



---

# **Le Sueur County, MN**

**Thursday, November 16, 2017**

**Regular Session**

## **Item 5**

### **Hass Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Scott Hass

**911 ADDRESS:** 45872 Summer Breeze Lane, Cleveland, MN

**VARIANCE REQUEST:** To allow the applicant to expand an existing campground (Commercial Planned Unit Development) with an additional 6 sites in Tier1 .

**VARIANCE NUMBER:** 17405

**PARCEL NUMBER:** 02.031.5650

## SITE INFORMATION

**LOCATION:** Part of Government Lot 2, Section 31, Cordova Township

**ZONING & PURPOSE:** Recreational Commercial

The intent of the **Recreational Commercial (RC) District** is to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

**GOALS AND POLICIES:** The current Land Use Plan as adopted in 2007 does make reference to water quality.

**GOAL #3:** Improve water quality in Le Sueur County.

**Objective 1:** The County will undertake actions to help protect groundwater as well as surface water features.

**Action 2:** The County will take leadership in initiating a wastewater or septic replacement program.

**Strategy #2:** a. Septic replacement program in areas with space to accommodate this type of improvement program.

**GENERAL SITE DESCRIPTION:** Shoreland, recreational campground, residential

**ACCESS:** Existing off Arrowhead Trail

**LAKE:** Lake Jefferson, Recreational Development

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

**RFPE:** 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,

## 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. Expand campground 1 <sup>st</sup> tier density:	40	34	Section 12, Subdiv. 2. E.	12-4

Page 1 of 2

2. **Refer to DNR Guidance Letters:**

- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
  - b. Non-conforming Lots of Record in Shoreland Areas pg. 19
- 3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
  - 4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
  - 5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
  - 6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

**CONSIDERATIONS**

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

**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: SCOTT HASS

Variance # 17405

Variance Request: TO ALLOW THE APPLICANT TO EXPAND AN EXISTING CAMPGROUND (COMMERCIAL PUD)  
WITH AN ADDN. 6 SITES IN TIER 1.

- 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:

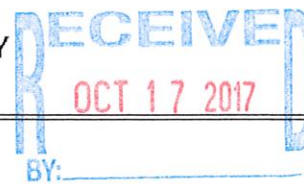
Agree ( )

Disagree ( )

Reasons: \_\_\_\_\_

Board of Adjustment Chairman \_\_\_\_\_

Date \_\_\_\_\_



## Variance Application

I. **Applicant:**  
 Name Scott Hass  
 Mailing Address 46001 Hardeggers Ln  
 City Cleveland State Mn Zip 56017  
 Phone # 952-290-4049 Phone # \_\_\_\_\_

II. **Landowner:**  
 Name Same  
 Property Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

III. **Parcel Information:**  
 Parcel Number \_\_\_\_\_ Parcel Acreage 4.61  
 Township \_\_\_\_\_ Section \_\_\_\_\_  
 Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Full Legal Description must be attached.

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

IV. **Variance Request:** List requested alternative to development standard(s). 4  
To expand on ext. campground with/addn  
camping sites in Tier 1.

### V. Description of Request:

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

### VI. Township Notification:

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

Cordova Township notified on 10.9.17  
 (Township Name) (Date)

Board Member Harvey Mactt regarding the proposed request.  
 (Name)

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

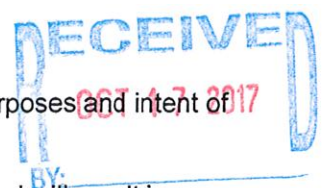
- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts.*
- Access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

PUD Tier One Density evaluation contradicts the state statute 4630 that the Resort is asked to adhere to.

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

The configuration of this re-zoned land in relationship to the current operating Resort would not allow proper utilization of the property based on the current layout/flow of existing sites.

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

PUD Tier One density evaluation contradicts the state statute 4630 that the Resort has in the past been asked to adhere to.

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

The existing lay of the land will not be altered. The site locations will flow into existing Resort roads.

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

The Resort attempts to provide all of our tenants with a "lake side" experience while relaxing at their campsite. No one wants to be in the middle of a farm field.

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

The Resort has existed for decades. The County wants the revenue generated by tourism.

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

The existing Resort has existed for decades. The County wants the revenue generated by tourism.

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

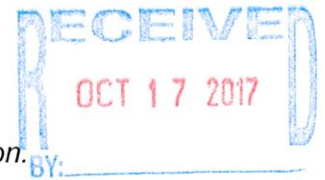
Onsite septic holding tanks will be utilized  
An existing private water well will be utilized

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

The variance will allow the use of re-zoned land in Tier 1 that would be under utilized in the overall designed layout of the Resort.

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

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



*The Department may request additional information regarding the application.*

BY: \_\_\_\_\_

**X. Quantities and Submittal Formats:**

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

**XI. Fees:**

Variance: \$ 600  
Filing Fee: \$ 46

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

**Additional Fees:**

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

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

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

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

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

### XIII. Signatures:

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

Gott J. Hase 10/17/17  
Applicant signature Date

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

Gott J. Hase 10/17/17  
Landowner signature Date

#### OFFICE USE ONLY

Date received _____	Present Zoning Classification <u>RC</u>	Feedlot within <u>500'</u> 1000' <u>N</u>
Meeting date <u>11.16.17</u>	Lake Classification _____	Erosion Control Plan Y N
60 Day <u>12.15.17</u>	Lake _____	Water courses Y N
RFPE _____	FEMA Panel # _____	Bluff Y N
<input type="checkbox"/> Site Plan -survey	Flood Zone _____	Other _____
<input type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input type="checkbox"/> Septic _____ COC
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	_____ NONC/Waiver
<input type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	_____ Design
<input type="checkbox"/> Application complete	<input type="checkbox"/> Fee \$ _____	ATF / SPEC MTG
Planning & Zoning Department Signature _____	Date _____	Permit # _____

01-15-16

Variance Applicant:

Scott J. Hass  
46001 Hardeggers Lane  
Cleveland MN 56017  
ph# 952-290-4049



#### VIII Description of variance request

Proposed use of land: Used in the expansion of existing Summer Breeze Resort. This 4.61 acres will be utilized as follows. Phase #1, expansion of resort facilities to include 6 RV seasonal camping sites located in Tier 1.

Concept plan: Summer Breeze Resort has been owned and operated by the Hass family for 26 years and is currently operated on 12.91 acres with approximately 1,100 feet of lake frontage on the North shore of East Lake Jefferson. The demand for seasonal RV camping in LeSueur County is growing each year. The acquisition, re-zoning and phase #1 expansion on the 4.61 acres lying adjacent to the West end of the current operating resort allows the business to expand its existing seasonal sites, an additional 6 lots.

Phase #2 will be implemented at a later date. Currently, many of the existing resort sites are occupied by older mobile homes. We are removing a few of these trailers each year and replacing with RV campers. We are evaluating how many we can remove in a year but also obtain a new tenant for that site. Once this is completed we will have the need for phase #2 RV sites located in Tier 2.

Utilities: Land would be serviced by existing private well and a new septic holding tank system. MVEC is the electrical provider and has existing power adjacent to the proposed sites.

Access of the property is achieved by the use of existing resort owned private road on the West end of resort via County Road 13. The proposed expansion roads, site parking and rv pads will be crushed rock.

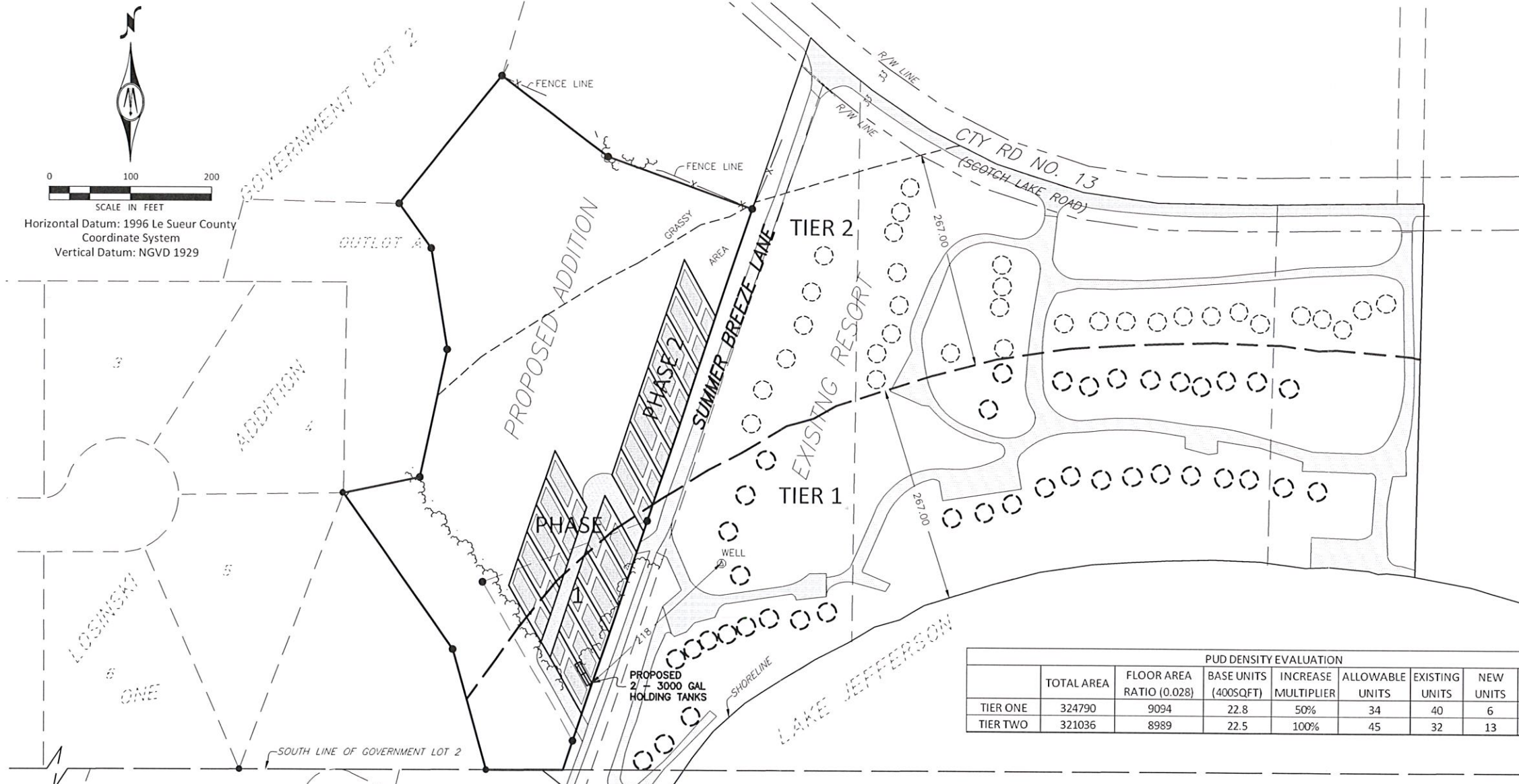
Landscaping: The land will be seeded in a grass mix. 2" diameter hardwood trees, consisting of 5 different varieties will be utilized in various locations.

The land configuration allows for drainage occurring in two directions. Approximately 70% of the property drains towards a ravine that borders the southern part of the 4.61 acres. This ravine discharges into East Lake Jefferson. The remaining waters drains in a northeasterly direction, under County Road 13, east through a woods and then draining into East Lake Jefferson.

Storm shelter: The current resort utilizes the basement of an existing house, located on the East end of the resort. In event a person cannot make it to the basement in a timely manner the resort's fish cleaning building is located at the West end of the resort. This is a block re-enforced structure. Our rules & regulations have this information listed in them.

# SUMMER BREEZE RESORT ADDITION

RECEIVED  
OCT 31 2017  
BY



## PROPOSED GRAVEL SURFACES

### PHASE 1

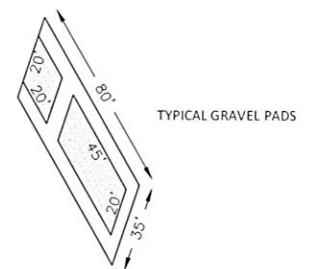
16' ROAD 7434 sq.ft. 0.17 acres  
LOTS (11) 10633 sq. ft. 0.24 acres  
Lot area 2082 sq.ft or 0.05 acres each  
Lot gravel areas 967 sq. ft. or 0.02 acres each

### PHASE 2

LOTS (8) 7736 sq.ft. 0.18 acres  
Lot area 2082 sq.ft or 0.05 acres each  
Lot gravel areas 967 sq. ft. or 0.02 acres each

### TOTAL PROPOSED GRAVEL SURFACE AREA

Roads 7434 sq.ft 0.17 acres  
Pads 18369 sq.ft. 0.42 acres  
TOTAL 25803 sq.ft. or 0.59 acres



## LEGEND

- BENCH MARK
- UTILITY POLE
- MONUMENT FOUND
- TREE DRIP LINE
- UTILITY OVERHEAD
- FENCE LINE
- ▨ GRAVEL PADS
- ▨ EXISTING GRAVEL ROAD
- ▨ PROPOSED GRAVEL ROAD
- ▨ EXISTING BITUMINOUS SURFACE
- TIER ONE EXISTING UNITS
- TIER TWO EXISTING UNITS

PUD DENSITY EVALUATION								
	TOTAL AREA	FLOOR AREA RATIO (0.028)	BASE UNITS (400SQFT)	INCREASE MULTIPLIER	ALLOWABLE UNITS	EXISTING UNITS	NEW UNITS	TOTAL PROPOSED
TIER ONE	324790	9094	22.8	50%	34	40	6	46
TIER TWO	321036	8989	22.5	100%	45	32	13	45

## OPEN SPACE

TOTAL AREA 737764 sq.ft.  
Existing Roads (Gravel) 62123 sq.ft.  
Existing Roads (Bituminous) 20186 sq.ft.  
Existing Units (75x940 sq.ft) 70500 sq.ft.  
Proposed Roads (Gravel) 7434 sq.ft.  
Proposed Units (19x940 sq.ft.) 17860 sq.ft.  
Remaining OPEN SPACE 559661 sq.ft.  
(75.9%)

**DENSITY EVALUATION SKETCH**  
LESUEUR COUNTY, MINNESOTA

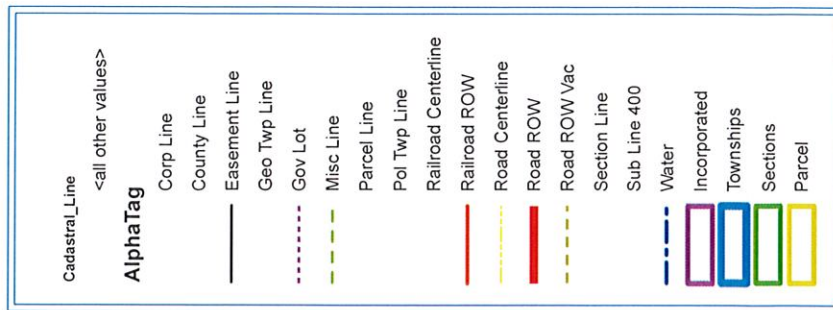
**BOLTON & MENK**

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

PART OF GOVT LOT 2 OF  
SECTION 31, TWP. 110N, RGE. 24W  
CORDOVA TOWNSHIP  
LESUEUR COUNTY, MINNESOTA

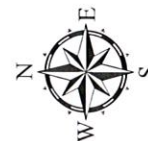
FOR: SCOTT HASS

NAME: Scott Hass  
PID: 02.031.5650  
DATE: 11-6-17  
FIRM #: 2709C0270D  
F-Zone: X-Outside  
RFPE: na  
District: Recreational  
Commercial



map. Disclaimers

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.



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