



**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: OCTOBER 19, 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 Murilla & Jahr Packet

ITEM #4 Ballman Packet

ITEM #5 Ledvina Packet

ITEM #6 Baker Packet

ITEM #7 DRAFT October 19, 2017 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 October 19, 2017.

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



Le Sueur County, MN

Thursday, October 19, 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: OCTOBER 19, 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 **OCTOBER 9, 2017**.

ITEM #1: 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 13 feet from the road Right-Of-Way (ROW) and 25 feet from the bluff 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 & BLUFF SETBACKS.**

ITEM #2: DARRYL BALLMAN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a deck 63 feet from the road Right-Of-Way (ROW) in an Agriculture "A" District. Property is located in the SE 1/4 SE 1/4, Section 21, Cleveland Township. **VARIANCE IS FOR ROW SETBACK.**

ITEM #3: DERRICK LEDVINA, CLEVELAND, MN, (APPLICANT); RICHARD LEDVINA, WAUSAUKE, WI, (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 dwelling, and within the bluff; install a septic drainfield 4 feet from the dwelling, 0 feet from the property line, 50 feet from the Ordinary High Water Level (OHWL) and within the bluff in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STUCTURE, BLUFF, PROPERTY LINE & OHWL SETBACKS.**

ITEM #4: STEVEN & THERESA BAKER, MADISON LAKE, 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 82 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on an unnamed Natural Environment "NE" lake. Property is located in the SW 1/4 NW 1/4, Section 11, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT OCTOBER 19, 2017.

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



Le Sueur County, MN

Thursday, October 19, 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: October 19, 2017

Meeting Time: 3:00 pm

Onsite Date: October 19, 2017

Onsite Time: 1:15 pm

ITEM #1: Joseph Murilla & Angela Jahr

ITEM #2: Darryl Ballman

ITEM #3: Derrick Ledvina / Richard Ledvina

ITEM #4: Steven & Theresa Baker

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, October 19, 2017

Regular Session

Item 1

Murilla & Jahr Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Joseph Murilla & Angela Jahr

911 ADDRESS: 46881 Maple Drive, Madison Lake, MN

VARIANCE REQUEST: To construct a single-family dwelling 13 feet from the road Right-Of-Way (ROW) and 25 feet from the bluff.

VARIANCE NUMBER: 17298

PARCEL NUMBER: 13.800.0210

SITE INFORMATION

LOCATION: Lots 21 & 22, Wildwood Subdivision, Section 3, Washington 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 makes reference to 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 the natural environment, and prevent the premature development of natural resources areas.

Objective 1: The County should continue its preservation of significant bluff areas and river valleys through its use of Conservancy Zone.

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

GENERAL SITE DESCRIPTION:

Shoreland, residential

ACCESS:

Existing off Maple Drive

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

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

STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to road ROW: ** <i>Exemption-See #3 below</i>	7 feet	65 feet 46 feet	Section 13.2 Subdiv. 5. B. 3. Section 13.2. Subdiv. 5. B. 10.	13-42 13-44
b. Structure to bluff:	25 feet	30 feet	Section 13.2. Subdiv. 5. F. 1. c.	13-46

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. **Exemption** allows the new structure to be closer to the road ROW than 65 feet as long as it is no closer than the dwellings on the adjacent lots and at least ½ the setback (32.5 feet), whichever is greater. 46 feet is the setback for one of the dwellings on the adjacent lot and is greater than 32.5 feet. Exemption would allow the new structure to be 46 feet from the road ROW.
- 4. 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.
- 5. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
- 6. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
- 7. 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 has a compliant holding tank and has petitioned to be connected to the West Jefferson pipe.

CONDITIONS

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

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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 10/06/2017

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Joseph Murilla & Angela Jahr

Property owner:

Joseph Murilla

Property:

13.800.0210

Description:

Request a variance to construct a single-family dwelling 13 feet from the road Right-of-Way and 25 feet from the bluff.

Recommendation:

It would be my recommendation to approve the variance as described in the application with the condition(s) listed below. The applicants have worked through a few different site plans to try to address different concerns with meeting setback requirements. One of the plans did meet the bluff setback, but increased the possibility of drainage issues between the proposed structure and the East property line. This plan also required a large amount of fill to be brought onto the lot.

Condition(s):

Work with the Environmental Resources Specialist to stabilize the bluff area with Minnesota native, deep-rooted vegetation. This will provide for a more natural appearance and help stabilize the bluff.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

VARIANCE FINDINGS OF FACT

Name of Applicant: JOSEPH MURILLA & ANGELA JAHR

Variance # 17298

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 24 FT FROM MAPLE LANE ROAD ROW AND 33 FEET FROM MAPLE DRIVE 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 Joseph Murilla & Angela Jahr
 Mailing Address 21588 598th Ave
 City Eagle Lake State MN Zip 56024
 Phone # 507-469-0791 Phone # 507-341-5100

II. Landowner:
 Name Joseph Murilla
 Property Address 46881 Maple Dr
 City Madison Lake State MN Zip 56063
 Phone # 507-469-0791 Phone # _____

III. Parcel Information:
 Parcel Number 13.800.0210 Parcel Acreage _____
 Township Washington Section _____
 Subdivision Wildwood Lot 21&22 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).
 We are requesting a variance for the northwest corner of the property, with a 25' setback from the bluff, the northeast corner of the property, with a 26' setback from the bluff, and the southwest corner of the structure with a 13.2' setback from Maple Drive, All other setbacks are met, and we are within the 25% for impervious service (23.8%)

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.)

Washington Township notified on April 13, 2017
 (Township Name) (Date)

Board Member Bob Kaveney 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 variance request is consistent to with neighboring properties, and will bring improvement to the lot, in preparation for the hook up to the septic being brought into our area. Neighboring properties have successfully received similar variances.

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

The lot is a non-conforming lot, and with the modification to the ordinances, up to and including 2013 revisions, the setbacks have shrunk the buildable area of the lot, excluding area where much of the existing structure has existed since the early 1980's. The current setbacks, and the topography the lot presents difficulty to

enhance, change, or modify the property.

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

Existing home was placed on site in the 1980's, and since the time ordinances have changed. Age and wear of the existing structure require updating due to poor upkeep by previous owners. It is beyond the state of repair or renovation

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

The construction of a year round home will be bring additional esthetic appeal to this particular property, replacing an outdated and worn mobile home, but with improve the appeal of the Wildwood neighborhood and our lake community in general.

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

The size and topography of the lot makes it a challenge to comply with all setbacks.

Advice from various experts, including environmental services staff, have resulted in feedback and modifications to home design to improve the property while protecting the natural lake environment

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

Yes . As previously mentioned, advice was sought by experts that influenced the design, in an effort support the spirit of the ordinance.

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

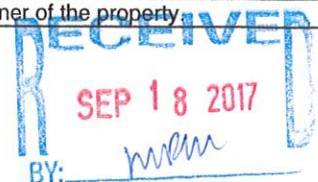
Replacing the existing mobile home with a year round permanent home with promote development and provide more purposeful control of water. We met with Josh from Environmental Services and are moving ahead with his recommendations to add additional native deep rooted prairie grass and flowers to the bluff line and bluff area.

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

The property currently has a 2000gal storage tank that with be replaced by the upcoming septic hook-up. The timeline for the new septic system coming in, has motivated our need to accelerate our building plan, design, and variance request. This with help in the proper location of grinder placement.

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

Discussed in greater detail on our description, based on feedback from Environmental Services, we have revised the initial proposed structure in several ways to protect the bluff setback, and adhere to most required setbacks with exception of the road back on the southwest corner of the property.



IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input checked="" 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 |
| <input checked="" 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:

- One (1) reproducible copy of the request and all other supporting documents.
- Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- Electronic version of any supporting documents if available.
- 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

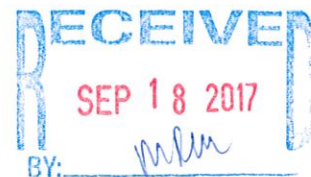
Additional Fees:

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.

- Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- 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.**
- All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- Fees **will not** be accepted by mail and must be paid at the time of application.
- 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.
- Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.



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

XIII. Signatures:

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

[Signature]
Applicant signature

9-14-17
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.

[Signature]
Landowner signature

9-16-17
Date

OFFICE USE ONLY

Date received <u>9-18-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>10-19-17</u>	Lake Classification <u>RD Williamson</u>	Erosion Control Plan <u>(Y)</u> N
60 Day <u>10-16-17</u>	Lake <u>Jefferson</u>	Water courses Y N
RFPE <u>1022-86</u>	FEMA Panel # <u>2709C0265D</u>	Bluff Y 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 <u>425-16</u>
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>COC</u> <u>1+1</u> -2016
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<u>NONC/Waiver</u>
<input checked="" type="checkbox"/> Application complete <u>mem</u>	Planning & Zoning Department Signature _____	<u>Design</u>
		<input checked="" type="checkbox"/> Fee \$ <u>1646</u>
		<u>ATF / SPEC MTG</u>
		<u>9-18-17</u>
		<u>17298</u>
		Date Permit #

01-15-16

4



DESCRIPTION OF REQUEST:

GOAL: To provide significant improvement and aesthetic appeal to the property and neighborhood, while protecting the bluff impact zone and adhering to required setbacks.

BACKGROUND: We are requesting a variance to replace the current 1980's mobile home with a permanent year round home, built slab on grade. As a result of changing setbacks over time, the existing mobile home and deck is almost completely outside the surveyed buildable areas, we consulted with the county.. We began meeting with Environmental Services in November 2016. In April 2017, we met to review our original variance application. Feedback for our original proposal request was to utilize the more of our buildable area, as depicted on the survey. We tried to explain that the topography of the buildable area not being utilized was because it was not suitable for use without interrupting natural flow of current waterways. Despite the difference of opinion, we made the revisions as instructed, and the application was submitted in August 2017 for the September meeting. Once staked by Bolton & Menk, elevations were shot by the contractor to confirm as suspected, were going to be issues. On September 2, 2017 we met with Josh from Le Sueur County and Steve Bruender with Bruender Construction. Elevations were done again with each present. Steve Bruender stated at least 41 truckloads of fill would need to be brought in. With the original proposal no additional fill would be required. Josh, with Environmental Services supported going back to the original proposal. He has written a letter of support for the proposed design and placement.

We have spent the six month revising our plan, continuing to meet with members of Environmental Services, both onsite and reviewing survey and structure placement. We have made slight modifications to our original proposal and submit the following variance request.

REQUEST: The proposed construction is located primarily in the buildable area.. We are requesting a variance for the northwest corner of the structure which is 25 feet from bluff impact zone, the northeast corner of the structure which is 26 feet from the bluff impact zone, and the southwest corner of the property, with a 13.2 foot setback from Maple Drive. It is worthy to note that Maple Drive is a privately maintained road, utilized by only a few properties, so the reduced setback would not pose safety issues. All other setbacks are met, and we are within the 25% for impervious service. The proposed property is in line with or set further back than adjacent properties.

ADDITIONAL IMPROVEMENTS: In addition, we have met with Josh from Environmental Services to improve landscaping of the hillside to prevent erosion. The bluff line and hillside will be seeded with deeper root native grass and flowers. We also intend to provide needed maintenance to the boathouse near the shoreline, but will not be increasing the square footage of the impervious surface for that existing area.

RECEIVED
AUG 15 2017
BY: _____

EXISTING CONDITIONS

PID 13.800.0210

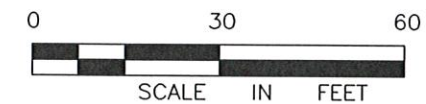
OWNER
JOE MURILLA & ANGIE JAHR
21588 598TH AVE
EAGLE LAKE, MN 56024

SITE ADDRESS
46881 MAPLE LANE
MADISON LAKE, MN 56063

TOTAL LOT AREA
16122 SQ FT

EXISTING IMPERVIOUS SURFACES

MOBILE HOME	676 SQ FT
UPPER DECK	451 SQ FT
BOAT HOUSE	99 SQ FT
LOWER DECK	132 SQ FT
CONCRETE PAD W/SHED	95 SQ FT
CONCRETE PAVERS	208 SQ FT
GRAVEL SURFACE	1727 SQ FT
ROCK WALL 1	134 SQ FT
ROCK WALL 2	190 SQ FT
ROCK WALL 3	116 SQ FT
ROCK WALL 4	16 SQ FT
TIMBER RETAINING WALLS	16 SQ FT
WOOD STEPS	116 SQ FT
WOOD WALK	77 SQ FT
TOTAL	4053 SQ FT (25.1%)



LEGEND

- 3/4" IRON PIPE MONUMENT SET
- MARKED BY LIC. NO. 19789
- ⊕ MONUMENT FOUND
- ⊕ BENCH MARK
- ⊕ CLEAN OUT
- ⊕ CURB STOP VALVE
- ⊕ WS WATER SPIGOT
- ⊕ UTILITY POLE
- ⊕ DECIDUOUS TREE
- ⊕ CONIFEROUS TREE
- OU — UTILITY OVERHEAD
- - - INTERMEDIATE CONTOURS
- - - INDEX CONTOURS

Horizontal Datum: 1996 Le Sueur County Coordinate 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

4-12-2017
Date

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



**BOLTON
& MENK**

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

LOT 21 & LOT 22, WILDWOOD
IN GOV'T LOT 6, SECTION 3-109-25
WASHINGTON TOWNSHIP

FOR: JOE MURILLA AND ANGIE JAHR

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JOB NUMBER: M33.113620

FIELD BOOK: 90H, P. 67

DRAWN BY: LB

4.0 S3-T109-R25-30

PROPOSED CONDITIONS

PID 13.800.0210

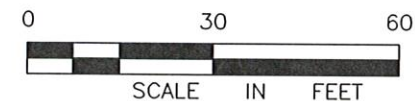
OWNER
JOE MURILLA & ANGIE JAHR
21588 598TH AVE
EAGLE LAKE, MN 56024

SITE ADDRESS
46881 MAPLE LANE
MADISON LAKE, MN 56063

TOTAL LOT AREA
16122 SQ FT

PROPOSED IMPERVIOUS SURFACES

BUILDING W/OVERHANG	3043 SQ FT
BOAT HOUSE	99 SQ FT
DECK	132 SQ FT
ROCK WALL 1	134 SQ FT
ROCK WALL 2	190 SQ FT
ROCK WALL 3	116 SQ FT
TIMBER RETAINING WALLS	16 SQ FT
WOOD STEPS	116 SQ FT
TOTAL	3846 SQ FT (23.8%)



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Rory Jensen
Rory Jensen
License Number 19789

4-13-2017
Date

REVISED ORIGINAL SURVEY: 9-14-17

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



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

LOT 21 & LOT 22, WILDWOOD
IN GOV'T LOT 6, SECTION 3-109-25
WASHINGTON TOWNSHIP

FOR: JOE MURILLA AND ANGIE JAHR

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JOB NUMBER: M33.113620

FIELD BOOK: 90H, P. 67

DRAWN BY: LB

4.0 S3-T109-R25-30

Surveyor Certification

I. **Applicant:**
 Name Joe MURILLA & ANGIE JAHR

II. **Landowner:**
 Name Joe MURILLA & ANGIE JAHR
 Property Address 46881 MAPLE LANE
 City MADISON LAKE State MIN Zip 56063

III. **Parcel Information:**
 Parcel Number 13.800.0210

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

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

***Site shall be physically staked, then surveyed.**

***Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.**

***Stakes must remain in place until construction commences.**

V. **Quantities and Submittal Formats:**

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

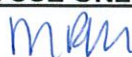
VI. **Signatures:**

The proposed improvements have been physically staked onsite then surveyed on 9/26/17, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Surveyor Signature  Date 9/15/17 Lic # 19789

OFFICE USE ONLY

Date Received 9-18-17 Planning & Zoning Department Signature 



PROJECT INFO
MURILLA
 Lake Jefferson
 Home

NEW CONSTRUCTION

GENERAL PLAN NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISHES ARE TO BE DETERMINED BY THE OWNER.
 3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
 4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LOGISTICS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCESS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY STORAGE.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY OFFICE SPACE.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRAVEL.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEALS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SLEEPING ACCOMMODATIONS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BATHING FACILITIES.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CLOTHING.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TOILETRIES.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICATION.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FOOD AND BEVERAGES.
 21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENTERTAINMENT.
 22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECREATION.
 23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EDUCATION.
 24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HEALTH CARE.
 25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL SERVICES.
 26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL SERVICES.
 27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOCIAL SERVICES.
 28. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RELIGIOUS SERVICES.
 29. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CULTURAL SERVICES.
 30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNITY SERVICES.

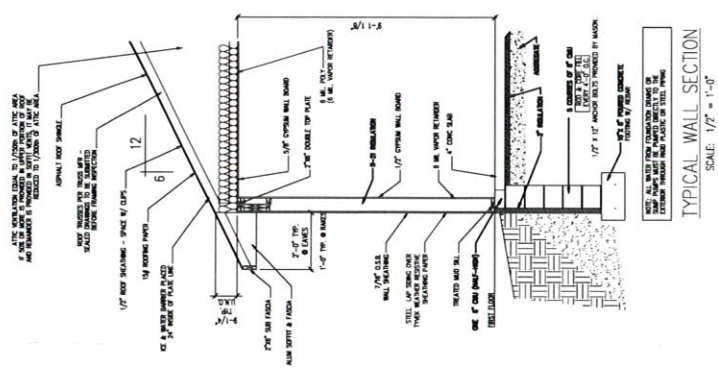
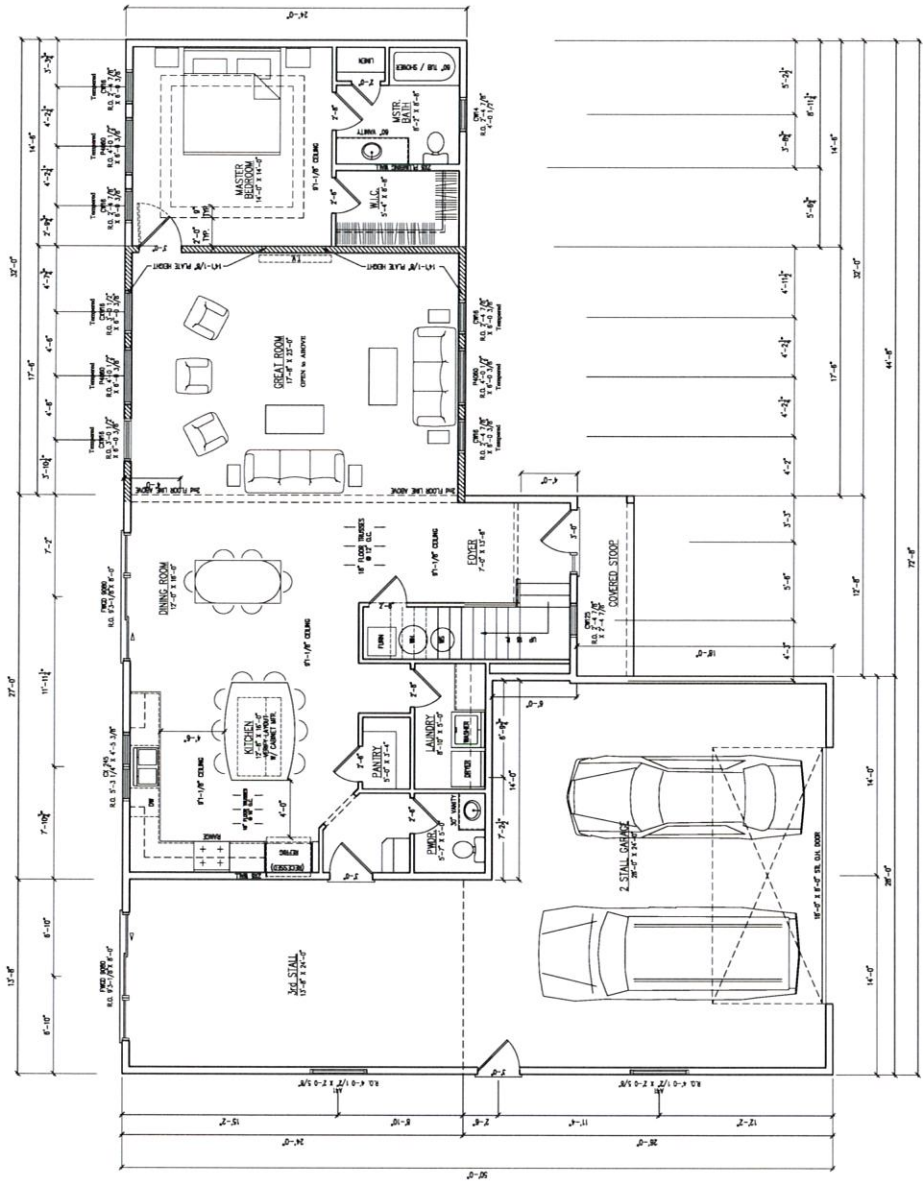
DRAWN BY: NPH
DATE: 9-13-17
FILE NAME: MURILLA

NO.	DATE	DESCRIPTION
1	9-13-17	3-4-17

SHEET NO. 1

MURILLA
 Lake Jefferson Lot
 Built by: Joe MURILLA Construction

ESTIMATE ONLY
NOT FOR CONSTRUCTION



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: Joe Murrilla PID: 13.800.0210
Mailing Address: 21588 598th Ave Eagle Lake MN 56024
Property Address: 46881 Maple Dr Madison Lake MN 56063
Phone: (507) 469-0791 Mobile/Cell: (507) 341-5100

Responsible party for Implementation/Inspection: Murrilla Construction
Address: 21588 598th Ave Eagle Lake MN 56024
Phone: (507) 469-0791 Mobile/Cell: (507) 341-5100

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

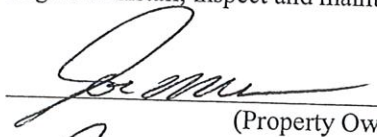
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the 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.

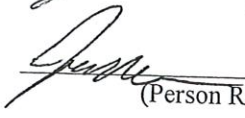
Inspection and Maintenance

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.


(Property Owner)

9-18-17
(Date)


(Person Responsible for Implementation)

9-18-17
(Date)

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

PROPOSED CONDITIONS

PID 13.800.0210

OWNER
JOE MURILLA & ANGIE JAHR
21588 598TH AVE
EAGLE LAKE, MN 56024

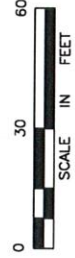
SITE ADDRESS
48881 MAPLE LANE
MADISON LAKE, MN 56063



TOTAL LOT AREA
16122 SQ FT

PROPOSED IMPERVIOUS SURFACES

BUILDING W/OVERHANG	3043 SQ FT
BOAT HOUSE	99 SQ FT
DECK	132 SQ FT
ROCK WALL 1	134 SQ FT
ROCK WALL 2	190 SQ FT
ROCK WALL 3	116 SQ FT
TIMBER RETAINING WALLS	116 SQ FT
WOOD STEPS	116 SQ FT
TOTAL	3846 SQ FT (23.8%)



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 13785
- MONUMENT FOUND
- BENCH MARK
- CLEAN OUT
- CURB STOP VALVE
- WATER SPIGOT
- UTILITY POLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- UTILITY OVERHEAD
- INTERMEDIATE CONTOURS
- INDEX CONTOURS
- OU

Horizontal Datum: 1996 Le Sueur County Coordinate 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 13789
Date 4-13-2017

REVISED ORIGINAL SURVEY: 9-14-17

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



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

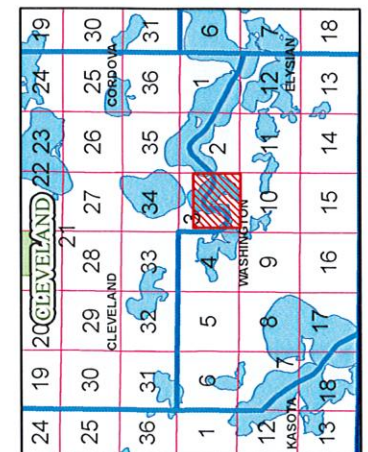
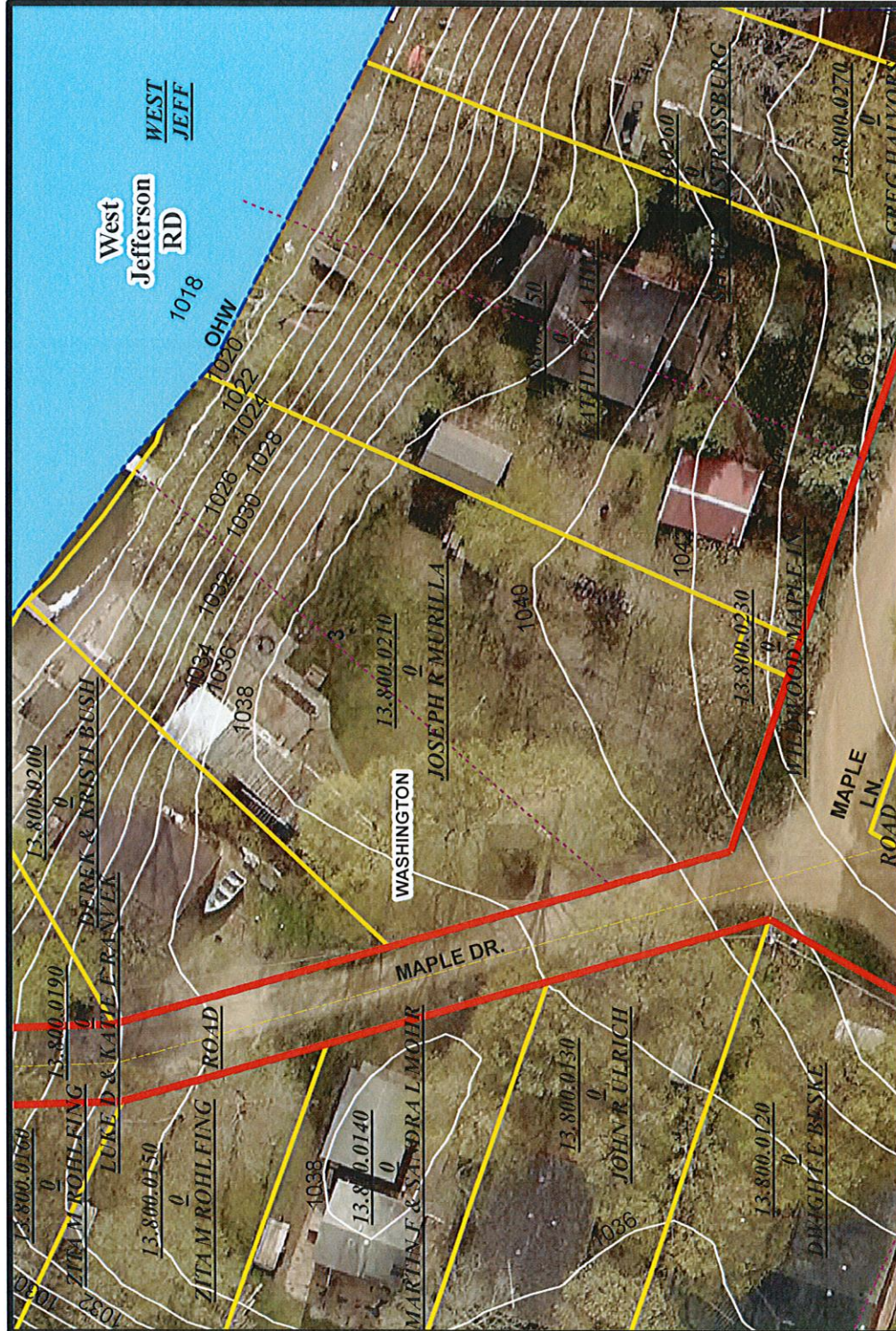
FOR: JOE MURILLA AND ANGIE JAHR

JOB NUMBER: M33.113620 FIELD BOOK: 90H, P. 67
DRAWN BY: LB

4.0 S3-T109-R25-30

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Murilla / Jahr
 PID: 13.800.0210
 DATE: 10-3-17
 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: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

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	
Lakes	
Parcel	
Contours 2 ft	



Le Sueur County, MN

Thursday, October 19, 2017

Regular Session

Item 2

Ballman Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Darryl Ballman
911 ADDRESS: 944 10th St, Cleveland, MN
VARIANCE REQUEST: To construct a deck 63 feet from the road Right-Of-Way (ROW).
VARIANCE NUMBER: 17359
PARCEL NUMBER: 01.021.5200

SITE INFORMATION

LOCATION: Part of the SE/SE of Section 21, Cleveland Township.
ZONING & PURPOSE: Agriculture

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does not make reference to road ROW setbacks.

GENERAL SITE DESCRIPTION: Agriculture, scattered residences

ACCESS: Existing off County Road 15

LAKE: 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:

- | 1. <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---|-----------------|--------------------------------|-------------------|--------------|
| a. Structure to County road ROW: 63 feet | 75 feet | Section 8, Subdivision 5. B. 2 | 8-7 | |
| 2. 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. | | | | |
| 3. A Variance may be granted <u>only</u> where the strict enforcement of the official controls will result in a practical difficulty . | | | | |
| 4. It is the responsibility of the <u>applicant</u> and/or landowner to prove evidence that a practical difficulty exists. | | | | |
| 5. A determination that a <u>practical difficulty exists</u> upon the consideration of the findings of fact . | | | | |
| 6. | | | | |

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. County Road 15 Right-Of-Way was widened after dwelling was constructed.

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: DARRYL BALLMAN

Variance # 17359

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A DECK 63 FEET FROM THE 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
☐ ☐ ☐ ☐ ☐

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

Property Address 944 10TH ST S
City CLEVELAND State IN Zip 56017
Phone # 507 931-5827 Phone # _____

III. Parcel Information:

Parcel Number R 01.021.5200 Parcel Acreage 13.59
Township CLEVELAND Section 21
Subdivision X Lot X Block X

*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).

DECK AT 63' FROM RIGHT-OF-WAY

V. Description of Request:

X 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.)

TOWN OF CLEVELAND Township notified on 9-11-17
(Township Name) (Date)

Board Member ART DAVIS, JR 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 - <i>Within and adjacent to project area.</i> | |
| • Lot Dimensions | • Ponds | • Location of trees to be removed - <i>Shoreland Districts.</i> | |

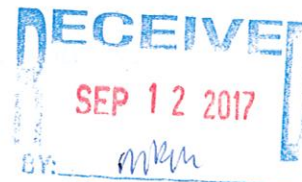
• Impervious Surface

- 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.

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

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

SEE ATTACH PAGE

IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input type="checkbox"/> a. Site Plan- survey | <input checked="" 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 |
| <input checked="" 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:

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

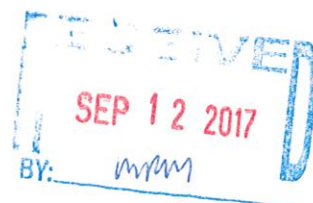
XI. Fees:

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.

- Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- 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.**
- All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- Fees **will not** be accepted by mail and must be paid at the time of application.
- 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.
- Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

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.

Dan Ballman
Applicant signature

9-13-17
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.

Dan Ballman
Landowner signature

9-13-17
Date

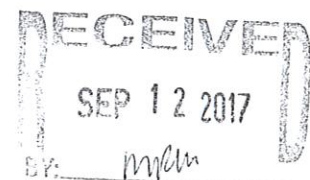
OFFICE USE ONLY

Date received <u>9-12-17</u>	Present Zoning Classification <u>A</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>10-12-17</u>	Lake Classification <u>/</u>	Erosion Control Plan Y <u>(N)</u>
60 Day <u>11-12-17</u>	Lake <u>/</u>	Water courses Y <u>(N)</u>
RFPE <u>NA</u>	FEMA Panel # <u>27079C02550</u>	Bluff Y <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 checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>1640</u>
<input type="checkbox"/> Application complete	<u>Michelle R. Smith</u> Planning & Zoning Department Signature	<u>9-13-17</u> Date
		<u>17359</u> Permit #

COC
NONC/Waiver
Design

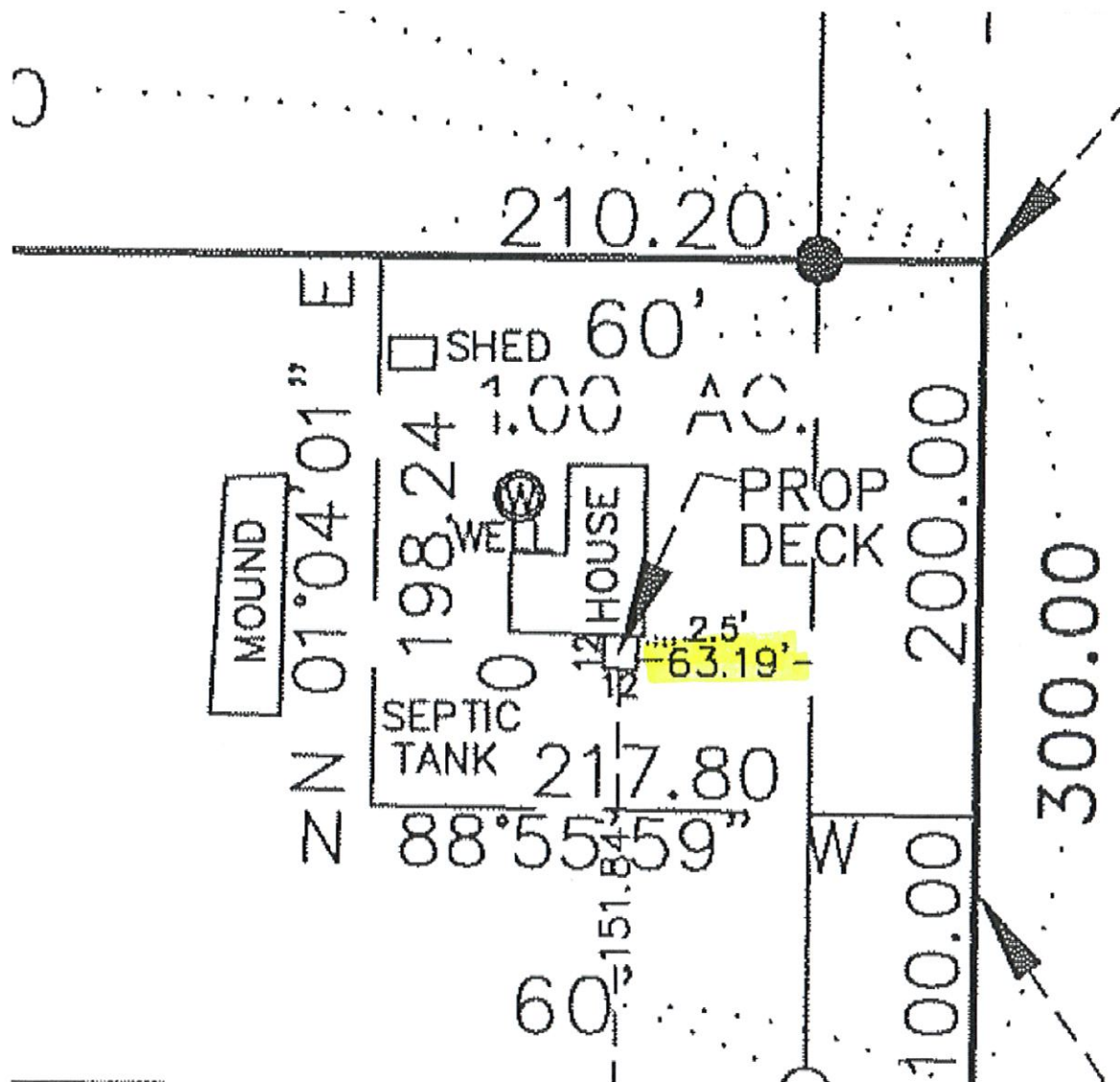
ATF / SPEC MTG

01-15-16



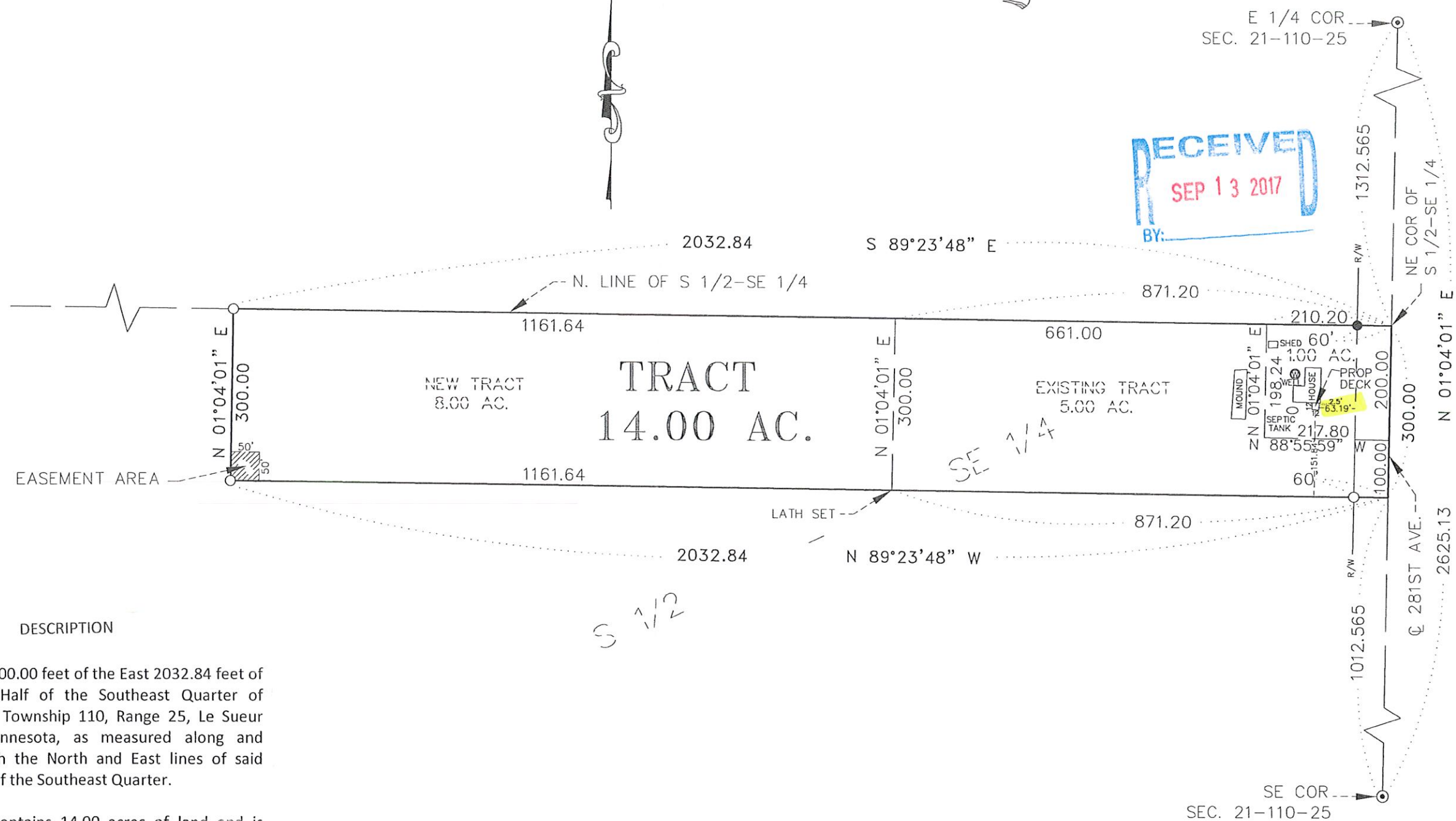
- ① THE DECK WILL BE BUILT ON THE SOUTH SIDE OF HOUSE, IT WILL NOT BE ANY CLOSER TO THE ROAD RIGHT-OF-WAY THAN THE HOUSE ITSELF.
- ② IN 1979 I ATTAIN 1 ACRE OF LAND, WHICH WAS THE RURAL DWELLING REGULATION AT THAT TIME OF BUILDING A HOUSE, I BELIEVE THE FRONT YARD SETBACK FROM THE RIGHT-OF-WAY WAS 50' AT THE TIME. IN 2005 THE ROAD WAS WIDEN ON MY SIDE OF THE HWY. THIS MOVED THE RIGHT-OF-WAY MUCH CLOSER TO THE FRONT OF MY HOUSE. I NOW OWN MORE LAND AROUND THE BUILDING SITE.
- ③ WITH THE ROAD CLOSER TO MY HOUSE AND A YARD SET BACK OF 75' I'LL REQUIRE A VARIANCE.
- ④ BEING IN A RURAL AREA, THE DECK SHOULD NOT AFFECT THE CHARACTER OF THE LOCALITY.
- ⑤ NO
- ⑥ YES LE SUEUR COUNTY HAS ADOPTED AND ENFORCES LAND USE GOALS AND POLICIES THAT PROVIDE FOR THE OPPORTUNITY FOR RURAL HOUSING DEVELOPMENT, WITH THE OBJECTIVE TO ALLOW DEVELOPMENT TO OCCUR IN AGRICULTURAL AREAS.
- ⑦ LE SUEUR COUNTY ALLOWS NON-FARM DEVELOPMENT TO OCCUR IN AGRICULTURAL AREAS. THE DECK WILL BE BUILT AT BUILDING SITE AND WILL NOT CAUSE CONFLICTS WITH AGRICULTURAL OPERATORS.
- ⑧ A NEW SEPTIC MOUND SYSTEM HAS BEEN INSTALLED WITH 3 BEDROOM CAPABILITIES.
- ⑨ WHEN THE HOUSE WAS BUILT, THE PLANS CALLED FOR A DECK OFF OF THE DINNING AREA. THE DECK DOORS AND LEDGER BOARD WERE FN STALLED AT THAT TIME. I WANT TO STAY WITH ORIGINAL PLANS.





RECEIVED
SEP 13 2017
BY: _____

CERTIFICATE OF SURVEY



DESCRIPTION

The North 300.00 feet of the East 2032.84 feet of the South Half of the Southeast Quarter of Section 21, Township 110, Range 25, Le Sueur County, Minnesota, as measured along and parallel with the North and East lines of said South Half of the Southeast Quarter.

This tract contains 14.00 acres of land and is subject to any and all easements of record.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

AVERY GROCHOW, LS

DATE 8/18/17

REVISED: 9/13/17

REGISTRATION NO. 15475

LAND SURVEY FOR
DARRYL BALLMAN
PART OF S 1/2 - SE 1/4
SEC. 21, T110, R25 CLEVELAND TOWNSHIP
LE SUEUR COUNTY, MINNESOTA

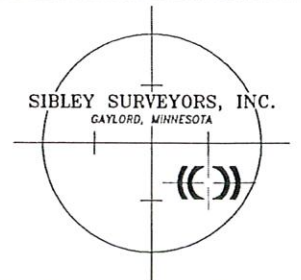
- ⊙ DENOTES LE SUEUR CO. MONUMENT
- DENOTES IRON PIPE FOUND
- DENOTES IRON PIPE SET BY RLS NO. 15475

SCALE: 1 INCH = 200 FEET

Aug., 2017

FILE NO. 3655

SIBLEY SURVEYORS, INC.
GAYLORD, MINNESOTA



Surveyor Certification

I. Applicant:
Name DARRYL D. BALLMAN

II. Landowner:
Name DARRYL BALLMAN
Property Address 944 10TH STS
City CLEVELAND State MN Zip 56017

III. Parcel Information:
Parcel Number R 01.021.5200

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.*

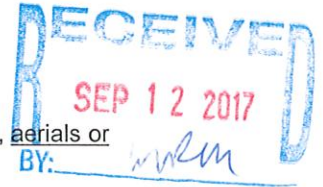
*Site shall be physically staked, then surveyed.

*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 8.17.17, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Surveyor Signature [Signature] Date 8-22-17 Lic # 15475

OFFICE USE ONLY

Date Received 9.12.17 Planning & Zoning Department Signature [Signature]

The Design ID can be used for recalling your design from Menards.com or one of our in-store Design-It kiosks. The Estimate ID can be used to purchase your items from the Menards location above.



Illustration intended to show general deck size and shape. Some options selected may not be shown for picture clarity.

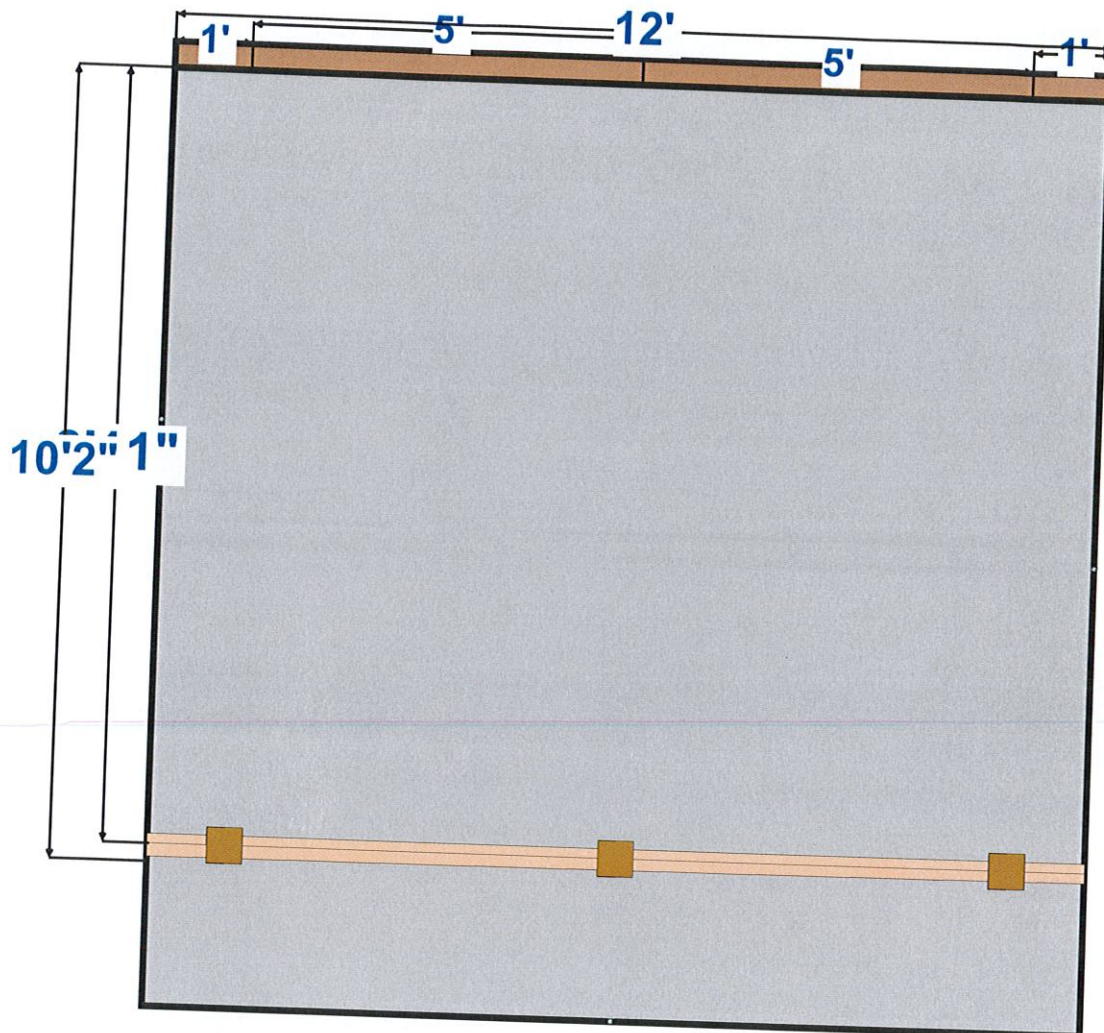
Estimated Price:

Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

\$1,629.20

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise in this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO PURCHASES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please read this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

Post and Beam Dimension Sheet for Level 1

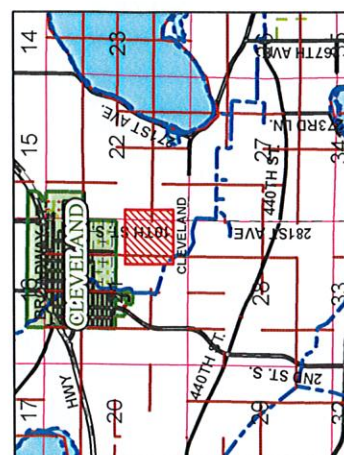
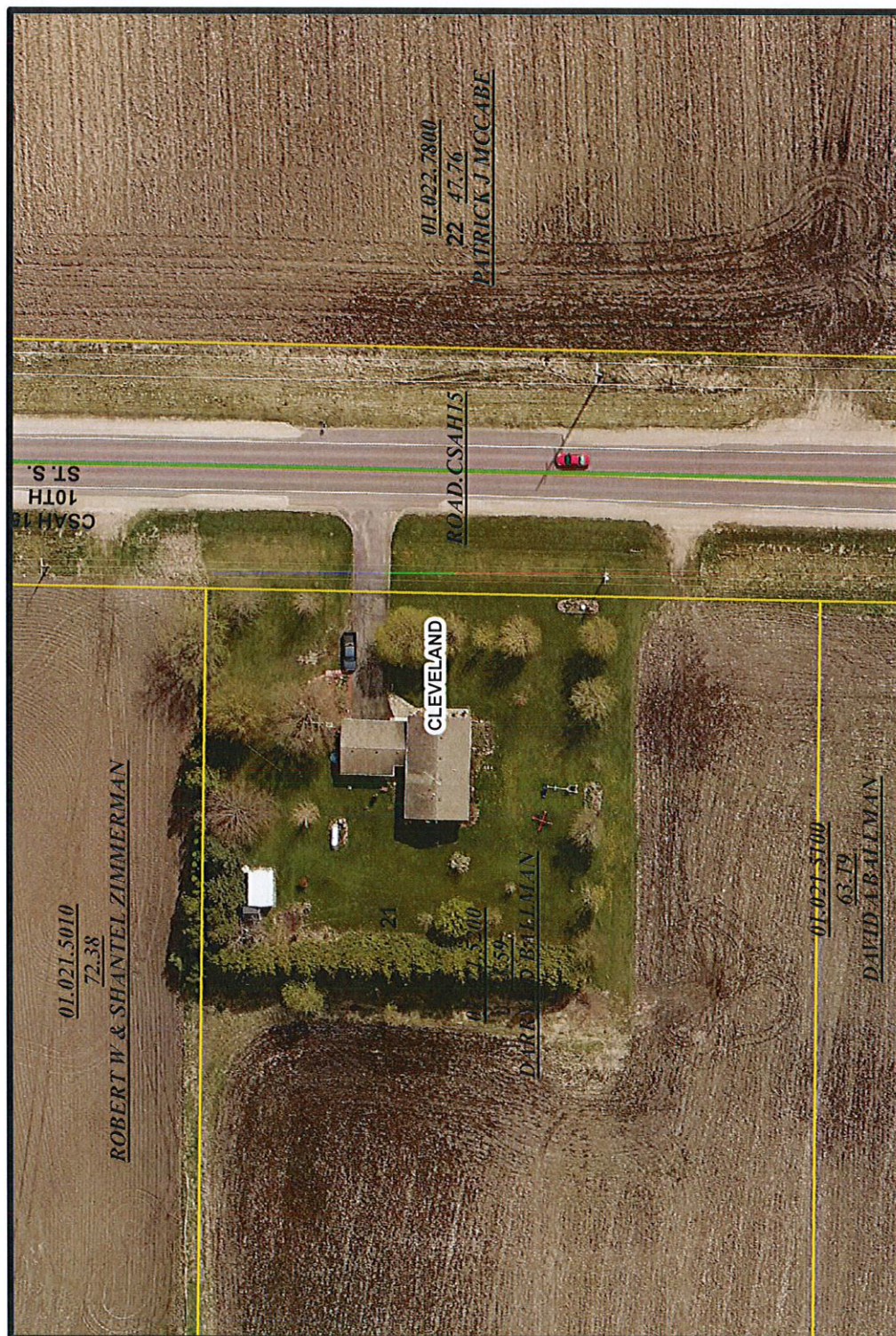


RECEIVED
SEP 12 2017
BY: *mfm*

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise in this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

NAME: Ballman
PID: 01.021.5200
DATE: 10-3-17
FIRM #: 27079C0255D
F-Zone: X-Outside
RFPE: na
District: Agriculture



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, October 19, 2017

Regular Session

Item 3

Ledvina Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Richard Ledvina

911 ADDRESS: 46437 Cape Horn Rd, Cleveland

VARIANCE REQUEST: To allow the applicant to install a new septic tank 0 feet from the structure; construct a septic drainfield 45 feet from the Ordinary High Water Level (OHWL), 6 feet from the structure, 3 feet from the property line; and locate septic system within the bluff.

VARIANCE NUMBER: 17235

PARCEL NUMBER: 01.500.0100

SITE INFORMATION

LOCATION: Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township

ZONING & PURPOSE: Recreational Residential

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

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes 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 Cape Horn Road

LAKE: Lake Jefferson, Recreational Development lake

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

ATTACHMENTS

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

STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic/Pump tank to structure:	0 feet	10 feet	Section 17, Subdiv. 4. D. 1. b.	17-9

Page 1 of 2

b. Septic drainfield to OHWL:	45 feet	75 feet	Section 17, Subdiv. 4. D. 5. b.2.	17-9
c. Septic drainfield to structure:	6 feet	20 feet	Section 17, Subdiv. 4. D. 1. a.	17-9
d. Septic drainfield to property line:	3 feet	10 feet	Section 17, Subdiv. 4. D. 2.	17-9
e. Septic system to bluff:	<u>Within</u>	0 feet- <u>outside</u>	Section 17, Subdiv. 4. D. 9. a. 3.	17-9

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. Non-conforming Lots of Record in Shoreland Areas pg. 19
 - d. 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. Variance would allow the applicant to deviate from the 30-foot required bluff setback. (*Located within bluff.*)
 - c. Proposal will require a Conditional Use Permit for grading, excavating, and filling within a bluff.

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: RICHARD LEDVINA

Variance # 17237

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A NEW SEPTIC TANK 0 FEET FROM THE STRUCTURE;
CONSTRUCT A SEPTIC DRAINFIELD 45 FEET FROM THE OHWL, 6 FEET FROM THE
STRUCTURE, 3 FEET FROM THE PROPERTY LINE; SEPTIC TANK AND DRAINFIELD LOCATED IN

- 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 Richard Ledvina
 Mailing Address 46437 Cape Horn Rd
 City Cleveland State MN Zip 56017
 Phone # 808-357-4276 Phone # _____

II. Landowner:

Name "as above"
 Property Address _____
 City _____ State _____ Zip _____
 Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 01.500.0030 Parcel Acreage _____
 Township Cleveland Section _____
 Subdivision Cape Horn Lot 4 Block 1

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).

- ① Septic tank 2-feet to dwelling ② Drain field 45 ft from lake
 ③ 3 feet from property line and ④ 6 feet to the dwelling
 ⑤ Located in the bluff

V. Description of Request:

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

VI. Township Notification:

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

Cleveland Township notified on 07/12/17
 (Township Name) (Date)

Board Member John Kluntz regarding the proposed request.
 (Name)

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

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts.*

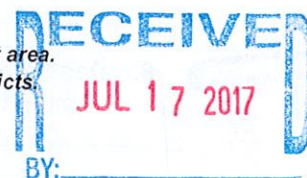
• Impervious Surface

- Required for *Shoreland, Business, & Industrial Districts.*
- Itemized current & proposed impervious surfaces to include total percentages.
- Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

*Site shall be physically staked, *then* surveyed.

*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.

*Stakes must remain in place until construction commences.



VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

See attached description for 1-9
on attached sheet

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

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

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

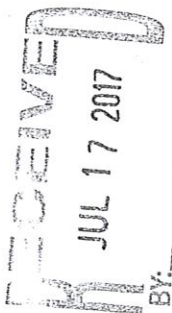
5. Does the alleged practical difficulty involve more than economic considerations?

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

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

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

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



IX. Attachments shall include but not limited to:

- | | |
|---|--|
| <input type="checkbox"/> a. Site Plan- survey | <input type="checkbox"/> e. Floor plans and/or blue prints (<i>For structures</i>) |
| <input type="checkbox"/> b. Surveyor Certification | <input checked="" type="checkbox"/> f. Septic System Compliance Inspection |
| <input checked="" 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:

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

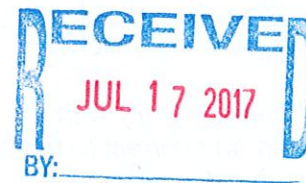
XI. Fees:

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.

- Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- 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.**
- All required information must be correct and submitted **at the time of application.** or the application will not be accepted.
- Fees **will not** be accepted by mail and must be paid at the time of application.
- 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.
- Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

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

XIII. Signatures:

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

[Signature]
Applicant signature

07/12/17
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.

[Signature]
Landowner signature

07/12/17
Date

OFFICE USE ONLY

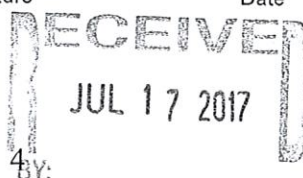
Date received <u>7-17-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>8-17-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>(Y)</u> <u>N</u>
60 Day <u>9-15-17</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>(N)</u>
RFPE <u>102280</u>	FEMA Panel # <u>27076000200</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	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>6410</u>
<input type="checkbox"/> Application complete	<u>mem</u>	<u>7-17-17</u>
	Planning & Zoning Department Signature	Date
		Permit # <u>17237</u>

COC
NONC/Waiver
Design

ATF / SPEC MTG

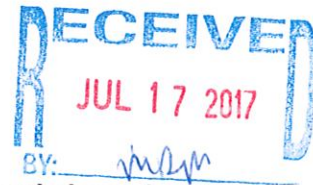
Permit #

01-15-16



4y:

Variance Application



Section V. Description of Request

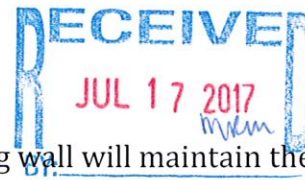
Property was built in 1970's on a very small lot. Property currently has a holding tank with drain field that is not in compliance. Home was bought in December 2015 and currently has family of 4 residing in it year-round. In 2015, home was bought with understanding that Bruender Construction would be placing a cluster system in the area which would have minimal environmental impact to the property address now requesting variance, however, in mid-2017, the landowner of the property was notified by Bruender Construction that the cluster system plan was being abandoned and that the landowner would have to seek other options for septic.

The current situation is that the property is on a small lot with only one location to place a septic system (on a bluff between Lake Jefferson and a community well-roughly 50 ft from well and lake). Option 1 would be to be on a holding tank and have tank pumped when full, however given family of 4 residing at the home, the tank would have to be pumped at least once per week in addition to facing constant threat of tank overflow. Option 2, which I am requesting variance for, would require a mound system built into the bluff, which requires a retaining wall to support the mound system. Also variance for new tank to the dwelling, drain field to dwelling, to the property line and to the lake. The variance is essential given the lack of options for septic placement.

Section VIII. Practical Difficulty

d.

1. Request is reasonable given the very small lot with little options for septic placement. The bluff is the only location on the property that can support placement of the septic (and where the current septic is located). The community well located on the southwestern portion of the property and the lake on the southeastern portion of the property along with setbacks necessitate the location of a mound system and supporting retaining wall (which requires variance approval).
2. The unique circumstance that prevents compliance with zoning ordinance are the lot size, community well location, lake location and bluff all of which are located in the only area on the lot there is room for septic system to be placed.
3. The unique circumstances causing the practical difficulty were created due to the original lot size that the home was allowed to be built on in 1972. Additionally, when the home was bought in 12/2015 for full-time living quarters for my family, Bruender Construction took a down payment for a cluster system that would allow the current septic to become compliant, however Bruender abandoned cluster system plan, thereby necessitating the option for a mound system and supporting retaining wall.



4. The proposed mound system and supporting retaining wall will maintain the essential character of the locality as it will only raise the ground level in the area of the bluff supporting the mound system. Minimal trees and brush will be removed in the process. The structure will also leave nearby properties unaffected. The neighbor bordering the property line of the septic is accepting to the septic plan and is also willing to sell some of his property to me if needed.

5. The practical difficulty does involve more than economic considerations. The only other septic option that wouldn't require variance would be a capped holding tank, however this is highly unreasonable and not recommended given family of 4 living year-round at home. If a capped holding tank option was used, there would be constant threat of overflow into dwelling and outside of dwelling. Furthermore, company who would do the pumping (would be required at least once per week) would not be able to miss a scheduled pumping date (snowstorm, etc), as a one-day delay could result in tank overflow (which would be environmentally unacceptable).

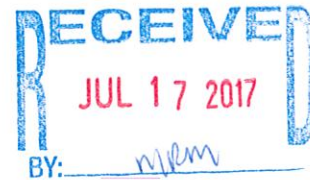
6. The request is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. More specifically, this plan will not affect agricultural soil and land (goal 1), it will conserve natural resources and protect ecological systems while improving water quality in the Lake Jefferson area (goals 2 and 3). For example, the proposed mound system with the supporting retaining wall will be a much more environmentally efficient septic system than the current one or that of a holding tank. A holding tank would not support a family of four without constant threat of overflow, which would occur both inside the dwelling and outside near the lake and community well (would have to be pumped a minimum of once weekly). Also, the proposed septic system would improve the water quality by providing more dirt fill to allow a septic to be better filtered before entering the water table. This will contribute to improved well water, and Lake Jefferson water quality overall. The septic would be placed on a bluff, however the bluff is not a significant one and also is hidden by trees/brush, which makes any cosmetic concerns minimal for the public (can't be seen by the public from nearby roads or from the lake. Furthermore, the bluff would only be altered in the area of septic placement (current septic/drain field is already placed there anyways). Dirt fill and a retaining wall will be placed with minimal impact to the ecological/environment/bluff area. The retaining wall and septic project may actually preserve the bluff (versus its natural state) by preventing soil erosion from heavy rain fall and melting snow once water diversion mechanisms are in place (part of the septic placement plan).

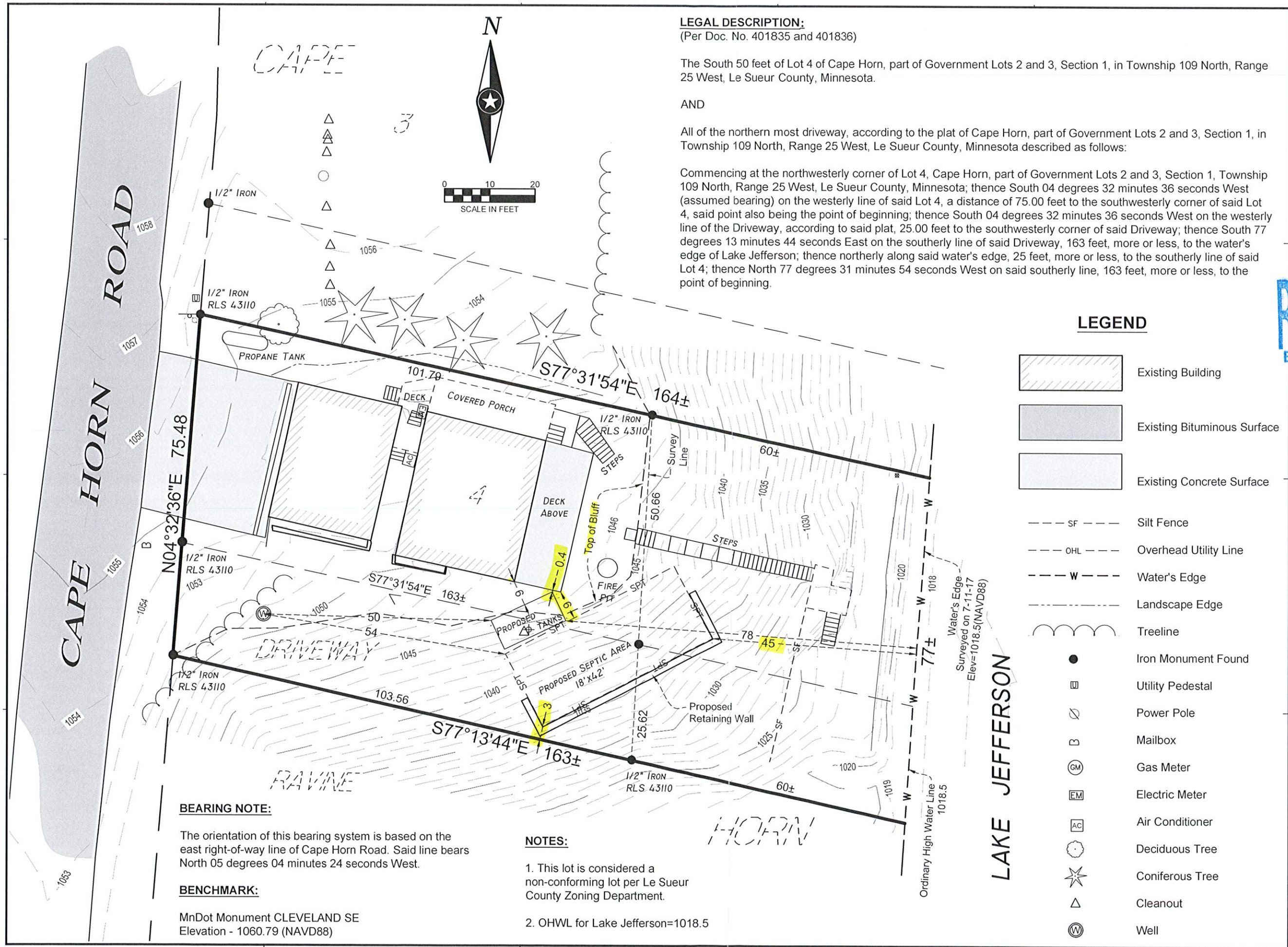
7. The variance request is consistent with the Comprehensive Land Use Plan by the reasoning stated in #6.

8. The property's current onsite sewage treatment system consists of a tank with drain field, which is currently not in compliance with the ordinance. Current owner explored several avenues for compliance for living in the home year round (primary residence). A down payment was placed on a proposed cluster system in late 2015,

however the contractor for the cluster system abandoned the project. The next option was a mound system with a supporting retaining wall. Holding tanks were not explored due to the need for a septic system that could support a family of four year round.

9. This request is the minimum variance to afford relief as it is the only remaining option given the limited property size, limited bluff setback, and distance constraints from community well and lake. A cluster system proposal was abandoned by the contractor and a holding tank would not be reasonable given the family size living at the property year-round. Unfortunately, a mound system and retaining wall is projected to cost the owner at least \$40,000.00 to complete, which is the most cost efficient and environmentally friendly option at this time.





LEGAL DESCRIPTION:
(Per Doc. No. 401835 and 401836)

The South 50 feet of Lot 4 of Cape Horn, part of Government Lots 2 and 3, Section 1, in Township 109 North, Range 25 West, Le Sueur County, Minnesota.

AND

All of the northern most driveway, according to the plat of Cape Horn, part of Government Lots 2 and 3, Section 1, in Township 109 North, Range 25 West, Le Sueur County, Minnesota described as follows:

Commencing at the northwesterly corner of Lot 4, Cape Horn, part of Government Lots 2 and 3, Section 1, Township 109 North, Range 25 West, Le Sueur County, Minnesota; thence South 04 degrees 32 minutes 36 seconds West (assumed bearing) on the westerly line of said Lot 4, a distance of 75.00 feet to the southwesterly corner of said Lot 4, said point also being the point of beginning; thence South 04 degrees 32 minutes 36 seconds West on the westerly line of the Driveway, according to said plat, 25.00 feet to the southwesterly corner of said Driveway; thence South 77 degrees 13 minutes 44 seconds East on the southerly line of said Driveway, 163 feet, more or less, to the water's edge of Lake Jefferson; thence northerly along said water's edge, 25 feet, more or less, to the southerly line of said Lot 4; thence North 77 degrees 31 minutes 54 seconds West on said southerly line, 163 feet, more or less, to the point of beginning.

LEGEND

- Existing Building
- Existing Bituminous Surface
- Existing Concrete Surface
- SF Silt Fence
- OHL Overhead Utility Line
- W Water's Edge
- Landscape Edge
- Treeline
- Iron Monument Found
- Utility Pedestal
- Power Pole
- Mailbox
- Gas Meter
- Electric Meter
- Air Conditioner
- Deciduous Tree
- Coniferous Tree
- Cleanout
- Well

BEARING NOTE:

The orientation of this bearing system is based on the east right-of-way line of Cape Horn Road. Said line bears North 05 degrees 04 minutes 24 seconds West.

BENCHMARK:

MnDot Monument CLEVELAND SE
Elevation - 1060.79 (NAVD88)

NOTES:

- This lot is considered a non-conforming lot per Le Sueur County Zoning Department.
- OHWL for Lake Jefferson=1018.5



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.

DANIEL L. STUEBER

DATE 07/17/2017 LIC. NO. 43110

THIS DOCUMENT IS THE PROPERTY OF I & S GROUP, INC. AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

PROJECT

RICHARD & PAMELA LEDVINA

Driveway & S 50' of Lot 4, Cape Horn, Le Sueur County, Minnesota.

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO. 17-20727
CAD FILE NAME 20727 CERT
DRAWN BY KH
DESIGNED BY
REVIEWED BY
ORIGINAL ISSUE DATE
CLIENT PROJECT NO.

TITLE

CERTIFICATE OF SURVEY

SHEET

1 OF 1

Le Sueur County

Surveyor Certification

- I. **Applicant:**
Name DERICK LEDUINA
- II. **Property Owner (s), if different from above:**
Name _____
Property Address 46437 CAPE HORN ROAD
City CLEVELAND State MN Zip 56017
- III. **Parcel Information:**
Parcel Number 01.500.0030
- IV. **Quantities and Submittal Formats:**
- One reproducible 8.5" x 11" copy of the request and all other supporting documents.
 - If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
 - Electronic version of any supporting documents, if available.
 - Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
 - All required information must be correct and submitted at the time of application, or the application will not be accepted.

V. **Site Plan-must be a survey:**

BUILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED.

Site plan shall include but not limited to:

- North point
- setbacks
- property lines
- road right-of-way
- easements
- current & proposed impervious surface-Itemized with percentages (if in shoreland)
- landscape, screening and buffering (if applicable)
- location of significant trees to be removed (if applicable)
- note how disturbed areas will be restored (if applicable)
- lakes
- rivers
- wetlands, ponds
- streams
- well
- existing structures (within and adjacent to project area)
- proposed structures
- lot dimensions
- septic system
- access

- VI. The proposed improvements have been physically staked onsite then surveyed on 5/17/17 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. **Signatures:**

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

[Signature]
Surveyor's signature

07/17/17
Date

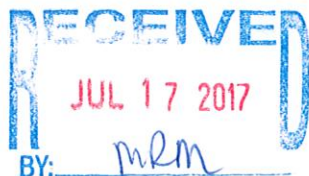
43110
Lic #

OFFICE USE ONLY

7-17-17
Date received

[Signature]
Planning & Zoning Authority signature

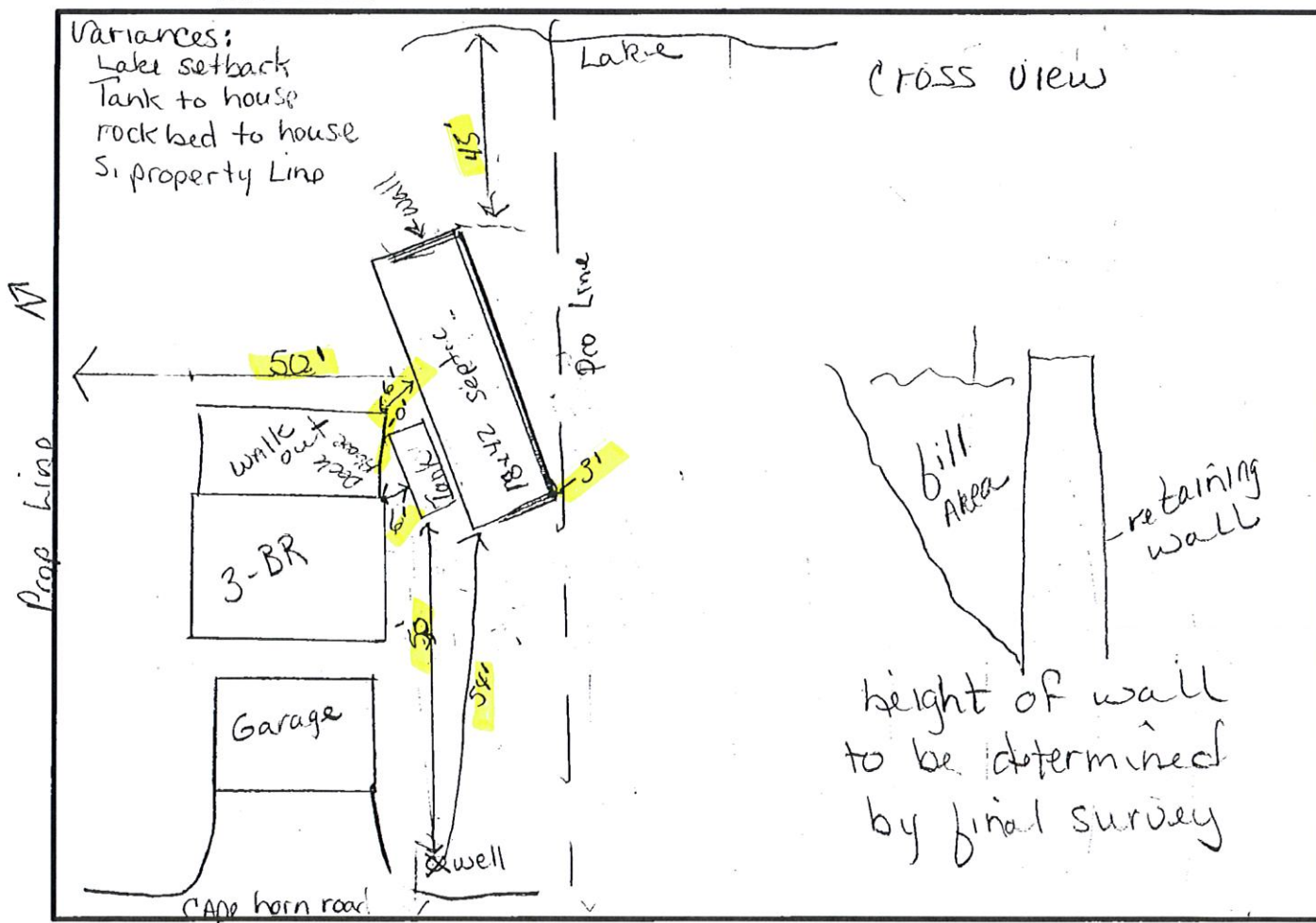
10-01-11



Property Owner: Derick Ledvina

Property Address: 46437 Cape Horn Road, Cleveland, MN 56017

Parcel Number: 01.500.0030



I hereby certify as a State of Minnesota Licensed Septic Contractor that the subsurface sewage treatment system diagramed 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 O. James

Septic Designer Company: _____

James Brothers Construction, Inc.

License Number: 73

Certification Number: 855

Date: _____

7/6/17

Septic Installer Signature: _____

Septic Installer Company: _____

James Brothers Construction, Inc.

License Number: 73

Certification Number: _____

Date: _____

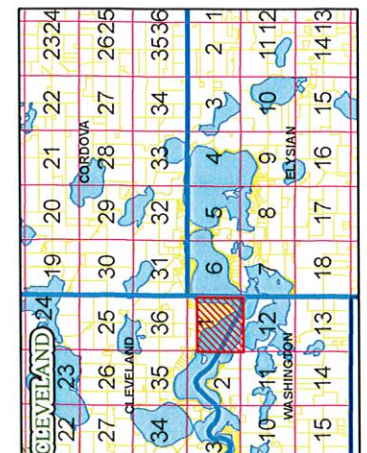
Mailing: 88 South Park Avenue
LeCenter, MN 56057

Physical: 515 South Maple Avenue
LeCenter, MN 56057

Revised: 3/2016

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Richard Ledvina
 PID: 01.500.0030
 DATE: 08-04-17
 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

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, October 19, 2017

Regular Session

Item 4

Baker Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Steven & Teresa Baker

911 ADDRESS: 47385 271st Ave, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to install a septic tank 82 feet from the Ordinary High Water Level (OHWL)

VARIANCE NUMBER: 17364

PARCEL NUMBER: 13.011.0300

SITE INFORMATION

LOCATION: Part of West 1/2 of the NW 1/4, Section 11, Washington Township

ZONING & PURPOSE: Special Protection

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to Natural Environment lake setbacks and water quality.

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 the natural environment, and prevent the premature development of natural resources areas.

Objective 3: Preserve shorelands on Natural Environment Lakes (NE) and Tributary Rives as open space or wildlife areas.

Action 2: On Natural Environment Lakes where land is zoned residential, continue using the larger lot sizes and water setback standards that were set in the 1996 amendments.

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, scattered residential, agriculture

ACCESS: Existing off County Road 15

LAKE: Un-named Natural Environment Lake

Natural Environment Lake - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

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: | 82 feet | 200 feet | Section 17, Subdiv. 4.D.5.a.1. | 17-9 |
2. Refer to DNR Guidance Letters:
- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
- a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
- b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
- c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. Additional Considerations:
- a. Property is located within the German/Jefferson Sewer District. Installation deadline 12-31-17.

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: STEVEN & TERESA BAKER

Variance # 17364

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 82' OHWL OF AN UNNAMED LAKE.

- 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 Steve & Teresa Baker
Mailing Address 47385 271st Ave
City Madison Lake State MN Zip 56063
Phone # (507) 931-3156 Phone # (507) 327-8910

II. Landowner:

Name Steve & Teresa Baker
Property Address 47385 271st Ave
City Madison Lake State MN Zip 56063
Phone # (507) 931-3156 Phone # (507) 327-8910

III. Parcel Information:

Parcel Number 13-011-0300 Parcel Acreage 5.9 acres
Township Washington Section 11-109-25 Quarter of
Subdivision _____ Lot _____ Block _____

Full Legal Description must be attached.

(Full legal description can be found on deed, not abbreviated legal description from tax statement).

IV. Variance Request: List requested alternative to development standard(s).

Requesting to place the vacuumed sealed tanks
82 ft from unnamed lake (marsh).

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.)

Washington Township notified on 8/22/2017
(Township Name) (Date)

Board Member Sue Ziebaith 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:

SEP 19 2017
BY:

- 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.
- A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- A determination that a practical difficulty exists upon the consideration of the following criteria:

- Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

The mound tank will be set back at the required feet - but the tanks will be 80 feet as our drainage from house runs out the south side of our home -

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

In 1992 the zoning allowed us to place septic system 75 feet from marsh. Now zoning says set back is 200 feet away - all pipes are on the other side of home don't want to destroy our home to run pipes out north side.

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

Since 1992 - DNR has titled the marsh on our property as unnamed lake - which now according to new setbacks we are to be 200 feet from marsh which is a natural filtration for runoff.

- How will the request maintain the essential character of the locality?

Wanting to put the water tight vacuum sealed tanks in the area where our original septic tank is located near

- Does the alleged practical difficulty involve more than economic considerations?

At this time we will be removing 6 trees and laying extra pipe to set up mound at the ordinance setback -

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

Yes the mound is setback 200 feet from the unnamed lake (marsh) which is farther than many homes on Lake Jefferson - also the sealed tanks will be setback farther than many homes on the lake -

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

We would be following the ordinance for the mound system - 200 foot setback - tanks 80 feet setback from unnamed lake (marsh which has no shoreline)

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

Our current gravity flow septic is on the south side of our home - asking to place sealed tanks on that same side of the home where pipes run out of our home already -

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

By setting the tanks 80 feet away on the south side we would not need 2 pumps and could utilize the set up from existing 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

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.

- 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.

Jesse Baker

Applicant signature

9/19/17

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.

Jesse Baker & Jesse Baker

Landowner signature

9/19/17

Date

OFFICE USE ONLY

Date received <u>9.19.17</u>	Present Zoning Classification <u>SP</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>10.19.17</u>	Lake Classification <u>NE</u>	Erosion Control Plan <u>(Y)</u> N
60 Day <u>11.17.17</u>	Lake <u>Unnamed</u>	Water courses <u>(Y)</u> N
RFPE _____	FEMA Panel # <u>27079CO270</u>	Bluff Y 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 type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval <u>Ext</u>	<input type="checkbox"/> Fee \$ <u>646.00</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<u>9.19.17</u>
<input checked="" type="checkbox"/> Application complete	<u>Kathy Brockway</u> Planning & Zoning Department Signature	<u>17364</u> Permit #

01-15-16



We are replacing our current septic system on our property as we are apart of the Herman / Jefferson septic district and our system is non compliant

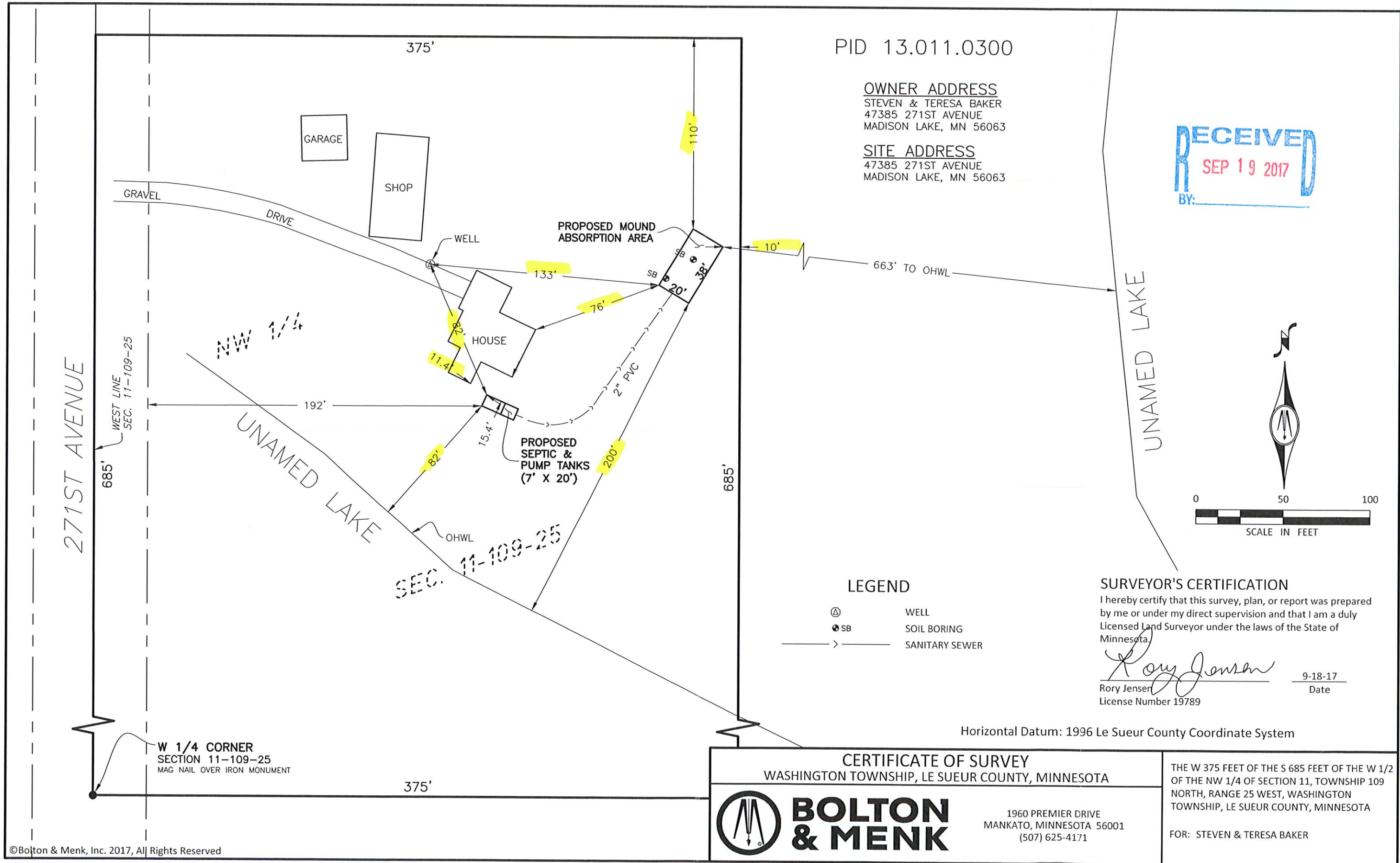
When we built our home in 1992 our septic system met the required set backs.

We were recently informed the D.N.R. has tilled the marsh land we own to the south of our home an un-named lake which now requires different set backs.

We are requesting with this variance to place the three sealed tanks 82 feet from the un-named lake / marsh which is a natural filtration system.

The septic pipes run east the south side of our home.

Steve & Teresa Baker



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SDB114670H

JOB NUMBER: M33.114670

FIELD BOOK: 90K PG 14

DRAWN BY: JLA

4.0 S11-T109N-R25W

Surveyor Certification

I. **Applicant:**
Name STEVE & TERESA BAKER

II. **Landowner:**
Name STEVE & TERESA BAKER
Property Address 47385 271st Ave.
City MADISON LAKE State MN Zip 56063

III. **Parcel Information:**
Parcel Number 13.011.0300

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 8/29/17 to reflect an accurate account of current and proposed conditions of the property identified above.

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

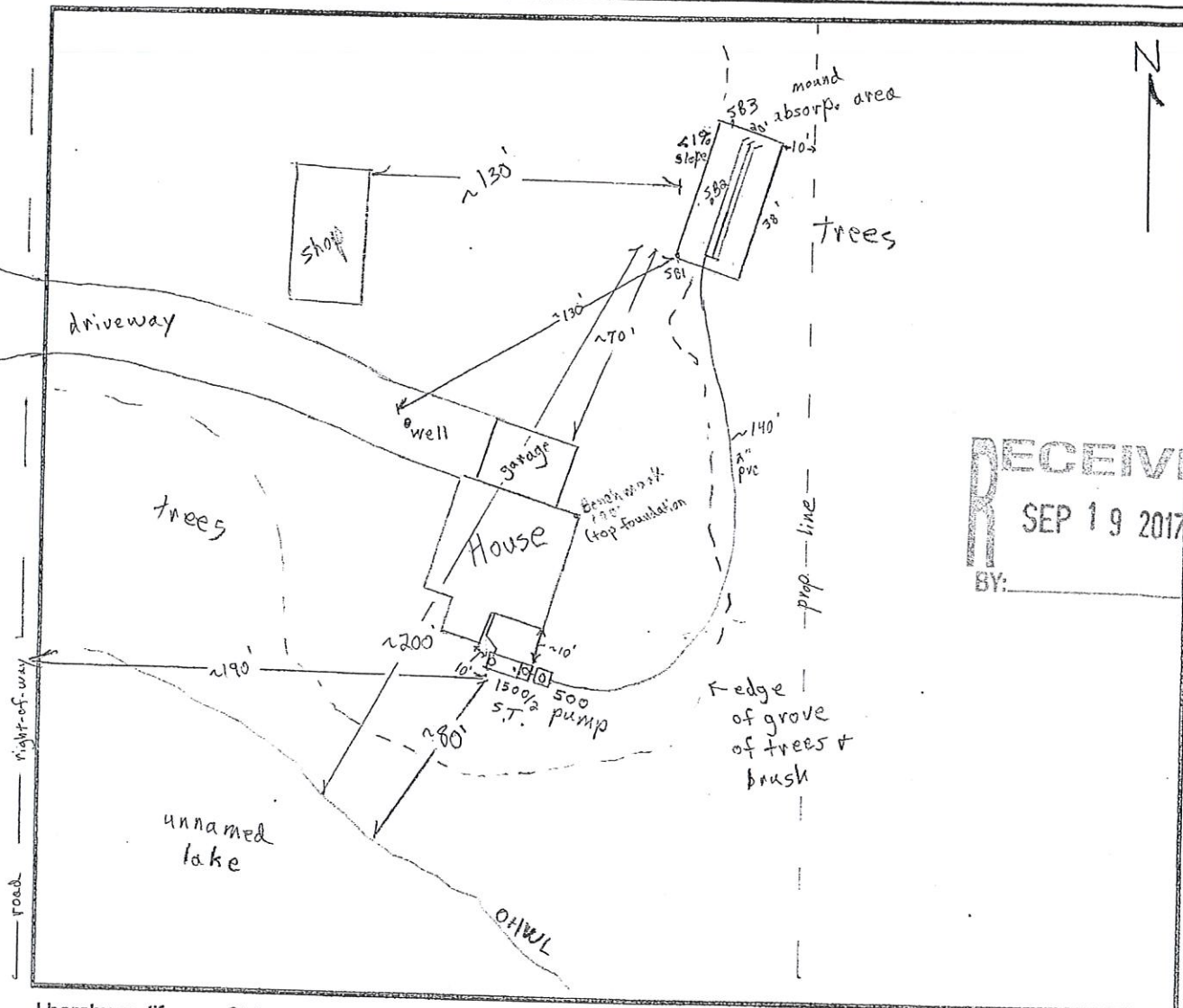
Surveyor Signature [Signature] Date 9/10/17 Lic # 19789

9.19.17
Date Received

OFFICE USE ONLY
[Signature]
Planning & Zoning Department Signature

Property Owner: Steve Baker
Property Address: 47385 271st Ave.
Parcel Number: 13.011.0300

Madison Lake



RECEIVED
SEP 19 2017
BY:

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:	<u>St. Peter Well</u>		
Septic Designer Company:	<u>St. Peter Well</u>		
License Number:	<u>3467</u>	Certification Number:	<u>3219</u>
		Date:	<u>9-11-17</u>
Septic Installer Signature:			
Septic Installer Company:	<u>St. Peter Well</u>		
License Number:	<u>3467</u>	Certification Number:	<u>3219</u>
		Date:	

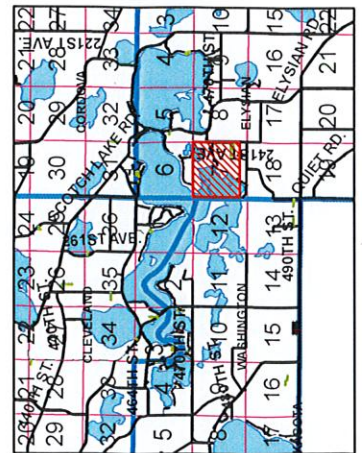
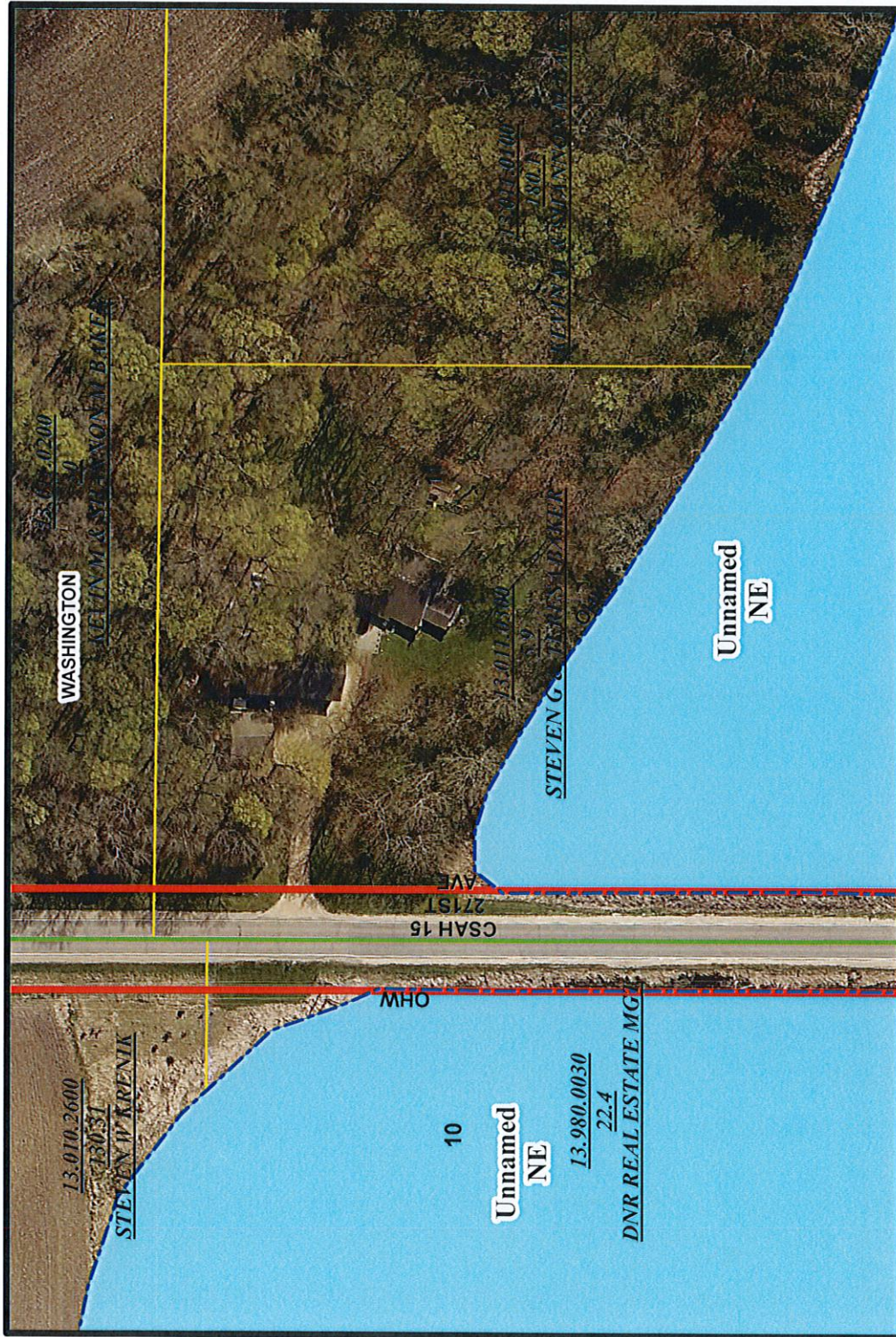
Mailing: 88 South Park Avenue
Le Center, MN 56057

Physical: 515 South Maple Avenue
Le Center MN 56057

Revised: 3/2016

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Baker
 PID: 13.011.0300
 DATE: 10-3-17
 FIRM #: 27079C0270D
 F-Zone: X-Outside
 RFPE: na
 District: Agriculture



0 50 100 200 300 400 Feet

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	
Lakes	
Parcel	

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, October 19, 2017

Regular Session

Item 1

DRAFT October 19, 2017 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
October 19, 2017**

MEMBERS PRESENT: Jeanne Doheny, Jim Mladek, Francis Cummins

MEMBERS ABSENT: Colin Harris, John Wolf

OTHERS PRESENT: Kathy Brockway

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

ITEM #1: 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 13 feet from the road Right-Of-Way (ROW) and 25 feet from the bluff 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 & BLUFF SETBACKS.**

Joseph Murilla and Angela Jahr were present for application. Township: Greg Davis, Washington Township Board member, questioned whether the access was from the private road or township road. DNR: No Comments. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: drainage, fill, improvements to the property, connecting to municipal services, native plantings, protection of bluff.

Motion was made by Fritz Cummins to approve the application with the following condition.

- 1. Continue to work with the Environmental Resources Specialist to stabilize the bluff area with Minnesota native, deep-rooted vegetation.***

Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #2: DARRYL BALLMAN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a deck 63 feet from the road Right-Of-Way (ROW) in an Agriculture "A" District. Property is located in the SE 1/4 SE 1/4, Section 21, Cleveland Township. **VARIANCE IS FOR ROW SETBACK.**

Darryl Ballman was present for the application. Township: no comments. DNR: n/a. Letters submitted: none.

Discussion was held regarding: deck was always in plans when they built the dwelling, county widened the road right of way, therefore does not meet the setback.

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

ITEM #3: DERRICK LEDVINA, CLEVELAND, MN, (APPLICANT); RICHARD LEDVINA, WAUSAUKE, WI, (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 dwelling, and within the bluff; install a septic drainfield 4 feet from the dwelling, 0 feet from the property line, 50 feet from the Ordinary High Water Level (OHWL) and within the bluff in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STUCTURE, BLUFF, PROPERTY LINE & OHWL SETBACKS.**

Wayne James, James Brothers Construction, representing the applicant was present for application. Township: No comments. DNR: No comments. Letters submitted: Joshua Mankowski, LSC Resource Specialist (see file).

Discussion was held regarding: hired a new surveyor, changed location, neither option is the greatest, but this option is better, concerns with bluff stabilization, will go into more detail when applying for the Conditional Use Permit, working with an engineer, required to go through the conditional use permit process, well location, holding tank option, year round home, road restrictions, lots were meant for seasonal use, small lot, how to access the property, type of wall construction, block suppliers speculations, Joshua Mankowski commented on this variance but didn't comment on the last one, variance granted in August still valid, which is the best option.

Motion was made by Jim Mladek to approve the application. Seconded by Jeanne Doheny, understands where Fritz Cummins is coming from, but feels this is a better option than the previous request. Motion approved. Motion carried 2-1.

ITEM #4: STEVEN & THERESA BAKER, MADISON LAKE, 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 82 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on an unnamed Natural Environment "NE" lake. Property is located in the SW 1/4 NW 1/4, Section 11, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

Theresa Baker was present for application. Township: No comments. DNR: No Comments. Letters submitted: none.

Discussion was held regarding: unnamed lake stricter regulations as to setbacks, part of the German-Jefferson Sewer District, required to update, mound meets the setback, tanks requested at 82', plumbing in house

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

Minutes: Additions or corrections-None. Motion to approve the September 21, 2017 minutes by Jim Mladek. Seconded by Fritz Cummins. Motion approved. Motion carried.

Motion to approve the September 27, 2017 minutes by Fritz Cummins. Seconded by Jim Mladek. Motion approved. Motion carried.

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

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
October 23, 2017

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