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# **Le Sueur County, MN**

**Thursday, August 17, 2017**

**Regular Session**

## **Item 1**

**Approved August 17, 2017 Board of Adjustment 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  
August 17, 2017**

**MEMBERS PRESENT:** Jeanne Doheny, Jim Mladek, Francis Cummins

**MEMBERS ABSENT:** John Wolf, Colin Harris

**OTHERS PRESENT:** Kathy Brockway

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

**ITEM #1: 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. APPLICATION WAS TABLED AT THE JULY 20, 2017 MEETING.**

Carrie Brown was present for application. Township: Notified through the application process. DNR: No comments. Letters submitted: Joshua Mankowski, see file.

Discussion was held regarding: eliminating a portion of the deck to reduce the impervious surface, when lot was purchased the impervious surface was at 41.9 per cent, impossible to bring down to the required 25%, removing the green treated wood, replacing the retaining walls, replacing the unsafe steps, Joshua Mankowski’s letter is now supporting their request as there is no practical way to reduce the impervious surface to 25%.

**PUBLIC COMMENT:** No comments.

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

**ITEM #2: MARK FREDERICK, LE CENTER, MN, (APPLICANT\OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic drainfield 2 feet from the shed, 3 feet from the road right-of-way (ROW), 0 feet from the property line, and 11 feet from the dwelling in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Jefferson. Property is located at Lots 9 & 10, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, ROAD ROW, AND PROPERTY LINE SETBACKS .**

Wayne James, James Brothers Construction was present to represent the applicant. Township: Notified through the application process. DNR: No comments. Letters submitted: none.

Discussion was held regarding: No other options for placement of standard system, part of the German-Jefferson Sewer District, therefore required to update prior to December 31, 2017, mandatory state of compliance thereafter, questioned contractor on future problems with systems in the area, professional opinion, maintenance of the system, water usage.

**PUBLIC COMMENT:** none

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

**ITEM #3: BRIAN THILGES, CLEVELAND, MN, (APPLICANT\OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a

new pump tank 5 feet from a structure; construct a septic drainfield, 0 feet from the property line and 0 feet from road ROW; existing septic tank under impervious surface in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 12, & 13, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, PROPERTY LINE, ROAD ROW SETBACKS, AND IMPERVIOUS SURFACE.**

Wayne James, James Brothers Construction, representing the applicant. Township: Notified through the application process. DNR: no comments. Letters submitted: none.

Discussion was held regarding: unique lot, only area away from the lake, meets the lake setback, tight area, rock retaining wall, portion of the existing tank is under the sidewalk(impervious surface), part of the Germa-Jefferson Sewer District, will remain in constant state of compliance.

**PUBLIC COMMENT:** No comments.

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

**ITEM #4: RICHARD LEDVINA, CLEVELAND, MN, (APPLICANT\OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a new septic tank 0 feet from the structure; construct a septic drainfield 45 feet from the Ordinary High Water Level (OHWL), 6 feet from the structure, 3 feet from the property line; and locate septic system within a bluff in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, OHWL, PROPERTY LINE, AND BLUFF SETBACKS.**

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

Discussion was held regarding: due to tight restrictions on the lot, tough to get a system on the property, well location, conditional use permit required for digging in bluff, part of the Germa-Jefferson Sewer District, will remain in constant state of compliance, bluff protection, working with engineer.

**PUBLIC COMMENT: none**

Motion was made by Jim Mladek to approve the application as requested. Seconded by Jeanne Doheny. Motion approved 2-1. Motion carried.

**ITEM #5: ISG INC BRIAN WELCH, FARIBAULT, MN, (APPLICANT); MARVIN BARTLETT, KASOTA, MN, (OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a structure within a bluff in a Recreational Residential "RR" District on a Recreational Development lake, Lake Washington. Property is located at Lot 4, La Hans Subdivision, and Units 1410 and 1420, CIC #54, Section 7, Kasota Township. **VARIANCE IS FOR BLUFF SETBACK.**

Brian Welch, ISG was present for application to represent the applicant. Township: Notified through the application process. DNR: none. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: replace and reconstruct the structure, similar footprint, shifting and pulling away from slope, stabilization of the bluff, discussions with LSC Resource Specialist, recommends approval, drainage issues, final design of the structure, decreased chances of future erosion issues, hydraulic pressure behind the wall of the structure, pushing away from bluff.

**PUBLIC COMMENT:** Cornelius Hauser,neighbor, questioned the construction of the boat house, usage.

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

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

DISCUSSION:

Attorney Bayliss contacted me to discuss the pending litigation with the Mathew Davis property. A proposal was presented by the opposition that they will not move forward with the pool shed, but requested the grant construction of the pool. The pool shed is the most visible from the lake and surrounding area, the pool is inground. Reasonable compromise.

Fritz Cummins recommended waiting until we have a full board next month to act on whether to accept their proposal of eliminating the pool shed and grant the location of the pool.

Jeanne Doheny stated this decision is not to be taken lightly, as they had sound findings to their decisions.

Jim Mladek stated that the judge referred this back to the Board of Adjustment for their findings and that the judge should see their findings for his decision.

Board decided to wait until next month to discuss with other members.

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

Meeting Adjourned.

Respectfully submitted,  
Kathy Brockway  
Secretary  
August 17, 2017

Approved September 21, 2017

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