



# **Le Sueur County, MN**

**Thursday, May 10, 2018**

**Regular session**

## **Item 5**

**Fuller Packet**

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Kenneth & Linda Fuller  
**911 ADDRESS:** 34425 480<sup>th</sup> St, Kasota, MN  
**PROJECT DESCRIPTION:** To allow the applicant to move in a temporary dwelling for the elderly.  
**PARCEL NUMBER:** 05.116.2800  
**CUP NUMBER:** 18031

## SITE INFORMATION

**LOCATION:** W 1/2 NE 1/4, Section 16, Kasota Township  
**ZONING DISTRICT:** Agriculture  
**ZONING DISTRICT PURPOSE:** The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.  
**GENERAL SITE DESCRIPTION:** Agriculture, scattered residences, feedlot  
**ACCESS:** Existing off 480<sup>th</sup> St, Kasota  
**EXISTING LAND USE WITHIN ¼ MILE:**  
North: Ag, residence, wetland, road      South: Agriculture  
East: Agriculture      West: Residences, Feedlot, Agriculture

## BACKGROUND INFORMATION

Applicants currently reside in the single-family dwelling on the property. Proposal is the fullers to move in a single-wide mobile home temporary dwelling for the elderly. Family member to move into existing dwelling to assistance with care for the Fullers. New SSTS is required for both dwellings. Proposal is design for a shared system to serve both dwellings. Existing water supply on the property.

## TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Joe Keinlen from Kasota Township was contacted on February 15, 2018 by applicant.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is not located within the Shoreland District.  
**WETLANDS:** According to the National Wetlands Inventory, there are no wetlands located in the quarter-quarter section where the project is proposed.

## ATTACHMENTS

Application, description of request, site plan, aerial photo, floor plan, SSTS Waiver, access approval.

## STAFF FINDINGS

**ZONING ORDINANCE SECTIONS:** Section 8, Agriculture; Section 19, Subdivision 12, Land Use Performance Standards; Section 21, Conditional Use Permits.

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2007 does make reference to *agriculture development design*.

**GOAL #1:** Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

**Objective 1:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**Action 1:** The County will continue using an Agricultural District with the ultimate aim being to preserve large contiguous agricultural land tracts for agricultural use.

## LAND PERFORMANCE STANDARDS-SECTION 19

**ACCESS:** Existing off 480<sup>th</sup> St, Kasota, MN

**PARKING & LOADING:** At least 2 parking spaces on site per dwelling unit.

**TEMPORARY DWELLING:** Applicants must demonstrate a need for housing for the elderly.

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance.
10. Other factors impacting the public health, safety and welfare.
11. **Additional considerations:**
  - a. Traffic
  - b. The site is adequate for water supply and on-site sewage treatment.
  - c. *Removal of mobile home when Kenneth and/or Linda Fuller no longer reside in the mobile home.*

## PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.



# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18031

**Applicant:** KENNETH & LINDA FULLER

**Land Owner:** KENNETH & LINDA FULLER

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO MOVE IN A TEMPORARY DWELLING FOR THE ELDERLY.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

7. The conditional use is consistent with the Comprehensive Land Use Plan.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Kenneth and Linda Fuller  
Mailing Address 34425 480th St  
City Kasota State MN Zip 56050  
Phone # 507-514-4158 Phone # \_\_\_\_\_

### II. Landowner:

Name Kenneth and Linda Fuller  
Mailing Address 34425 480th St  
City Kasota State MN Zip 56050

Property Address 34425 480th St  
City Kasota State MN Zip 56050  
Phone # 507-514-4158 Phone # \_\_\_\_\_

Linda

### III. Parcel Information:

Parcel Number 05.116.2800 Parcel Acreage 2  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township 109 Section 16  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Kasota Township notified on 2-15-18  
(Township Name) (Date)

Board Member Joe Kienlen regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.
- Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled.**  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater



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

- a. **Description of Request**-See Part VIII for full details and requirements.
- b. **Site Plan**-See Part IX for full details and requirements.
- c. **Full legal description**-Not abbreviated description from tax statement.
- d. **Access approval**-Attach approval in writing from proper road authority.
- e. **Township Notification**-See Part IV for details and requirements.
- f. **Septic System Compliance Inspection** *unable to complete by application*
- g. **Erosion control plan**-Attach completed and signed plan including map.
- h. **Floor plans and/or blue prints**

**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

**XII. 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.*

*Kenneth Fuller* 4-10-18  
Applicant signature Date

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

*K. Fuller* 4-10-18  
Property Owner signature Date

**OFFICE USE ONLY**

**Request:** Temp MH

Pre-App Date <u>4-10-18</u>	Lake Classification <u>/</u>	Feedlot	500'	1000'	<input type="checkbox"/> N
Meeting Date <u>5-10-18</u>	Lake <u>/</u>	Wetland Type	1-2	3-8	<input type="checkbox"/> N
60 Day <u>6-9-18</u>	FEMA Panel # 27079C0 <u>240</u>	Water courses			<input type="checkbox"/> Y
Zoning District <u>A</u>	Flood Zone <u>Outside</u>	Bluff			<input type="checkbox"/> Y

*To be waived*

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> Request Description | <input checked="" type="checkbox"/> Access Approval      | <input checked="" type="checkbox"/> Septic  | <input checked="" type="checkbox"/> Comp Insp / Design |
| <input checked="" type="checkbox"/> Site Plan           | <input checked="" type="checkbox"/> Erosion Control Plan | <input checked="" type="checkbox"/> Meeting | <input checked="" type="checkbox"/> Reg / ATF / Spec   |
| <input checked="" type="checkbox"/> Full Legal          | <input checked="" type="checkbox"/> Blue Prints          | <input type="checkbox"/> Fee                | \$ <u>790</u>  |
| <input checked="" type="checkbox"/> Ordinance           | <input type="checkbox"/> Other _____                     | <input type="checkbox"/> Penalty            | \$ _____   |

Application Complete Michelle R Mottler 4-10-18 18031  
Planning & Zoning Department Signature Date Permit #

Le Sueur County Planning and Zoning Commission

April 2018

We, Kenneth and Linda Fuller are applying for a Conditional Use Permit for our property due to a health hardship. The legal property description is: **That portion of the West Half of the Northeast Quarter of Section 16-109-26, Le Sueur County, Minnesota, described as follows: Commencing at a point 13 ½ rods West of the NW corner of the Northeast Quarter of the Northeast Quarter of said Section 16, thence South a distance of 16 rods, thence West 10 rods, thence, North 16 rods to the North line of the West Half of the Northeast Quarter of said Section 16, thence East along said North line 10 rods to the point of beginning, all in Le Sueur County, Minnesota.**

Kenneth has been on medical disability since 2005 due to a brain injury. Since then he has also been diagnosed with Chronic Heart Failure and recently had a Defibrillator implanted. He is no longer able to perform the maintenance and upkeep duties of our property. In addition, Linda has been on disability since 1994 for a chronic illness known as Chronic Fatigue Immune Dysfunction Syndrome which also limits her physical abilities.

We are seeking a Conditional Use Permit to allow us to install a 16 X 80 foot Manufactured Single Wide Mobile Home on the property so our daughter can assist with our daily needs now and into the future as we continue to age. A sample picture is included in this application. It will be a two bedroom, 2 bathroom home, possibly with a small den.

Our daughter Heidi and her partner, Jason, plan on purchasing the home site and living in the main dwelling with their three children. Kenneth and Linda will reside in the manufactured home. We have met with Beau Munsell from Excelsior Homes West of Hutchinson Mn to discuss placement options.

A current outbuilding is in disrepair and will be torn down, making room for the new dwelling. We will refer to this as the **old shed** in future references. The site plan shows the new dwelling positioned in the old shed site. This placement will comply with the setback regulations of 75 feet from the ROW of County Road 101, 50 feet distance from the property lines and 5 feet from other structures. Several large trees will need to be removed and fill brought in to level the site. It is estimated that less than 500 cubic yards of fill should be needed to prepare the site. It is more a grading issue than an excavating issue.

The current septic system does not comply with the existing Zoning Ordinances, so we are signing a waiver for the Compliance Inspection. Glenn at St. Peter Well Company has been contacted regarding a septic design for the updated system. It was not possible to accomplish this by the time of this application due to weather. Glenn is submitting an email to Michelle. The new system will be shared by the original dwelling and the new





manufactured home. Also the current well on the site will be shared by both dwellings.

There are currently two driveways into the property. One is a field approach shared with the farmer, George Warrant. The County Highway Department was contacted concerning our plans on March 1, 2018. They have submitted a report prior to this meeting.

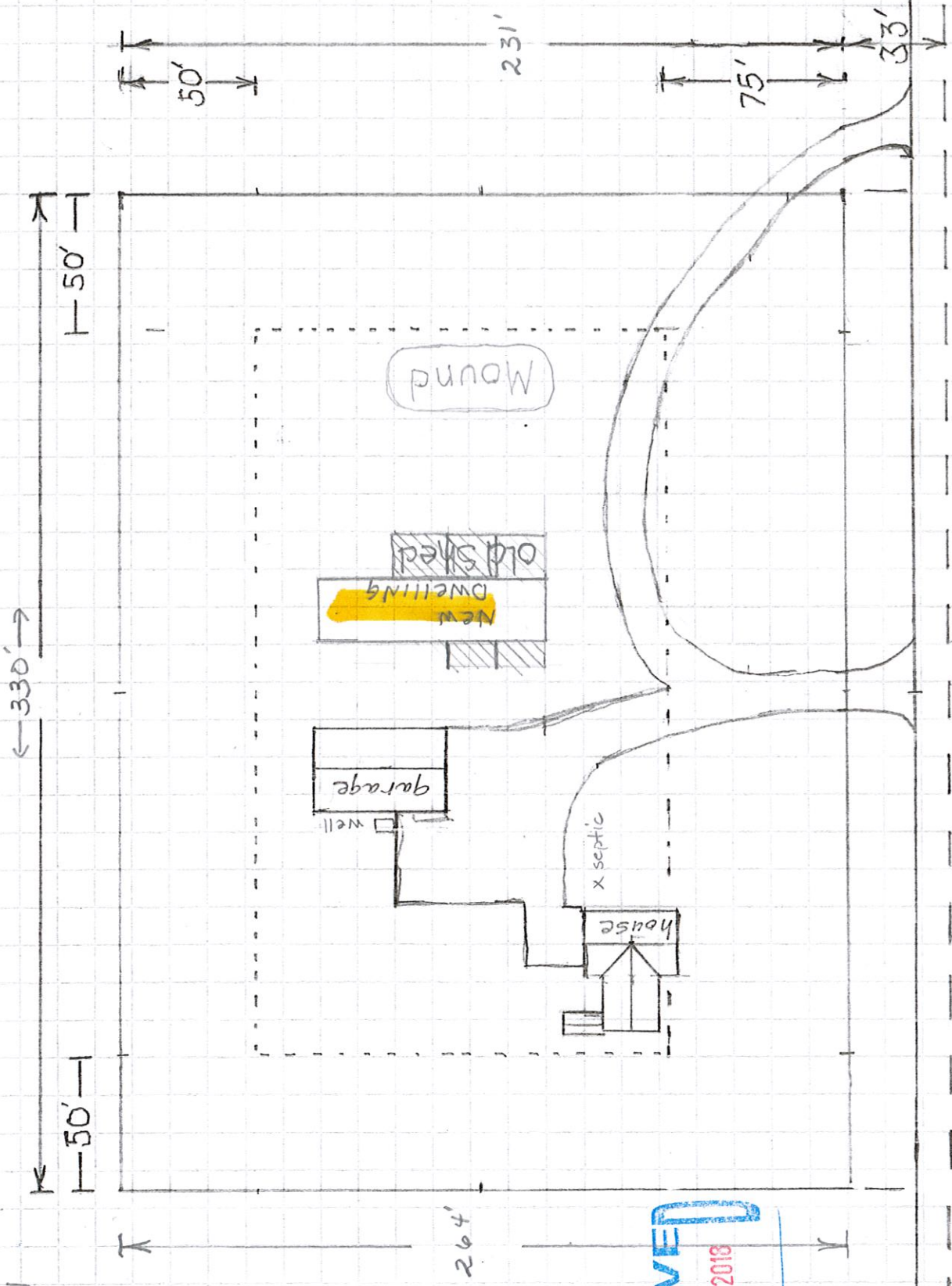
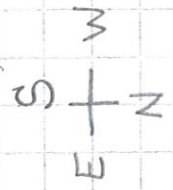
We contacted Joe Kienlen, at the Kasota Township Board, on February 15<sup>th</sup> to inform him of our plans.

Thank you for your time.

Ken and Linda Fuller



1/8



**RECEIVED**  
 APR 10 2018  
 BY: \_\_\_\_\_

05,116,2800

OPTION 2







**WAIVER FOR COMPLIANCE INSPECTION OF AN EXISTING SEPTIC SYSTEM**

Mailing Address: 88 South Park Avenue • Le Center • MN • 56057

Physical Address: 515 South Maple Avenue • Le Center • MN • 56057

Direct Dial: 507-357-8538 • Fax: 507-357-8541 • Email: [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Landowner(s):**

Name: <u>Kenneth and Linda Fuller</u>		
Mailing Address: <u>34425 480th St</u>		
City: <u>KASOTA</u>	State: <u>MN</u>	Zip: <u>56050</u>
Telephone Number: <u>507-514-4158</u>		

**Parcel Information:** (this information can be found on your tax statement, Beacon, or contact Environmental Services)

Parcel Number: <u>05.116.2800</u>	Township Name: <u>KASOTA</u>	
Section: <u>16</u>	Township: <u>109</u>	Range: <u>26</u>
Property Address: <u>34425 480th St</u>		
City: <u>KASOTA</u>	State: <u>MN MN</u>	Zip: <u>56050</u>

Per the Le Sueur County Zoning Ordinance – Section 17, a compliance inspection on an existing septic system or subsurface sewage treatment system (SSTS) shall be required when any of the following conditions occur:

- a. Prior to issuance of a zoning permit within Shoreland Zoning Districts.
- b. Prior to issuance of a zoning permit requested for all single-family dwellings or change in the principal structure for all non-shoreland Zoning districts.
- c. Upon receipt of a variance and/or conditional use permit application.
- d. When a construction permit is required to repair, modify, or upgrade an existing system.
- e. Any time there is a change in use of the property and/or expansion of the structure being served by an existing SSTS, which may impact the performance of the system.
- f. Prior to property sale or transfer.
- g. At any time as required by this Section or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

This waiver allows the landowner to forgo a compliance inspection and disclose any known information about the existing septic system servicing the above listed property.

As the landowner of the above listed property (please initial the following);

RF I understand that I am disclosing, without inspection, that the septic system does not meet MN Rules, Chapters 7080-7083 Requirements.

lef I understand that I am required to have a compliant septic system servicing the above listed property per regulations set forth in Section 17 of the Le Sueur County Zoning Ordinance.

This **NOTARIZED** waiver shall be submitted to:  
Le Sueur County Environmental Services Department  
88 South Park Avenue Le Center, MN 56057

Email: [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us) Fax: 507-357-8541



I understand that I will face legal penalties and will be turned over to the Le Sueur County Attorney and/or Minnesota Pollution Control Agency for enforcement if the work is not completed as agreed.

STATE OF MINNESOTA

ss

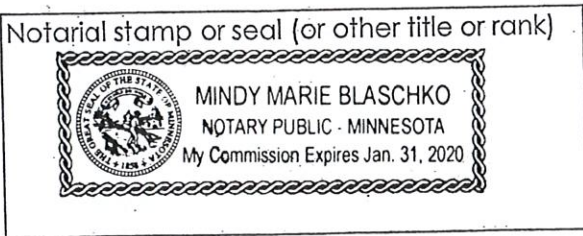
COUNTY OF Le Sueur

Kenneth Fuller 4-10-18  
Signature of Landowner(s) Date

Linda Fuller 4-10-18  
Signature of Landowner(s) Date

Signed or attested before me on April 10, 2018

by Kenneth + Linda Fuller



Mindy Blaschko  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

## Mettler, Michelle

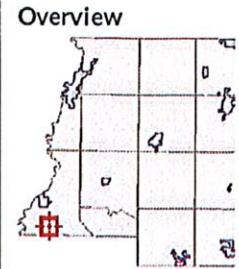
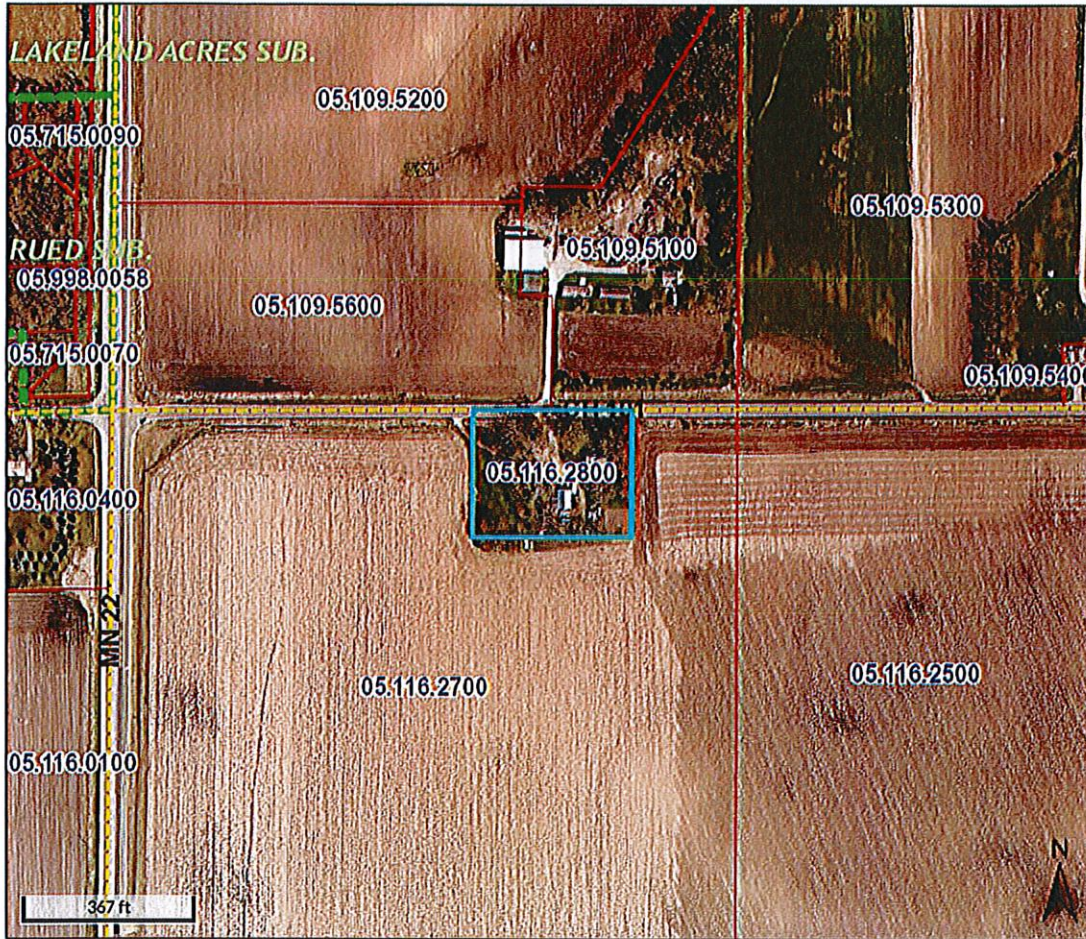
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**From:** Tiegs, David  
**Sent:** Thursday, March 01, 2018 3:36 PM  
**To:** Mettler, Michelle  
**Cc:** 'shadowgramma@hotmail.com'  
**Subject:** Parcel 05.116.2800  
**Attachments:** DOC030118.pdf

Michelle, I was contacted by **Linda Fuller** to review the access to parcel 05.116.2800. She informed me that they are applying for a CUP for a temporary dwelling on that parcel. The existing entrance is adequate to serve this purpose. Should anything else be needed please let me know.

Thanks,  
Dave Tiegs  
Le Sueur County  
Highway Engineer





- Legend**
- Roads
  - Parcels
  - Parcel Labels
  - Subdivisions

Parcel ID	05.116.2800	Alternate ID	n/a	Owner Address	FULLER,KENNETH L & LINDA L
Sec/Twp/Rng	16-109-026	Class	201 - RESIDENTIAL		34425 480TH ST
Property Address	34425 480TH ST KASOTA	Acreege	2		KASOTA, MN 56050
District	KAS TWP/508				
Brief Tax Description	Sect-16 Twp-109 Range-026 2.00 AC W 20 RODS OF E 33.50 RODS OF N 16 RODS OF W 1/2 OF NE 1/4 (Note: Not to be used on legal documents)				

Aerial Photo taken in April 2017

Date created: 3/1/2018  
Last Data Uploaded: 3/1/2018 8:41:01 AM

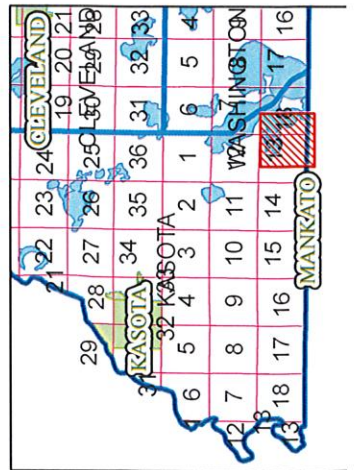
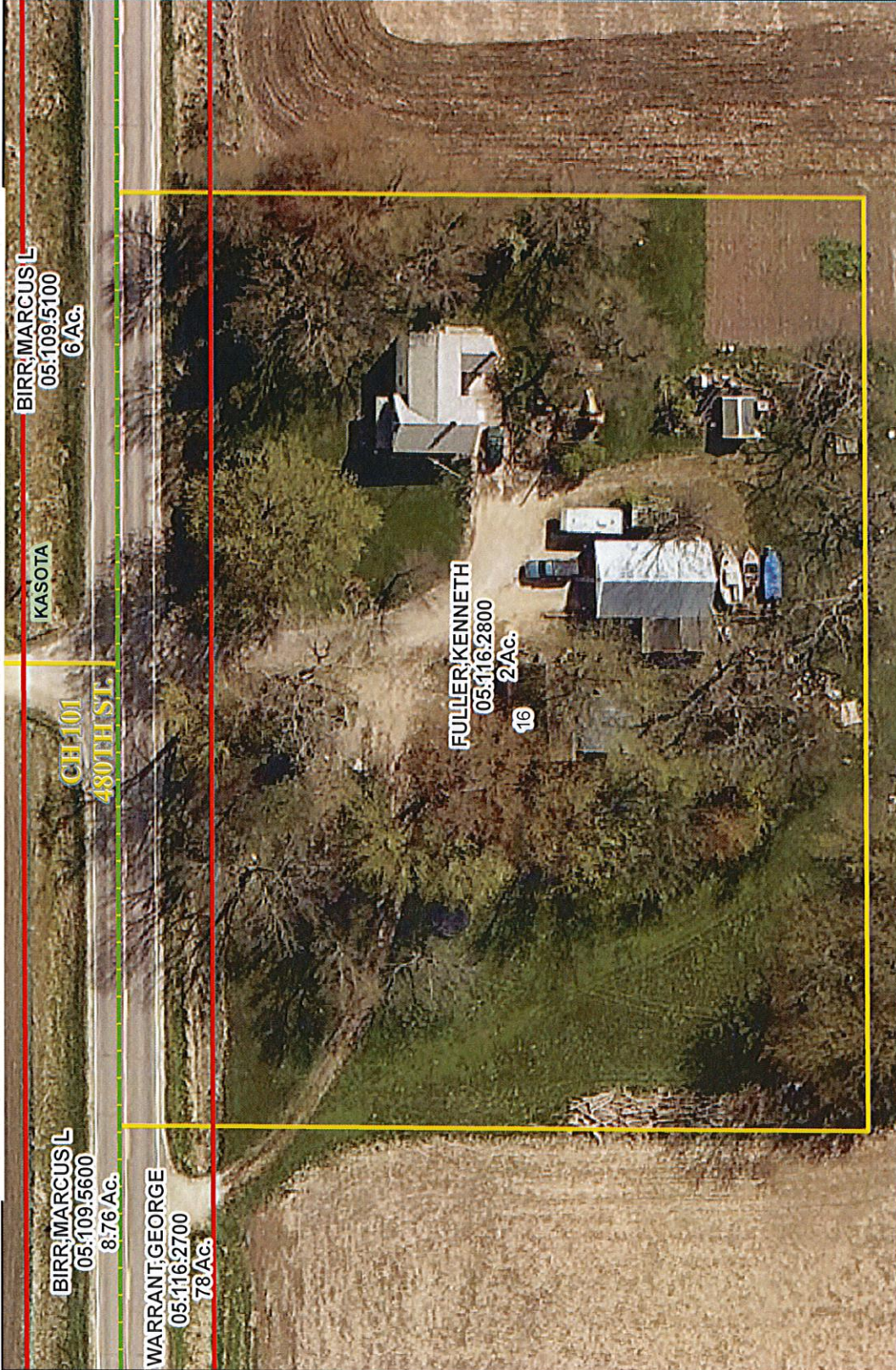
Developed by  
The Schneider Corporation

*Linda Fuller:  
shadowgramma@hotmail.com*



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Fuller  
**PID:** 05.116.2800  
**DATE:** 04-27-18  
**FIRM #:** 27079C0240D  
**F-Zone:** X-outside  
**RFPE:** na  
**District:** Agriculture



**Map Disclaimer**  
 Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation. However, a degree of error is inherent in all maps. 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 2017

Created By: MRM



LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538