



**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: NOVEMBER 16, 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 Seppmann / Bartlett Packet

ITEM #4 Miller Packet

ITEM #5 Theissen Packet

ITEM #6 Schloesser Packet

ITEM #7 Hass Packet

ITEM #8 Approved December 12, 2017 Minutes

ITEM #9 Approved November 28, 2017 Minutes

ITEM #10 Approved November 16, 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 November 16, 2017.

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



Le Sueur County, MN

Thursday, November 16, 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: NOVEMBER 16, 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 30, 2017**.

ITEM #1: JADD SEPPMANN & SONS, MANKATO, MN (APPLICANT); LADONNA BARTLETT TRUST, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 7 feet from a single-family dwelling, 8 feet from the property line, in a Recreational-Residential "RR" District, on a Recreational Development lake, Lake Jefferson. Property is located at Lot 6, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR STRUCTURE SETBACKS, PROPERTY LINE AND ROAD ROW SETBACKS.**

ITEM #2: DENNIS MILLER, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to use an existing septic tank 6 feet from the detached garage; install a septic drainfield 17 feet from the dwelling, 13 feet from the detached garage, and 57 feet from Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 6 & 7, Jefferson Highlands Subdivision, Section 2, Cleveland Township. **VARIANCE IS FOR STRUCTURE & OHWL SETBACKS.**

ITEM #3: MICHAEL & LINDA THEISSEN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to use an existing septic tank 7 feet from the dwelling, 6 feet from the property line, and 52 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 9 & 10, Jefferson Highlands Subdivision, Section 2, Cleveland Township. **VARIANCE IS FOR STRUCTURE, PROPERTY LINE, & OHWL SETBACKS.**

ITEM #4: THOMAS & MICHELLE SCHLOESSER, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank and pump tank 110 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on an Un-named Natural Environment "NE" lake. Property is located at Lot 29, Jefferson Heights Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR OHWL SETBACK.**

ITEM #5: SCOTT HASS, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand an existing campground (Commercial Planned Unit Development) with an additional 6 sites in Tier 1 in a Recreational Commercial "RC" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in the Southeast Quarter, Section 31, Cordova Township. **VARIANCE IS FOR CAMPSITE DENSITY PER TIER.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT NOVEMBER 16, 2017.

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



Le Sueur County, MN

Thursday, November 16, 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: November 16, 2017

Meeting Time: 3:00 pm

Onsite Date: November 16, 2017

Onsite Time: 12:30 pm

ITEM #1: Jadd Seppmann & Sons / La Donna Bartlett

ITEM #2: Dennis Miller

ITEM #3: Michael & Linda Theissen

ITEM #4: Thomas & Michelle Schloesser

ITEM #5: Scott Hass

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, November 16, 2017

Regular Session

Item 1

Seppmann / Bartlett Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Jadd Seppmann & Sons

OWNER: Ladonna Bartlett

911 ADDRESS: 23919 Scotch Lake Rd, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 7 feet from a single-family dwelling, 8 feet from the property line.

VARIANCE NUMBER: 17306

PARCEL NUMBER: 04.440.0080

SITE INFORMATION

LOCATION: Lot 6, Block 3, Beaver Dam Plat, Section 5, Elysian Township.

ZONING & PURPOSE: Recreational Residential

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

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 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 Scotch Lake Road

LAKE: Lake Jefferson

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

RFPE: na

ATTACHMENTS

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

STAFF FINDINGS

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

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|------------------------------------|-----------------|------------------|---------------------------------|--------------|
| a. Septic tank to structure: | 8 feet | 10 feet | Section 17, Subdiv.4. D. 1. b. | 17-9 |
| b. Septic drainfield to structure: | 7 feet | 20 feet | Section 17, Subdiv. 4. D. 1. a. | 17-9 |
| c. Septic drainfield to prop line: | 8 feet | 10 feet | Section 17, Subdiv. 4. D. 2. | 17-9 |
2. **Refer to DNR Guidance Letters:**
 - a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - b. Non-conforming Lots of Record in Shoreland Areas pg. 19
 3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
 4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
 5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
 6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. 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: JADD SEPPMANN AND SONS

Variance # 17306

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 8 FT. TO A SFD, THE MOUND 8 FEET TO THE SFD, 8 FEET TO THE PROPERTY LINE AND 9 FT. TO THE 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 Todd Sappmann & Sons
 Mailing Address 54043 State Hwy 6E
 City Mankato State MN Zip 56001
 Phone # 625-3400 Phone # _____

II. **Landowner:**
 Name La Donna Bartlett
 Property Address 23919 Scotch Lake Rd
 City Cleveland State MN Zip 56017
 Phone # _____ Phone # _____

III. **Parcel Information:**
 Parcel Number 04.440.0080 Parcel Acreage _____
 Township Elysian Section 5
 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).
DMS
~~take to septic tank, house to tank, mound to~~
~~house, mound to property line, mound to~~
~~ROW~~

V. **Description of Request:**

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

VI. **Township Notification:**

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

Elysian Township notified on 8-7-17
 (Township Name) (Date)

Board Member Kathy Rients 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.

no room between lake + house, a 50' radius
from well takes half of lot, have one
side were mound will fit

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

lack of available space lot to small

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

initially subdivided into small lots

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

we will make septic aesthetically
pleasing

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

yes no other options

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

yes

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

we are environmental impact
while complying with variance

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

septic not compliance moving mound away
from lake

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

no other options



IX. Attachments shall include but not limited to:

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

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, aerals 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.

Jedd Seppman
Applicant signature

8-7-17
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.

La Donna Bartlett
Landowner signature

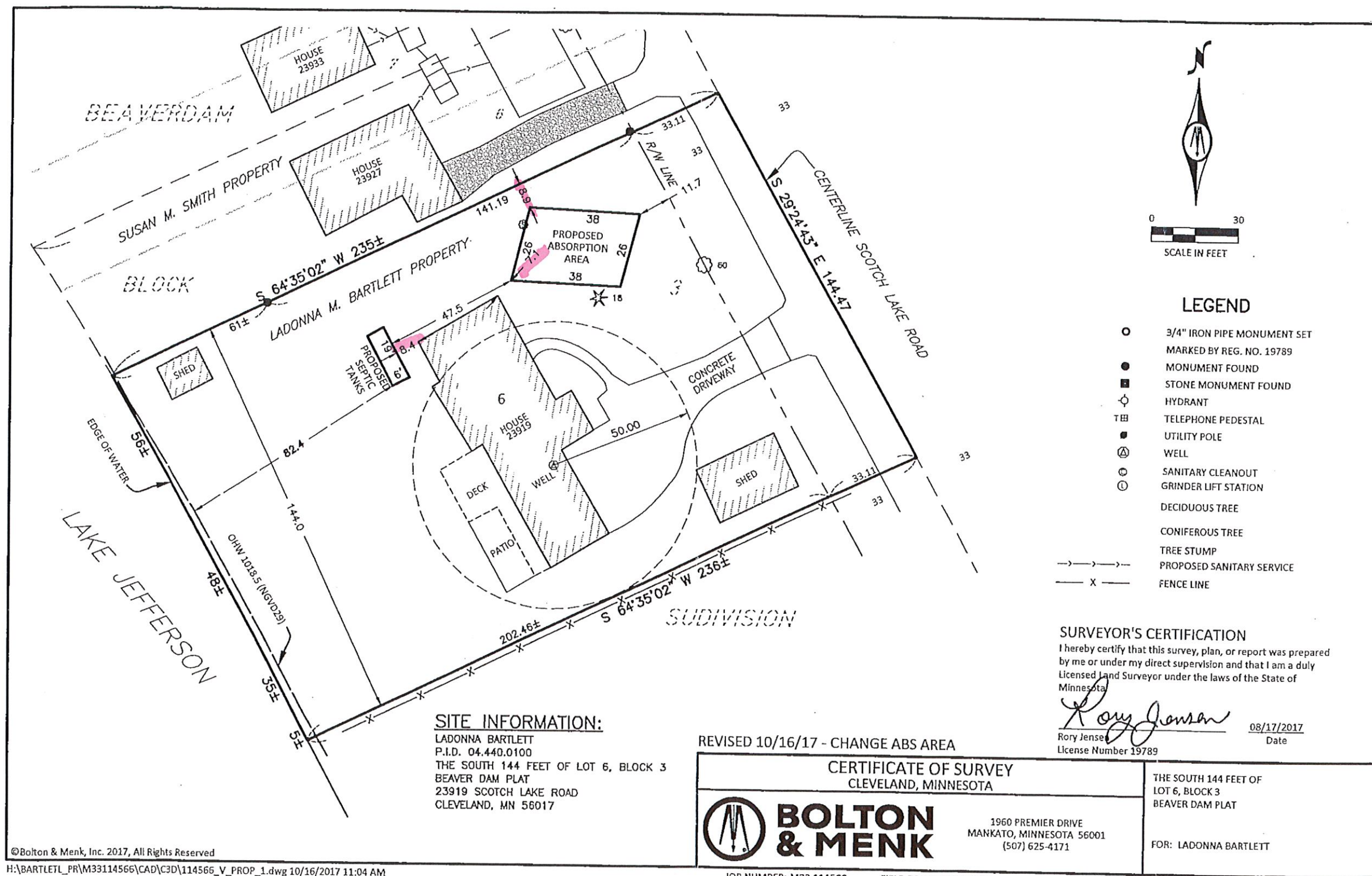
8-7-17
Date

OFFICE USE ONLY

Date received <u>8-22-17</u>	Present Zoning Classification <u>R/C</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>9-21-17</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> N
60 Day <u>10-20-17</u>	Lake <u>Jiff</u>	Water courses <u>Y</u> N
RFPE _____	FEMA Panel # <u>300</u>	Bluff <u>Y</u> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>x outside / A</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	COC NONC/Waiver <u>Design</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	ATF / SPEC MTG
<input type="checkbox"/> Application complete	<u>K Brockway</u>	Fee \$ <u>646</u>
	Planning & Zoning Department Signature	Date <u>8-22-17</u>
		Permit # _____

01-15-16

✓ 60-day Ext. due to Septic Design not matching survey.



Surveyor Certification

I. Applicant:
Name JADD Seppmen & Sons Inc

II. Landowner:
Name LADONNA BARTLETT
Property Address 23919 SCOTCH LAKE ROAD
City CLEVELAND State MN Zip 56017

III. Parcel Information:
Parcel Number 04.440.0080

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 8-14-17 to reflect an accurate account of current and proposed conditions of the property identified above.

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

[Signature]
Surveyor Signature

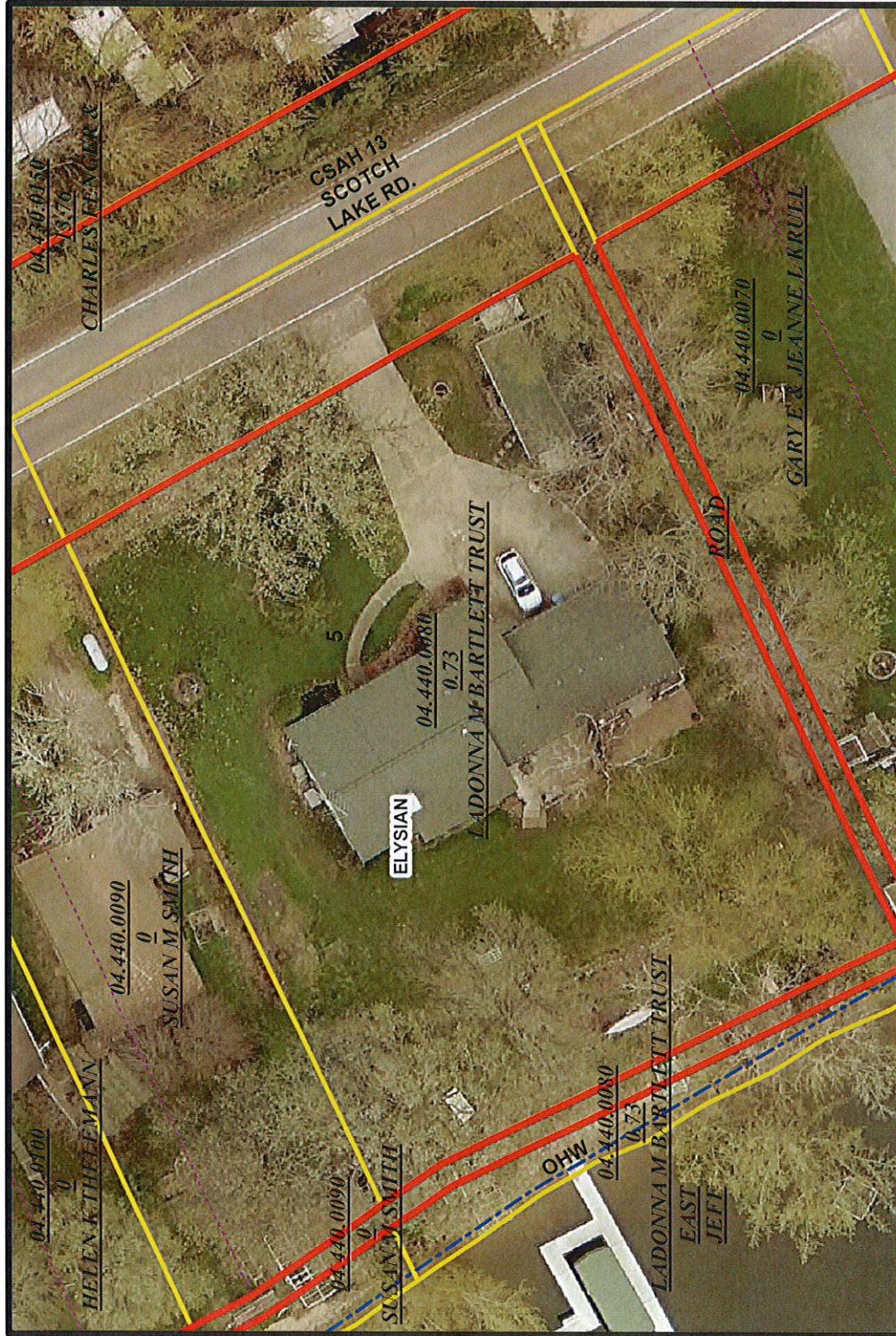
8/17/17 19789
Date Lic #

8.18.17
Date Received

[Signature]
OFFICE USE ONLY
Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: LaDonna Bartlett
 PID: 04.440.0080
 DATE: 11-6-17
 FIRM #: 27079C0300D
 F-Zone: X-Outside
 RFPE: na
 District: Recreational
 Residential



corbowa	28	27	26	25	30	29	28	27	26
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Le Sueur County, MN

Thursday, November 16, 2017

Regular Session

Item 2

Miller Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Dennis Miller

911 ADDRESS: 46179 Jefferson Lake Drive, Cleveland, MN

VARIANCE REQUEST: To use an existing septic tank 6 feet from the detached garage; install a septic drainfield 17 feet from the dwelling, 13 feet from the detached garage, and 57 feet from Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 17394

PARCEL NUMBER: 01.600.0070

SITE INFORMATION

LOCATION: Lots 6 & 7, Jefferson Highlands, Section 2, 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 does make reference to water quality.

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

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

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

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

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Jefferson Lake 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: 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. Septic tank to detached garage: | 6 feet | 10 feet | Section 17. Subdiv. 4. D. 1. b. | 17-9 |
| b. Septic drainfield to dwelling: | 17 feet | 20 feet | Section 17. Subdiv. 4. D. 1. a. | 17-9 |
| c. Septic drainfield to det garage: | 13 feet | 20 feet | Section 17. Subdiv. 4. D. 1. a. | 17-9 |
| d. Septic drainfield to OHWL: | 57 feet | 75 feet | Section 17. Subdiv. 4. D. 5. b. 2. | 17-9 |
2. **Refer to DNR Guidance Letters:**
- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - b. Non-conforming Lots of Record in Shoreland Areas pg. 19
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. 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: DENNIS MILLER

Variance # 17394

Variance Request: TO ALLOW THE APPLICANT TO USE AN EXISTING SEPTIC TANK 6 FEET FROM THE DETACHED GARAGE; INSTALL A SEPTIC DRAINFIELD 17 FEET FROM THE DWELLING, 13 FEET FROM THE DETACHED GARAGE, 57 FEET FROM THE OHWL.

- 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 Dennis Miller
 Mailing Address 46179 Jefferson Lake Dr
 City Cleveland State MN Zip 56017
 Phone # 507-931-6833 Phone # 507-245-4226 M-F 8-4

II. Landowner:

Name Dennis Miller
 Property Address 46179 Jefferson Lake Driv
 City Cleveland State MN Zip 56017
 Phone # 507-931-6833 Phone # 507-245-4226 M-F 8-4

III. Parcel Information:

Parcel Number 01.600.0070 Parcel Acreage _____
 Township Cleveland Section ~~32~~ 2
 Subdivision Jefferson Highlands Lot 6+7 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).

Setback from drainfield to house, garage,
Property line, Lake and tank to garage

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 10-15-2017
 (Township Name) (Date)

Board Member Susan Fly 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.

Deviation from written setbacks is not enough to cause environmental or health issues.

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

Years ago lots were plotted very small.

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

Years ago lots were plotted small.

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

All neighboring properties have similar mounds.

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

Yes, having to pump is not only expensive but also inconvenient and stressful.

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

Yes, deviation from written setbacks is not enough to cause environmental or health issues.

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

Many lakefront property owners are faced with sewage treatment on minimal land parcels.

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

Currently nonconforming on leased land. New drainfield will be conforming on owners land.

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

No other options but to fit drainfield on small lot.

IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input checked="" type="checkbox"/> a. Site Plan- <i>survey</i> | <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 <i>Design</i> |
| <input checked="" type="checkbox"/> c. Access approval | <input checked="" type="checkbox"/> g. Erosion control plan |
| <input 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:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

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

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

- 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.

Dennis O'Malley
Applicant signature

10-16-17
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.

Dennis O'Malley
Landowner signature

10-16-17
Date

OFFICE USE ONLY

Date received <u>10-16-17</u>	Present Zoning Classification <u>RA</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>11-16-17</u>	Lake Classification <u>RA</u>	Erosion Control Plan <u>(Y)</u> N
60 Day <u>12-15-17</u>	Lake <u>Jefferson</u>	Water courses Y <u>(N)</u>
RFPE <u>na</u>	FEMA Panel # <u>27079C0210D</u>	Bluff <u>(Y)</u> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	COC NONC/Waiver Design <u>(Design)</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>646</u> ATF / SPEC MTG
<input type="checkbox"/> Application complete	<u>Michelle R. Muth</u> Planning & Zoning Department Signature	<u>10-16-17</u> Date
		<u>17394</u> Permit #

RECEIVED
OCT 16 2017
BY: _____

01-15-16

Mettler, Michelle

From: Denny Miller <depami2002@yahoo.com>
Sent: Monday, October 16, 2017 10:36 AM
To: Mettler, Michelle
Subject: Setback Variance Justification

Michelle,

My current septic system consists of a 1500 / 2 septic tank and a 666 pump tank on my own property and a drain field on leased land across a dead end township road.

The drain field is non-conforming due to one inch separation overlap.

The lease is past due and the land owner is unwilling to cooperate therefore I have no other options but to install drain field on my own property or convert to holding tank and pump as needed.

My property is small as are many early development lake lots but I have been told by multiple contractors that a system should fit.

The existing tanks will be retained but a variance may be needed because they are only six feet from a detached garage.

The new drain field will need a variance because it will be 14 ft from detached garage, 17 ft from attached garage, 24 ft from property line and 57 ft from lake high water line.

Therefore I am applying for a setback variance to install a new drain field to comply with septic system regulations.

Sincerely,

Dennis Miller

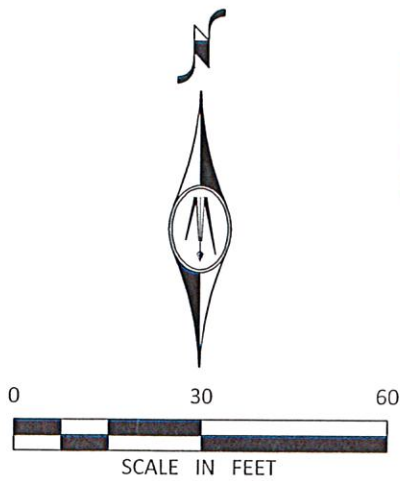
46179 Jefferson Lake Dr.
Cleveland, MN 56017

507-931-6833

PID 01.600.0070

OWNER ADDRESS
DENNIS P. MILLER
46179 JEFFERSON LAKE DRIVE
CLEVELAND, MN 56017

SITE ADDRESS
46179 JEFFERSON LAKE DRIVE
CLEVELAND, MN 56017



RECEIVED
OCT 16 2017
BY: *mlm*

LEGEND

- IRON PIPE MONUMENT SET
- ⊙ WELL
- ⊕ BENCH MARK

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

10/13/2017
Date

REVISED ORIGINAL SURVEY: 10-16-17

Horizontal Datum: 1996 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY
WASHINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

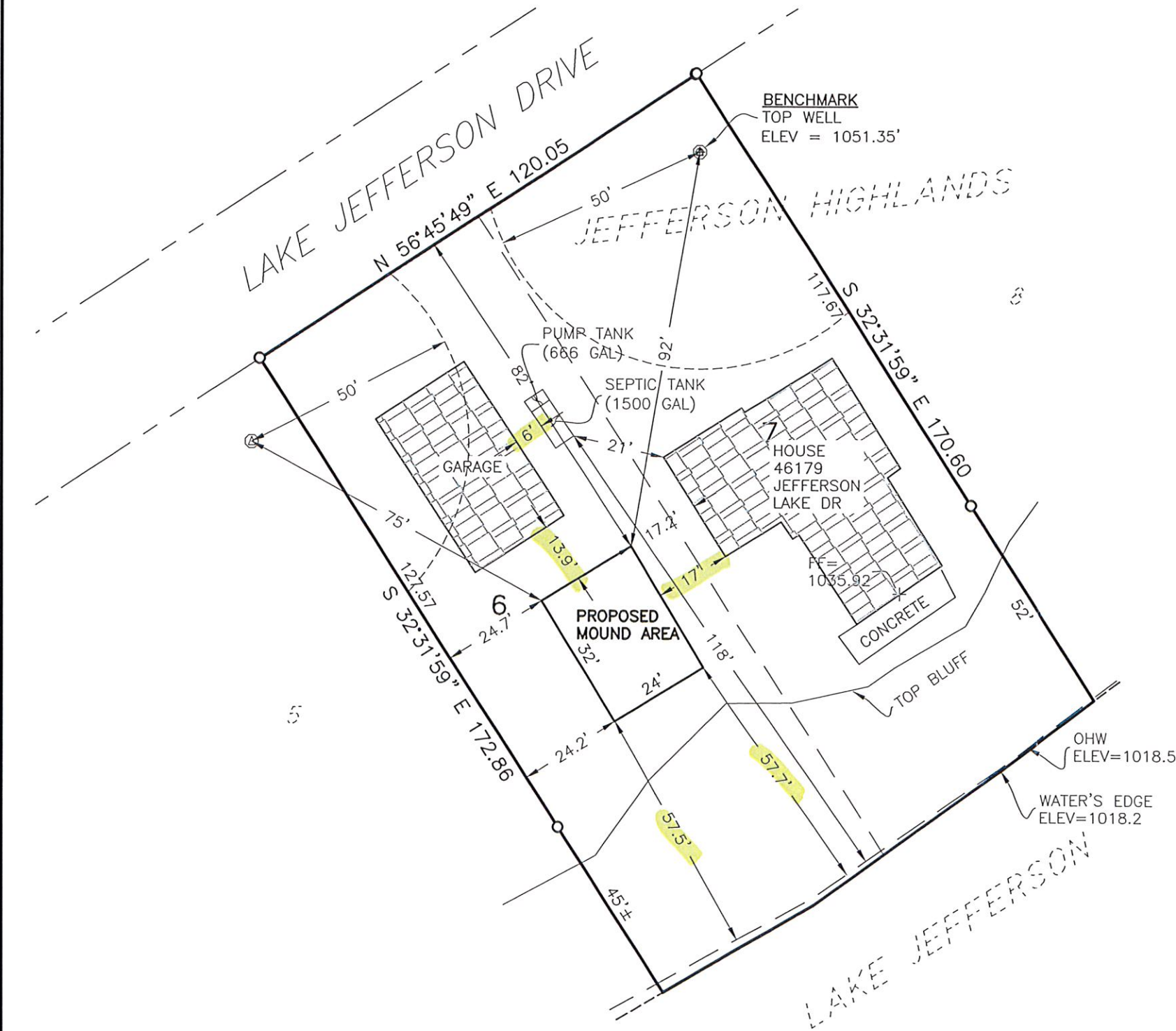


**BOLTON
& MENK**

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

LOT 6 & 7, JEFFERSON HIGHLANDS, SECTION 2,
TOWNSHIP 109 NORTH, RANGE 25 WEST,
WASHINGTON TOWNSHIP, LE SUEUR COUNTY,
MINNESOTA

FOR: DENNIS MILLER



Surveyor Certification

I. **Applicant:**
Name Dennis Miller

II. **Landowner:**
Name DENNIS Miller
Property Address 46179 JEFFERSON LAKE DRIVE
City CLEVELAND State MN Zip 56017

III. **Parcel Information:**
Parcel Number 01.600.0070

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 10/12/17, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Roy Jama 10/13/17 19789
Surveyor Signature Date Lic #

OFFICE USE ONLY

10-16-17 MLM
Date Received Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Dennis Miller
 PID: 01.600.0070
 DATE: 11-9-17
 FIRM #: 27079C0270D
 F-Zone: X-Outside
 RFPE: na
 District: Recreational
 Residential



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



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.

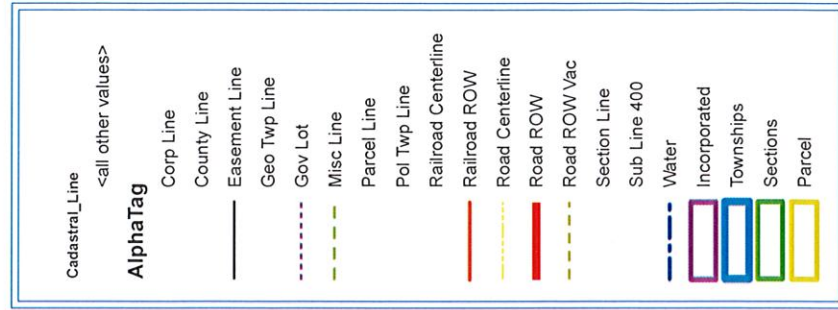


Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538





Le Sueur County, MN

Thursday, November 16, 2017

Regular Session

Item 3

Theissen Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Michael & Linda Theissen

911 ADDRESS: 46155 Jefferson Lake Drive, Cleveland, MN

VARIANCE REQUEST: To use an existing septic tank 7 feet from the dwelling, 6 feet from the property line, and 52 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District.

VARIANCE NUMBER: 17396

PARCEL NUMBER: 01.600.0090

SITE INFORMATION

LOCATION: Lots 9 & 10, Jefferson Highlands, Section 2, 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 does make reference to water quality.

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

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

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

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

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Jefferson Lake Drive

LAKE: Lake Jefferson, Recreational Development

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

RFPE: na

ATTACHMENTS

Application, Written Detail of Request, Survey, 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>
				Page 1 of 2

a. Septic tank to dwelling:	7 feet	10 feet	Section 17, Subdiv. 4. D. 1. b.	17-9
b. Septic tank to property line:	6 feet	10 feet	Section 17, Subdiv. 4. D. 2.	17-9
c. Septic tank from OHWL:	52 feet	100 feet	Section 17, Subdiv. 4. D. 5. b. 2.	17-9

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

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

CONSIDERATIONS

1. 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: MICHAEL & LINDA THEISSEN

Variance # 17396

Variance Request: TO ALLOW THE APPLICANT TO USE AN EXISTING SEPTIC TANK 7 FEET FROM THE DWELLING,
6 FEET FROM THE PROPERTY LINE, & 52 FEET FROM THE OHWL.

- 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 Michael G + Linda Theissen
 Mailing Address 46155 Jefferson Lake Dr.
 City Cleveland State MN Zip 56017
 Phone # _____ Phone # 507-931-1619

II. Landowner:
 Name Michael G + Linda Theissen
 Property Address 46155 Jefferson Lake Dr
 City Cleveland State MN Zip 56017
 Phone # _____ Phone # 507-931-1619

III. Parcel Information:
 Parcel Number 016000090 Parcel Acreage _____
 Township Cleveland Section _____
 Subdivision Jefferson Highlands Lot 9+10 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).
use an existing septic tank 7' to the dwelling
6' to property line & 52' from the OHWL

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 10/11/2017
 (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
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Impervious Surface
 - Required for Shoreland, Business, & Industrial Districts.
 - Itemized current & proposed impervious surfaces to include total percentages.
 - Examples include but are not limited to: rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts.*
- Access
- Easements

RECEIVED
 OCT 16 2017
 BY: _____

*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 sheet

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

see attached sheet

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

see attached sheet

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

see attached sheet

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

see attached sheet

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

see attached sheet

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

see attached sheet

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

see attached sheet

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

see attached sheet

RECEIVED
OCT 16 2017
BY: _____

IX. Attachments shall include but not limited to:

- | | |
|---|--|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input type="checkbox"/> e. Floor plans and/or blue prints (<i>For structures</i>) NO |
| <input checked="" type="checkbox"/> b. Surveyor Certification | <input checked="" type="checkbox"/> f. Septic System Compliance Inspection |
| <input type="checkbox"/> c. Access approval | <input checked="" type="checkbox"/> g. Erosion control plan |
| <input checked="" type="checkbox"/> d. Full legal description | <input 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.

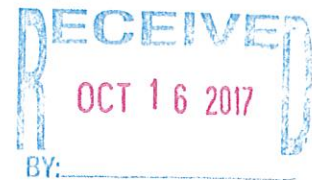
XI. Fees:

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.

Linda R. Thissen
Applicant signature

10/16/2017
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.

Linda R. Thissen
Landowner signature

10/16/2017
Date

OFFICE USE ONLY

Date received 10-16-17

Present Zoning Classification RR

Feedlot within 500' 1000' N

Meeting date 11-16-17

Lake Classification RD

Erosion Control Plan Y N

60 Day 12-15-17

Lake Jefferson

Water courses Y N

RFPE na

FEMA Panel # 27079C0700

Bluff Y N

☒ Site Plan -survey

Flood Zone X-outside

Other _____

☒ Surveyor Certificate

☒ Full legal description

☒ Septic _____
COC
NONC/Waiver
Design

☐ Floor plans/blue prints

☐ Access approval

☒ Description of Request

☐ Blue Prints

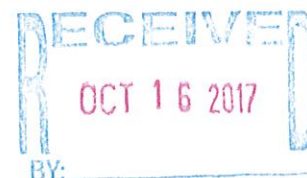
☒ Fee \$ 1640 ATF / SPEC MTG

☒ Application complete

Michelle J. Muth
Planning & Zoning Department Signature

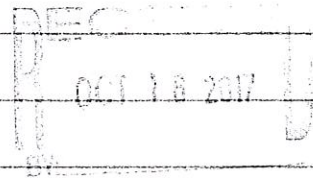
10-16-17 17396
Date Permit #

01-15-16



⑤ Description of request

Our current septic system consists of 1500 gallon holding tank & drainfield on leased land across the street. Drain field is non-conforming due to a 1" separation overlap. Land owner of leased land is unwilling to cooperate & so we have no other option except to install drainfield on our own property. We have been told by St. Peter Well we have room for the system they have submitted.



① Tank was already in place

② In order to meet the lake setback we won't be able to meet the well setback

③ Years ago lots were small

OCT 16 2017

④ All other properties around us have similar mounds

⑤ yes because if we have to pump it is expensive. Also stressful because of not knowing how often to pump & limiting use of water

⑥ yes - will improve water quality meets Goal 3, Objective 1, Action 1

⑦ nearly all lake front owners are
faced to deal with sewage
treatment on small lots

⑧ Bring system into compliance

⑨ There are no other options

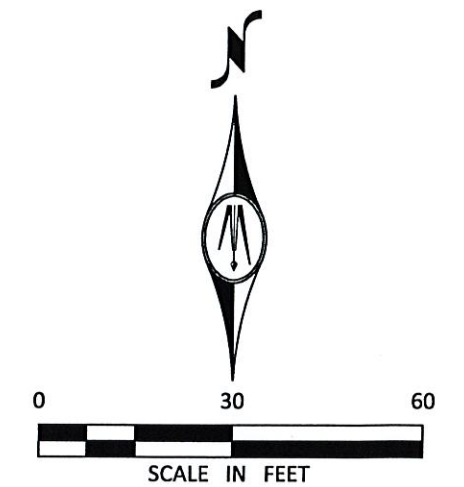
RECEIVED

OCT 16, 2017

PID 01.600.0090

OWNER ADDRESS
MICHAEL G. & LINDA THEISSEN
46155 JEFFERSON LAKE DRIVE
CLEVELAND, MN 56017

SITE ADDRESS
46155 JEFFERSON LAKE DRIVE
CLEVELAND, MN 56017



LEGEND

- MONUMENT FOUND
- ⊙ WELL

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 10/10/2017
Rory Jensen Date
License Number 19789



CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



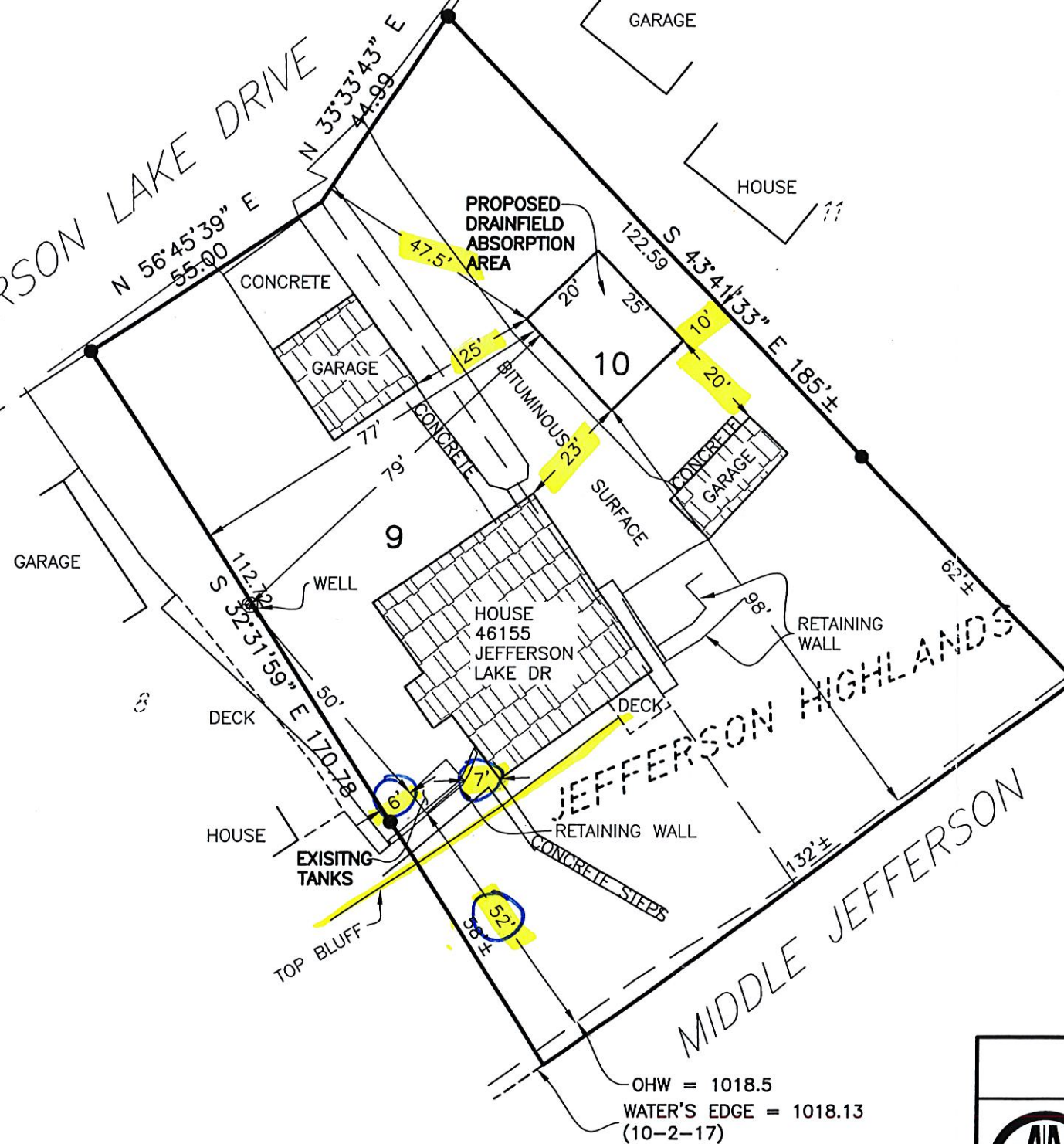
**BOLTON
& MENK**

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

LOTS 9 & 10, JEFFERSON HIGHLANDS, SECTION 2,
TOWNSHIP 109 NORTH, RANGE 25 WEST, LE
SUEUR COUNTY, MINNESOTA

FOR: MICHAEL & LINDA THEISSEN

JEFFERSON LAKE DRIVE



OHW = 1018.5
WATER'S EDGE = 1018.13
(10-2-17)

Surveyor Certification

I. Applicant:
Name Michael G + Linda R Theissen

II. Landowner:
Name Michael G + Linda R Theissen
Property Address 46155 Jefferson Lake Dr.
City Cleveland State MN Zip 56017

III. Parcel Information:
Parcel Number 01.600.0090

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

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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 10-2-17, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Roy Jensen
Surveyor Signature

10/10/17
Date

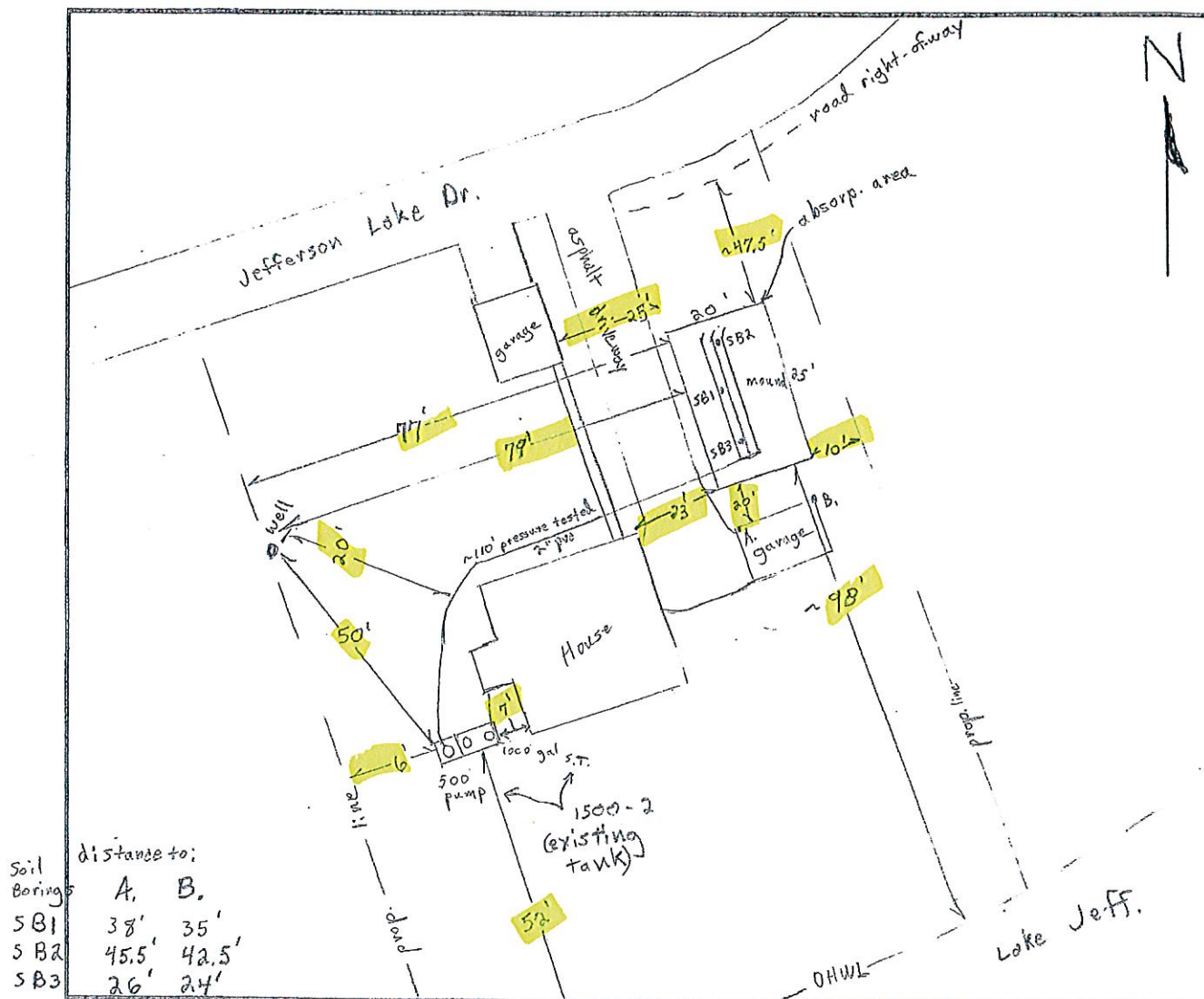
19789
Lic #

OFFICE USE ONLY

10-11-17
Date Received

mm
Planning & Zoning Department Signature

Property Owner: Michael Theissen
Property Address: 46155 Jefferson Lake Drive Cleveland
Parcel Number: 01.600.0090



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: Glenn Schilling
Septic Designer Company: St. Peter Well
License Number: 3467 Certification Number: 3218 Date: 10-17-17

Septic Installer Signature: _____

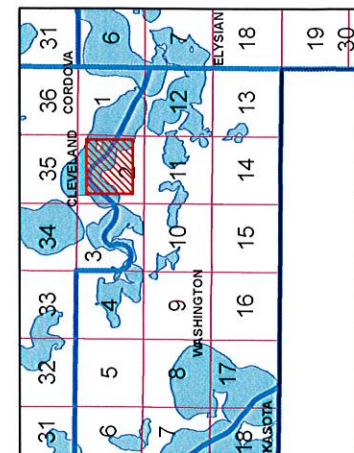
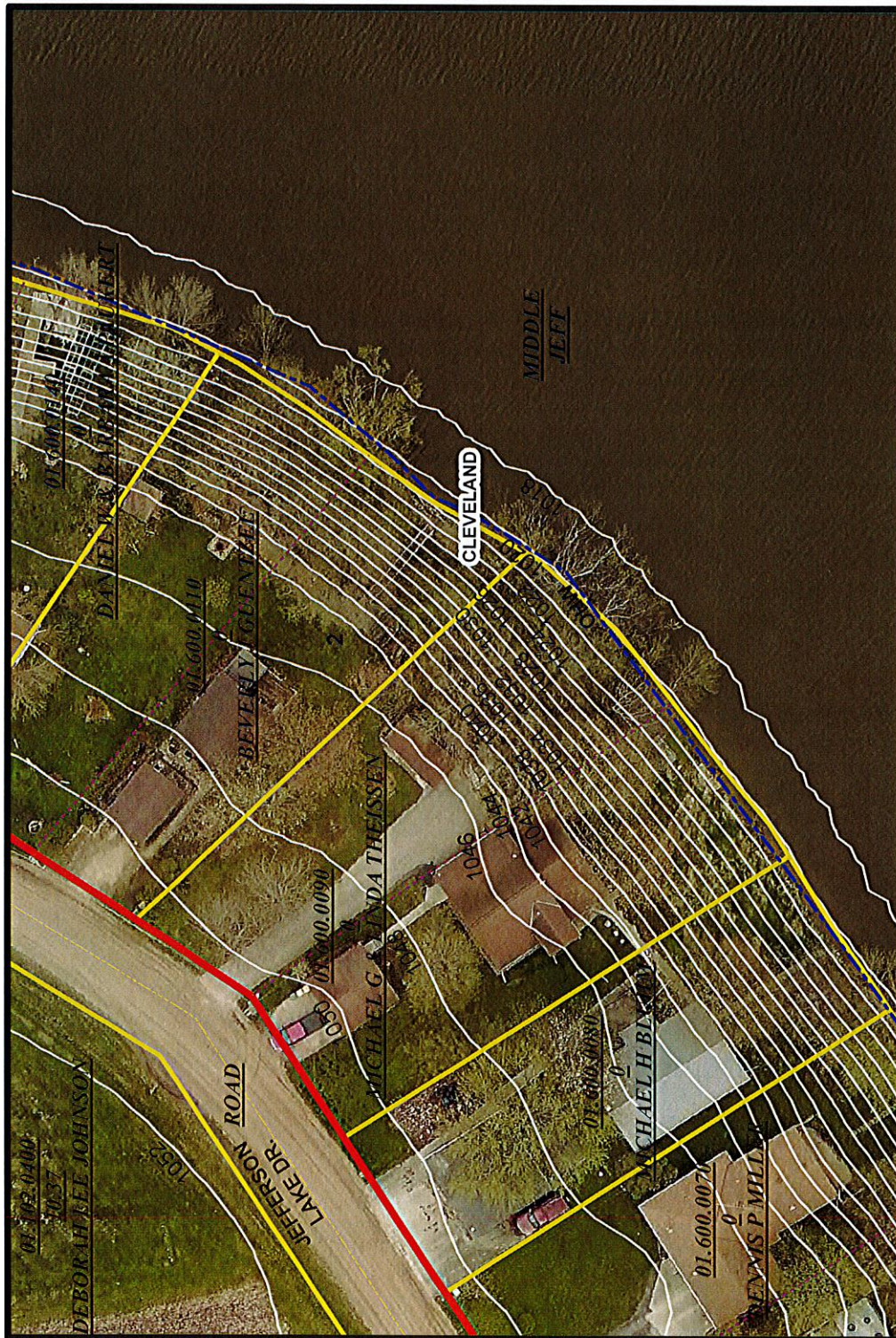
Septic Installer Company: St. Peter Well

License Number: 3467 Certification Number: 3218 Date: _____

Revised: 3/2016

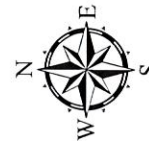
LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Michael & Linda Theissen
 PID: 01.600.0090
 DATE: 11-6-17
 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

Cadastral_Line	<all other values>
AlphaTag	
Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
Pol Twp Line	
Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW/Vac	
Section Line	
Sub Line 400	
Water	
Incorporated	
Townships	
Sections	
Parcel	
Contours 2 ft	



Le Sueur County, MN

Thursday, November 16, 2017

Regular Session

Item 4

Schloesser Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Thomas & Michelle Schloesser

911 ADDRESS: 24386 Arrowhead Trail, Cleveland, MN

VARIANCE REQUEST: To install a septic tank and pump tank 110 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 17397

PARCEL NUMBER: 04.650.0290

SITE INFORMATION

LOCATION: Lot 29, Jefferson Heights, Section 6, Elysian Township

ZONING & PURPOSE: Recreational Residential

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

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

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

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

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

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

GENERAL SITE DESCRIPTION:

Shoreland, residential

ACCESS: Existing off Arrowhead Trail

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.

RFPE: na

ATTACHMENTS

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

STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic tank to OHWL:	110 feet	200 feet	Section 17. Subdiv. 4. D. 5. a. 2.	17-9

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: THOMAS & MICHELLE SCHLOESSER

Variance # 17397

Variance Request: TO ALLOW THE APPLICANT TO INSTALL SEPTIC TANK AND PUMP TANK 110 FEET FROM OWHL
(CONNECTING TO EXISTING CLUSTER)

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

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

Explain _____

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

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

() APPROVED

() DENIED

CONDITIONS: _____

Applicant response to conditions:

Agree ()

Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

Variance Application

I. Applicant:

Name Thomas & Michelle Schloesser

Mailing Address 24386 Arrowhead Tr

City Cleveland

State Mn

Zip 56017

Phone # 507-931-1969

Phone # 507-327-3830

II. Landowner:

Name Thomas & Michelle Schloesser

Property Address 24386 Arrowhead Tr

City Cleveland

State Mn

Zip 56017

Phone # 507-931-1969

Phone # 507-327-3830

III. Parcel Information:

Parcel Number 04.650-0290

Parcel Acreage _____

Township Elysian

Section _____

Subdivision Jefferson Heights

Lot 029

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).

Place underground septic tanks within the 200' setback of an unnamed lake. The septic tanks will be about 110' from the unnamed lake.

V. Description of Request:

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

VI. Township Notification:

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

Elysian

(Township Name)

Township notified on 10-16-17

(Date)

Board Member Linus Hebel

(Name)

regarding the proposed request.

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.

I have to be more than 200' from unnamed lake. No where in my backyard would I reach that setback. Also putting the tanks in my backyard would be impossible

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

there was no unnamed lake in my backyard when I built in 1999. Only recently did they change the designation

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

the County and DNR changed the classification from Wetland to unnamed lake

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

tanks will be buried and nothing in the contour or look will be changed

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

No other option to place the septic tanks or anywhere on my property

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

yes. Platteville County is making me come into compliance with my septic and this is my only option

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

sewer will be in compliance and all contours and land will be maintained as it is now

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

getting rid of non-compliant septic. Hooking up to Golden II cluster

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

now that there is an unnamed lake in my backyard, I cannot replace or upgrade my septic without a variance

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 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 type="checkbox"/> d. Full legal description | <input 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

10-13-17
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.

[Signature]
Landowner signature

10-13-17
Date

OFFICE USE ONLY

Date received <u>10-16-17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' <u>1000'</u> <u>(N)</u>
Meeting date <u>11-16-17</u>	Lake Classification <u>NE</u>	Erosion Control Plan <u>(Y)</u> <u>N</u>
60 Day <u>12-15-17</u>	Lake <u>Unnamed 4038</u>	Water courses <u>Y</u> <u>(N)</u>
RFPE <u>na</u>	FEMA Panel # <u>2707900 270</u>	Bluff <u>(Y)</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____
<input 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 checked="" 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>646</u>
<input type="checkbox"/> Application complete	<u>Michelle R. Muth</u> Planning & Zoning Department Signature	<u>10/16/17</u> Date
		<u>17397</u> Permit #

01-15-16

Proposed request for variance

I am requesting be granted a variance in the ordinance concerning setbacks from an unnamed lake. I need to place my upgraded septic tanks within the 200' setback. There is nowhere on my property that they can be placed as my entire backyard is within the setback as well as bluff zones on either side. And to put the tanks in my front yard would be virtually impossible as I would have to change my entire plumbing system as well as reroute the power coming into my house.

Once the tanks are placed my contractor will bore a pipe to the Geldner II Cluster system, of which I've been a member for over 1 year. Thus making my septic system compliant.

There was no such unnamed lake when I built my house 17 years ago. It was a slough or wetland and there was a 70' setback. My original system as well as this one would have meet those guidelines.

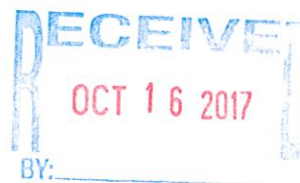
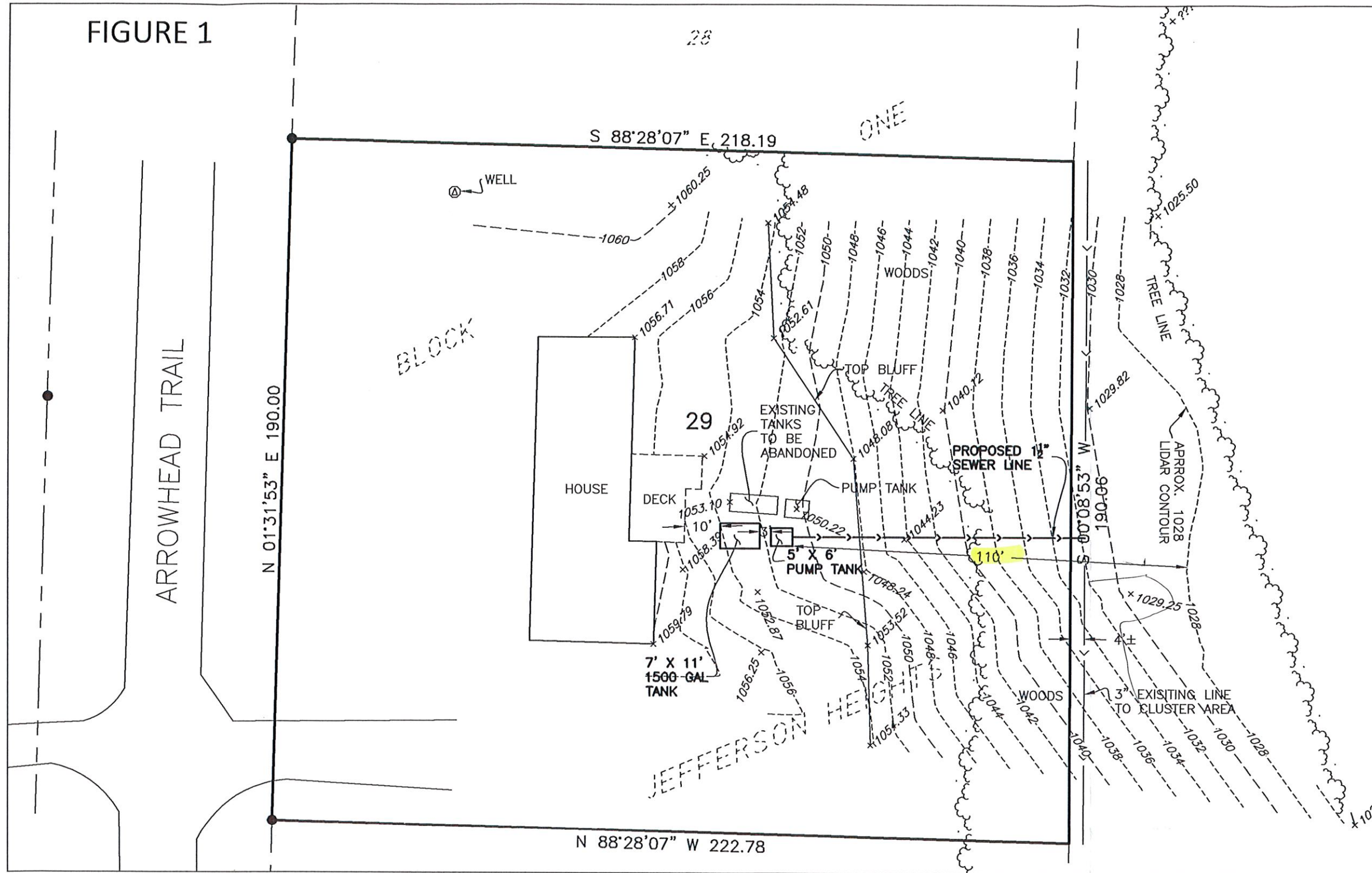


FIGURE 1



PID C

OWN/
THOMA/
24386
CLEVEL

SITE
24386
CLEVEL

Surveyor Certification

I. **Applicant:**
Name Thomas Schloesser

II. **Landowner:**
Name THOMAS SCHLOESSER
Property Address 24386 ARROWHEAD TRAIL
City CLEVELAND State MN Zip 56017

III. **Parcel Information:**
Parcel Number 04.650.0290

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.*

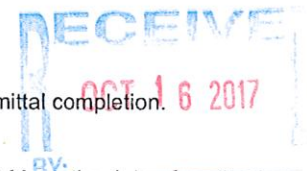
*Site shall be physically staked, *then* surveyed.

*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 10/2/2017 to reflect an accurate account of current and proposed conditions of the property identified above.

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

Roy James 10/2/17 19789
Surveyor Signature Date Lic #

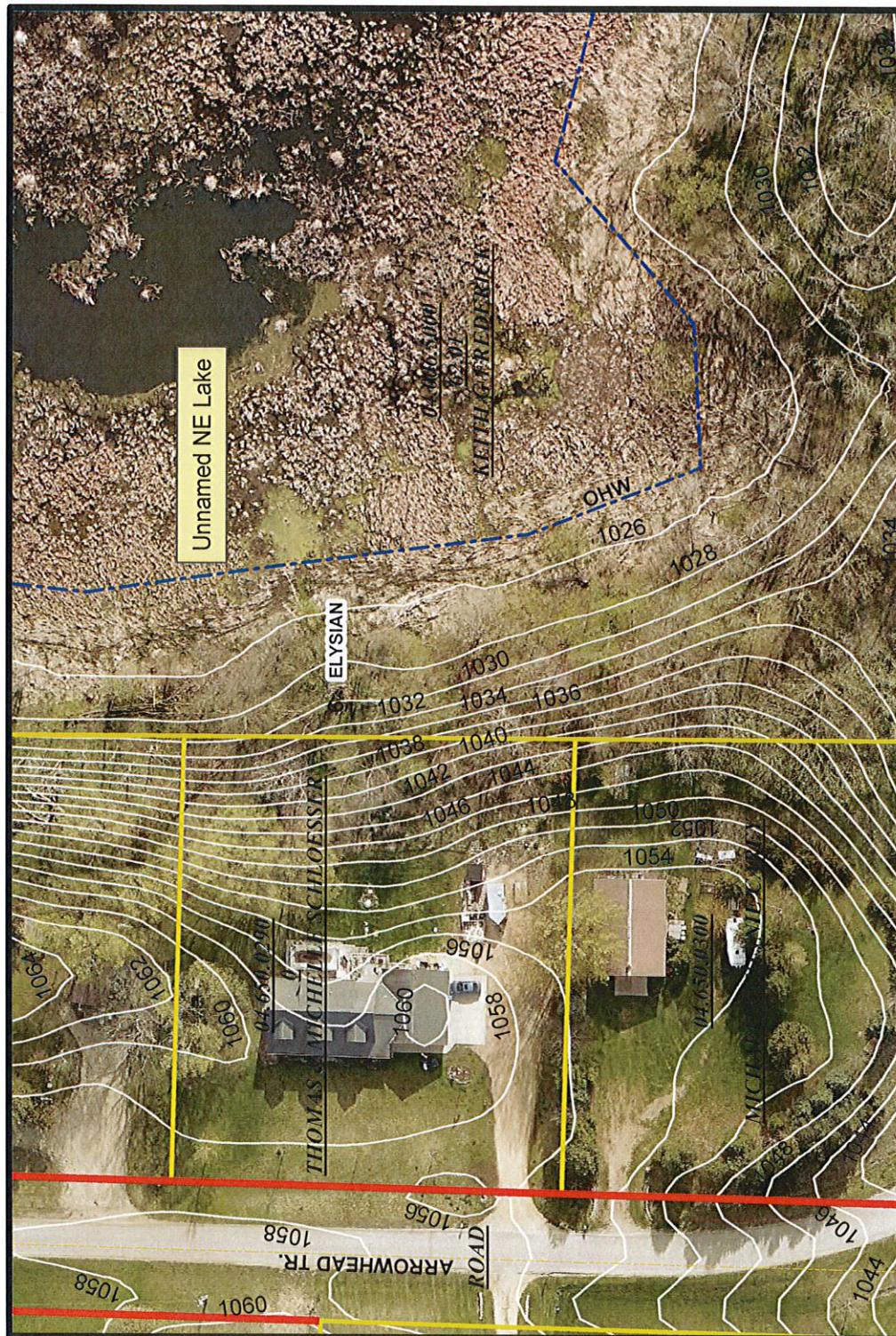
OFFICE USE ONLY

10/16/17 mm
Date Received Planning & Zoning Department Signature

OCT 7 2017

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

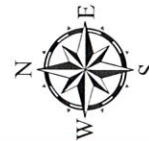
Thomas & Michell Schloesser
 NAME: 04.650.0290
 PID: 11-6-17
 DATE: 27079C0270D
 FIRM #: X-Outside
 F-Zone: na
 RFPE: Recreational
 District: Residential



Cadastral_Line	<all other values>
AlphaTag	
Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
Pol Twp Line	
Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW Vac	
Section Line	
Sub Line 400	
Water	
Incorporated	
Townships	
Sections	
Parcel	
Contours 2 ft	



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.



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3655	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
3656	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
3657	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
3658	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
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3660	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
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3662	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
3663	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
3664	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81
3665	32	33	34	35																																														



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 st 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:

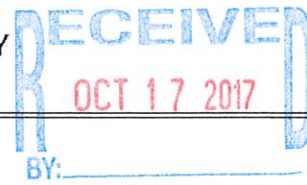
Agree ()

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 Macth 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.

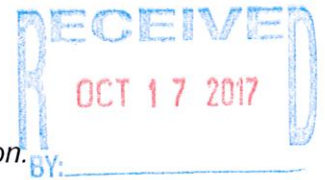
Onsite septic holding tanks will be utilized
An existing private water well will be utilized

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- survey | <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
Applicant signature

10/17/17
Date

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

Gott J. Hase
Landowner signature

10/17/17
Date

OFFICE USE ONLY

Date received _____	Present Zoning Classification <u>RC</u>	Feedlot within <u>500'</u> 1000' <u>Y</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.

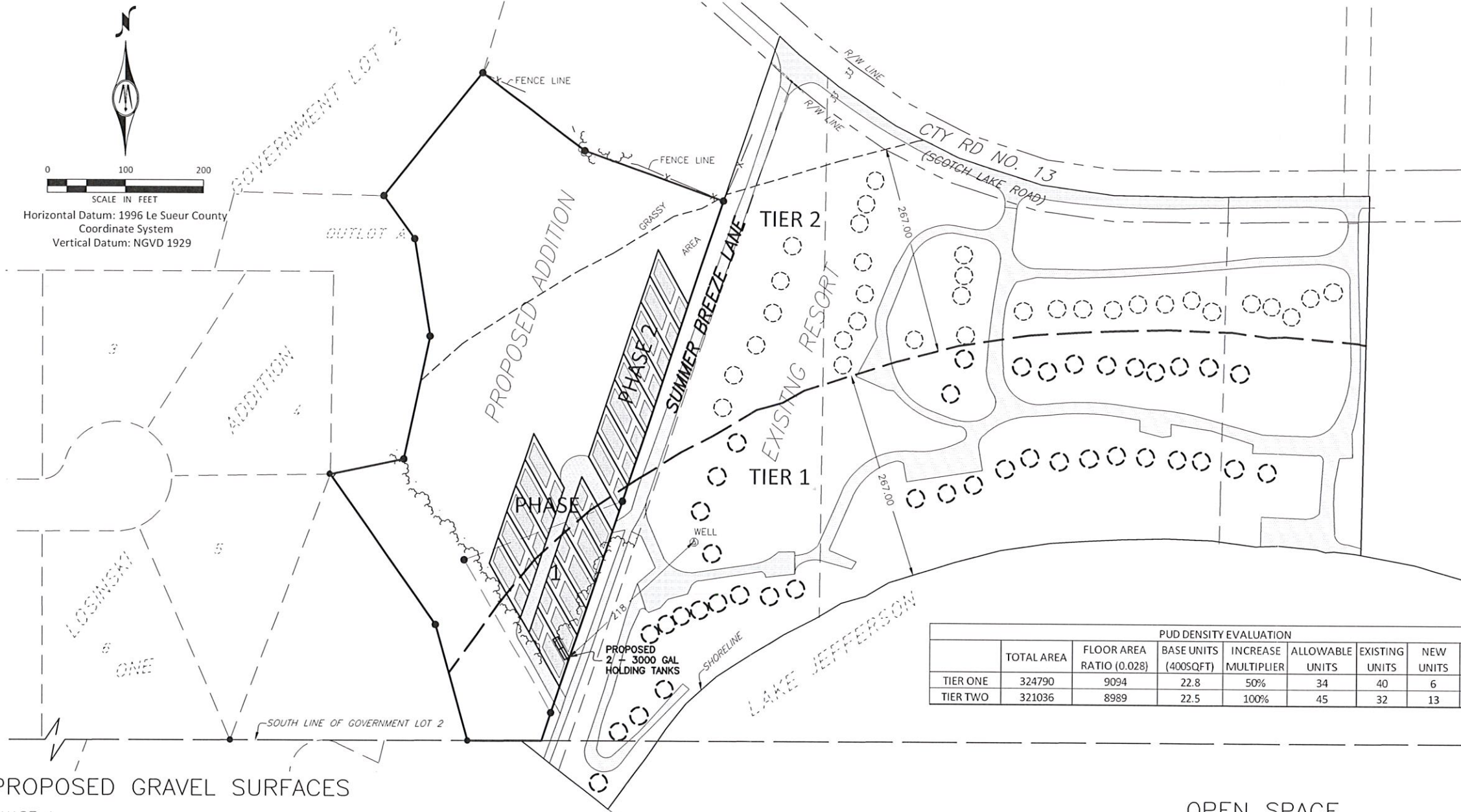
Landscaping: The land will be seeded in a grass mix. 2" diameter hardwood trees, consisting of 5 different varieties will be utilized in various locations.

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

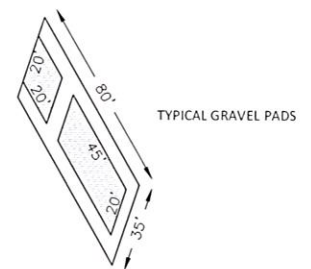
16' ROAD 7434 sq.ft. 0.17 acres
 LOTS (11) 10633 sq. ft. 0.24 acres
 Lot area 2082 sq.ft or 0.05 acres each
 Lot gravel areas 967 sq. ft. or 0.02 acres each

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

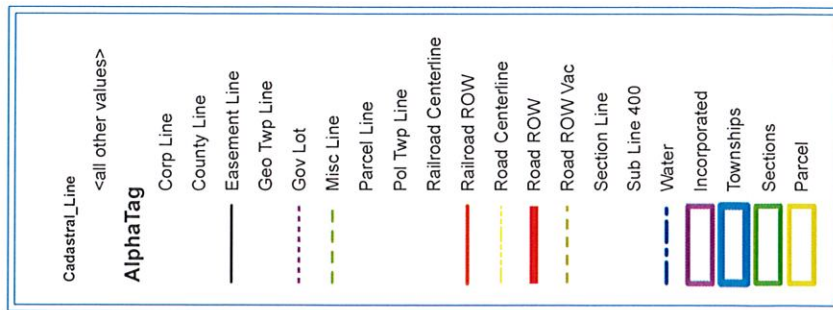
PUD DENSITY EVALUATION								
	TOTAL AREA	FLOOR AREA RATIO (0.028)	BASE UNITS (400SQFT)	INCREASE MULTIPLIER	ALLOWABLE UNITS	EXISTING UNITS	NEW UNITS	TOTAL PROPOSED
TIER ONE	324790	9094	22.8	50%	34	40	6	46
TIER TWO	321036	8989	22.5	100%	45	32	13	45

OPEN SPACE

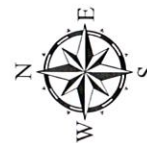
TOTAL AREA 737764 sq.ft.
 Existing Roads (Gravel) 62123 sq.ft.
 Existing Roads (Bituminous) 20186 sq.ft.
 Existing Units (75x940 sq.ft) 70500 sq.ft.
 Proposed Roads (Gravel) 7434 sq.ft.
 Proposed Units (19x940 sq.ft.) 17860 sq.ft.
 Remaining OPEN SPACE 559661 sq.ft.
 (75.9%)

DENSITY EVALUATION SKETCH LESUEUR COUNTY, MINNESOTA		PART OF GOVT LOT 2 OF SECTION 31, TWP. 110N, RGE. 24W CORDOVA TOWNSHIP LESUEUR COUNTY, MINNESOTA FOR: SCOTT HASS
BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

NAME: Scott Hass
PID: 02.031.5650
DATE: 11-6-17
FIRM #: 27079C0270D
F-Zone: X-Outside
RFPE: na
District: Recreational
Commercial



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



Le Sueur County, MN

Thursday, November 16, 2017

Regular Session

Item 1

Approved December 12, 2017 Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
December 12, 2017**

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, John Wolf, Francis Cummins

MEMBERS ABSENT: Jim Mladek

OTHERS PRESENT: Kathy Brockway, Joshua Mankowski

The meeting was called to order at 10:00 AM by chairperson, Jeanne Doheny.

ITEM #1: JADD SEPPMANN & SONS, MANKATO, MN (APPLICANT); LADONNA BARTLETT TRUST, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 7 feet from a single-family dwelling, 8 feet from the property line, in a Recreational-Residential "RR" District, on a Recreational Development lake, Lake Jefferson. Property is located at Lot 6, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR STRUCTURE SETBACKS, PROPERTY LINE AND ROAD ROW SETBACKS. APPLICATION WAS TABLED AT THE NOVEMBER 28, 2017 MEETING DUE TO NO ONE PRESENT TO PRESENT THE APPLICATION.**

Drew Seppmann, Jadd Seppmann and Sons was present for application. Township: No Comment. DNR: No Comment. Letters submitted: None.

Discussion was held regarding, Property lies within the German-Jefferson Sewer District, must be compliant by December 31, 2017, no other options on the property without a variance, system is required to remain in a constant state of compliance.

PUBLIC COMMENT: None

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

Motion to adjourn meeting by John Wolf. Seconded by Colin Harris. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
December 12, 2017

Minutes approved January 18, 2018.

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



Le Sueur County, MN

Thursday, November 16, 2017

Regular Session

Item 2

Approved November 28, 2017 Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
November 28, 2017**

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

OTHERS PRESENT: Kathy Brockway

The meeting was called to order at 10:00 AM by chairperson, Jeanne Doheny.

ITEM #1: JADD SEPPMANN & SONS, MANKATO, MN (APPLICANT); LADONNA BARTLETT TRUST, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 7 feet from a single-family dwelling, 8 feet from the property line, in a Recreational-Residential "RR" District, on a Recreational Development lake, Lake Jefferson. Property is located at Lot 6, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR STRUCTURE SETBACKS, PROPERTY LINE AND ROAD ROW SETBACKS. APPLICATION WAS TABLED AT THE NOVEMBER 28, 2017 MEETING DUE TO NO ONE PRESENT TO REPRESENT THE APPLICATION.**

No one present to represent the application, therefore, the application was automatically tabled until 10:00 AM on December 12, 2017, Motion by John Wolf, Seconded by Jim Mladek. Motion carried.

ITEM #2: DENNIS MILLER, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to use an existing septic tank 6 feet from the detached garage; install a septic drainfield 17 feet from the dwelling, 13 feet from the detached garage, and 57 feet from Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 6 & 7, Jefferson Highlands Subdivision, Section 2, Cleveland Township. **VARIANCE IS FOR STRUCTURE & OHWL SETBACKS. APPLICATION WAS TABLED AT THE NOVEMBER 16, 2017 MEETING DUE TO SITE NOT BEING STAKED.**

John Bruender representing the applicant was present for application. Township: No comments, notified through the application process. DNR: no comments. Letters submitted: none.

Discussion was held regarding: Currently connected to a cluster across the road, landowner no longer leasing property for the system, property located within the German-Jefferson Sewer District needs to be in compliance by December 31, 2017, remain in a constant state of compliance, no other options.

Motion was made by Colin Harris to approve the application. 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
Secretary
November 28, 2017

*Correction change date of meeting in heading to 2017.
Minutes approved January 18, 2018.*

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



Le Sueur County, MN

Thursday, November 16, 2017

Regular Session

Item 3

Approved November 16, 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
November 16, 2017**

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

OTHERS PRESENT: Kathy Brockway

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

ITEM #1: JADD SEPPMANN & SONS, MANKATO, MN (APPLICANT); LADONNA BARTLETT TRUST, CLEVELAND, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 8 feet from a single-family dwelling, install a mound 7 feet from a single-family dwelling, 8 feet from the property line, in a Recreational-Residential "RR" District, on a Recreational Development lake, Lake Jefferson. Property is located at Lot 6, Beaver Dam Plat, Section 5, Elysian Township. **VARIANCE IS FOR STRUCTURE SETBACKS, PROPERTY LINE AND ROAD ROW SETBACKS.**

Due to site not being staked Colin Harris motioned to table the application until November 28, 2017 at 10:00 a.m. in order to allow the applicant to stake the site. Seconded by John Wolf.

ITEM #2: DENNIS MILLER, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to use an existing septic tank 6 feet from the detached garage; install a septic drainfield 17 feet from the dwelling, 13 feet from the detached garage, and 57 feet from Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 6 & 7, Jefferson Highlands Subdivision, Section 2, Cleveland Township. **VARIANCE IS FOR STRUCTURE & OHWL SETBACKS.**

Due to site not being staked Colin Harris motioned to table the application until November 28, 2017 at 10:00 a.m. in order to allow the applicant to stake the site. Seconded by John Wolf.

ITEM #3: MICHAEL & LINDA THEISSEN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to use an existing septic tank 7 feet from the dwelling, 6 feet from the property line, and 52 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 9 & 10, Jefferson Highlands Subdivision, Section 2, Cleveland Township. **VARIANCE IS FOR STRUCTURE, PROPERTY LINE, & OHWL SETBACKS.**

Glen Schilling, SPW Company, representing the applicant was present for application. Township: Notified through the application process. DNR: No comments. Letters submitted: none.

Discussion was held regarding; property located within the G-J Sewer District, enough room on the property to install a mound system, utilizing the existing tank, setback to the house is exempt but setback to the property line and OHWL is required to meet current setbacks, therefore, a variance was needed. No other options on the property, system to remain in a constant state of compliance being it is within the sewer district.

Motion was made by John Wolf to approve the application. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #4: THOMAS & MICHELLE SCHLOESSER, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank and pump tank 110 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on an Un-named Natural Environment "NE" lake. Property is located at Lot 29, Jefferson Heights Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR OHWL SETBACK.**

Tom Schloesser was present for application. Township: notified through application process. DNR: no comments. Letters submitted: none.

Discussion was held regarding: Setback from the Unnamed Lake is 200 ft. as it is a Natural Environment Lake at the time of installing the original septic the lake was not classified a Natural Environment Lake, installing a tank and hooking up to an existing cluster system down the road, will remain in a constant state of compliance as it is part of the G-J Sewer District.

Motion was made by Fritz Cummins to approve the application. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #5: SCOTT HASS, CLEVELAND, MN , (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand an existing campground (Commercial Planned Unit Development) with an additional 6 sites in Tier 1 in a Recreational Commercial “RC” District, on a Recreational Development “RD” lake, Lake Jefferson. Property is located in the Southeast Quarter, Section 31, Cordova Township. **VARIANCE IS FOR CAMPSITE DENSITY PER TIER.**

Scott Hass was present for application. Township: notified through the application process. DNR: no comments. Letters submitted: none.

Discussion was held regarding: property was rezoned earlier in 2017, would like to expand the existing campground, removing existing manufactured homes and replacing with RVs, seasonal sites, need for seasonal camping sites in the county, due to tiering requirements in the ordinance, he is requesting an additional 6 sites in Tier 1, required to go through the conditional use permit process to expand the campground, installation of holding tanks to meet the requirements of the G-J Sewer District, planting trees for screening from adjacent properties, green space.

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

Minutes: Additions or corrections-change speculations to specifications. Motion to approve minutes by Jim Mladek with the change. Seconded by John Wolf. Motion approved. Motion carried.

Motion to adjourn meeting by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
November 16, 2017

Minutes approved January 18, 2018

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