



**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: SEPTEMBER 21, 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 Theleman / Smith Packet

ITEM #4 Thorn Packet

ITEM #5 Hovick Packet

ITEM #6 Bruss Packet

ITEM #7 Murilla / Jahr POSTPONED

ITEM #8 Roemer's Blue Marina Cluster Packet

ITEM #9 Seppmann / Bartlett Packet POSTPONED

ITEM #10 Approved 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 September 21, 2017.

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



Le Sueur County, MN

Thursday, September 21, 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

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

DATE: SEPTEMBER 21, 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 **SEPTEMBER 11, 2017**.

ITEM #1: HELEN THELEMANN & SUE SMITH, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 0 feet from the property line, 5 feet from the property line, and 5 feet from the structure; install a septic drainfield 5 feet from the structure, 7 feet from the road Right-Of-Way (ROW) and 0 feet from the property line in a Recreational Residential "RR" District, and a Flood Fringe "FF" Flood Plain "FP" Overlay District on a Recreational Development lake, Lake Jefferson. Property is located at Lots 6-8, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR PROPERTY LINE, STRUCTURE, & ROAD ROW SETBACKS.**

ITEM #2: BEVERLY THORN, NORTH MANKATO, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 6 feet from the road Right-Of-Way (ROW) and 8 feet from the dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 30, French Addition, Section 6, Elysian Township. **VARIANCE IS FOR ROAD ROW & STRUCURE SETBACKS.**

ITEM #3: ROBERT HOVICK, PRIOR LAKE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a cabin 32 feet from the road Right-Of-Way (ROW), 62 feet from the Ordinary High Water Level (OHWL), located within the bluff impact zone and total impervious surface of 30% in a Recreational Residential "RR" District on a Recreational Development lake, Lake Jefferson. Property is located at Lot 36, Tomahawk Point, Section 4, Washington Township. **VARIANCE IS FOR ROAD ROW & OHWL SETBACKS, WITHIN THE BLUFF IMPACT ZONE, AND IMPERVIOUS SURFACE.**

ITEM #4: STAN BRUSS, MANKATO, MN, (APPLICANT); KATHRYN BRUSS, MANKATO, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 25 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 18, Block 1, Clarks Beach Subdivision, Section 34, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #5: JOSEPH MURILLA & ANGELA JAHR, EAGLE LAKE, MN, (APPLICANT); JOSEPH MURILLA, EAGLE LAKE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 24 feet and 33 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 21 & 22, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #6: ROEMER'S BLUE MARINA CLUSTER INC, CLEVELAND, MN, (APPLICANT); BEVERLY KRAUS, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Recreational Residential "RR" District and a Flood Fringe "FF" Flood Plain "FP" Overlay District on a Recreational Development "RD" lake, Lake Jefferson . Property is located at Lots 5 & 6, Roemer's Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR OHWL SETBACK AND UNDER IMPERVIOUS SURFACE.**

ITEM #7: JADD SEPPMANN & SONS, MANKATO, MN (APPLICANT); LADONNA BARTLETT TRUST, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 6 feet from a single-family dwelling, 9 feet from the property line, and 9 feet from the road Right-Of-Way (ROW) in a Recreational-Residential "RR" District, on a Recreational Development lake, Lake Jefferson. Property is located at Lot 6, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR STRUCTURE SETBACKS, PROPERTY LINE AND ROAD ROW 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 SEPTEMBER 21, 2017

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



Le Sueur County, MN

Thursday, September 21, 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: September 21, 2017

Meeting Time: 3:00 pm

Onsite Date: September 21, 2017

Onsite Time: 12:00 pm

ITEM #1: Helen Thelemann / Sue Smith

ITEM #2: Beverly Thorn

ITEM #3: Robert Hovick

ITEM #4: Stan Bruss

ITEM #5: Joseph Murilla & Angela Jahr*****POSTPONED*****

ITEM #6: Roemer's Blue Marina Cluster / Beverly Kraus

ITEM #7: Jadd Seppmann & Sons / Ladonna Bartlett
*****POSTPONED*****

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.



Le Sueur County, MN

Thursday, September 21, 2017

Regular Session

Item 1

Theleman / Smith Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Helen Thelemann; Sue Smith

911 ADDRESS: 23933 Scotch Lake Rd, Cleveland, MN

VARIANCE REQUEST: To allow the applicants to install a pump tank 0 feet from the shared property line; install a septic tank 5 feet from the property line, and 5 feet from the detached garage; install a Cluster septic system drainfield 5 feet from the detached garage, 7 feet from the road Right-Of-Way, and 0 feet from the shared property line.

VARIANCE NUMBER: 17245

PARCEL NUMBER: 04.440.0100 & 04.440.0090

SITE INFORMATION

LOCATION: Lots 6-8, Beaver Dam Plat, Section 4, Elysian 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.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above 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, residential

ACCESS: na

LAKE: Lake Jefferson, Recreational Development Lake

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

RFPE: na

ATTACHMENTS

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

STAFF FINDINGS

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

<u>1. Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Pump tank to prop line:	0 feet	10 feet	Section 17, Subdiv. 4. D. 2.	17-9
b. Septic tank to prop line:	5 feet	10 feet	Section 17, Subdiv. 4. D. 2.	17-9
c. Septic tank to structure:	5 feet	10 feet	Section 17, Subdiv. 4. D. 1. b.	17-9
d. Septic drainfield to prop line:	0 feet	10 feet	Section 17, Subdiv. 4. D.2.	17-9
e. Septic drainfield to structure:	5 feet	20 feet	Section 17, Subdiv. 4. D.1. a.	17-9
f. Septic drainfield to road ROW:	7 feet	10 feet	Section 17, Subdiv. 4. D. 4.	17-9

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
- c. Structure Setback Requirements pg. 21

- 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. **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:

- d. 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.
- e. Variances shall only be issued by the County upon the following:
 - 1. A showing of good and sufficient cause.
 - 2. 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.
- f. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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: HELEN K THELEMANN/SUE SMITH

Variance # 17245

Variance Request: TO ALLOW THE APPLICANTS TO INSTALL A SEPTIC TANK 0 FT TO THE PROPERTY LINE, 5 FT TO THE PROPERTY LINE, AND 5 FT TO A STRUCTURE, INSTALL A SEPTIC DRAINFIELD 5 FT TO THE STRUCTURE, 7 FT TO THE ROAD RIGHT OF WAY AND 0 FT. TO THE PROPERTY LINE.

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

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

() APPROVED () DENIED

CONDITIONS: _____

Applicant response to conditions: Agree () Disagree ()

Reasons: _____

 Board of Adjustment Chairman

 Date

Variance Application

BY: Susan M. Smith

I. Applicant:

Name Helen K. Thelemann / Sue Smith
Mailing Address 23937 Scotch Lake Rd. 23927 Scotch Lake Road
City Cleveland State MN Zip 56017
Phone # 507 931-9334 Phone # 507 319-6566

II. Landowner:

Name Helen K. Thelemann Susan M. Smith
Property Address 23933 Scotch Lake Rd 23927 Scotch Lake Rd
City Cleveland State MN Zip 56017
Phone # 507 931-9334 Phone # 507 319-6566

III. Parcel Information:

Parcel Number 04.440.0100 / 04.440.0090 Parcel Acreage .30 and .44
Township Elysian 109N 24W Section 5
Subdivision Beaver Dam Plat Lot 1 Block 3

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).

Because our septic systems were found non-compliant we need to update our system. Because of land restrictions we need to have a variance to accommodate a septic system.

V. Description of Request:

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 July 18, 2017
(Township Name) (voicemail) (Date)

Board Member Kathy Reints regarding the proposed request.
(Name) (507) 267-4554

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:

RECEIVED
JUL 24 2017
BY: _____

- 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.

We need a new septic system and need to utilize both properties.

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

We are limited in land area and need to help each other by doing the septic together and closer to road.

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

The property was located close to the road and property is too small to accommodate a full septic.

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

There will be a workable / safe septic for our homes.

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

It involves the amount of area we have to work with to install a septic system.

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

Yes, it is consistent with ordinance of installing a septic by Dec. 2017.

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

We need to help each other to be in compliance with the LeSueur Co. plan.

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

We both have a septic system where the drainfield was deemed non-compliant. We also share a well with 4 properties and the well is not affected.

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

If we don't get the variance to help us to install a compliant system. If we are granted the variance we can install a compliant septic system.

IX. Attachments shall include but not limited to:

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

James Bros .



Court House

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.

Susan M. Smith _____ Date July 18, 2017
 Applicant signature

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

Susan M. Smith _____ Date July 18, 2017
 Landowner signature

OFFICE USE ONLY

Date received <u>7/24/17</u>	Present Zoning Classification <u>RR</u>	Feedlot within <u>500'</u> <u>1000'</u> <u>N</u>
Meeting date <u>9.21.17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>9.21.17</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>N</u>
RFPE _____	FEMA Panel # <u>27019C0300</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	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>644</u>
<input checked="" type="checkbox"/> Application complete	<u>V Brockway</u> Planning & Zoning Department Signature	<u>7-24-17</u> Date
		<u>17245</u> Permit #

COC
NONC/Waiver
Design

ATF / SPEC MTG





July 18, 2017

To whom it may concern,

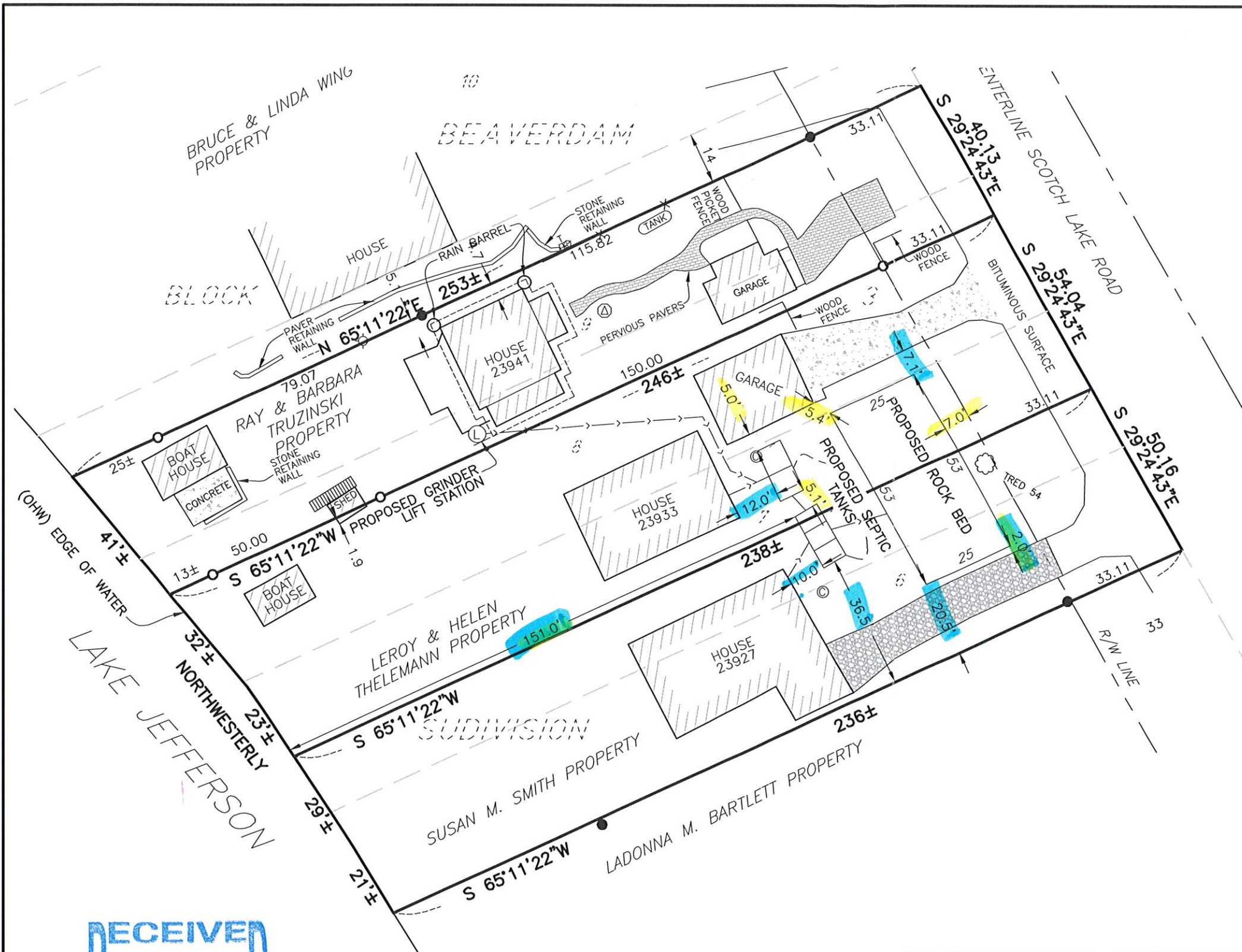
In 1984, I bought the lake property next to the lake property of my parents. It had a working septic at that time and we haven't changed the system until now.

My mother, Helen Thelemann, is a permanent resident and my husband, Rick and I use the property as a seasonal cabin.

Our properties are not large enough to support 2 septic systems, so we need to work together to have a compliant septic system. We need a variance to accomplish this goal.

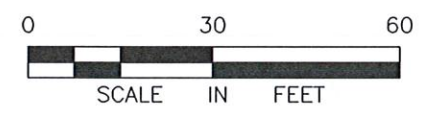
That is why we are asking for the variance to have a septic installed.

Susan M. Smith



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- MONUMENT FOUND
- STONE MONUMENT FOUND
- HYDRANT
- ⊕ TELEPHONE PEDESTAL
- ⊙ UTILITY POLE
- ⊙ WELL
- ⊙ SANITARY CLEANOUT
- ⊙ GRINDER LIFT STATION
- >->- PROPOSED SANITARY SERVICE
- x-x- FENCE LINE



SITE INFORMATION:

TRUZINSKI, RAY & BARBARA
 04.440.0110
 THE NORTH 12 FEET LOT 8 & THE SOUTH 28 FEET LOT 9, BLOCK 3, BEAVERDAM PLAT, LE SUEUR COUNTY, MINNESOTA.
 23941 SCOTCH LAKE RD
 CLEVELAND, MN 56017

THELEMANN, HELEN K.
 04.440.0100
 THE NORTH 24 FEET LOT 7 & THE SOUTH 30 FEET LOT 8, BLOCK 3, BEAVERDAM PLAT, LE SUEUR COUNTY, MINNESOTA.
 23933 SCOTCH LAKE RD
 CLEVELAND, MN 56017

SMITH, SUSAN M.
 04.440.0090
 LOT 6 LESS THE SOUTH 144 FEET & SOUTH 18 FEET LOT 7, BLOCK 3, BEAVERDAM PLAT, LE SUEUR COUNTY, MINNESOTA.
 23927 SCOTCH LAKE RD
 CLEVELAND, MN 56017

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 7/12/2017
 Rory Jensen Date
 License Number 19789

RECEIVED
 JUL 18 2017
 BY: HB

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H:\JAMEB_PR\M33114185\CAD\C3D\114185_V_PROP_1.dwg 7/12/2017 12:43 PM

CERTIFICATE OF SURVEY CLEVELAND, MINNESOTA		PART OF LOTS 6-8, BLOCK 3 BEAVERDAM PLAT
	BOLTON & MENK	FOR: RAY & BARBARA TRUZINSKI, SUSAN M. SMITH HELEN K. THELEMANN
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

JOB NUMBER: M33.114185 FIELD BOOK: BK 90A-1 PG 17 DRAWN BY: ASL 4.0 S5-T109-R24-20



Surveyor Certification

I. Applicant: Name JAMES BROS.

II. Landowner: Name LEROY & HELEN THELEMAN & SUSAN SMITH
 Property Address 23933 & 23927 SCOTCH LAKE ROAD
 City CLEVELAND State MN Zip 56017

III. Parcel Information: Parcel Number _____

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:

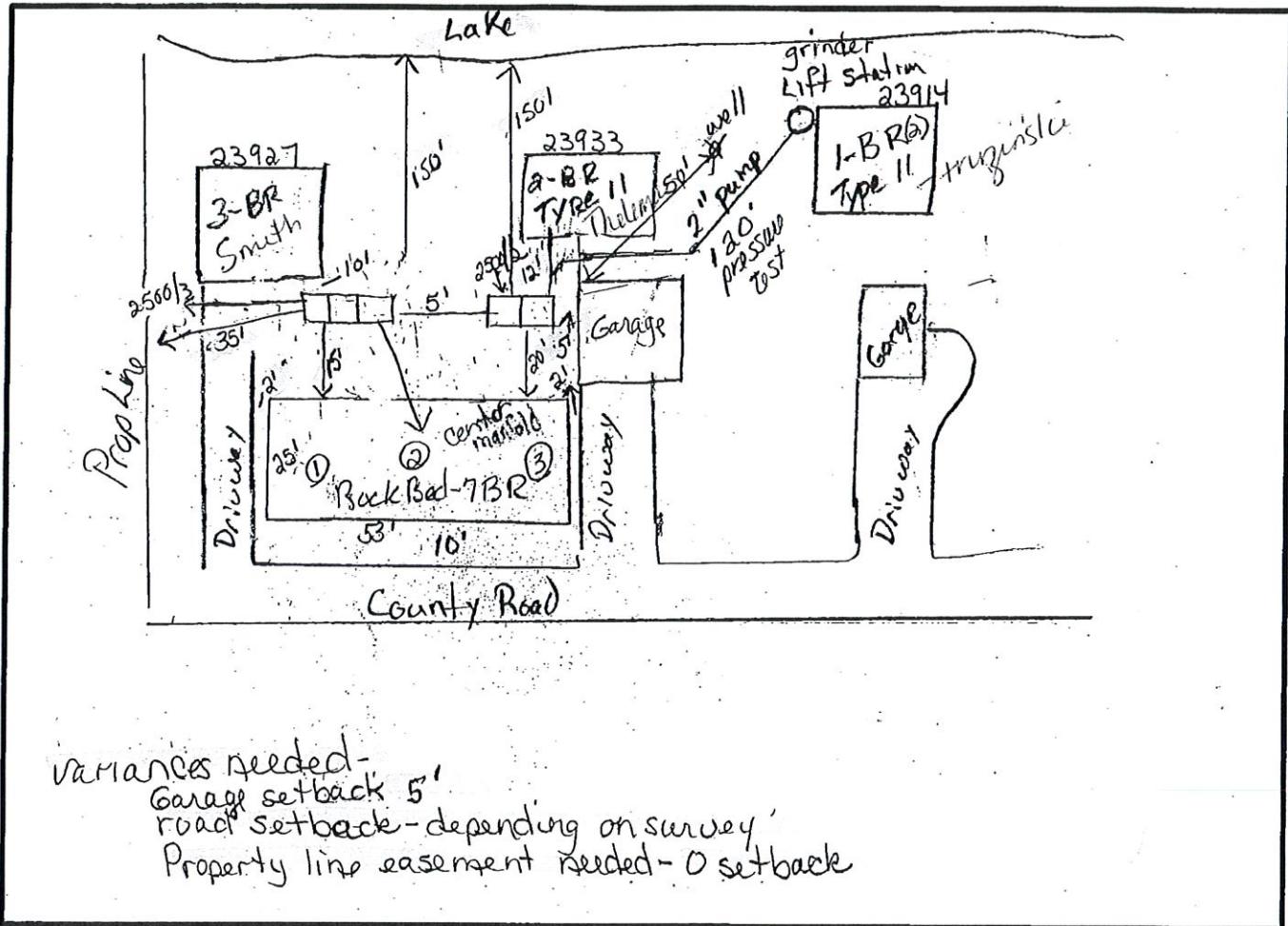
The proposed improvements have been physically staked onsite then surveyed on 7/3/17, to reflect an accurate account of current and proposed conditions of the property identified above.

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.

Roy Jovan _____ Date 7/17/17 Lic # 19789
 Surveyor Signature

7/18/17 _____
 Date Received Planning & Zoning Department Signature Kathy Brockway

Property Owner: Smith, Thelemann, Truzinski
 Property Address: 23927, 23933, 23941, Scotch Lake Road
 Parcel Number: 04.440.0090, 04.440.0100, 04.440.0110



I hereby certify as a State of Minnesota Licensed Septic Contractor that the subsurface sewage treatment system diagrammed above was designed/installed in accordance with all applicable requirements of MN Rules Chapters 7080 &/or 7081 and the LeSueur County Zoning Ordinance. The drawing is accurate as of the date at the bottom of this form for the site identified at the top of this form. No determination of the future hydraulic performance can be made due to future water usage over the life of the system.

Septic Designer Signature: Wayne Ofner
 Septic Designer Company: James Brothers Construction, Inc.
 License Number: **73** Certification Number: **855** Date: _____

Septic Installer Signature: _____
 Septic Installer Company: James Brothers Construction, Inc.
 License Number: **73** Certification Number: _____ Date: _____

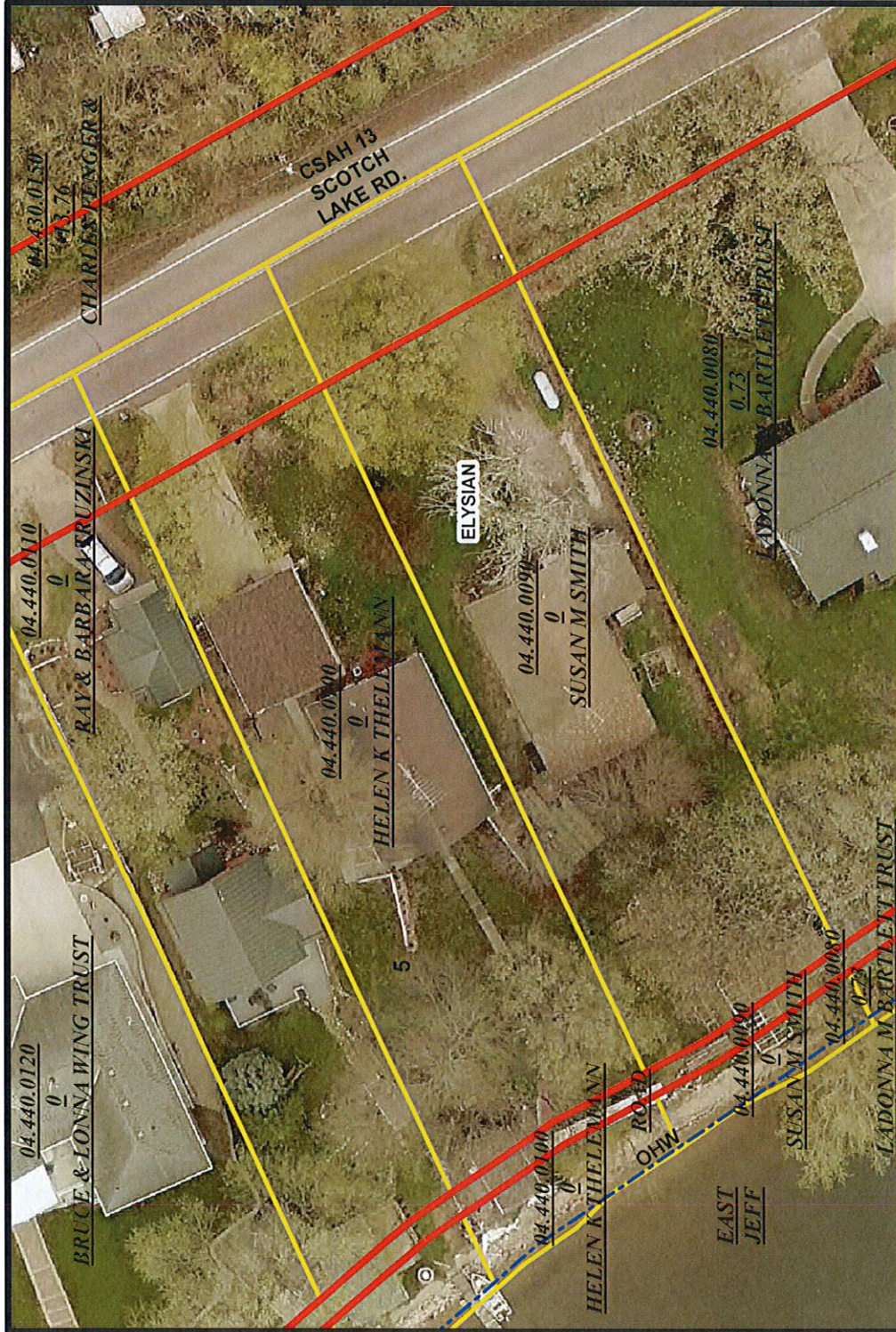
Mailing: 88 South Park Avenue
LeCenter, MN 56057

Physical: 515 South Maple Avenue
LeCenter, MN 56057

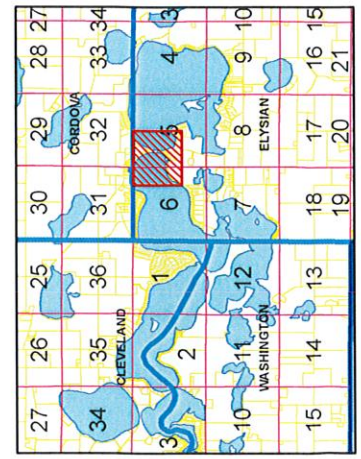
RECEIVED
 Revised 3/2015
 06/07/2017

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Theleman & Smith
PID: 04.440.0100 & 0090
DATE: 09-07-17
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



Le Sueur County, MN

Thursday, September 21, 2017

Regular Session

Item 2

Thorn Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: BEVERLY THORN

911 ADDRESS: 24779 French Drive, Cleveland MN 56017

VARIANCE REQUEST: Allow the applicant to install a holding tank 6 feet from the road Right-Of-Way (ROW) and 8 feet from the dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson.

VARIANCE NUMBER: 17246

PARCEL NUMBER: 04.510.0220

SITE INFORMATION

LOCATION: Lot 30, French Addition & Lot 27, Auditor Subdivision of Government Lot 1, Section 6, 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: 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.

GENERAL SITE DESCRIPTION:

Shoreland, residential

ACCESS: Existing off French Drive

LAKE: Lake Jefferson, Recreational Development

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

RFPE: na

ATTACHMENTS

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

STAFF FINDINGS

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

Page 1 of 2

<u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to septic tank:	8 feet	10 feet	Section 17, Subdiv. 4. D. a. b.	17-9
b. Structure to Road right of way	6 feet	10 feet	Section 17, Subdiv. 4. D. 4.	17-9
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. Variance # 16044 was approved by the Board of Adjustment on May 19, 2016 and has since expired.
2. 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.

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: BEVERLY THORN

Variance # 17246

Variance Request: TO ALLOW THE APPLIANT TO INSTALL A HOLDING RANK 6 FEET FROM THE ROAD ROW AND 8 FEET FROM THE DWELLING.

- 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 Beverly Thorn
 Mailing Address 50297-405 ave
 City Mahtata State Minn Zip 56003
 Phone # 507-340-4826 Phone # 507-720-5186

II. Landowner:
 Name Beverly Thorn
 Property Address 24779 - French Pr
 City Cleveland State Mn Zip 56017
 Phone # 507-340-4826 Phone # 507-720-5186

III. Parcel Information:
 Parcel Number 04.510.0220 Parcel Acreage _____
 Township Elysian Section _____
 Subdivision French addition Lot 30 Block _____
 + Lot 27 Auditor's Subdiv. mem

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).
I need about a 25 ft. variance on the sides of the holding tank holding tank 6' to road - row & 8' to house

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 4/5/16
 (Township Name) (Date)

Board Member Linus Hebel 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
- Streams
- Existing structures - *Within and adjacent to project area.*
- Road Right-Of-Way
- Ponds
- Location of trees to be removed - *Shoreland Districts.*
- 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.*

- *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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APR 19 2016

RECEIVED
JUL 24 2017

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.

I d st Peter Tried To meet requirements but just didn't have enough room, because of well, cabin & garage

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

cabin, garage, & well

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

Location ~~are~~ of cabin, garage & well are the same when I bought the place about 15 yrs. ago

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

The tank will be covered by lawn and land

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

Because There wasn't enough room

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

The variance will bring septic system into compliance

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

The holding Tank, will no longer let septic water getting into ground water

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

I now have septic Tank with field, I plan on putting a 2000 gal holding tank and as needed

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

because NOT enough room, road, cabin, garage well all add to problem

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JUL 24 2017

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APR 19 2016
BY: mmm

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance: \$ 600
Filing Fee: \$ 46

Variance for Clusters: \$ 600 + \$200 per household
Filing Fee: \$ 46

Additional Fees:

Special Meeting: \$1,200
After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.
After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: *See Section 22 of the Zoning Ordinance for full details.*

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- 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.

Applicant signature

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.

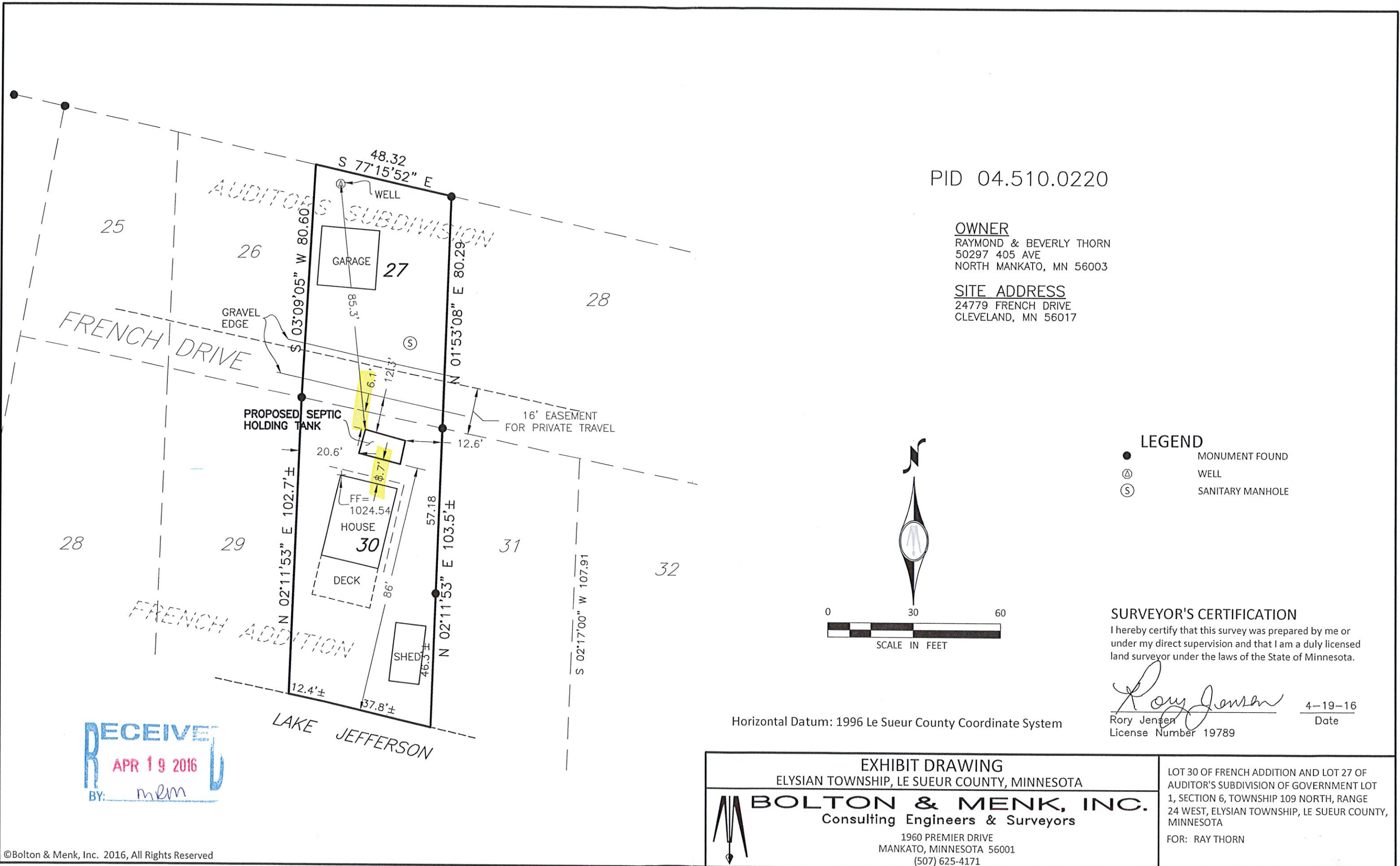
Landowner signature

Date

OFFICE USE ONLY

Date received <u>7-24-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>9-21-17</u>	Lake Classification <u>RP</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>9-22-17</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>(N)</u>
RFPE <u>1022.80</u>	FEMA Panel # <u>2707900 2700</u>	Bluff <u>Y</u> <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	_____ <u>(COC NONC/Waiver Design)</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u>
<input type="checkbox"/> Application complete	<u>Michelle R. Mattles</u> Planning & Zoning Department Signature	ATF / SPEC MTG <u>17246</u>
		Date <u>9-24-17</u> Permit # _____

01-15-16

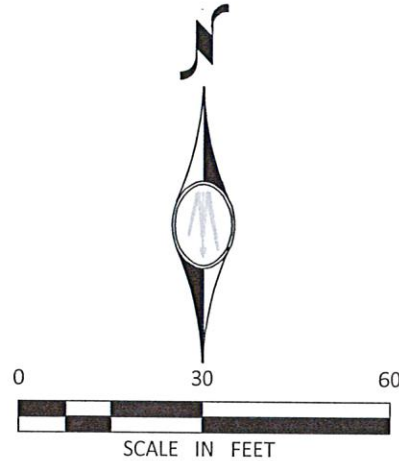


PID 04.510.0220

OWNER
 RAYMOND & BEVERLY THORN
 50297 405 AVE
 NORTH MANKATO, MN 56003

SITE ADDRESS
 24779 FRENCH DRIVE
 CLEVELAND, MN 56017

- LEGEND**
- MONUMENT FOUND
 - ⊙ WELL
 - Ⓢ SANITARY MANHOLE



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

4-19-16
 Date

Horizontal Datum: 1996 Le Sueur County Coordinate System

RECEIVED
 APR 19 2016
 BY: mem

Surveyor Certification

I. Applicant: Name RAYMOND THORN

II. Landowner: Name RAYMOND THORN
Property Address 24779 FRENCH DRIVE
City Cleveland State MN Zip 56017

III. Parcel Information: Parcel Number 04-10-0220

- 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.

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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.

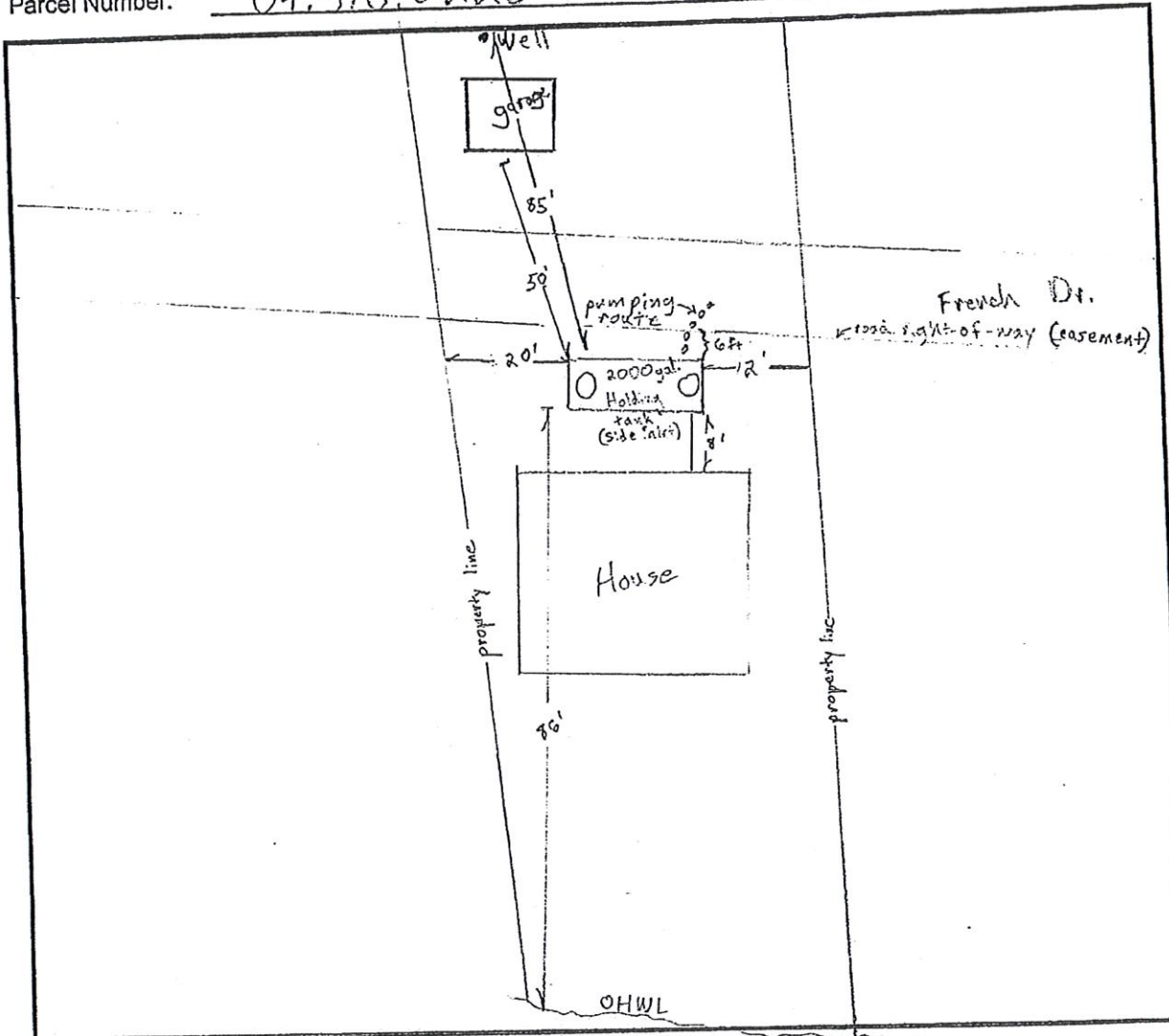
VI. Signatures: The proposed improvements have been physically staked onsite then surveyed on 4/11/16, to reflect an accurate account of current and proposed conditions of the property identified above.

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 Jansa Date 4/19/16 Lic # 19789

OFFICE USE ONLY
Planning & Zoning Department Signature [Signature]

RECEIVED
Date Received APR 19 2016
BY: _____

Property Owner: Raymond Thork
Property Address: 24779 French Dr.
Parcel Number: 04.510.0220



I hereby certify as a State of Minnesota Licensed Septic Contractor that the subsurface sewage treatment system diagrammed above was designed/installed in accordance with all applicable requirements of MN Rules Chapters 7080 &/or 7081 and the Le Sueur County Zoning Ordinance. The drawing is accurate as of the date at the bottom of this form for the site identified at the top of this form. No determination of the future hydraulic performance can be made due to future water usage over the life of the system.

Septic Designer Signature: Glen Holliman
Septic Designer Company: St. Peter Well
License Number: 3467 Certification Number: 3218 Date: 4-20-16

Septic Installer Signature: _____
Septic Installer Company: St. Peter Well
License Number: 3467 Certification Number: 3218 Date: _____

Mailing: 88 South Park Avenue
Le Center, MN 56057

Physical: 515 South Maple Avenue
Le Center MN 56057

APPROVED

RECEIVED
FEB 10 2017
Revised: 3/2016

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER MN 56057-1620
(507) - 357-8538
Fax (507) - 357-8541

May 20, 2016

Ray and Beverly Thorn
50297 405th Ave
North Mankato MN 56003

Parcel No: 04.510.0220

RE: Variance Approval

Dear Mr. & Mrs. Thorn:

The Le Sueur County Board of Adjustment approved your application for Variance # 16044 on May 19, 2016 as written:

The Department is required to notify all property owners of record within 500 ft of the affected property, regarding the decisions made by the Board of Adjustment in granting the variances or in hearing appeals from any administrative order, requirements, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal the Board's decision within 30 days, after notice of the decision, to the district court.

The Variance will lapse within one year from the date of the approval. Construction must be completed prior to the expiration of the Variance. A zoning permit is required prior to starting any construction on your project.

If the work permitted by the Variance has not been completed, a petition for extension may be requested thirty (30) days prior to the Variance expiration. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Variance. The petition for extension shall be filed with the Planning & Zoning Administrator. Such petition shall be presented to the Board of Adjustment for a decision.

If you have any questions, please contact this office at the above-listed number.

Thank you.



Michelle R. Mettler
Le Sueur County
Assistant Planning and Zoning Administrator

CC: file
Le Sueur County Assessor's Office

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
May 19, 2016**

MEMBERS PRESENT: Jeanne Doheny, Jim Mladek, John Wolf, Francis Cummins

MEMBERS ABSENT: Colin Harris

OTHERS PRESENT: Michelle R. Mettler

ITEM #1: RUSSELL BRIX, CLEVELAND, MN (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 10 x 18 four-season porch & a 10 x 12 deck 47 feet from the Ordinary High Water Level (OHWL) & create impervious surface within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 20, Jefferson Highlands, Section 2, Cleveland Township. **VARIANCE IS FOR OHWL SETBACK AND IMPERVIOUS SURFACE.**

Russell Brix was present for application. Township: None. DNR: None. Letters submitted: Josh Mankowski, Le Sueur County Environmental Resource Specialist.

Discussion was held regarding replacing 10 x 18 porch and adding 10 x 12 deck. Deck construction will be a step down from the porch. Cedar flooring. Creating additional impervious surface within the shore impact zone with the deck that wasn't there before. Deck is sitting area. Impervious surface within the shore impact zone. Can build a deck to meet setbacks and be out of the shore impact zone.

Motion was made by Jim Mladek to table the application so applicant can come back at next meeting with a revised plan, can check with contractor for other ways of reducing impervious surface for the deck. Motion failed for a lack of a second.

Motion was made by John Wolf to approve only the proposed porch portion of the application. Conditions: Deck portion of the variance request denied, can bring into compliance. Meet conditions of Environmental Resource Specialist, no deck and work with Josh Mankowski to install an approved BMP to mitigate the impervious surface within the shore impact zone. Seconded by Francis Cummins. Motion approved. Motion carried.

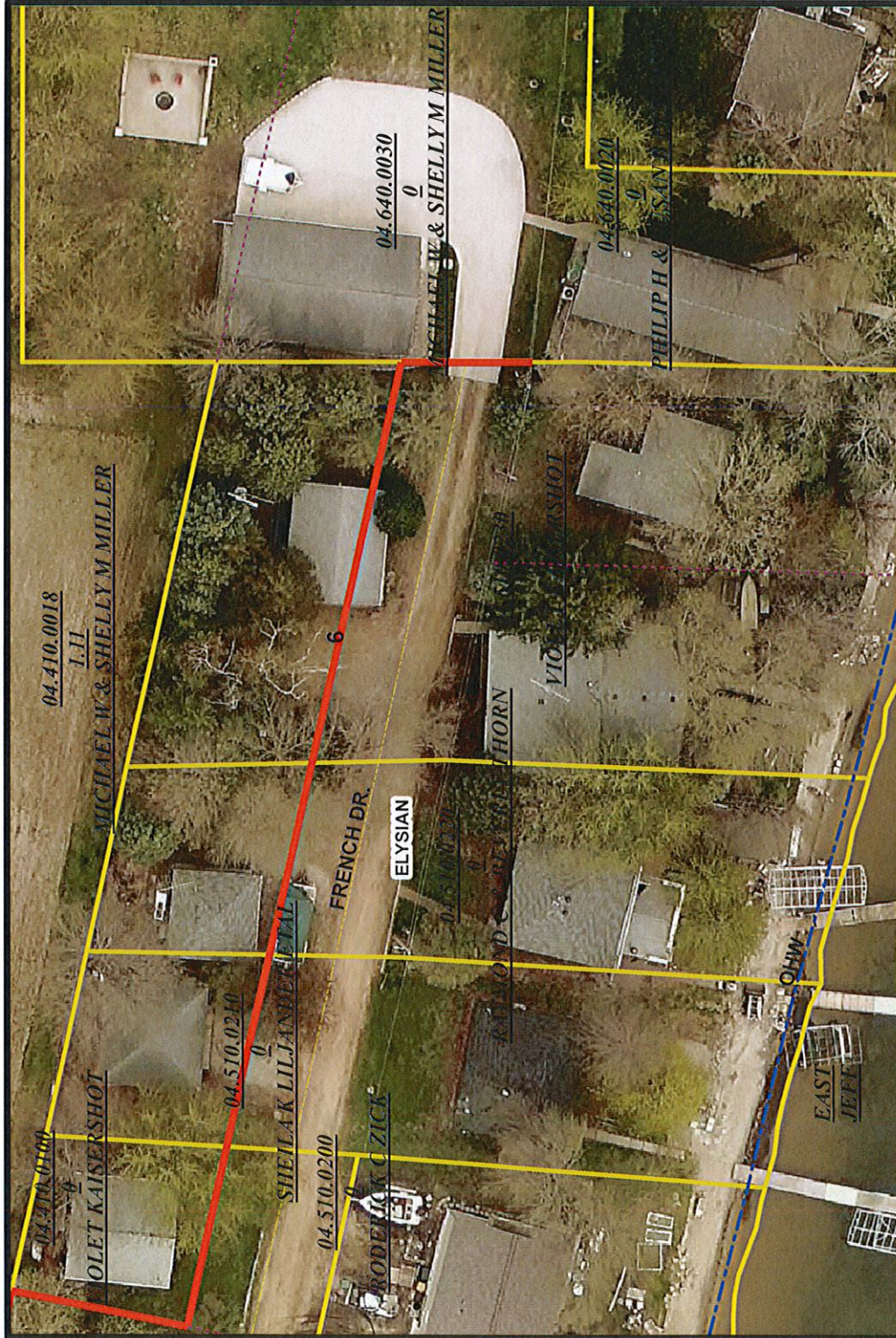
ITEM #2: THOMAS VEILLEUX & DEBRA TAYLOR, MADISON LAKE, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a dwelling addition 41 feet from the road Right-Of-Way (ROW) and a total of 25.5% impervious surface in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 3, Block 4, Connors Point Subdivision, Section 17, Washington Township. **VARIANCE IS FOR ROAD ROW SETBACK & IMPERVIOUS SURFACE.**

Tom Veilleux and Debra Taylor were present for application. Township: In favor of the proposal. DNR: None. Letters submitted: Josh Mankowski, Le Sueur County Environmental Resource Specialist.

Discussion was held regarding: Bought house 4 years ago, beautiful lot with a small house, currently a 2 bedroom dwelling, didn't want to build up and didn't want to build closer to the lake. Removing impervious surface, reduced total impervious, less impervious surface with the proposal than currently have. Dealing with runoff with rain garden and/or rain barrel. Timeframe summer or fall.

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Thorn
 PID: 04.510.0220
 DATE: 9-8-17
 FIRM #: 27079C0270D
 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

Cadastral_Line	<all other values>
AlphaTag	
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	—

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN
Thursday, September 21, 2017
Regular Session

Item 3

Hovick Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Robert Hovick
911 ADDRESS: 28212 Cedar Trail, Cleveland
VARIANCE REQUEST: To allow the applicant to construct a cabin 32 feet from the road Right-Of-Way (ROW) 62 feet from the Ordinary High Water Level (OHWL), 20 feet from bluff, 30% total impervious surface.
VARIANCE NUMBER: 17286
PARCEL NUMBER: 13.650.0170

SITE INFORMATION

LOCATION: Lot 36, Tomahawk Point, Section 4, Washington Township
ZONING & PURPOSE: Recreational Residential "RR"

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to shoreland development and bluff setbacks.

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

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

Objective 1: The County should continue its preservation of significant bluff areas nad river valleys through its use of a Conservancy zone.

Action 3: Amend the County's Zoning controls to require all structures to meet a 30' minimum setback from top of bluff.

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing off Cedar Trail
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: Regulatory Flood Protection Elevation: 1022.86. Lowest floor must be at or above RFPE.

ATTACHMENTS

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. Structure to road ROW: <i>See additional considerations below.</i>	32 feet	*Exemption	Section 13.2. Subdiv. 5. B. 10.	13-44
b. Structure to OHWL: <i>See additional considerations below.</i>	62 feet	**Exemption	Section 13.2. Subdiv. 5. E. 3.	13-45
c. Structure to Bluff:	20 feet	30 feet	Section 13.2. Subdiv. 5. F. 1. c.	13-46
d. Impervious surface:	30%	25%	Section 13.2. Subdiv. 5. J. 3.	13-48

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
 - e. Structure Setback Requirements pg. 21
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. Structure setback to road ROW is 65 feet.
 1. *Exemption allows the new dwelling to be closer to the road ROW than 65 feet. The dwelling can be no closer to the road ROW than the existing dwellings on adjacent lots or at least ½ the setback (32.5'), **whichever is greater**.
 2. The proposed structure is closer than the exemption allows, which would require a Variance to be 32 feet from the road ROW.
 - b. Structure setback to OHWL is 100 feet.
 1. **Exemption allows the new dwelling to be closer to the OHWL than 100 feet. The dwelling can be no closer to the OHWL than the existing dwellings on adjacent lots or at least ½ the setback (50'), **whichever is greater**.

2. The proposed structure is closer than the exemption allows, which would require a Variance to be 62 feet from the OHWL.

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: ROBERT HOVICK

Variance # 17286

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A CABIN 32 FT. TO THE ROAD RIGHT OF WAY, 62 FT. TO THE OHWL, WITHIN THE BLUFF IMPACT ZONE AND CREATE 30% OF IMP. SURFACE.

+ 20 feet from top of bluff mjm

- 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

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: 09/07/2017

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Robert Hovick

Property owner:

Robert Hovick

Property:

13.650.0170

Description:

An application for a Variance to all the applicant to construct a cabin 32 ft. to the Road Right of Way, 62 ft. to the OHWL, within the Bluff Impact Zone and create 30% of Impervious Surface.

Recommendation:

It would be my recommendation to approve this application. The proposed project decreases the Impervious Surface on the lot from 48.2% down to 30.6%. This is a significant reduction. The setback from the OHWL for the proposed structure is less than the existing structure because of a proposed deck, which is replacing a large patio that is much closer to the OHWL and is entirely within the BIZ. The proposed deck should have less impact on the lake and bluff than the current patio.

Overall, it is my opinion that the proposed project will have a positive benefit on the lake by reducing impervious surface in the SIZ and overall for the lot.

Condition(s):

None

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

Variance Application

I. **Applicant:**
 Name Robert Hovick
 Mailing Address 15332 Wilderness Ridge Rd. NW
 City Prior Lake State MN Zip 55372
 Phone # 952-261-6929 Phone # _____

II. **Landowner:**
 Name Robert Hovick
 Property Address 28212 Cedar Trail
 City Cleveland State MN Zip 56017
 Phone # 952-261-6929 Phone # _____

III. **Parcel Information:**
 Parcel Number 136500170 Parcel Acreage _____
 Township Washington 109 North Section 4
 Subdivision Tomahawk Point Lot 36 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 cabin 32' from road right of way -
42' from high water level, within bluff impact zone.
& create 30% imp. surface.

V. **Description of Request:** 20' from bluff - mpm

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.)

WASHINGTON Township notified on 8/11/17 0930
 (Township Name) (Date)

Board Member Susan Ziebach 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.

We are staying in line with existing homes/cabins in neighborhood.
Setbacks are same as neighboring homes/cabins.

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

Narrow lot - 50 ft. lots.

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

Original plat had 50 ft. lots

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

The new home/cabin will blend in with other area homes/cabins.

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

Yes

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

Yes constructing cabin within a residential district.

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

This will be a seasonal home/cabin with plans to become a full time resident of the community. This will increase interest in future development.

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

Current - I have a Individual Septic System.
Future - I will be hooking up to the West Jefferson Lake Sanitary Sewer Collection System pipe to Cleveland, MN.

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

We are in compliant with setbacks, in line with other cabins and would be building on current cabin site.

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	\$ 600
Filing Fee:	\$ 46
Variance for Clusters:	\$ 600 + \$200 per household
Filing Fee:	\$ 46

Additional Fees:

Special Meeting:	\$1,200
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: *See Section 22 of the Zoning Ordinance for full details.*

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. Signatures:

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

Applicant signature Robert Eltner Date 8/7/17

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.

Landowner signature Robert Eltner Date 8/7/17

OFFICE USE ONLY

Date received <u>8/15/17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <input checked="" type="radio"/> N
Meeting date <u>9/21</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input checked="" type="radio"/> Y <input type="radio"/> N
60 Day <u>10/24</u>	Lake <u>Jefferson</u>	Water courses <input checked="" type="radio"/> Y <input type="radio"/> N
RFPE _____	FEMA Panel # <u>270 79C0265D</u>	Bluff <input checked="" type="radio"/> Y <input type="radio"/> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X outside</u>	Other _____
<input type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input checked="" type="checkbox"/> Access approval	<input type="checkbox"/> Holding tank
<input type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ <u>646.00</u>
<input type="checkbox"/> Application complete		<input type="checkbox"/> COC NONC/Waiver Design
		<input type="checkbox"/> ATF / SPEC MTG
	Planning & Zoning Department Signature _____	Date _____
		Permit # _____

01-15-16



V. Description of Request:

I have a cabin that sits on a 50 foot lot. My cabin was built back in the 1950's with some improvements in the 1990's but the structure is deteriorating. I have a beautiful lot on the beautiful Lake Jefferson. I want to build a beautiful similar size cabin that matches my neighbors. I want a nice place for my family and future generations to create those lifetime memories. It will improve my lot while increasing the value of my neighbors in return helps the county with tax revenue.

Robert Hovick



Woelfel Building Construction, Inc.

390 West Derrynane Street
Le Center, MN 56057

8/16/2017

Le Sueur County Environmental Services
ATTN: Board of Adjustment
515 S. Maple Ave.
Le Center, MN 56057

RE: Bob Hovick Variance

Dear Sir/Madam:

This letter is regarding the Bob Hovick Variance we are applying for.

The scope of work includes the demolition of the existing 1950's cabin and the construction of a new cabin in its place. The existing structure and landscaping covered 42% of the impervious surface which we reduced down to 30%. That increased our green space. We have worked very hard to be environmentally conscious. We believe the new structure will improve the neighborhood by increasing property values.

Please review and as we look forward to moving forward with the project.

Sincerely,

Denny Woelfel, CEO

Woelfel Building Construction, Inc.

390 W. Derrynane St.

Le Center, MN 56057

507-357-6207

Surveyor Certification

I. Applicant:
Name WOELFEL CONSTRUCTION

II. Landowner:
Name ROBERT HOVOK
Property Address 28212 CEDAR TRAIL
City CLEVELAND State MINN Zip 56017

III. Parcel Information:
Parcel Number 13.650.0170

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 July 20, 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 Jensen
Surveyor Signature

8/15/17
Date

19789
Lic #

OFFICE USE ONLY

Date Received

Planning & Zoning Department Signature

EXISTING CONDITIONS

WATER'S EDGE = 1018.43
(7-19-17)

OHW = 1018.5

PID 13.650.0170

OWNER ADDRESS
ROBERT C. HOVICK
15332 WILDERNESS RIDGE ROAD NW
PRIOR LAKE, MN 55372

SITE ADDRESS
28212 CEDAR TRAIL
CLEVELAND, MN 56017

TOTAL LOT AREA
7423 SQ FT

EXISTING IMPERVIOUS SURFACES

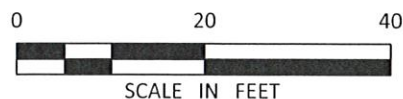
HOUSE W/ OVERHANG	1154 SQ FT
SHED	87 SQ FT
SHED 2	36 SQ FT
PAVERS 1	2 SQ FT
PAVERS 2 (13)	10 SQ FT
PAVERS 3	15 SQ FT
CONCRETE PATIO	266 SQ FT
GRAVEL SURFACE	921 SQ FT
LANDSCAPING 1	22 SQ FT
LANDSCAPING 2	262 SQ FT
LANDSCAPING 3	76 SQ FT
PAVER PATIO	102 SQ FT
CONCRETE PAVERS	241 SQ FT
WOOD STEPS	129 SQ FT
ROCK RETAINING WALL 1	108 SQ FT
ROCK RETAINING WALL 2	95 SQ FT
ROCK RETAINING WALL 3	36 SQ FT
ROCK RETAINING WALL 4	19 SQ FT
TOTAL	3581 SQ FT (48.2%)



WEST JEFFERSON

CEDAR TRAIL

TOMAHAWK POINT



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H:\WOELF_PR\M35114319\CAD\C3D\114319BD1 Exist.dwg 8/10/2017 1:28 PM

SDB114219H

JOB NUMBER: M35.114319

FIELD BOOK: 90A1 PG 20

DRAWN BY: JLA

4.0 S4-T109N-R25W

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

08/10/2017
Date

LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ⊙ CLEAN OUT
- MB MAILBOX
- ⊞ CP COMMUNICATION PEDESTAL
- ⊘ UTILITY POLE
- ⊚ DOWN SPOUT
- ⊠ AIR CONDITIONER
- ⊞ GAS METER
- G GAS
- OU UTILITY OVERHEAD
- |—|— WATER SYSTEM

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



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

LOT 36, TOMAHAWK POINT, GOV'T LOT 2 OF SECTION 4, TOWNSHIP 109 NORTH, RANGE 25 WEST, WASHINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

FOR: WOELFEL CONSTRUCTION
ROBERT C. HOVICK

RECEIVED
AUG 10 2017
BY: _____

PROPOSED CONDITIONS

PID 13.650.0170

TOTAL LOT AREA
7423 SQ FT

OWNER ADDRESS
ROBERT C. HOVICK
15332 WILDERNESS RIDGE ROAD NW
PRIOR LAKE, MN 55372

SITE ADDRESS
28212 CEDAR TRAIL
CLEVELAND, MN 56017

REMOVALS IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	1154 SQ FT
GRAVEL SURFACE	921 SQ FT
PAVERS 1	2 SQ FT
PAVERS 2 (13)	10 SQ FT
PAVER PATIO	102 SQ FT
SHED 1	87 SQ FT
CONCRETE PAVERS	241 SQ FT
CONCRETE PATIO	266 SQ FT
LANDSCAPING 1	22 SQ FT
LANDSCAPING 2	262 SQ FT
LANDSCAPING 3	76 SQ FT
TOTAL	3143 SQ FT (42.3%)

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	1306 SQ FT
DECK	270 SQ FT
GRAVEL SURFACE (10X20)	200 SQ FT
ENTRANCE	18 SQ FT
STEPS	18 SQ FT
SHED 2	36 SQ FT
CONCRETE WALK	25 SQ FT
PAVERS 3	15 SQ FT
WOOD STEPS	129 SQ FT
ROCK RETAINING WALL 1	108 SQ FT
ROCK RETAINING WALL 2	95 SQ FT
ROCK RETAINING WALL 3	36 SQ FT
ROCK RETAINING WALL 4	19 SQ FT
TOTAL	2275 SQ FT (30.6%)

LEGEND

○	IRON PIPE MONUMENT SET
●	MONUMENT FOUND
◎	CLEAN OUT
Ⓜ	MAILBOX
ⓂCP	COMMUNICATION PEDESTAL
⊙	UTILITY POLE
Ⓧ	DOWN SPOUT
Ⓧ	AIR CONDITIONER
Ⓧ	GAS METER
— G —	GAS
— OU —	UTILITY OVERHEAD
— —	WATER SYSTEM

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

08/10/2017
Date

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

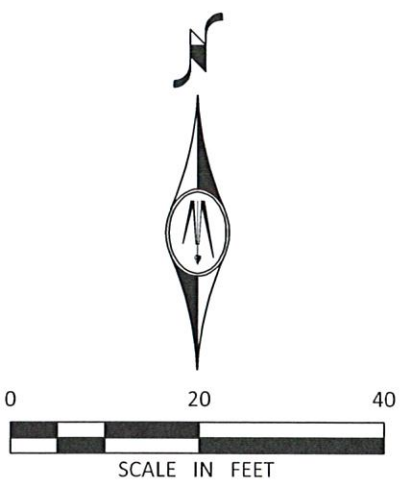
BOLTON & MENK

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

LOT 36, TOMAHAWK POINT, GOV'T LOT 2 OF SECTION 4, TOWNSHIP 109 NORTH, RANGE 25 WEST, WASHINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

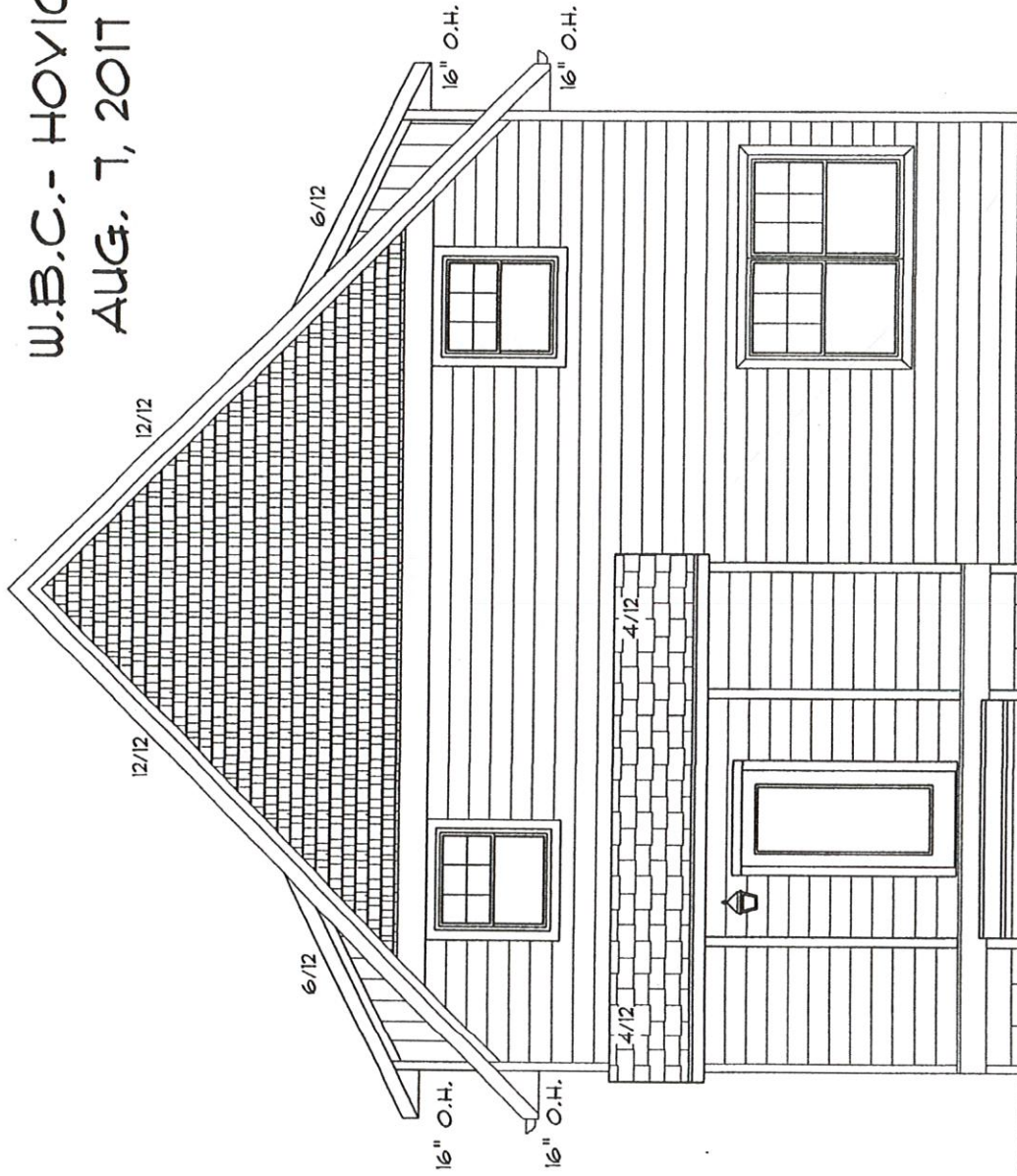
FOR: WOELFEL CONSTRUCTION
ROBERT C. HOVICK

WATER'S EDGE = 1018.43
(7-19-17)
OHW = 1018.5
HIGHEST RECORDED WATER = 1019.9



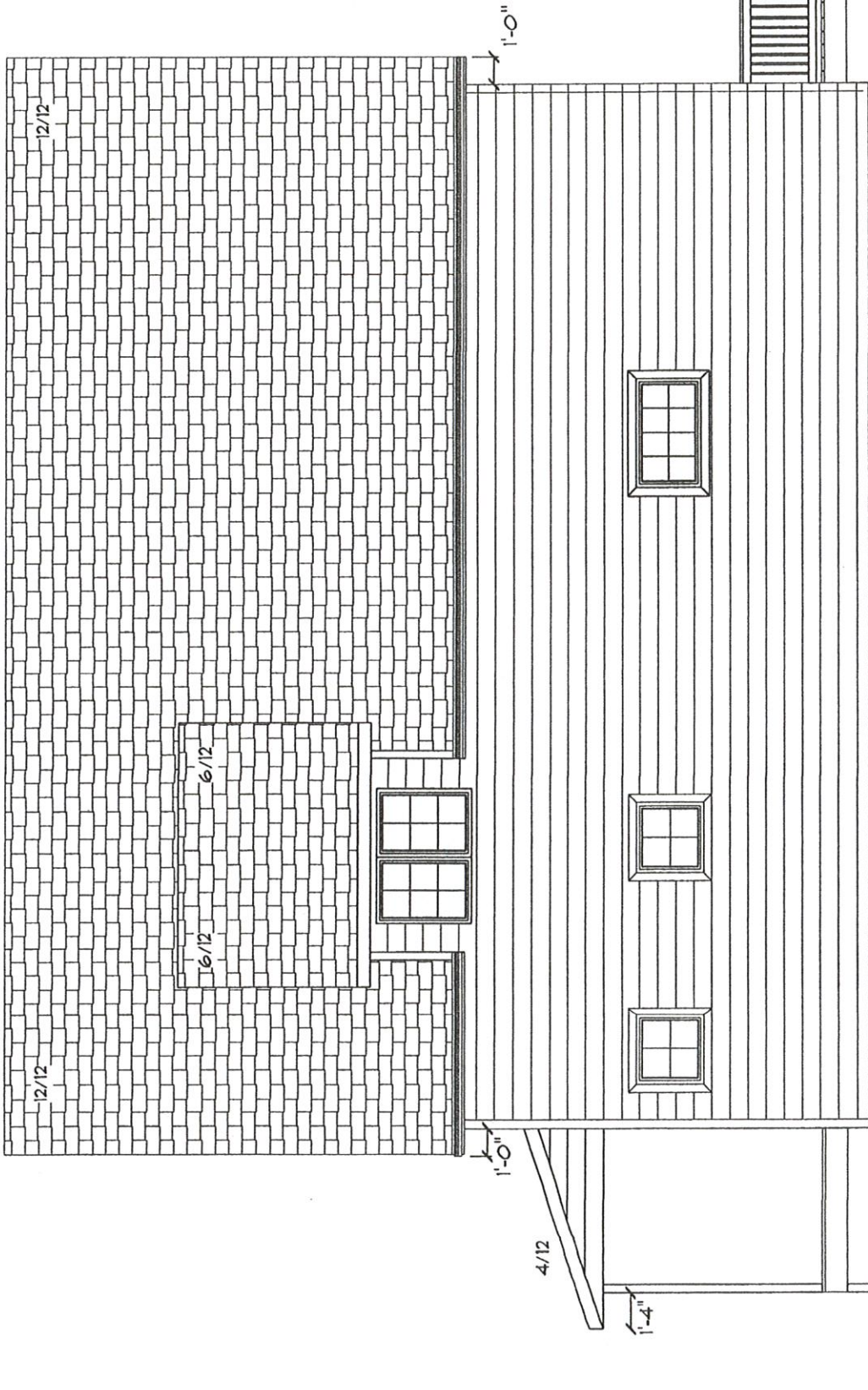
PROPOSED BASEMENT FLOOR = 1030.0 OR HIGHER

W.B.C.- HOYICK
AUG. 7, 2017



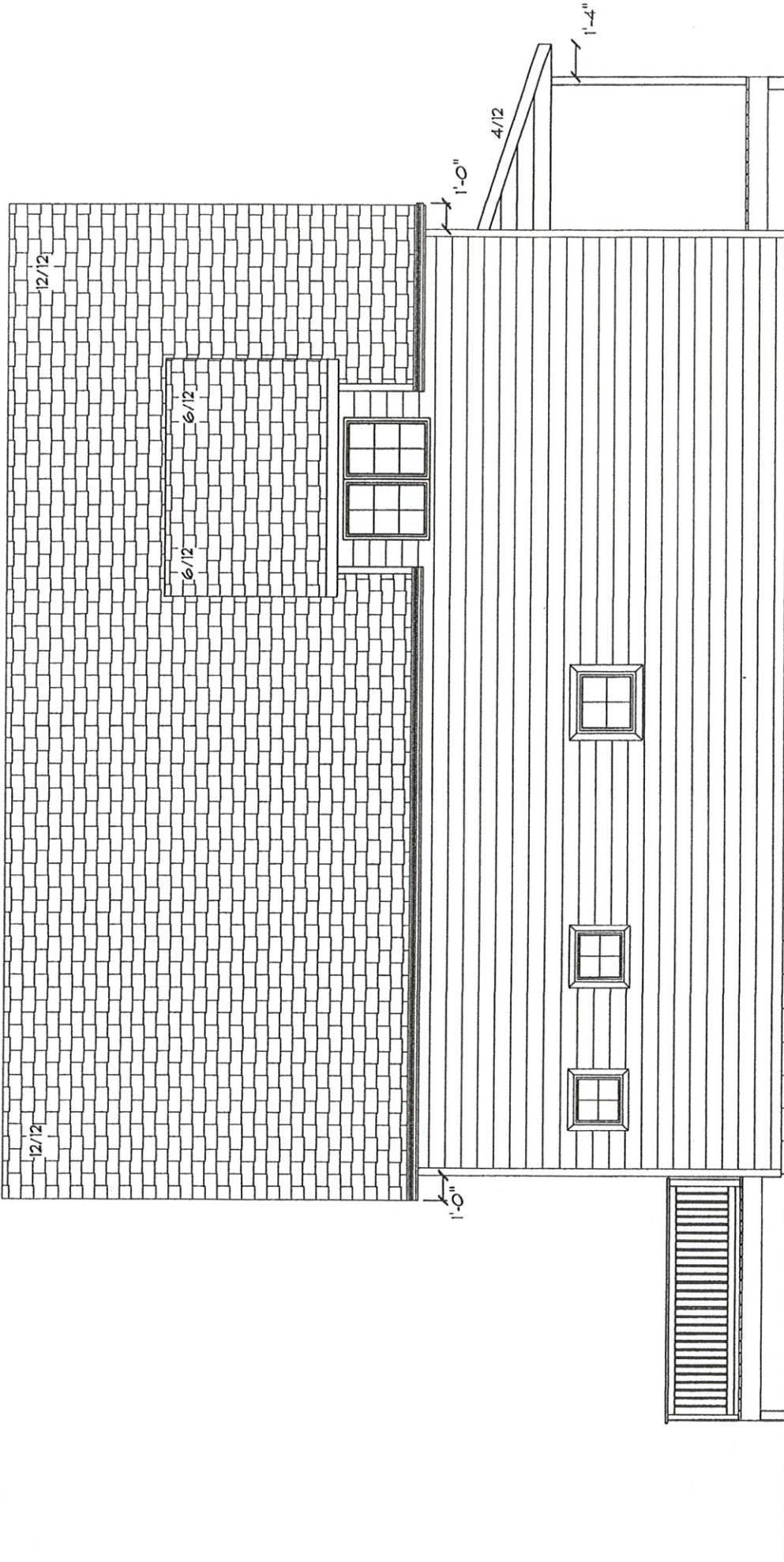
FRONT ELEVATION

RECEIVED
AUG 11 2017



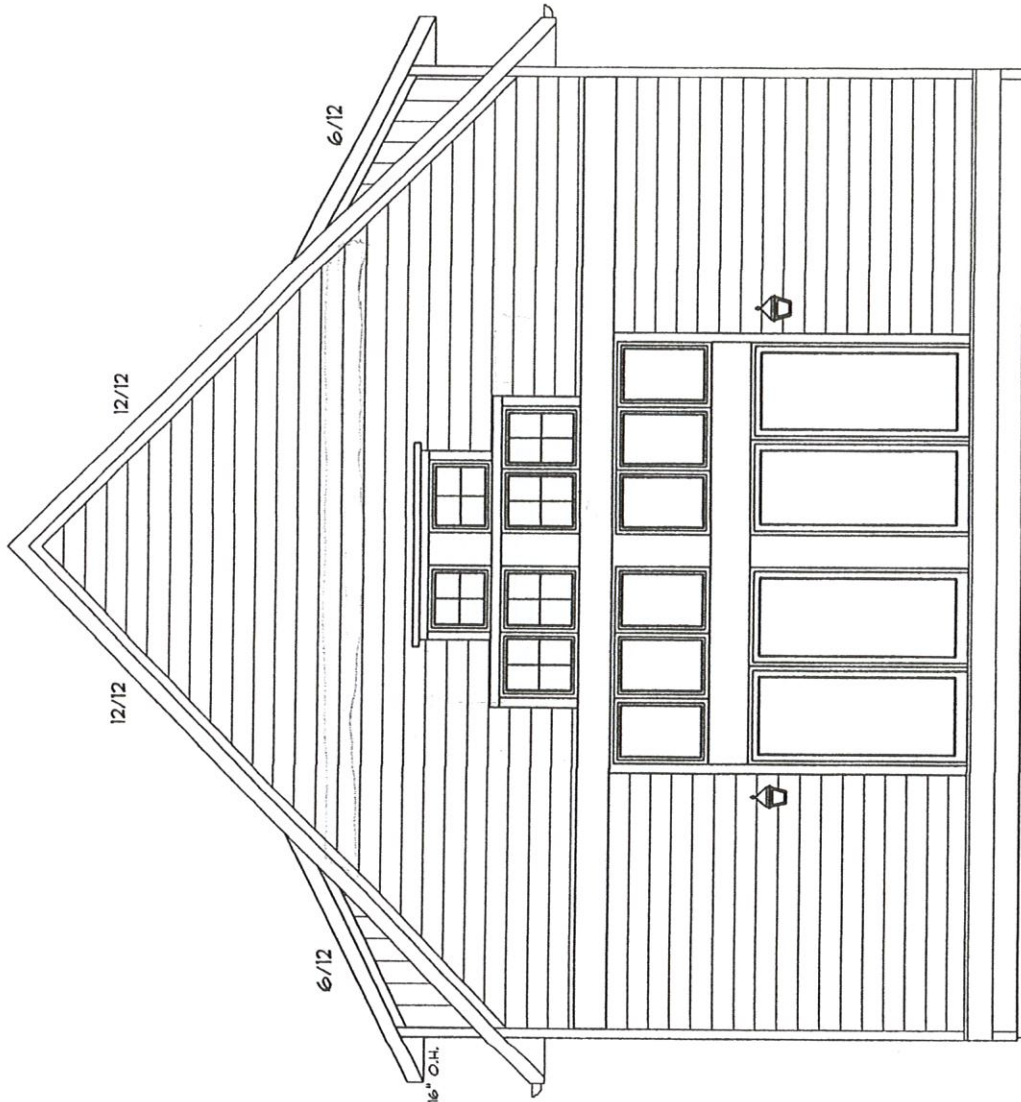
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AUG 11 2017

RIGHT ELEVATION



RECEIVED
 AUG 11 2017
 BY: [Signature]

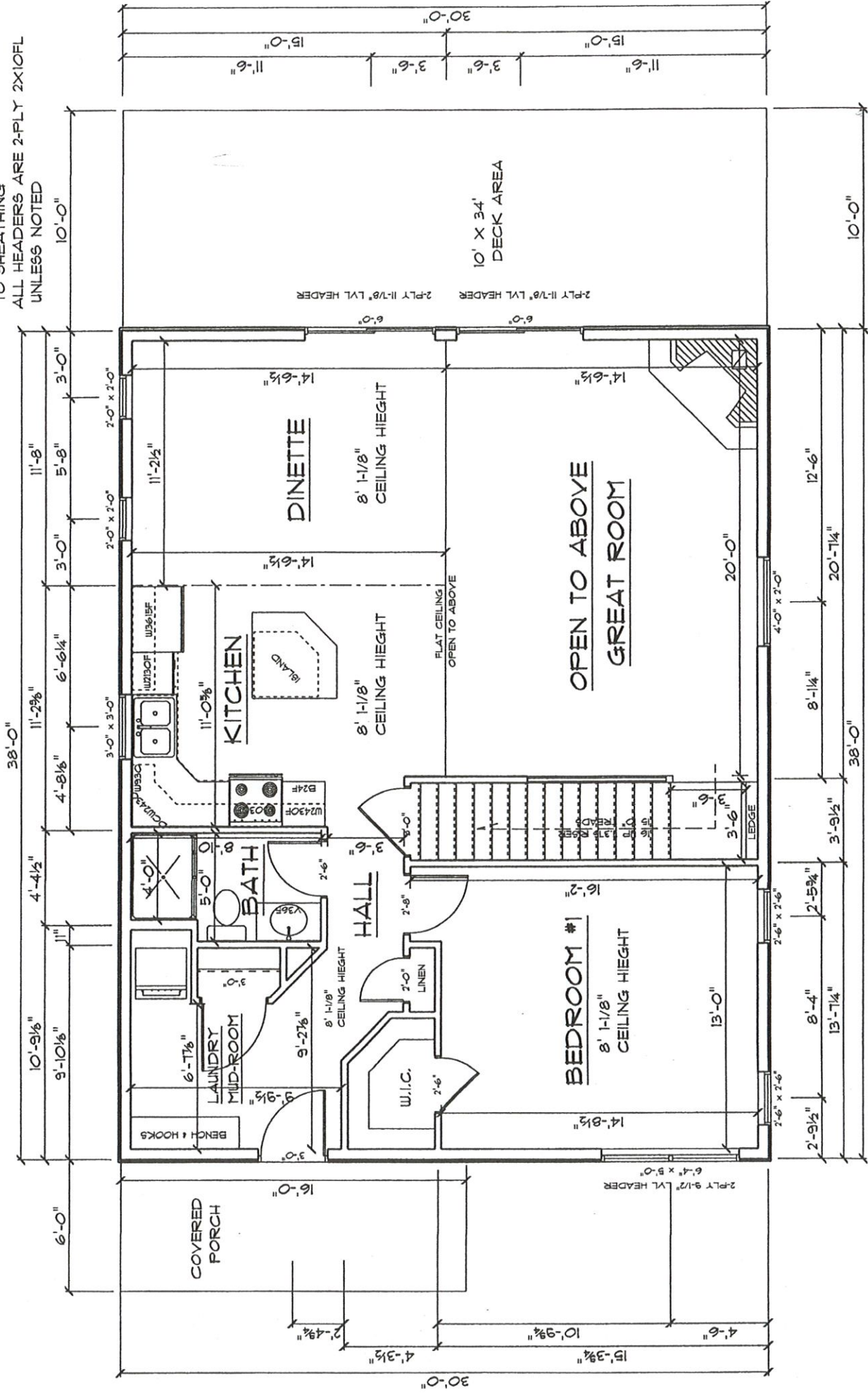
LEFT ELEVATION



REAR ELEVATION
LAKE SIDE

RECEIVED
AUG 11 2017

ALL DIMENSIONS ARE SHEATHING TO SHEATHING
 ALL HEADERS ARE 2-PLY 2X10FL UNLESS NOTED

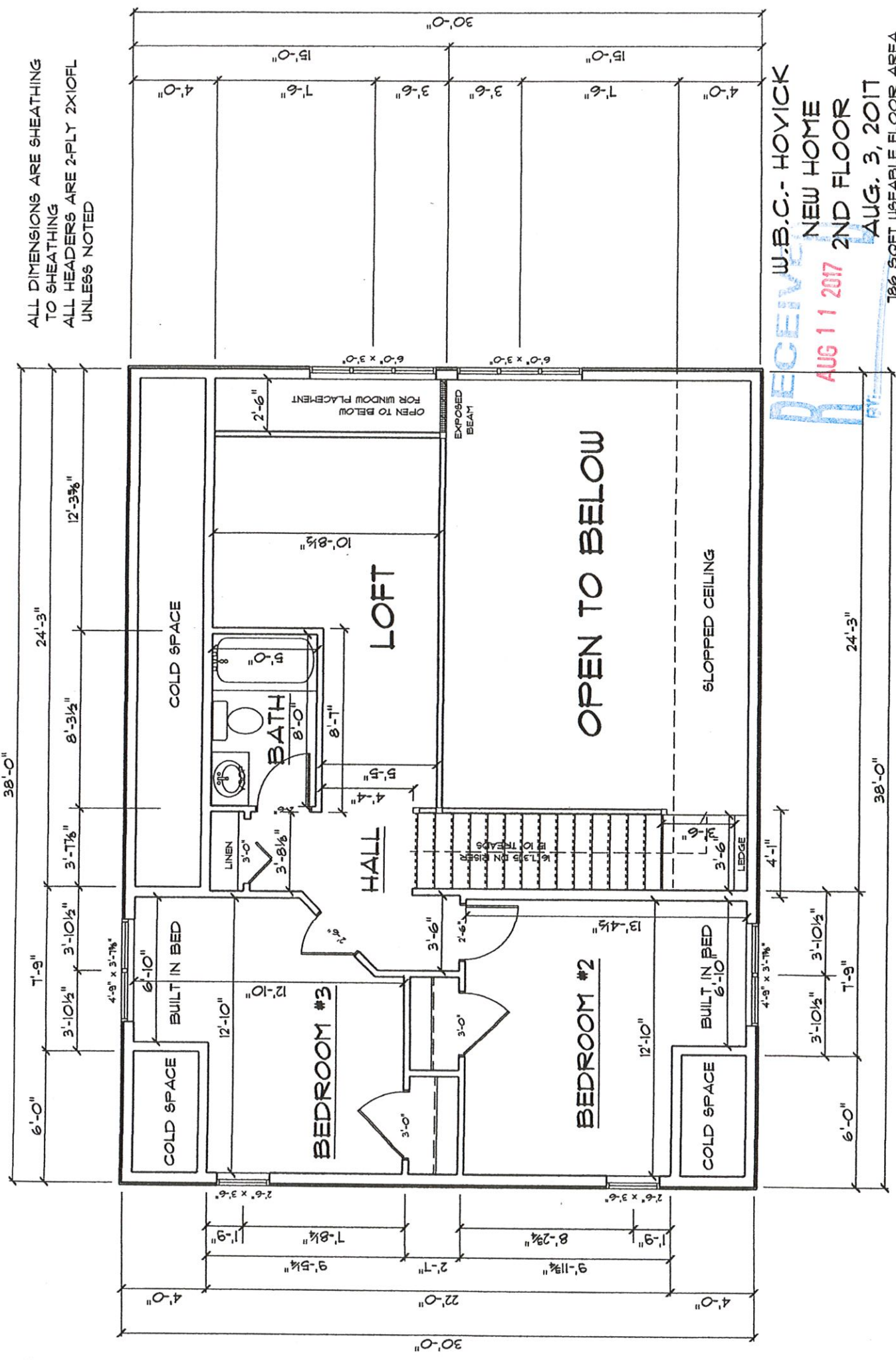


W.B.C.- HOYICK
 NEW HOME
 AUG. 3, 2017
 1140 ASGFT MAINFLOOR



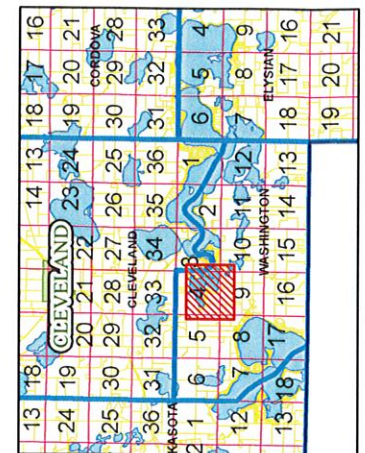
ALL DIMENSIONS ARE SHEATHING TO SHEATHING
 ALL HEADERS ARE 2-PLY 2X10FL
 UNLESS NOTED

RECEIVED
 AUG 11 2017
 W.B.C. HOYICK
 NEW HOME
 2ND FLOOR
 AUG. 3, 2017
 186 SQFT USEABLE FLOOR AREA



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Hovick
PID: 13.650.0170
DATE: 9-12-17
FIRM #: 27079C0265D
F-Zone: x-outside
RFPE: 1022.86
District: Recreational
 Residential



Map Disclaimer

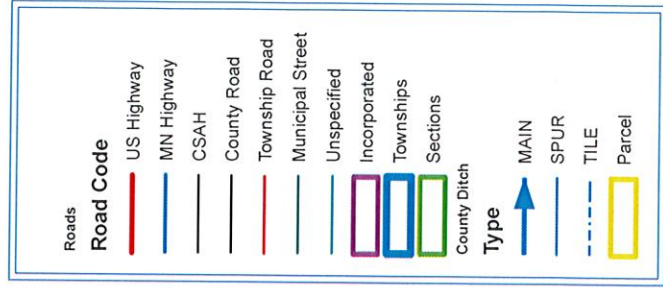
*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional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



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

Le Sueur County, MN
Thursday, September 21, 2017
Regular Session

Item 4

Bruss Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Stan & Kathryn Bruss
911 ADDRESS: 21894 Woodduck Ln
VARIANCE REQUEST: To allow the applicant to construct a single-family dwelling 25 feet from the road Right-Of-Way (ROW).
VARIANCE NUMBER: 17295
PARCEL NUMBER: 04.490.0150

SITE INFORMATION

LOCATION: Lot 18, Block 1, Clark's Beach Subdivision, Section
ZONING & PURPOSE: Recreational Residential

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to shoreland development.

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

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing off Woodduck Ln
LAKE: Lake Frances, 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: Regulatory Flood Protection Elevation: 1024.7 Lowest floor must be at or above RFPE.

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. Structure to road ROW:	25 feet	49.8 feet*	Section 13.2, Subdiv. 5.B.10.	13-44

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
 - c. Structure Setback Requirements pg. 21
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. Structure setback to a private road ROW is 65 feet.
 - b. *Exemption allows the new dwelling to be closer to the road ROW than 65 feet. The dwelling can be no closer to the road ROW than the existing dwellings on adjacent lots or at least ½ the setback (32.5'), whichever is greater.
 - c. The structure to the West is 49.8* feet from the road ROW.

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: STAN BRUSS

Variance # 17295

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 25 FEET FROM THE PRIVATE ROAD ROW.

- 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 Stan Bruss
 Mailing Address 123 Red Oak Drive
 City Mankato State MN Zip 56001
 Phone # 507-385-1070 Phone # 507-525-0419 - cell

II. Landowner:
 Name Kathryn S. Bruss (spouse)
 Property Address 21894 Woodduck Lane
 City Elysian State MN Zip 56028
 Phone # 507-385-1070 Phone # 507-525-3704 - cell

III. Parcel Information:
 Parcel Number 04.490.0150 Parcel Acreage ?
 Township Elysian Section 34
 Subdivision Clarks Beach Lot 18 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 remove or demolish existing Bathhouse, shed, and cabin and replace with a new cabin. South wall of cabin to be 25 feet from Woodduck lane as per Bolton & Menk survey

V. Description of Request:

a. A full written description of the proposed variance request with detailed information must be attached. ✓

VI. Township Notification:

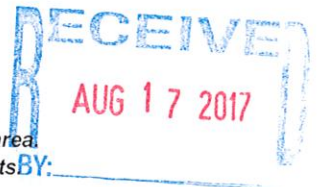
Township must be notified prior to application. (County Commissioners are not the Township Board.)

Elysian Township notified on July 17, 2017
 (Township Name) (Date)

Board Member Kathy Reints 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.

The new structure will be compliant on 3 sides only the back will be closer to the road. The ordinance does not allow us to include the 60'x65' lot on the south side of Woodduck Lane

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

The current cabin is very small and in order to accommodate the storage lost by tearing down the other buildings; the new cabin will have a larger footprint.

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

The existing structures are too old and too close to the property lines to improve

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

The new structure will be centered on the lot and use the same lake side set back as the current cabin and will actually be 2 feet further back due to trees

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

No Our goal is to become more compliant with Le Sueur Counties land use goals

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

The project as proposed will remove 3 out of compliance structures and replace them with one that will be in compliance with one variance

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

The project will remove the ^{gravel} parking area (impermeable) ^{considered} on the North side of the road and replace it with a gravel parking on the south side. Removal of boathouse on water's edge will be a positive impact on Lake Francis. (Shore impact)

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

Property is now part of Ivan's Cluster #1 Community Mound System - certificate on file

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

We would like to make the best use of this lot and maximize its potential and still remain within the 25% impermeable rule and the 50' shore impact zone and 10' side setbacks

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AUG 17 2017

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

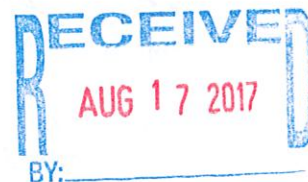
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	\$ 600
Filing Fee:	\$ 46
Variance for Clusters:	\$ 600 + \$200 per household
Filing Fee:	\$ 46

Additional Fees:

Special Meeting:	\$1,200
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.



Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

8/9/17
Michelle

- 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.

Stan Bruss
Applicant signature

8/17/17
Date

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

Stan Bruss
Landowner signature

8-17-2017
Date

OFFICE USE ONLY

Date received <u>8-17-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <input type="radio"/> N <input type="radio"/> Y
Meeting date <u>9-21-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input type="radio"/> Y <input type="radio"/> N
60 Day <u>10-16-17</u>	Lake <u>Francis</u>	Water courses <input type="radio"/> Y <input type="radio"/> N
RFPE <u>1024.7</u>	FEMA Panel # <u>27079C 0425D</u>	Bluff <input type="radio"/> Y <input type="radio"/> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	_____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ _____
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mittler</u> Planning & Zoning Department Signature	<u>8-17-17</u> Date
		<u>17295</u> Permit #
		COC NONC/Waiver Design
		ATF / SPEC MTG

AUG 17 2017

01-15-16

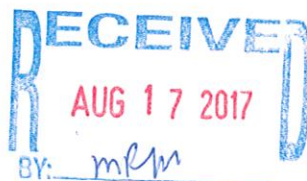
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AUG 18 2017
BY: mpm

Bruss Variance Application V. Description of Request:

Our plan is to remove or tear down the current cabin, shed and boathouse and rebuild a new cabin on this lot. To preserve the integrity of the mature trees on the lot it would be set 5 feet further back from the water than the existing cabin and have the 10 foot setbacks on either side as per county guidelines. This would also move it out the shore impact area since it would be more than 50 feet from that line. The variance would be needed to allow us to build closer to Wood Duck Lane than the current cabin structure and move it beyond the shore impact zone. Since we are eliminating all of the storage that existed in the shed and boathouse we would like to incorporate some storage within the cabin structure but still remain under the 25% guideline for impermeable surface. All of the current structures are out of compliance with current set back guidelines, especially the boathouse and shed. Parts of all of them are also within the shore impact zone. Removing them will improve the character of the neighborhood by improving the symmetry and balance on the lot. The new structure would be closer to the road and would also include a back porch entrance 6 feet further back. In its new location it will still be further from the road than many cabins and structures on Woodduck Lane.

Since it is an older development there is a variety of setbacks with all of the cabins on Wood Duck Lane on both the lakeside and the back side. The structures being removed date back to the 1940's and have served their purpose and are not worth remodeling or improving. In a verbal agreement with our neighbor, (Fenske) if we remove our boat house from the beach they will remove their storage shed from the beach area which would greatly improve the sightlines for both of us and be a great improvement for Lake Francis and its shore impact area.

Also we would like to complete a 30 by 20 foot designated gravel parking area on our property on the south side of the road and eliminate parking on the north side. Two trees will be removed in the process and replaced on our lot across the road which has none. The two small pine trees will be moved as well.



Bruss Variance – Wood Duck Lane – Trees to be removed/replaced

As noted on the existing conditions survey map, 2 smaller maple trees will be removed to accommodate the new structure. They will be replaced with 2 new trees as required upon completion of the construction. The 2 small pine trees will be re-located on the lot with a tree spade. Since the lot already contains 5 very large and mature oak and maple trees the replacement trees may be located on the Bruss lot (60' by 65') across Wood Duck Lane which currently has no trees.

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AUG 17 2017
BY: mbu

EXISTING CONDITIONS

PID 04.490.0150

OWNER ADDRESS
 KATHRYN S BRUSS
 123 RED OAK DR
 MANKATO, MN 56001

SITE ADDRESS
 21894 WOOD DUCK LANE
 ELYSIAN, MN 56028

AREA LOT 18

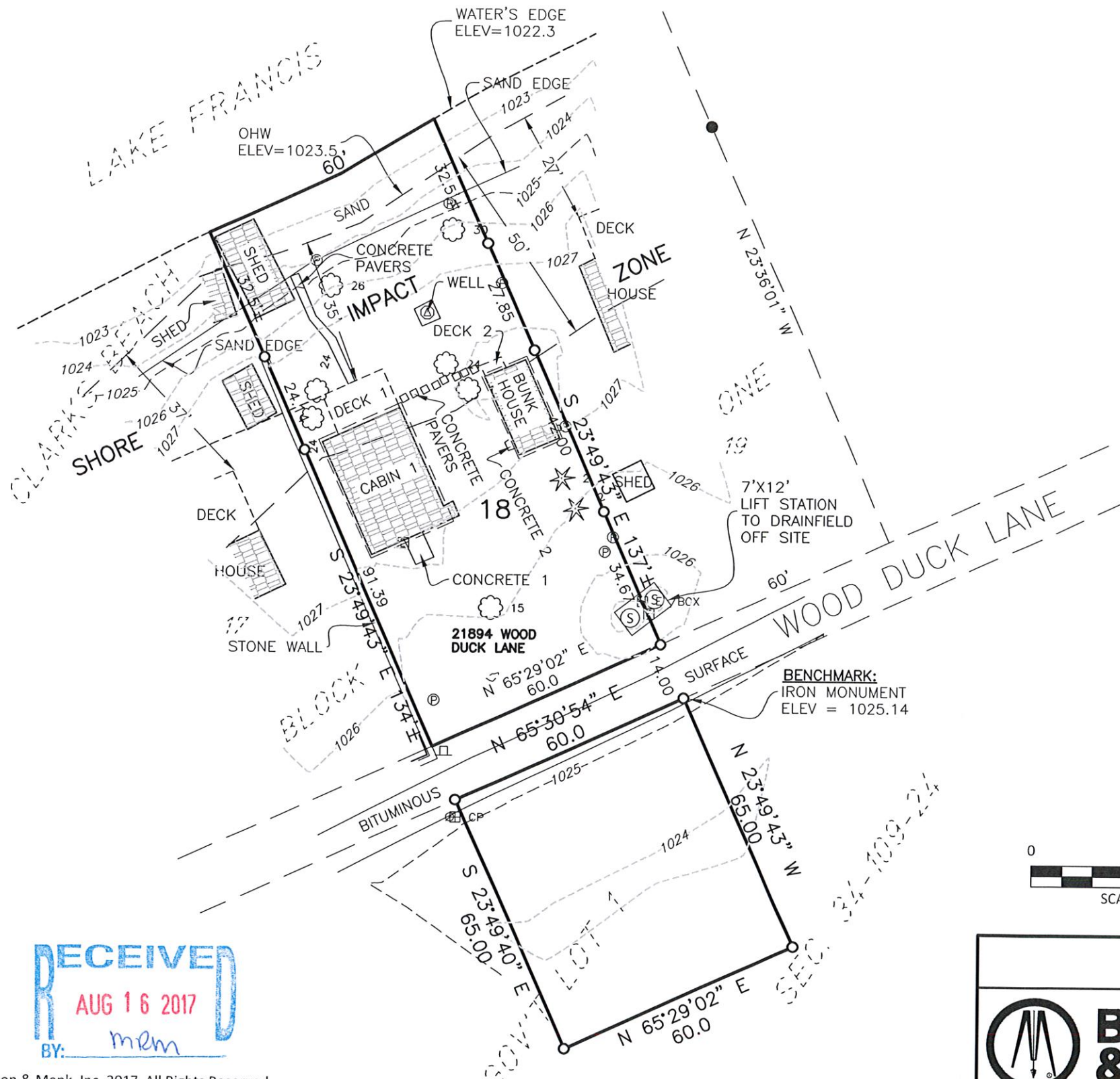
7385 SQ FT

EXISTING IMPERVIOUS SURFACES

CABIN 1 W/ OVERHANG	684 SQ FT
BUNK HOUSE W/ OVERHANG	252 SQ FT
DECK 1	145 SQ FT
DECK 2	11 SQ FT
CONCRETE PAVERS	81 SQ FT
CONCRETE 1	27 SQ FT
CONCRETE 2	3 SQ FT
SHED	216 SQ FT
WELL COVER	22 SQ FT
TOTAL	1441 SQ FT (19.5%)

AREA - PARCEL SOUTH OF ROAD

3898 SQ FT



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- MONUMENT FOUND
- ⊙ POST
- SIGN

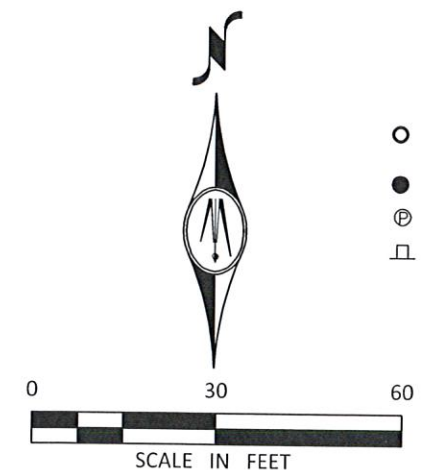
SURVEYOR'S CERTIFICATION

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

06/05/2017
 Date

REVISED ORIGINAL SURVEY: 7-17-17



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 AUG 16 2017
 BY: mem

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SDB113682H

JOB NUMBER: M33.113682

FIELD BOOK: MISC 1018 PG 9

DRAWN BY: JLA

4.0 S34-T109N-R24W

CERTIFICATE OF SURVEY
 LE SUEUR COUNTY, MINNESOTA



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

LOT 18, BLOCK 1, CLARKS BEACH, SECTION 34,
 TOWNSHIP 109 NORTH, RANGE 24 WEST, LE
 SUEUR COUNTY, MINNESOTA

FOR: STAN BRUSS

PROPOSED CONDITIONS

PID 04.490.0150

OWNER ADDRESS
 KATHRYN S BRUSS
 123 RED OAK DR
 MANKATO, MN 56001

SITE ADDRESS
 21894 WOOD DUCK LANE
 ELYSIAN, MN 56028

AREA LOT 18
 7385 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ 1' OVERHANG	1764 SQ FT
PORCH	50 SQ FT
WELL COVER	22 SQ FT
TOTAL	1836 SQ FT (24.8%)

AREA - PARCEL SOUTH OF ROAD
 3898 SQ FT

RFPE = 1024.7
 BFE = 1023.7

LEGEND

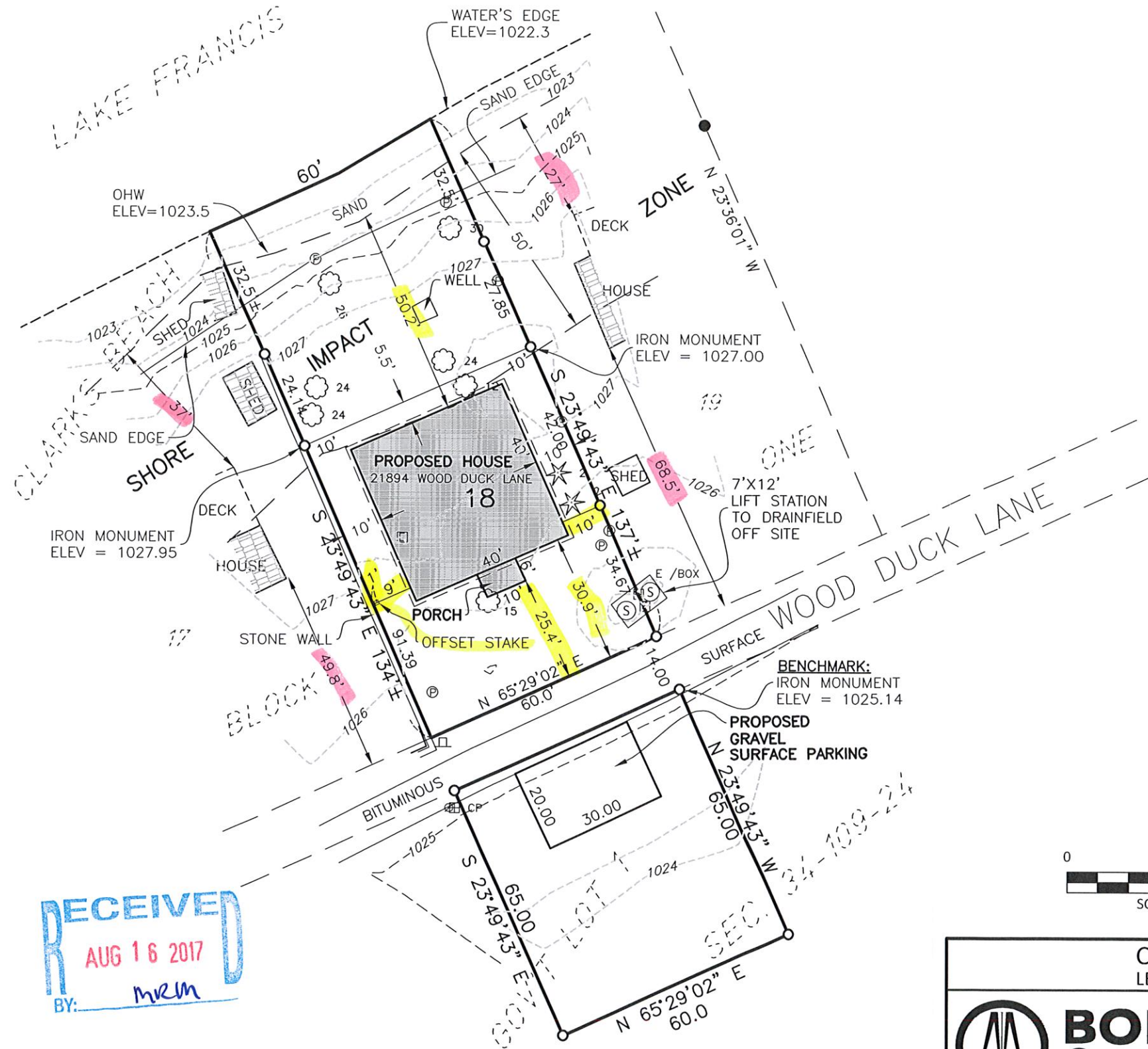
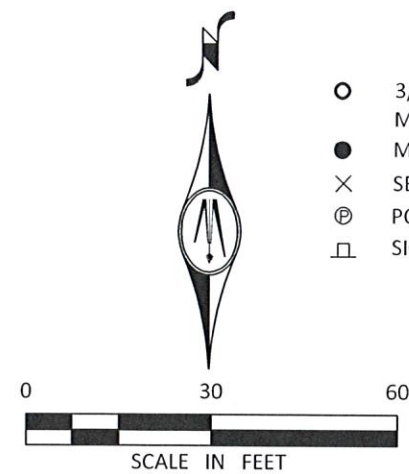
- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- MONUMENT FOUND
- × SET LATHE
- ⊙ POST
- SIGN

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
 06/05/2017
 Date

REVISED ORIGINAL SURVEY: 7-17-17
 7-28-17
 8-14-17
 8-16-17



RECEIVED
 AUG 16 2017
 BY: *MRM*

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SDB113682H

JOB NUMBER: M33.113682

FIELD BOOK: MISC 1018 PG 9

DRAWN BY: JLA

4.0 S34-T109N-R24W

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA		LOT 18, BLOCK 1, CLARKS BEACH, SECTION 34, TOWNSHIP 109 NORTH, RANGE 24 WEST, LE SUEUR COUNTY, MINNESOTA
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
		FOR: STAN BRUSS

Surveyor Certification

I. **Applicant:**
 Name STAN BRUSS

II. **Landowner:**
 Name KATHRYN BRUSS
 Property Address 21894 WOOD DUCK LANE
 City ELYSIAN State MN Zip 56028

III. **Parcel Information:**
 Parcel Number 04-490.0150

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:**

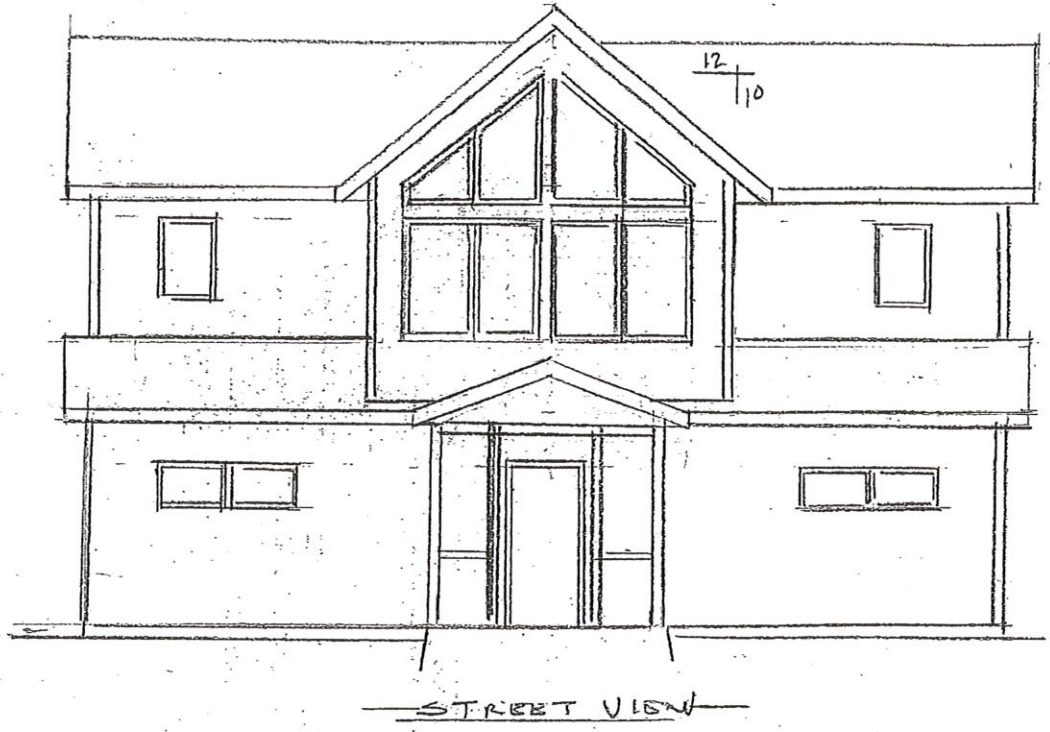
The proposed improvements have been physically staked onsite **then** surveyed on MAY 4, 2017, to reflect an accurate account of current and proposed conditions of the property identified above.

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.

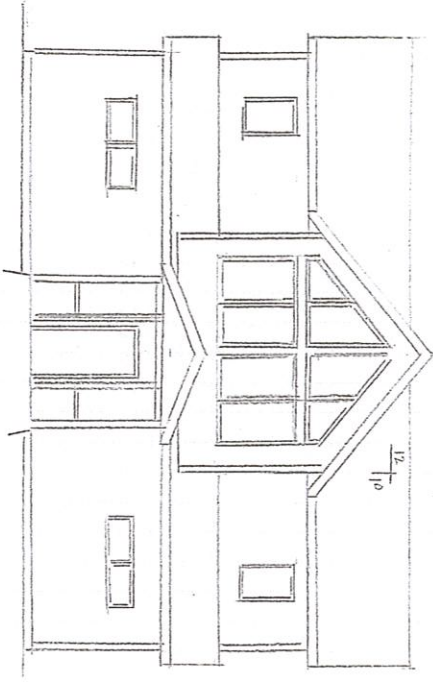
Surveyor Signature *Kory Jensen* Date June 5, 2017 Lic # 19789

Date Received AUG 17 2017 **OFFICE USE ONLY**
 Planning & Zoning Department Signature *MJEM*

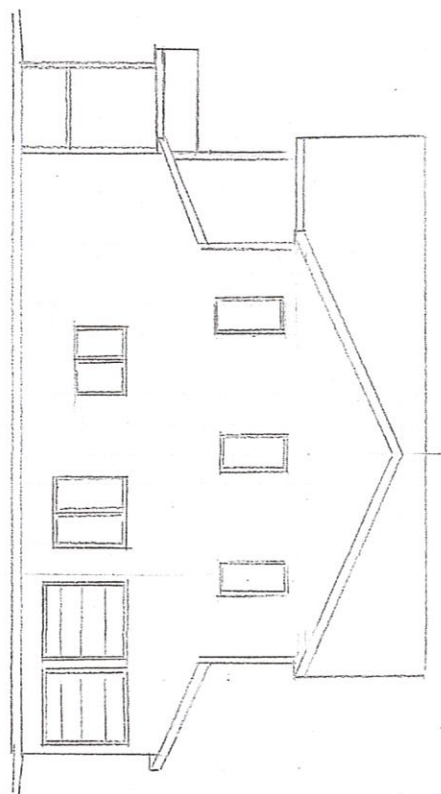
01-15-16 BY: _____



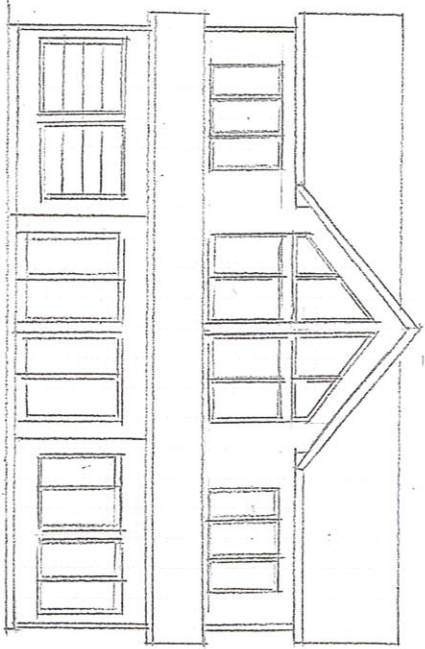
04.490.0150



STREET VIEW



EAST SIDE VIEW

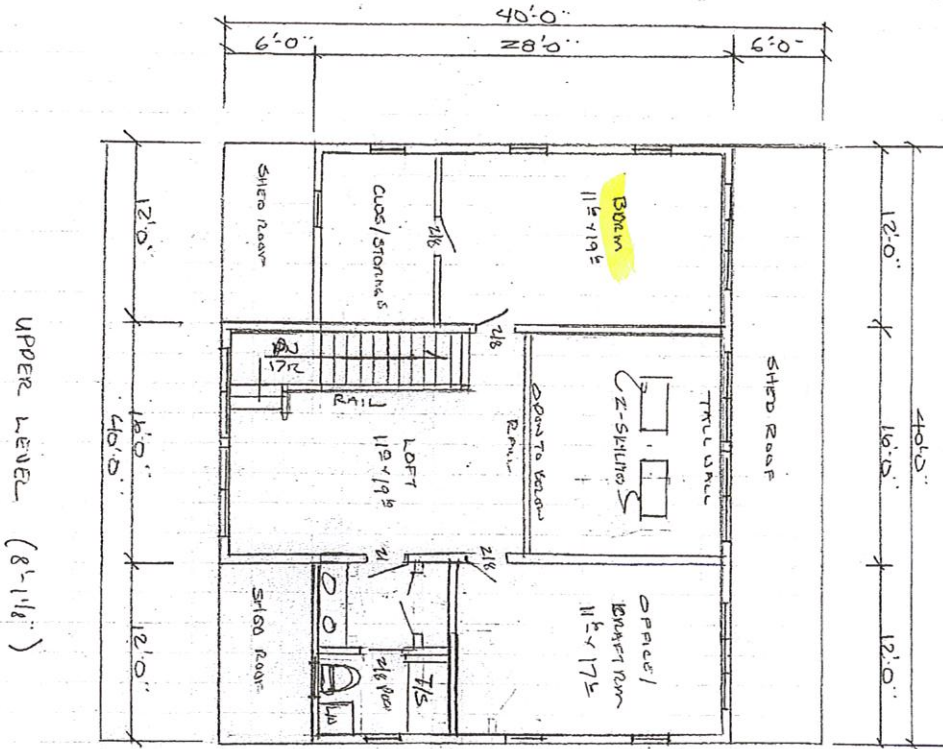


LAKE SIDE

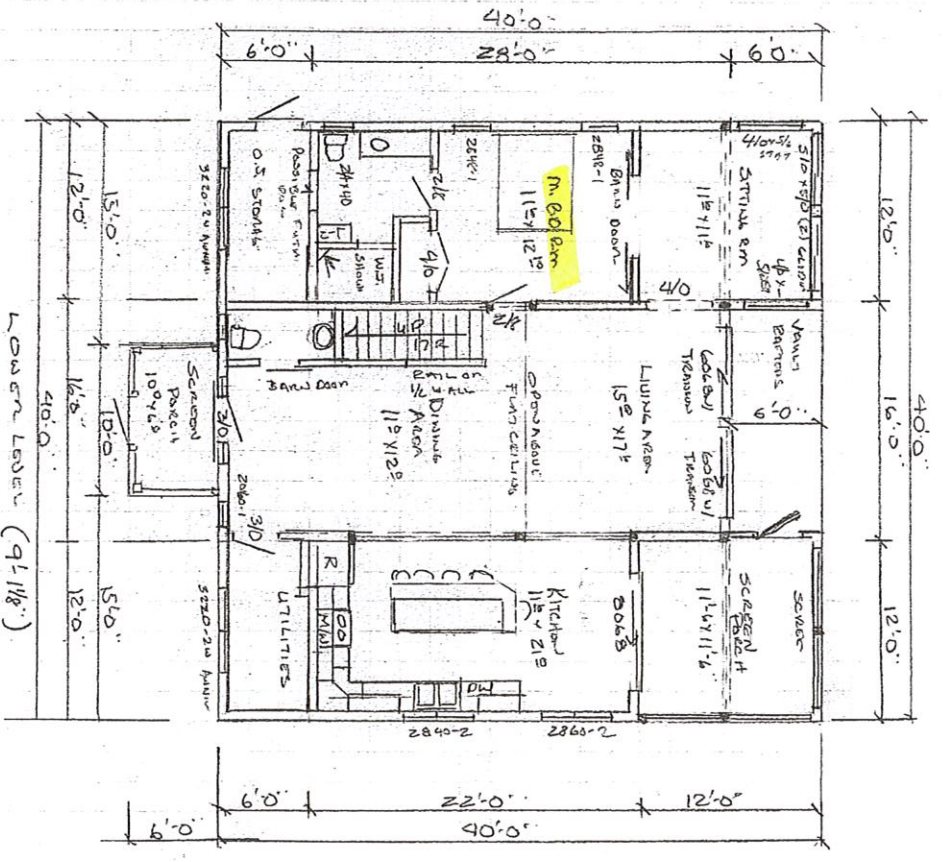
ROOMS: 10 1/2 x 5 1/2
 2 00. 104. 60. 6
 MAIN FLOOR: 11' x 11' 6"
 24'-0" x 14'
 FLOOR: 18" Floor Joist R4.08
 2nd Floor: 8" x 14"
 Foundation: 2' x 14" x 14"
 7/31/17 PLO/JM
 SCALE: 1/8" = 1'-0"
 HOUSE PROGRAM
 H17-025-02
 ENTRY & KITCHEN BRIDGE
 2-ENTRY BRIDGE (NO GARAGE)
 SCALE ON EXTERIOR BY PERMANENT SIGN

04400.0150

BHSS



UPPER LEVEL (8'-11/16")



LOWER LEVEL (9'-11/16")

7/31/17 FLC/DM
 Scale 1/8" = 1'-0"
 House No. 055-02
 H17-055-02

37th & RYAN BLVD
 2-STOREY HOUSE (NO GARAGE)
 STAIRS ON GRAB W/ FLOOR FTG

041490.0150

20P4

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Kathryn S. Bruss PID: 04.490.0150
Mailing Address: 123 Red Oak Drive - Mankato, MN 56001
Property Address: 21894 Woodduck Lane - Elysian, MN 56028
Phone: (507) 385-1070 Mobile/Cell: (507) 525-3704

Responsible party for Implementation/Inspection: Stan Bruss
Address: 123 Red Oak Drive Mankato, MN 56001
Phone: (507) 385-1070 Mobile/Cell: (507) 525-0419

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

- 2:1 slopes or steeper Straw/Coconut Blanket or High Velocity Wood Blanket
- 3:1 slopes or steeper Wood or Straw Blanket with net on both sides
- 4:1 slopes or steeper Wood or Straw Mulch blanket with net on one side
- Flat areas Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

Katherine S. Bruss
(Property Owner)

8-17-17
(Date)

Stan Bruss
(Person Responsible for Implementation)

8/17/17
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.



EXISTING CONDITIONS

PID 04.490.0150

OWNER ADDRESS

KATHRYN S BRUSS
123 RED OAK DR
MANKATO, MN 56001

SITE ADDRESS

21894 WOOD DUCK LANE
ELYSIAN, MN 56028

AREA LOT 18

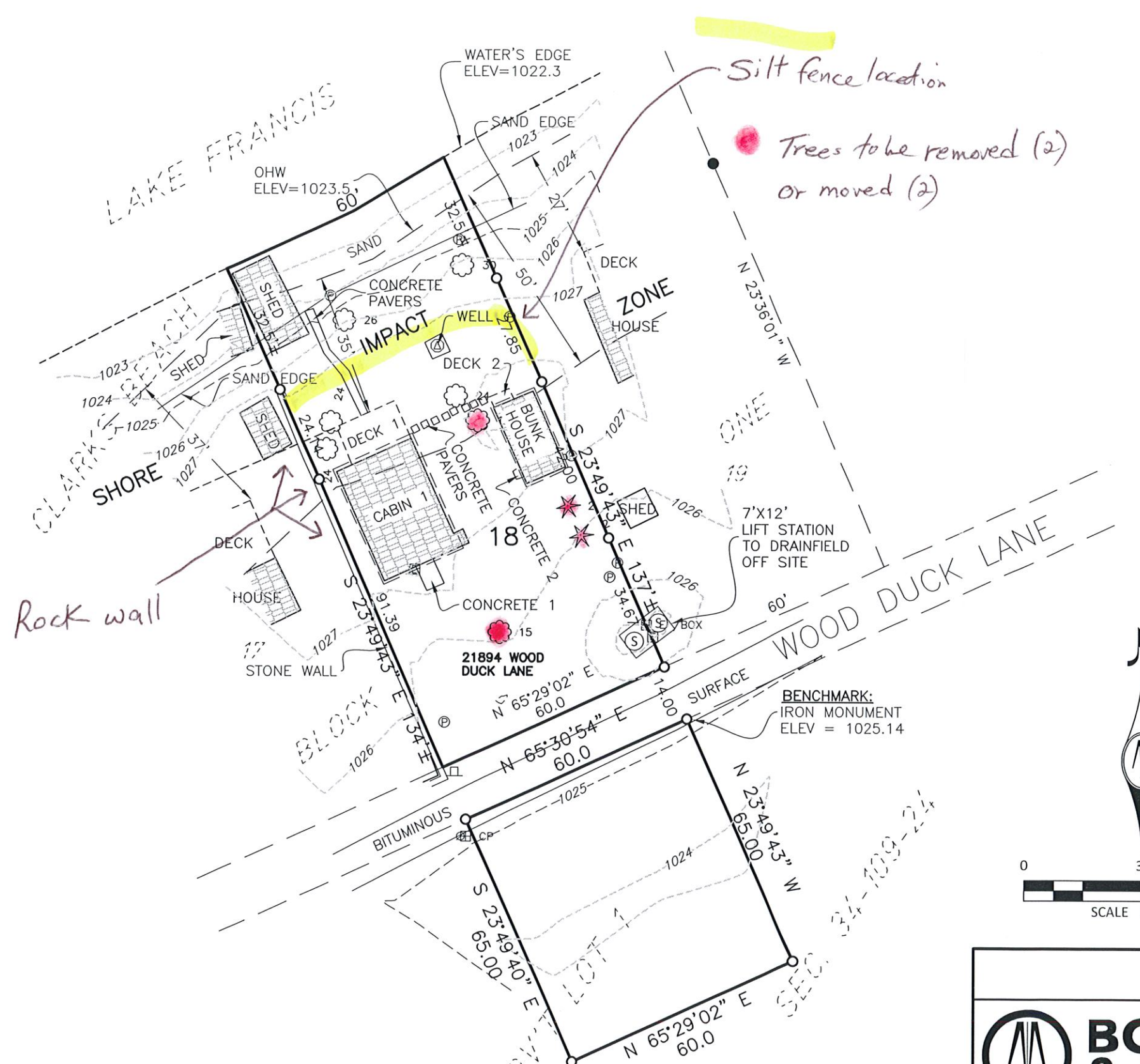
7385 SQ FT

EXISTING IMPERVIOUS SURFACES

CABIN 1 W/ OVERHANG	684 SQ FT
BUNK HOUSE W/ OVERHANG	252 SQ FT
DECK 1	145 SQ FT
DECK 2	11 SQ FT
CONCRETE PAVERS	81 SQ FT
CONCRETE 1	27 SQ FT
CONCRETE 2	3 SQ FT
SHED	216 SQ FT
WELL COVER	22 SQ FT
TOTAL	1441 SQ FT (19.5%)

AREA - PARCEL SOUTH OF ROAD

3898 SQ FT



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- MONUMENT FOUND
- ⊕ POST
- SIGN

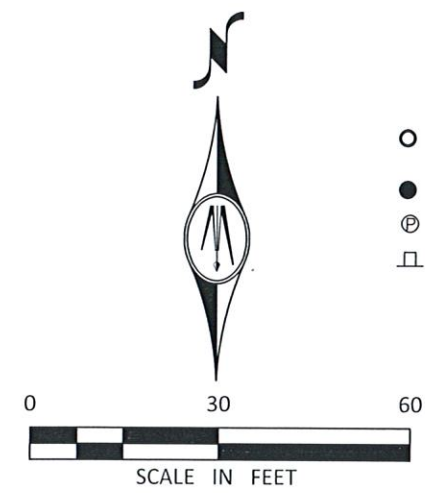
SURVEYOR'S CERTIFICATION

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

06/05/2017
Date

REVISED ORIGINAL SURVEY: 7-17-17



CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



BOLTON & MENK

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

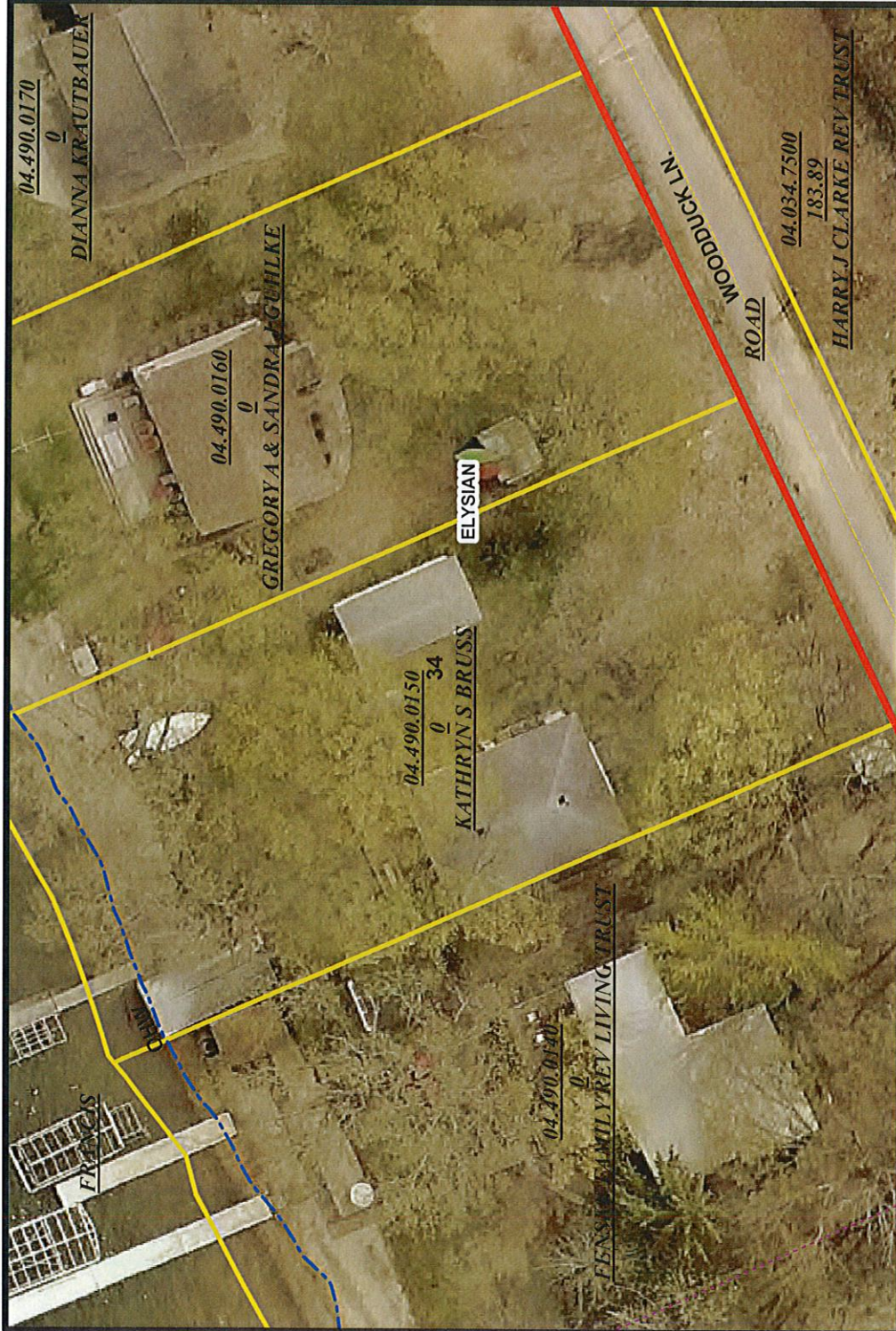
LOT 18, BLOCK 1, CLARKS BEACH, SECTION 34,
TOWNSHIP 109 NORTH, RANGE 24 WEST, LE
SUEUR COUNTY, MINNESOTA

FOR: STAN BRUSS

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Stan & Kathryn Bruss

PID: 04.490.0150
 DATE: 9-8-17
 FIRM #: 27079C0425D
 F-Zone: X-outside
 RFPE: na
 District: Recreational
Residential



Cadastral_Line	<all other values>
AlphaTag	
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

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



Le Sueur County, MN

Thursday, September 21, 2017

Regular Session

Item 5

Murilla / Jahr POSTPONED

Staff Contact: Kathy Brockway or Michelle Mettler



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:
- 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. **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:
- a. 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.
 - b. Variances shall only be issued by the County upon the following:
 - 1. A showing of good and sufficient cause.
 - 2. 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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 AUG 17 2017
 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.

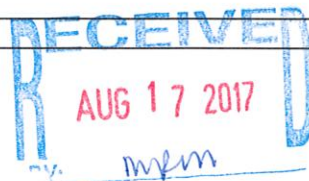
Yes, improving the water quality of the German/Jefferson lakes area is a high priority.

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

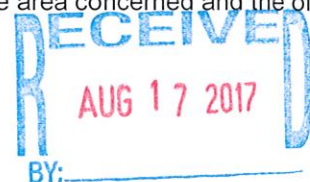
Additional Fees:

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' 1000' <u>N</u>
Meeting date <u>9-21-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>10-16-17</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>/</u>	FEMA Panel # <u>21079c300 D</u>	Bluff <u>Y</u> <u>N</u>
<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 checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>796</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mitts</u>	<u>8-18-17</u>
	Planning & Zoning Department Signature	Date
		Permit # <u>17301</u>

01-15-16

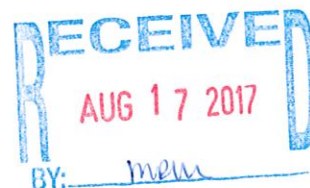
RECEIVED
 AUG 17 2017
 BY: _____

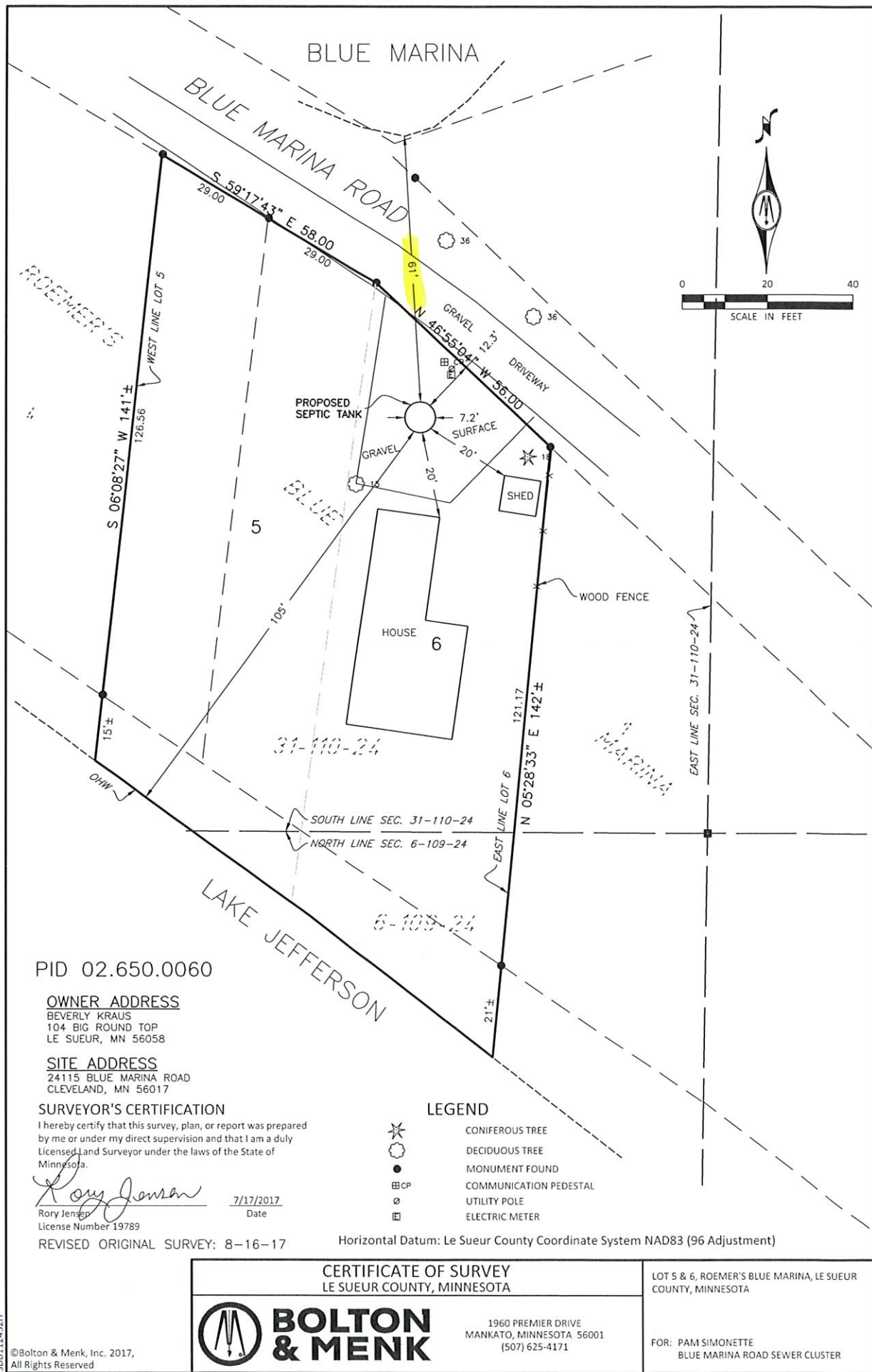
Description of Variance Request for Roemers Blue Marina Cluster Inc.

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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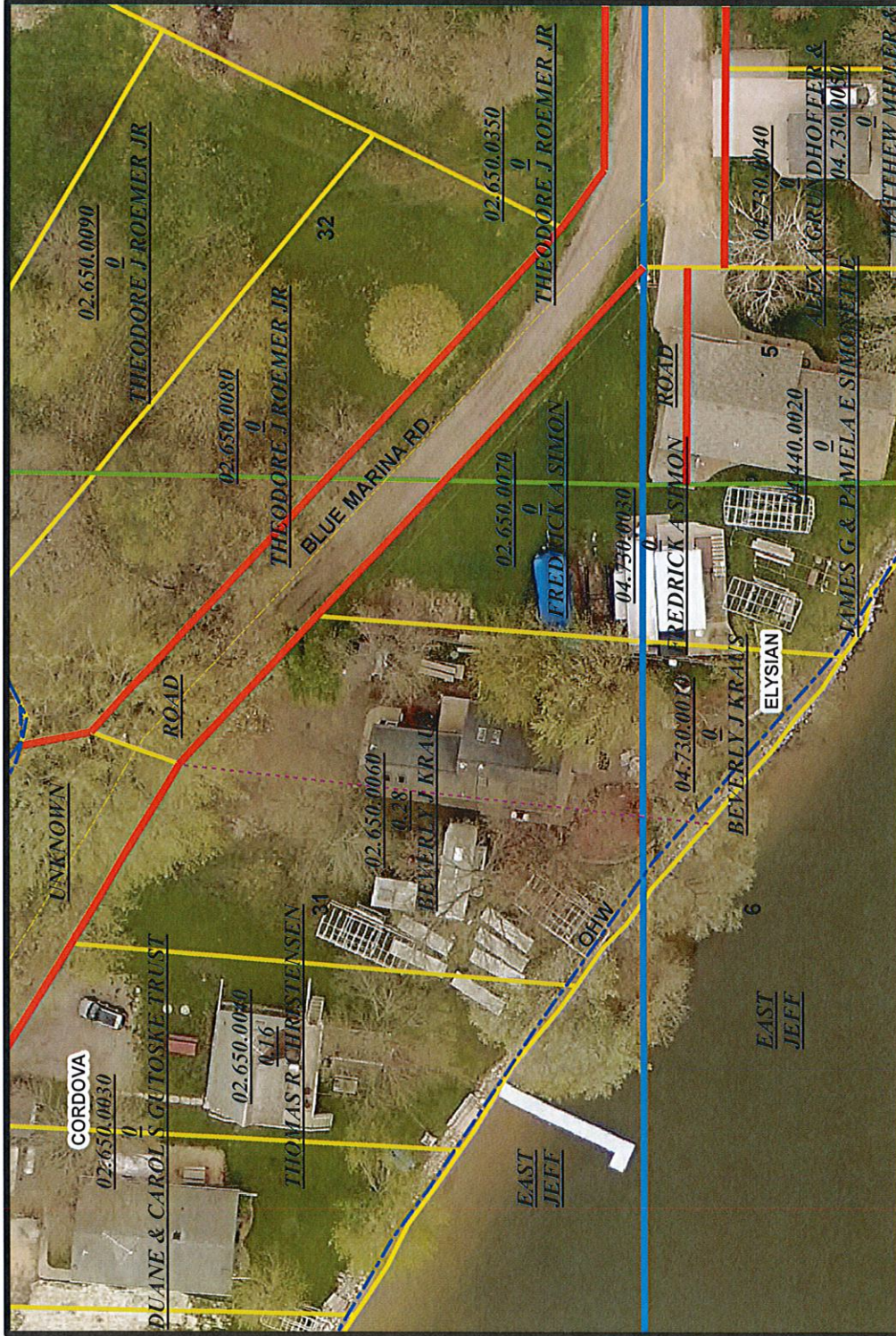
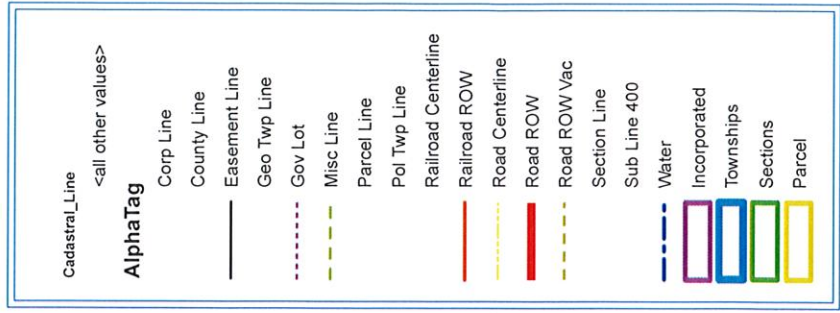
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H:\SIMONEPA_PR\M33112452\CAD\C3D\1124528D3.dwg 7/17/2017 8:48 AM JOB NUMBER: M33.112452 FIELD BOOK: 90A-1 PG 19 DRAWN BY: JLA 4.056-T109N-R24W

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



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.

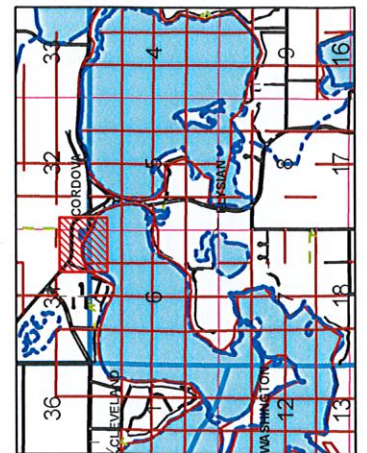


Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
507-357-8538





Le Sueur County, MN

Thursday, September 21, 2017

Regular Session

Item 7

Seppmann / Bartlett Packet POSTPONED

Staff Contact: Kathy Brockway or Michelle Mettler



Le Sueur County, MN
Thursday, September 21, 2017
Regular Session

Item 1

Approved 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
September 21, 2017**

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

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

ITEM #1: HELEN THELEMANN & SUE SMITH, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 0 feet from the property line, 5 feet from the property line, and 5 feet from the structure; install a septic drainfield 5 feet from the structure, 7 feet from the road Right-Of-Way (ROW) and 0 feet from the property line in a Recreational Residential "RR" District, and a Flood Fringe "FF" Flood Plain "FP" Overlay District on a Recreational Development lake, Lake Jefferson. Property is located at Lots 6-8, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR PROPERTY LINE, STRUCTURE, & ROAD ROW SETBACKS.**

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

PUBLIC COMMENT: None

Discussion was held regarding, property is within the German-Jefferson Sewer District, non-complying systems required to be updated by December 31, 2017, 3 landowners going into 1 system, no other options, small lots, recorded easements, installation early October-Mid October, remain in a constant state of compliance.

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

ITEM #2: BEVERLY THORN, NORTH MANKATO, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 6 feet from the road Right-Of-Way (ROW) and 8 feet from the dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 30, French Addition, Section 6, Elysian Township. **VARIANCE IS FOR ROAD ROW & STRUCURE SETBACKS.**

Beverly Thorn was present for application. Township: No Comments. DNR: No Comments. Letters submitted: None.

PUBLIC COMMENT: None

Discussion was held regarding: due to lapse in use of variance, reapplied, husband passed away due to tragic farm accident, thought he was handling it, was not the intention of the family to ignore the County deadlines, very small lot, property is within the German-Jefferson Sewer District. Being the property is within the District the septic system is required to remain in a constant state of compliance.

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

ITEM #3: ROBERT HOVICK, PRIOR LAKE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a cabin 32 feet from the road Right-Of-Way (ROW), 62 feet from the Ordinary High Water Level (OHWL), located within the bluff impact zone and total impervious surface of 30% in a Recreational Residential "RR" District on a Recreational Development lake, Lake Jefferson. Property is located at Lot

36, Tomahawk Point, Section 4, Washington Township. **VARIANCE IS FOR ROAD ROW & OHWL SETBACKS, WITHIN THE BLUFF IMPACT ZONE, AND IMPERVIOUS SURFACE.**

Robert Hovick (applicant), Dennis Woelfel (contractor) were present for application. Township: Notified through the application process. Greg Davis, Washington Township Board Member, no objections to the proposal. DNR: No Comments. Letters submitted: Joshua Mankowski, LSC Resource Specialist.

PUBLIC COMMENT: none

Discussion was held regarding: No closer to the ordinary high water level than the existing dwelling, A-frame structure, reduced impervious surface, construction to start this fall, improvement to the area.

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

ITEM #4: STAN BRUSS, MANKATO, MN, (APPLICANT); KATHRYN BRUSS, MANKATO, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 25 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Francis. Property is located at Lot 18, Block 1, Clarks Beach Subdivision, Section 34, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

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

PUBLIC COMMENT: None

Discussion was held regarding: purchased property over 30 years ago, building new single family dwelling, connected to the Ivans Cluster system, demolish all structures and haul off site, impervious surface less than 25%, construction outside shore impact zone, private road, remove 2-pine trees, replace with –maple trees, year round home, improvement to the area.

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

POSTPONED ITEM #5: JOSEPH MURILLA & ANGELA JAHR, EAGLE LAKE, MN, (APPLICANT); JOSEPH MURILLA, EAGLE LAKE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 24 feet and 33 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Jefferson. Property is located at Lots 21 & 22, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #6: ROEMER’S BLUE MARINA CLUSTER INC, CLEVELAND, MN, (APPLICANT); BEVERLY KRAUS, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Recreational Residential “RR” District and a Flood Fringe “FF” Flood Plain “FP” Overlay District on a Recreational Development “RD” lake, Lake Jefferson . Property is located at Lots 5 & 6, Roemer’s Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR OHWL SETBACK AND UNDER IMPERVIOUS SURFACE.**

Pam Simonette, was present for application, however due to the site not being staked, a motion by Jim Mladek to table the application until Wednesday, September 27, 2017 at 8AM. Colin Harris seconded the motion. Motion approved. Motion carried.

POSTPONED ITEM #7: JADD SEPPMANN & SONS, MANKATO, MN (APPLICANT); LADONNA BARTLETT TRUST, CLEVELAND, MN, (OWNER): Request that the County grant a

Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 6 feet from a single-family dwelling, 9 feet from the property line, and 9 feet from the road Right-Of-Way (ROW) in a Recreational-Residential "RR" District, on a Recreational Development lake, Lake Jefferson. Property is located at Lot 6, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR STRUCTURE SETBACKS, PROPERTY LINE AND ROAD ROW SETBACKS.**

Minutes: Additions or corrections-None. Motion to approve the August 17, 2017 minutes by Jim Mladek. Seconded by Francis Cummins. Motion approved. Motion carried.

Motion to approve the August 28, 2017 minutes by Fritz Cummins. Seconded by Colin Harris. Motion approved. Motion carried.

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

Meeting Adjourned.

Respectfully submitted,

Kathy Brockway
September 21, 2017

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
SEPTEMBER 27, 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 8:00AM by chairperson, Jeanne Doheny.

ITEM #1: ROEMER'S BLUE MARINA CLUSTER INC, CLEVELAND, MN, (APPLICANT); BEVERLY KRAUS, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 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 in a Recreational Residential "RR" District and a Flood Fringe "FF" Flood Plain "FP" Overlay District on a Recreational Development "RD" lake, Lake Jefferson . Property is located at Lots 5 & 6, Roemer's Blue Marina, Section 31, Cordova Township. **VARIANCE IS FOR OHWL SETBACK AND UNDER IMPERVIOUS SURFACE. APPLICATION WAS TABLED AT THE SEPTEMBER 21, 2017 MEETING.**

Stacy Fesser, Septic Designer was present for application. Township: No comments. DNR: No Comments. Letters submitted: None.

PUBLIC COMMENT: None

Discussion was held regarding due to site not being staked application was tabled, Designer thanked the board for meeting today, due to non-compliant systems being updated by December 31,2017 need to move forward, no other options as to placement of the lift station, septic designed for 5-dwellings, properties within the German-Jefferson Sewer District, will remain in a constant state of compliance.

Motion was made by Colin Harris to approve the application. Seconded by Fritz Cummins. Motion approved. Motion carried.

Motion to adjourn meeting by John Wolf. 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*