



Le Sueur County, MN

Thursday, September 21, 2017

Regular Session

Item 6

Roemer's Blue Marina Cluster Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Roemer's Blue Marina Cluster
OWNER: Beverly Kraus
911 ADDRESS: 24115 Blue Marina Rd
VARIANCE REQUEST: To install a lift station tank 61 feet from the Ordinary High Water Level (OHWL) for the proposed Roemer's Blue Marina Cluster and under impervious surface
VARIANCE NUMBER: 17301
PARCEL NUMBER: 02.650.0060

SITE INFORMATION

LOCATION: Lots 5 & 6, Roemer's Blue Marina, Section 31, Cordova Township
ZONING & PURPOSE: Recreational Residential & Flood Fringe Flood Plain

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.

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Floodway (FW) District: Shall include those areas designated as floodway on the Flood Insurance Rate Map (FIRM) panels adopted in this Section. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A and Zone AE (that do not have a floodway designated) on the Flood Insurance Rate Map panels adopted in this Section that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

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: 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, recreational, residential
ACCESS: Existing off Blue Marina Road
LAKE: Lake Jefferson, Recreational Development "RD" lake

Recreational Development Lake - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

RFPE: na

ATTACHMENTS

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

STAFF FINDINGS

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

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|--|-----------------|------------------|------------------------------------|--------------|
| a. Septic tank to OHWL: | 61 feet | 10 feet | Section 17, Subdiv. 4. D. 5. b. 2. | 17-9 |
| b. Septic tank under impervious surface. | | | | |
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:
- There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - 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.
 - Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
- Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - Variances shall only be issued by the County upon the following:
 - A showing of good and sufficient cause.
 - A determination that failure to grant the variance would result in exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. **Additional Considerations:**

a. Property is located within the German/Jefferson Sewer District. Installation deadline 12-31-17.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE FINDINGS OF FACT

Name of Applicant: ROEMERS BLUE MARINA CLUSTER INC

Variance # 17301

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A LIFT STATION TANK FOR THE PROPOSED BLUE MARINA CLUSTER 61 FEET FROM THE OHWL AND UNDER IMPERVIOUS SURFACE.

- 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 Roemers Blue Marina Cluster Inc.
 Mailing Address 24095 Blue Marina Road
 City Cleveland State MN Zip 56017
 Phone # _____ Phone # _____

II. Landowner:

Name Beverly Kraus
 Property Address 24115 Blue Marina Road
 City Cleveland State MN Zip 56017
 Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 02.650.0060 Parcel Acreage 0.28
 Township Cordova Section 31
 Subdivision Roemers Blue Marina Lot 5 & 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).
Place the lift station tank for the Blue Marina cluster system 61 feet away from man made marina that is considered part of East Jefferson Lake. The required setback is 75 feet. Also to place the tank in the gravel driveway.

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.)

Cordova Township notified on 7/11/2017
 (Township Name) (Date)

Board Member Harry Mach & Ron Schmidt 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.

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 BY: mpm

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.

There are many setbacks in play, this request accommodates all but one of them. This tank location is optimal given all other locations and options considered.

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

There are no locations on this property that would meet the 75 ft. setback to both the lake and the marina and all of the other required setbacks (well, property lines, right of way, structure, etc.).

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

The lot, as platted, is small and therefore doesn't allow for a system to meet setbacks in all cases.

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

The proposed lift station tank will be buried in the ground and will not aesthetically alter the character or use of the property.

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

The available real estate to accommodate the proposed lift station tank isn't readily available without violating multiple other setbacks.

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

Yes, it is updating the quality of the German/Jefferson lakes area and is doing so by recommending the least invasive and all consuming option to maintain compliance.

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

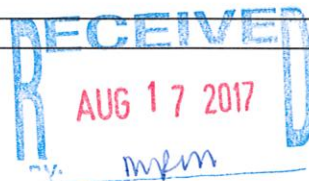
Yes, improving the water quality of the German/Jefferson lakes area is a high priority.

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

This property currently has an existing holding tank and a shared well. The property is planning to hook up to the proposed cluster septic system.

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

The proposed location of the lift station tank meets as many setbacks as possible while still maintaining normal functional use of the property.



IX. Attachments shall include but not limited to:

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

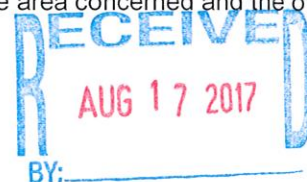
Additional Fees:

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.

Roemer's Blue Marina Cluster 8/17/17
 Applicant signature Pam Simonette 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.

Brockley Kimmel 8/17/17
 Landowner signature Date

OFFICE USE ONLY

Date received <u>8-17-17</u>	Present Zoning Classification <u>RR/FF</u>	Feedlot within 500' <input type="checkbox"/> 1000' <input checked="" type="checkbox"/> N
Meeting date <u>9-21-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
60 Day <u>10-16-17</u>	Lake <u>Jefferson</u>	Water courses <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
RFPE <u>/</u>	FEMA Panel # <u>21079c300 D</u>	Bluff <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>MA A-100K</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input checked="" type="checkbox"/> COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>796</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mitts</u> Planning & Zoning Department Signature	<input type="checkbox"/> ATF / SPEC MTG
		<u>8-18-17</u> <u>17301</u> Date Permit #

01-15-16

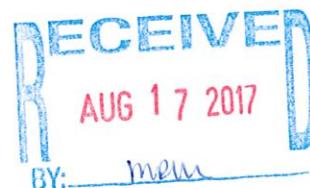
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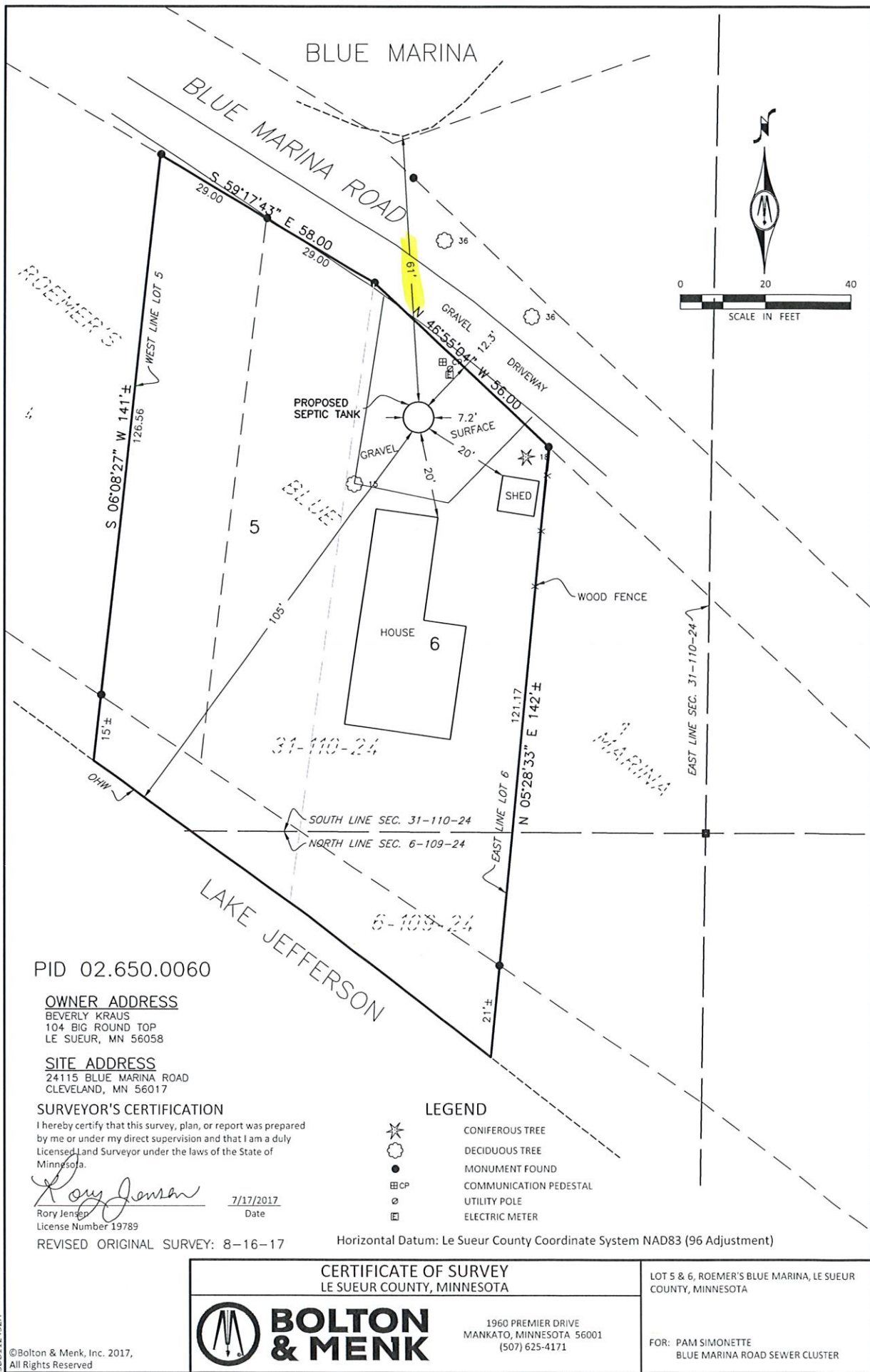
Description of Variance Request for Roemers Blue Marina Cluster Inc.

A group of five (5) property owners on Blue Marina Road in Cordova Township have joined together to form an association, Roemers Blue Marina Cluster Inc., for a cluster septic system. The association has secured a septic system designer and Installer. Through the design process it has been determined that a lift station tank must be placed on the Beverly Kraus property, located at 24115 Blue Marina Road. All properties in the cluster system will have the sewage from their property gravity flow into the lift station proposed on the Kraus property. From there it will be pumped up into common septic tanks in the drainfield area that is located approximately 1500 feet away.

The lift station tank is proposed on the Kraus property because it is the lowest lot, elevation wise, so gravity flow of sewage from all properties can work and it can meet more of the required setbacks than the other properties involved. The lots in this area have many setbacks to contend with, one of which is a 75 ft. setback to the OHWL of East Jefferson Lake. This property has East Jefferson Lake to the south and a man made marina that is considered part of the lake to the north. The placement of the tank will meet all property line, well, right of way, structure, and the lake setback to the south, however, it will not meet the setback to the man made marina to the north. The lift station tank setback to the man made marina to the north is 61 ft.; it is short by 14 ft. Unfortunately, there is no place on the lot that would meet both the lake and marina setbacks.

The lift station tank is proposed to be placed underneath the gravel driveway in front of the utility pole. The utility pole is located in the middle of the gravel driveway between the house and Blue Marina Road. The lift station placement was chosen for many reasons but the two biggest being: (1) its close proximity to the utility pole for power to feed the pumps, and (2) it disrupts the use of the property the least. Since there will be manhole covers and an electrical pedestal at the ground surface the property owner did not want this in the middle of their yard. They use this area for parking vehicles and campers during the summer months and do not want to worry about it being damaged. The utility pole placement doesn't allow the property owners to easily park in the gravel driveway and as a result this space doesn't get utilized very much. For these reasons it was determined that this location was the most optimal. The proposed tank will be a heavy duty concrete precast tank with steel manhole covers that can sustain being driven over, if need be.





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Surveyor Certification

I. Applicant:
Name _____

II. Landowner:
Name BEVERLY KRAUS
Property Address 2415 BLUE MARINA ROAD
City Cleveland State MIN Zip 56017

III. Parcel Information:
Parcel Number 02.650.0060

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
- 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.*
- 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

- *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 7/14/17 to reflect an accurate account of current and proposed conditions of the property identified above.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Surveyor Signature

8/16/17
Date

19289
Lic #

OFFICE USE ONLY

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Date Received **AUG 14 2017**
01-15-16

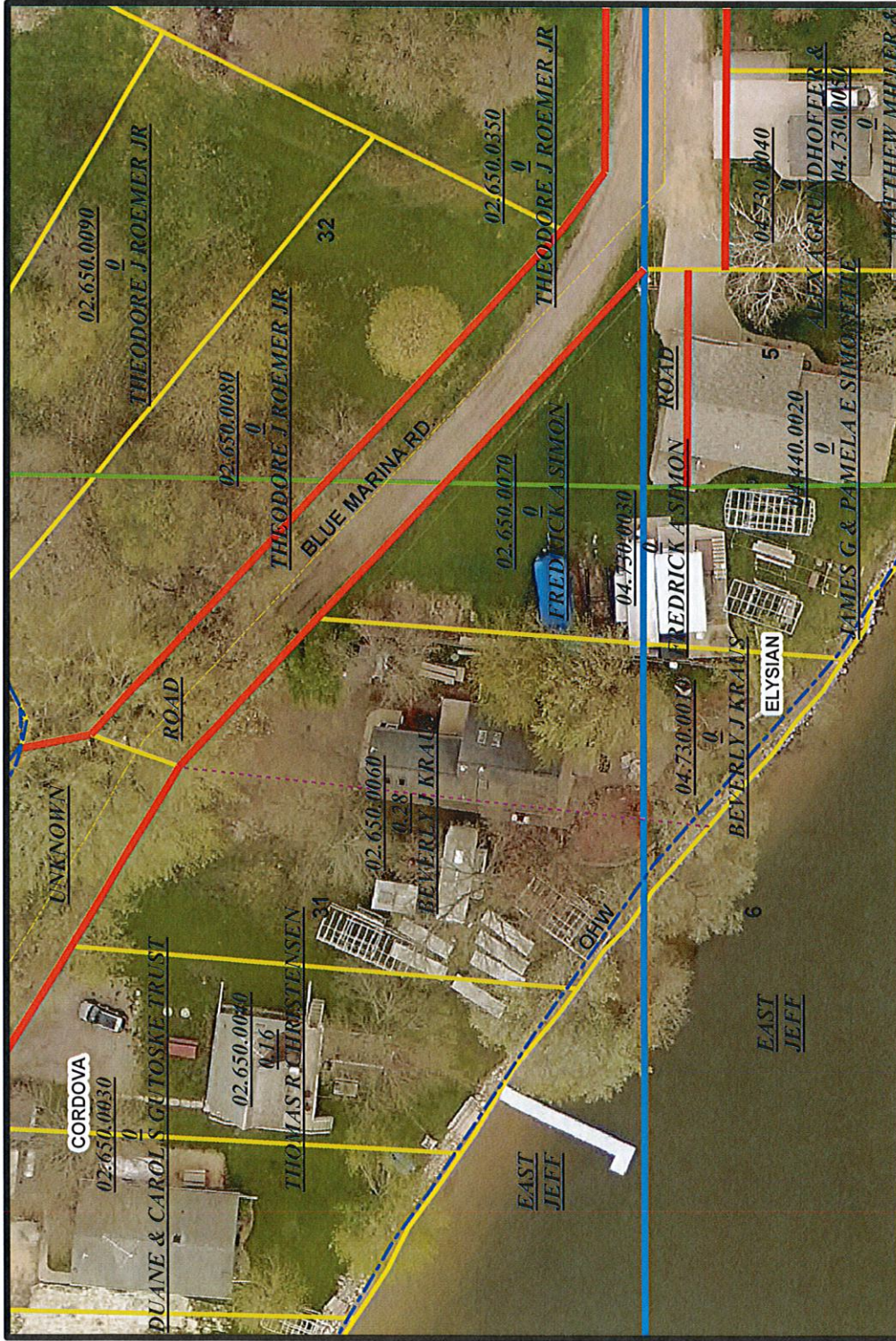
mm
Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Blue Marina Cluster
Beverly Kraus

PID: 02.650.0060
 DATE: 9-8-17
 FIRM #: 27079C0270D
 F-Zone: X-outside
 RFPE: na
 District: Recreational Residential & Flood Fringe Flood Plain

Cadastral_Line	<all other values>
Alpha Tag	
—	Corp Line
—	County Line
—	Easement Line
—	Geo Twp Line
- - -	Gov Lot
- - -	Misc Line
- - -	Parcel Line
- - -	Pol Twp Line
- - -	Railroad Centerline
—	Railroad ROW
—	Road Centerline
—	Road ROW
—	Road ROW Vac
—	Section Line
—	Sub Line 400
—	Water
—	Incorporated
—	Townships
—	Sections
—	Parcel



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

