 6/16/17 Lic # 19789

OFFICE USE ONLY
Date Received 6-19-17 Planning & Zoning Department Signature [Signature]

# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Carrie & Jerome Brown

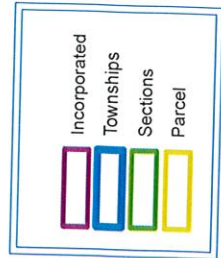
PID: 14.662.0060  
 DATE: 07-06-17  
 FIRM #: 27079C0430D  
 F-Zone: X-Outside  
 RFPE: na  
 District: Recreational Residential



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



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



# **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.**

~~It~~ Cannot meet the property line set back and coming to 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?**

~~It~~ 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.**

~~It~~ 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- <b>survey</b> | <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: 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.*

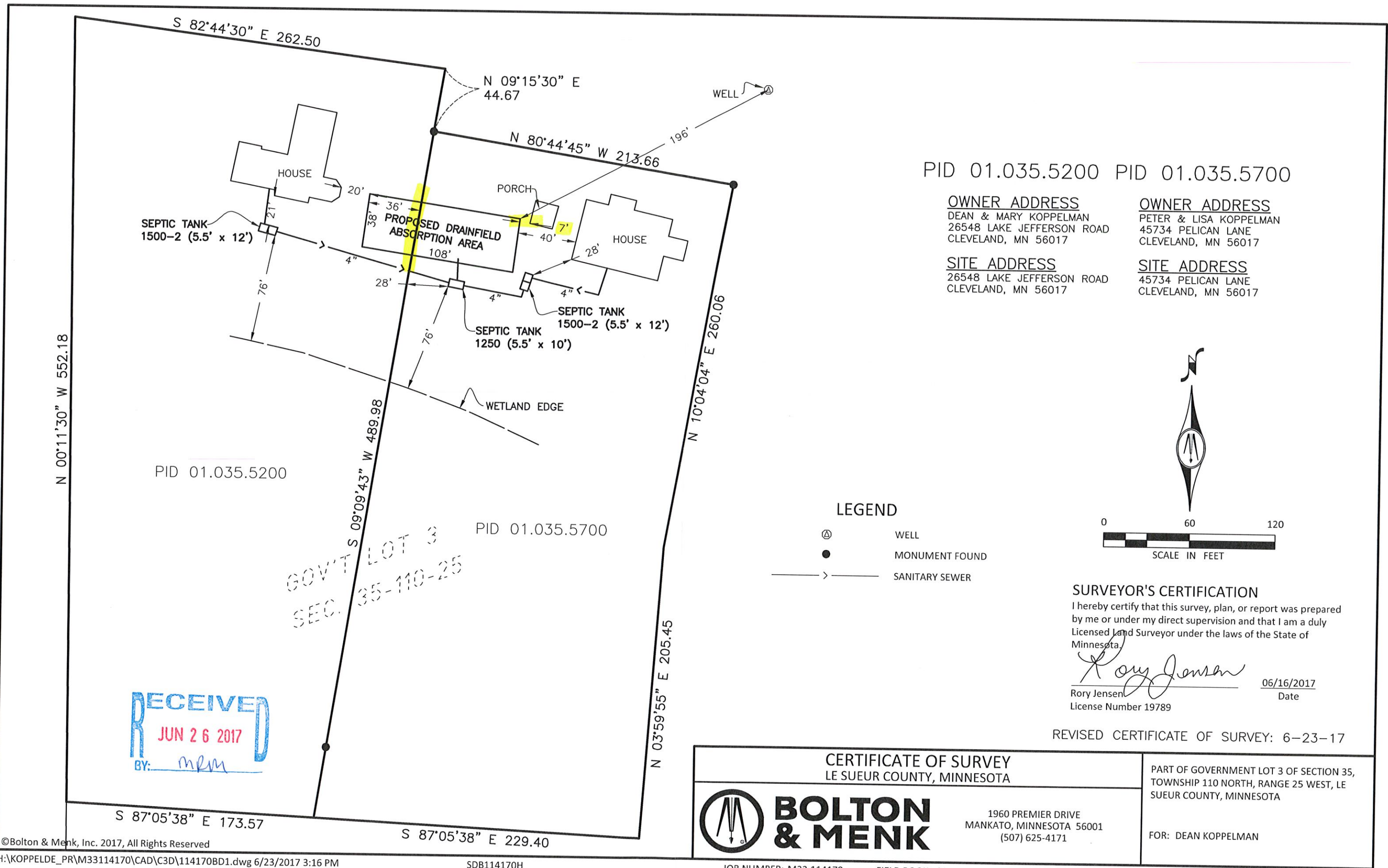
- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All 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.



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 KOPPELMAN  
 26548 LAKE JEFFERSON ROAD  
 CLEVELAND, MN 56017

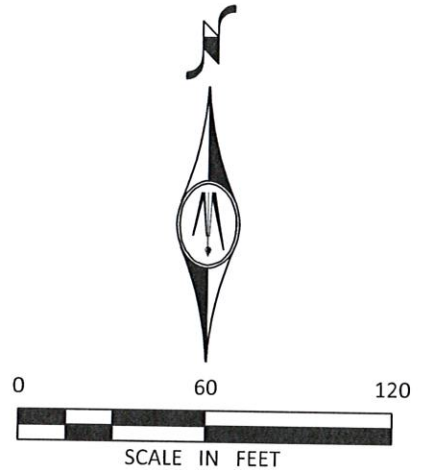
OWNER ADDRESS  
 PETER & LISA KOPPELMAN  
 45734 PELICAN LANE  
 CLEVELAND, MN 56017

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

<b>CERTIFICATE OF SURVEY</b> LE SUEUR COUNTY, MINNESOTA		PART OF GOVERNMENT LOT 3 OF SECTION 35, TOWNSHIP 110 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA
 <b>BOLTON &amp; MENK</b>	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
		FOR: DEAN KOPPELMAN

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 H:\KOPPELDE\_PR\M33114170\CAD\C3D\114170BD1.dwg 6/23/2017 3:16 PM

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.*

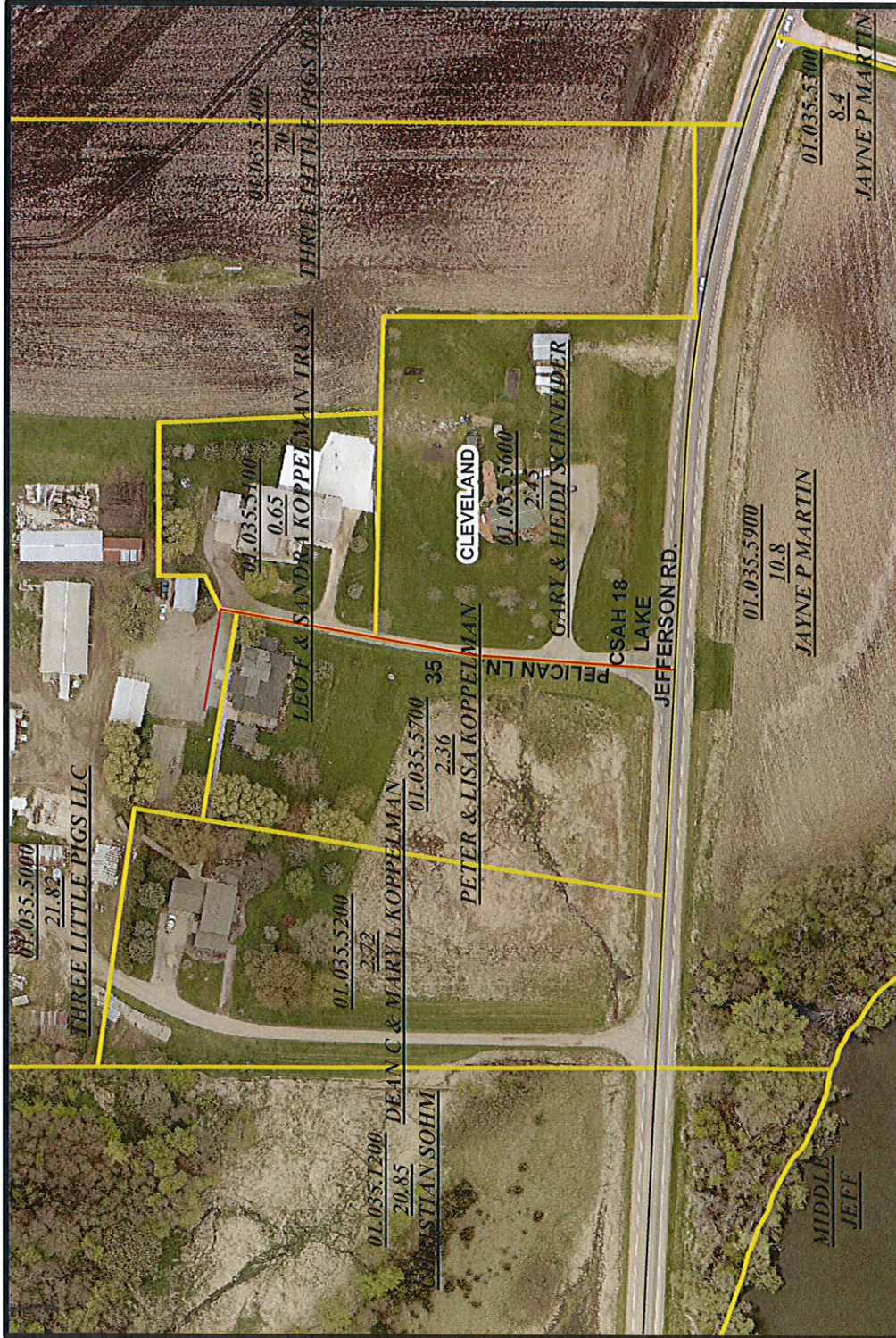
*Roy Jema* JUNE 16, 2017 19789  
 Surveyor Signature Date Lic #

**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	Red line
MN Highway	Blue line
CSAH	Black line
County Road	Grey line
Township Road	Light blue line
Municipal Street	Dark blue line
Unspecified	Purple line
Incorporated	Orange line
Townships	Green line
Sections	Yellow line
Parcel	White outline



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

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, July 20, 2017**

**Regular Session**

## **Item 1**

**Approved July 20, 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  
July 20, 2017**

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

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

**ITEM #1: BRAD & TRACI KUEBLER, LAKEVILLE, MN; RELOU SCHWICHTENBERG, WATERVILLE, MN; ROBERT & LINDA JOSEPH, WATERVILLE, 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 pump tank 0 feet from the property line and construct a septic cluster drainfield 0 feet from two property lines and 11feet from an existing detached garage in a Recreational Residential “RR” District on a Recreational Development “RD” lake, German Lake . Property is located at lots 14, 15, 16, Glens Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR PROPERTY LINE AND STRUCTURE SETBACKS.**

Wayne James, James Brothers Construction, representing the applicants was present for the application.  
**Township:** Notified through the application process. **DNR:** No Comments. **Letters submitted:** none.

**PUBLIC COMMENT:** None.

Discussion was held regarding: property within the German-Jefferson Sewer District, current systems found to be non-compliant, no other options available for placement of individual systems without variances, working together on a cluster system to service all 3 properties, approved to bore under the road, systems within the district shall remain in a constant state of compliance per district ordinance.

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

**ITEM #2: JEROME & CARRIE BROWN, WATERVILLE, MN, (APPLICANT\OWNER):**  
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant a total of 41.6% impervious surface in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Tetonka . Property is located at Lot 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

Carrie Brown was present for the application. **Township:** Notified through the application process. **DNR:** No comments. **Letters submitted:** Joshua Mankowski, LSC Resource Specialist (see file).

**PUBLIC COMMENT:** Dennis Woitas, adjoining landowner, no concerns with the application, improvement to the property, trying to make a safe environment for the children, daughter legally blind.

Discussion was held regarding: submitted photos to the Board of Adjustment for review, small lot, failing walls, tried to reduce the impervious surface as much as possible, discussed at length ways to reduce the impervious surface per Josh’s letter, small lot, failing walls, removing shed #2, replacing areas with grass, removing the green treated retaining walls, best reasonable use of the property, gutters around house, drains naturally away from home, stormwater control not discussed, huge investment on their property, safety hazards, staff spent 2 hours on site to discuss project, surprised at comments made, contradicting to what was said on site, after going through the findings, options were given to the applicant.

Motion was made by John Wolf to table the application in order to allow the applicant time to make changes to the applicant to reduce impervious surface. Seconded by Colin Harris. Motion approved. Motion carried.

**ITEM #3: DEAN & MARY KOPPELMAN, CLEVELAND, MN; PETER & LISA KOPPELMAN, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a septic drainfield 0 feet from the property line and 7 feet from an existing detached screen porch in a Recreational Residential "RR" District on a Recreational Development "RD" Lake, Lake Jefferson . Property is located in Section 35, Cleveland Township. **VARIANCE IS FOR PROPERTY LINE AND STRUCTURE SETBACKS.**

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

**PUBLIC COMMENT:** None

Discussion was held regarding: Property lies within the German-Jefferson Sewer District, best option for the property is to share a system, therefore a zero foot from the property line is necessary, systems within the district shall remain in a constant state of compliance per district ordinance.

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

**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.

Motion by Fritz Cummins to adopt the Findings of Fact as prepared by Attorney Bayliss. Seconded by John Wolf. Jeanne Doheny directed staff to fill in the blank for pool size. Motion carried. Motion approved.

Motion to adjourn meeting by Colin Harris. Seconded by Fritz Cummins. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Kathy Brockway  
Secretary

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