



Le Sueur County, MN

Thursday, December 13, 2018

Regular session

Item 1

Mostaghimi Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/ OWNER: Esmail & Barbara Mostaghimi

911 ADDRESS: 50411 Mortensen Lane, Waterville, MN

PROJECT DESCRIPTION: To allow After-The-Fact grading, excavating & filling of approximately 25.73 cy in the shore impact zone, 27.93 cy w/in bluff, (.38 w/in biz & 7.2 w/in siz) for total of 61.24 on the lot for the construction of retaining walls and patio.

PARCEL NUMBER: 14.420.0100

CUP NUMBER: 18307

SITE INFORMATION

LOCATION: Lot 11, Auditor's Subdivision, Section 28, Waterville Township

ZONING DISTRICT: Recreational Residential and Flood Fringe Floodplain Overlay District

ZONING DISTRICT PURPOSE:

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

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GENERAL SITE DESCRIPTION:

Shoreland, residential, bluff, lake frontage

ACCESS:

Existing access off Mortensen Lane

EXISTING LAND USE WITHIN ¼ MILE:

North: Lake Tetonka	South: Scattered residences
East: Residential Development	West: Residential Development

BACKGROUND INFORMATION

The applicant was granted a Variance in 2016 to repair an existing deck located within the bluff. Variance was approved as submitted which included the removal of 242 sq feet of concrete in the shore impact zone, 606 sq feet of parking and steps, and also 22 square feet of concrete up near the deck for a total of 870 square feet removal of impervious surface to bring total down to 24.9 % impervious surface on the lot. In follow up to the Variance the Department found that the required impervious surface was not removed and that there had been extensive work done on the property without an approved Conditional Use Permit. By not removing the 870 square feet of impervious surface, the Landowner was in violation of the Variance that had been granted. The ATF project involves grading,

excavating and filling within the bluff and within the shore impact zone that exceeded the maximum permitted use. Also the retaining walls had been constructed without an approved Conditional Use Permit. The landowner did purchase more land from the neighbor so that the total impervious surface of the lot is less than 25%. The ATF CUP proposal includes the removal of 40 square feet of impervious surface from the concrete in the shore impact zone.

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Tracy Murphy from Waterville Township was contacted on November 13, 2018 by the applicant.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

LAKE: Lake Tetonka, 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

WETLANDS: No wetlands located where the project is proposed.

ATTACHMENTS

Application, description of request, site plan, aerial photo, Findings of Fact sheet, Holly Kalbus letter, photographs, Erosion Control Plan, Engineer letter, 2016 Variance and site plan

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 13 Shoreland, Section 18 Environmental Performance Standards, Section 19 Land Use Performance Standards, Section 21 Conditional Use Permits

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

GOAL #2:	Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resources areas.
Objective 1:	The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.
Objective 2:	Utilize shorelands on Recreational Development Lakes (RD) for housing but with focus on development design that protects the resource.
Action 1:	Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

DNR GUIDANCE LETTERS:

- | | |
|--|-------|
| 1. Administration, Compliance, and Enforcement | pg. 1 |
| 2. Grading & Filling within Shoreland Areas | pg. 3 |
| 3. Natural Shorelines | pg. 5 |

ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18**BLUFF:**

1. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
2. No structure shall be constructed in any bluff or bluff impact zone as defined in this Ordinance. Essential Services shall be exempt from this standard.
3. Filling and cutting activity in any bluff or bluff impact zone shall be considered a conditional use. In no case shall cutting or filling be allowed for the purpose of establishing a site for the erection of a structure.
4. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.

GRADING, EXCAVATING, OR FILLING:

1. There shall be no substantial environmental impact or that such impact shall be alleviated through the County's Erosion Control Standards and other conditions of the permit.
2. There shall be no substantial adverse impact on surrounding properties.
3. Grading, excavating or filling activities within a shoreland district shall conform to the regulations of this Ordinance.
4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
5. Fill or excavated material must not be placed in a manner that creates an unstable slope.

Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals as approved by the Department for continued slope stability and must not create finished slopes of thirty (30) percent or greater.

EROSION CONTROL:

1. Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.
2. Erosion and siltation control measures shall be coordinated with the different stages of development.
3. Appropriate control measures shall be installed prior to development, when necessary to control erosion.
4. Erosion control and stormwater control methods as indicated by the Le Sueur County SWCD shall be implemented.
5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

DRAINAGE:

Any proposed development of land shall not increase the runoff rate of stormwater so as to cause an adverse effect upon adjacent lands.

SPECIFIC LAND USE:**Retaining Walls:**

Retaining walls located within the shore impact zone require a Conditional Use Permit.

Impervious Surface:

1. Impervious surface coverage of lots shall not exceed twenty five (25) percent of the lot area.
2. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.
3. Impervious surface shall not be allowed in the shore impact zone, except for stairways, lifts, landings, paths and water-oriented accessory structures.

Vegetation Alterations:

1. All vegetative alterations are subject to the following conditions.
2. Exposed bare soil shall be covered with mulch or similar materials within twenty four (24) hours.
3. A permanent vegetation cover shall be established within fourteen (14) days of completion of the project through a re-vegetation plan as approved by the Department.
4. Removal of vegetation shall not be greater than fifteen (15) feet in width in any contiguous strip.
5. Screening of structures or other improvements, including but not limited to parking areas as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced.
6. Along rivers, existing shading of water surfaces must be preserved.

PLANNING AND ZONING COMMISSION CONSIDERATIONS
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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. Proposed drainage plan sufficient to manage stormwater runoff on property.
 - b. Retaining wall construction to meet engineer specifications.
 - c. Removal of concrete in shore impact zone.

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.

SHORELAND DISTRICT-EVLAUATION CRITERIA

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.

SHORELAND DISTRICT CONDITIONS

1. Increased setbacks from the ordinary high water level.
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
3. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.

FLOOD PLAIN OVERLAY DISTRICT-EVLAUATION CRITERIA

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
12. Such other factors which are relevant to the purpose of this Ordinance.

FLOOD PLAIN OVERLAY DISTRICT CONDITIONS
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1. Modification of waste treatment and water supply facilities.
2. Limitations on period of use, occupancy, and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

CONDITIONAL USE PERMIT

LE SUEUR COUNTY PLANNING AND ZONING

88 SOUTH PARK AVENUE
LE CENTER MN 56057
Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 11/14/2018 PERMIT NUMBER: 18307 FEE: \$3,046.00
60 DAY RULING DATE: 1/13/2019 *FEES NON-REFUNDABLE
APPLICANT: ESMAIL & BARBARA MOSTAGHIMI LAND OWNER: ESMAIL & BARBARA MOSTAGHIMI
ADDRESS: 113 S PARK LANE ADDRESS: 113 S PARK LANE
CITY: LE SUEUR CITY: LE SUEUR
STATE: MN ZIP: 56058 STATE: MN ZIP: 56058
PHONE: 507-351-6644 PHONE: 507-351-6644
911: 50411 MORTENSEN LANE. WATERVILLE

PARCEL #: 14.420.0100 TOWNSHIP: WATERVILLE
SEC: 28 SUBDIV: AUDITORS SUBDIVISION DISTRICT: RR/FF
TWP: 109 LOT: 11 FEMA PANEL # 27079C0430D
RANGE: 23 BLOCK: FLOOD ZONE: AE
QTR/QTR: ROAD: PVE

I (We), the undersigned, owner(s) and or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Conditional Use Permit, as hereinafter designated, and in support thereof, the following facts are presented:

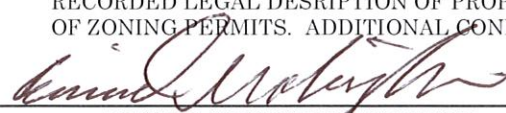
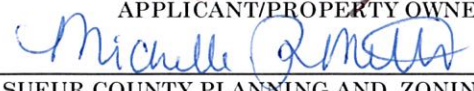
1.) Reason for Requested Conditional Use Permit.

TO ALLOW ATF GRADING, EXCAVATING & FILLING OF APPROXIMATELY 25.73 CY IN THE
SIZ, 27.93 CY W/IN BLUFF, (.38 W/IN BIZ & 7.2 W/IN SIZ) FOR TOTAL OF 61.24 ON THE LOT
FOR THE CONSTRUCTION OF RETAINING WALLS AND PATIO.

2.) Reason for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Conditional Use Permit.

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE
OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD.


APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY
NOV-14-18
DATE
11-14-18
DATE

PUBLIC HEARING DATE: 12/13/2018	ACTION: _____
☐ AS WRITTEN	☐ WITH CONDITIONS
COUNTY BOARD DATE: _____	ACTION: _____
☐ AS WRITTEN	☐ WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY
PLANNING AND ZONING COMMISSION
DATE

CHAIRMAN, LE SUEUR COUNTY
BOARD OF COMMISSIONERS
DATE

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18307

Applicant: ESMail & BARBARA MOSTAGHIMI

Land Owner: ESMail & BARBARA MOSTAGHIMI

Conditional Use Permit Request: TO ALLOW ATF GRADING, EXCAVATING & FILLING OF APPROXIMATELY 25.73 CY IN THE SIZ, 27.93 CY W/IN BLUFF, (.38 W/IN BIZ & 7.2 W/IN SIZ) FOR TOTAL OF 61.24 ON THE LOT FOR THE CONSTRUCTION OF RETAINING WALLS AND PATIO.

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 ENVIRONMENTAL SERVICES
PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE
LE CENTER MN 56057

Date: 11/28/18

To: Le Sueur County Planning and Zoning Commission

From: Holly Kalbus, Environmental Resources Specialist

Applicant:

Esmail & Barbara Mostaghimi

Property owner:

Esmail & Barbara Mostaghimi

Property:

14.420.0100

Description:

Application for an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 25.73 cubic yards within the shore impact zone, 27.93 cubic yards within the bluff, total of 61.24 cubic yards on the lot for the construction of retaining walls and patio in a Recreational Residential "RR" district, and a Flood Fringe "FF" Floodplain Overlay district on Lake Tetonka, on a Recreational Residential "RD" lake.

Recommendation:

It would be my recommendation to approve the application with the condition(s) listed below. The existing retaining walls were failing and needed to be replaced. A tile was installed on the property to help mitigate stormwater runoff.

Condition(s):

1. Improve the rain gardens that were previously installed by adding deep rooted Minnesota native vegetation.
2. Install rock and native vegetation around tile intakes in order to help infiltrate and remove sediment from the stormwater on the property.
3. Remove concrete surface 4 in addition to the 40 square feet that is proposed to be removed by the applicant. As part of the variance that was granted in 2016, the entire concrete surface near the boat house was to be removed. This will decrease a significant amount of impervious surface located in the shore impact zone, and thus, reduce sediment to the lake.
4. Reduce the height of Retaining Wall 16 to be similar height to the ground level (approximately 3 landscaping timbers to be removed). The current height of the wall is unnecessary and would require additional fill in order to have a functional retaining wall.
5. Install erosion control measures (coir logs, erosion control blanket, etc.) on the southern section of the property on hillside near the gravel road in order to help prevent runoff and erosion to the applicant's property.

6. Install at least one best management practice such as a tile intake or planting deep rooted Minnesota native vegetation on the hillside near the gravel road. This should help slow down and prevent runoff and erosion to the applicant's property.

Sincerely,

A handwritten signature in dark ink, appearing to read "Holly Kalbus", with a long, sweeping horizontal line extending to the right.

Holly Kalbus
Le Sueur County
Environmental Resources Specialist

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. Applicant:

Name Esmail and Barbara Mostaghimi
Mailing Address 113 S. Park Lane
City Le Sueur State MN Zip 56058
Phone # 507-351-6644 Phone # 507-351-6645

II. Landowner:

Name Esmail and Barbara Mostaghimi
Mailing Address 113 S. Park Lane
City Le Sueur State MN Zip 56058
Property Address 50411 Mortensen Lane
City Waterville State MN Zip 56096
Phone # 507-351-6644 Phone # 507-351-6645

III. Parcel Information:

Parcel Number R14. 420.0100 Parcel Acreage 15,526 Sq Ft
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township 109 North Section 28
Subdivision Auditor's SD Lot 11 Block _____

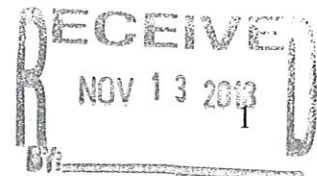
IV. Township Notification: Township must be notified of proposed use prior to application.

Waterville Township Township notified on 11-13-18
(Township Name) (Date)

Board Member ms Murphy 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 (¹⁵23) 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.**



- Conditional Use Permit
- Filing Fee

\$ 750 After-The-Fact fee is doubled.
\$ 46

Additional Fees:

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

VII. Type of Request: Grading, Excavating or Filling.

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
- ☐ Within Bluff

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

☒ **Shoreland- Outside Shore Impact Zone**

- ☒ Within Shore Impact Zone
- ☒ Within Bluff Impact Zone
- ☒ Within Bluff

Cubic yards of material movement: 7.20
Cubic yards of material movement: 25.73
Cubic yards of material movement: .38
Cubic yards of material movement: 27.93

TOTAL cubic yards of material movement: 61.24

- ☐ Assurance security shall be required for projects that are >1500 cubic yards.

VIII. Description of Request: *-see attached*

a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

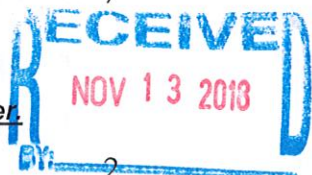
- ENVIRONMENTAL IMPACT: _____
- ADVERSE IMPACT ON SURROUNDING AREAS: _____
- STORMWATER RUNOFF: _____
- DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: _____
- WETLAND IMPACT: _____
- SLOPE STABILITY: _____
- CERTIFICATE OF INSURANCE: _____
- MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

IX. Site Plan: Shall include but not limited to the following:

- **Parcels < 5 AC** = 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC** = 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC** = 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.
(Caliper of 6 inches or greater measured 4.5 feet from ground level).

- | | | | |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
| • Landscape, screening and buffering | | | • Drainage |

• Site plan & As-Built must be completed by a surveyor or professional engineer.



X. Restoration Plan: Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD))*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Distircts)*
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. 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**
- ☐ g. **Erosion Control Plan**-Attach completed and signed plan including map.
- ☐ h. **Restoration Plan**-See Part X for full details and requirements.
- ☒ i. **Approved Stormwater Pollution Prevention Plan**
 - Must meet NPDES requirements and prepared by a licensed professional engineer.
- ☒ j. **Engineer cert on the retaining walls.**

XII. 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 recommendations of the Planning Commission to the County Board for final decision.

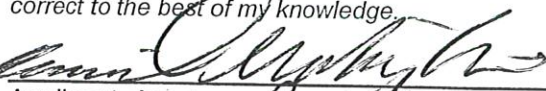
Action by the County Board shall be a majority vote of its members.

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.

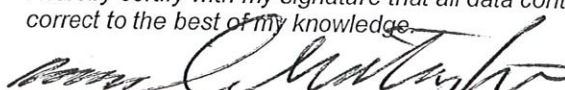
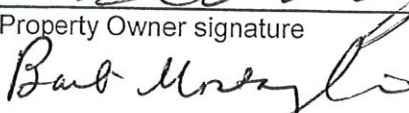
XIII. Signatures:

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

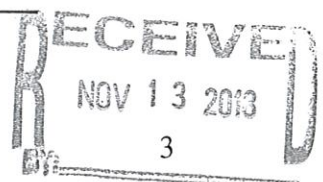

Applicant signature 

NOV-11-18
Date 11-11-18

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.


Property Owner signature 

NOV-11-18
Date 11-11-18



Request: **GRADING, EXCAVATING & FILLING**☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

☐ **Shoreland - Outside Shore Impact Zone**

- ☐ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: 7,20
 Cubic yards of material movement: 25,73
 Cubic yards of material movement: 38
 Cubic yards of material movement: 27,93

TOTAL cubic yards of material movement: 61,24

Pre-App Date 11-14-18
 Meeting Date 12-13-18
 60 Day 1-13-19
 Zoning District RR

Lake Classification RP
 Lake Tetonka
 FEMA Panel # 27079C0 0430 D
 Flood Zone Outside + AE zone

Feedlot 500' 1000' N
 Wetland Type 1-2 3-8 N
 Water courses Y N
 Bluff Y N

☒ Request Description☐ Access Approval☒ Septic Comp Insp / Design☒ Site Plan☒ Erosion Control Plan☒ Meeting Reg ATF / Spec☒ Full Legal☐☒ Fee \$ 1546-☒ Ordinance☐ Other _____☐ Penalty \$ 1500-\$3,046- Total☒ Application Complete

Michelle R. Miller
 Planning & Zoning Department Signature

11/14/18
 Date

18307
 Permit #

Project value \$6,000

Le Sueur County
Conditional Use Application-Grading, Excavating & Filling

Esmail and Barbara Mostaghimi
50411 Mortensen Lane
Waterville, MN 56096

Page 1 of 2

VIII. Description of Request

a. Full Description of Request

1. Operations Occurred

i. Retaining Walls

- Old retaining walls were failing. We left most of the existing timber & stone and put new timber in front. We installed 4" drainage tile behind the new timber.
- The length & height of the retaining walls remained about the same as what they were with the exception of the retaining wall adjacent to the boat house (Retaining Wall 13 - see drawing (B) C1 for measurements). Because this wall is taller than 4 feet, we had an engineer look at it. The engineer provided us with a proposal to secure it. The existing drain tile that starts in front of the house by Mortensen Lane runs along the west side of the house, comes through this wall, and empties into a tile intake next to the boat house. The existing drain tile then continues by running under the boat house and finally exiting at the lake.
- The work on the retaining walls was done by hand. There is no access to enable use of any equipment.
- Some landscaping timber was used along the walkways and around the gardens.

ii. Rain Gardens

- We added multiple rain gardens to help prevent soil erosion (see drawing).

2. Operations to Occur

i. Secure Retaining Wall 13 – drawing (B) C1

- Secure Retaining Wall 13 adjacent to the boat house using proposal provided by engineer.
 - Dig 5 holes 3' x 6" with 12" diameter, 3.5' apart
 - Dirt from holes will be used to help fill in space after removing portion of Concrete Surface 4 mentioned below (0.31 cubic yards of dirt movement).
 - Put 5 channel flat C4x5.4 in holes and fill in with concrete
 - Each channel flat will be secured on top with a cable clamp

ii. Remove Portion of Concrete Surface 4

- Concrete Surface 4 next to the boat house was reviewed by contractor. Contractor's recommendation is to remove 40 sq. ft., which should have no impact on boat house. The concrete will be removed in winter utilizing the ice on the lake to get access. After concrete is removed, 0.69 cubic yards of dirt will be used to fill in (0.31 cubic yards will come from holes dug to secure Retaining Wall 13 mentioned above) and grass will be planted.



Le Sueur County
Conditional Use Application-Grading, Excavating & Filling

Esmail and Barbara Mostaghimi
50411 Mortensen Lane
Waterville, MN 56096

Page 1 of 2

VIII. Description of Request (continued)

(a. Full Description of Request – 2. Operations to Occur)

iii. Expand Rain Gardens

- We need to expand the rain gardens to decrease the amount of stormwater runoff. We also need to add some native vegetation to the gardens.

iv. Remove Concrete Surface Under Deck and Install Pavers

- Remove Concrete Surface under deck due to broken and cracked concrete that's lead to safety concerns. After concrete is removed, 3 cubic yards of sand will be used for leveling when installing pavers.

b. Following are in Relationship to the Proposed Conditional Use Permit

1. Environmental Impact

- i. We added multiple rain gardens to help prevent soil erosion. We are planning on adding some native vegetation to the gardens.

2. Adverse Impact on Surrounding Areas

- i. Minimal to none

3. Stormwater Runoff

- i. During heavy periods of rain dirt was washing away because of the hills on either side of the roadway leading to our house. We saw where the water was flowing and how the existing retaining walls were not stopping the water from washing away the dirt. Therefore we added new timber in front of the existing retaining walls and added multiple rain gardens.

4. Does Any Part of the Project Extend Below OHWL

- i. No

5. Wetland Impact

- i. Not applicable

6. Slope Stability

- i. We made the slope more stable with adding new timber for reinforcement.

7. Certificate of Insurance

- i. See attached

8. Meet All Applicable County State & Federal Regulations

- i. Increased lot size by purchasing additional land, which decreased our impervious surface to 22.8%.



Le Sueur County
Conditional Use Application-Grading, Excavating & Filling

Esmail and Barbara Mostaghimi
50411 Mortensen Lane
Waterville, MN 56096

VII. Type of Request: Grading, Excavating or Filling

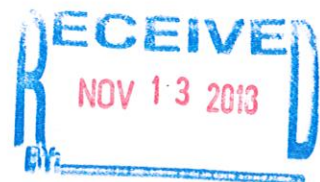
cubic yards of material movement						
Occurred				To Occur		Total
(A)	(B)	(C)	(D)	(A)	(B)	(D)
1.00		1.20	5.00			7.20
10.36	11.37			3.69	0.31	25.73
11.36	11.37	1.20	0.38	3.69	0.31	0.38
Total cubic yards of material movement:						61.24

Shoreland-Outside Shore Impact Zone
Within Shore Impact Zone
Within Bluff Impact Zone
Within Bluff

Outside Bluff Impact Zone

Shore
Bluff

4.62
32.93
32.93





November 1st, 2018

Brosisco LLC
113 S Park LN
Le Sueur Mn 56058

RE: Timber retaining wall evaluation
50411 Mortensen Ln
Waterville, MN

Thank you for the opportunity to perform a structural evaluation of the timber retaining wall at the address indicated above. It is our understanding that the retaining wall adjacent to the boat house at the above referenced address requires an engineering review because it exceeds the allowed height by the jurisdiction for non-engineered retaining walls.

GP Engineering PLLC performed a visual inspection during our visit on June 6th, 2018. The wall was in good condition with no signs of settlement, sliding or overturning at the time of our visit. GP Engineering also measured and documented the existing construction while on site for the purpose of analyzing the 'as-is' wall construction.

Some elements typical of timber retaining wall construction were observed to be present, however, because the wall had already been backfilled, accurate measurements for analysis could not be taken. For example, tieback timbers were observable on the face of the retaining wall but the length of tiebacks and presence of cross plates could not be verified and so they were neglected in the analysis.

Since we were not able to verify the adequacy of the existing design and construction of the timber retaining wall, we have provided the design for a soldier pile and tieback system that can be retrofit to the existing wall and allow limited reconstruction of elements already in place.

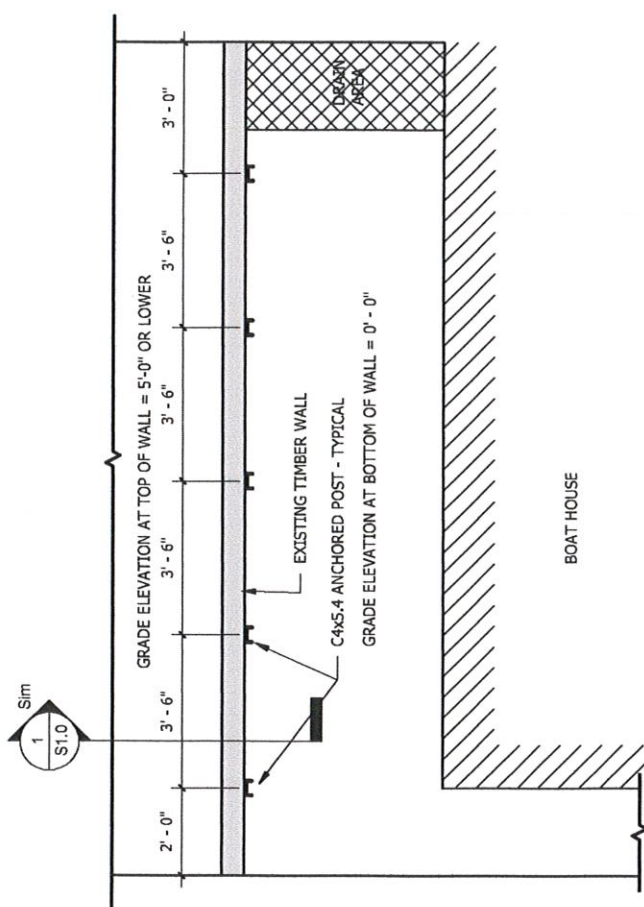
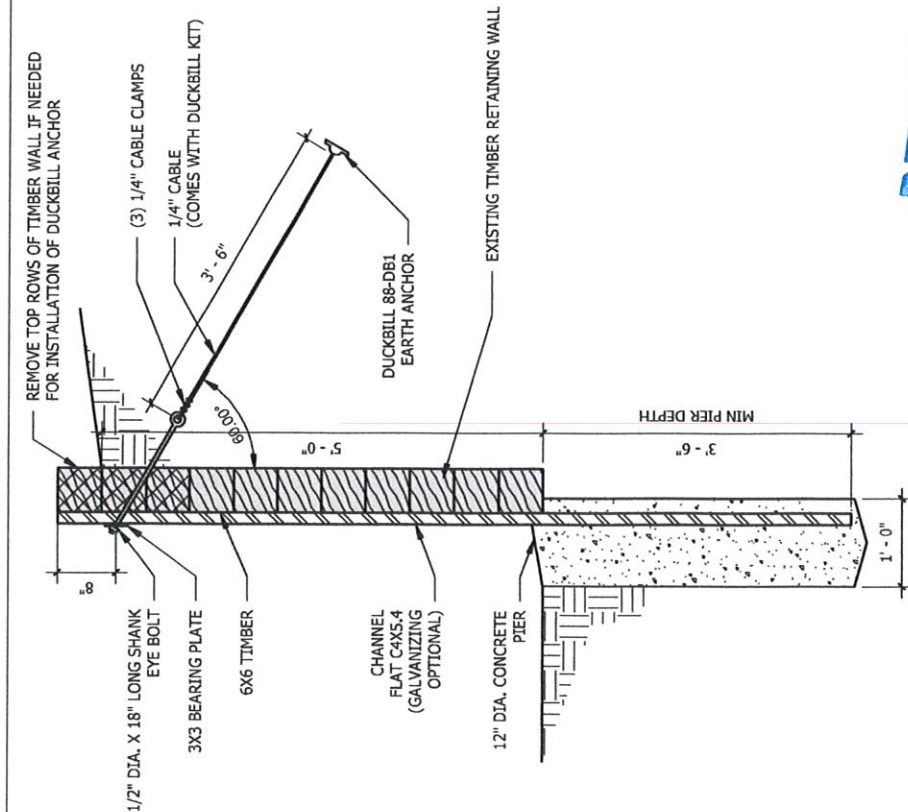
Thank you for the opportunity to work with you on this evaluation. Please contact us at 507-246-6778 if you have any further questions regarding this letter.

Respectfully submitted,

A handwritten signature in black ink that reads "Gregory A. Prunty".

11-1-2018
Gregory A. Prunty PE
Lic. # MN 49847

PO Box 383 ▪ St. Peter, MN 56082
gp@gp-eng.net ▪ www.gp-eng.net ▪ Cell 701.367.8926 ▪ Office 507.246.6778 001



NOTE: FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS, NOTIFY ENGINEER OF DISCREPANCIES

② ANCHORED POST LOCATIONS
N.T.S.

RECEIVED
NOV 05 2018
BY:

① RETAINING WALL REINFORCEMENT
3/4" = 1'-0"

GP Engineering
Structural & Investigative
PO Box 383
St. Peter, MN 56082
507.246.6778
www.gp-eng.net

Project:

50411 Mortensen LN, Retaining wall reinforcement

Project number

4018.1

Date

6/26/2018

Drawn by

PH

S1.0

002

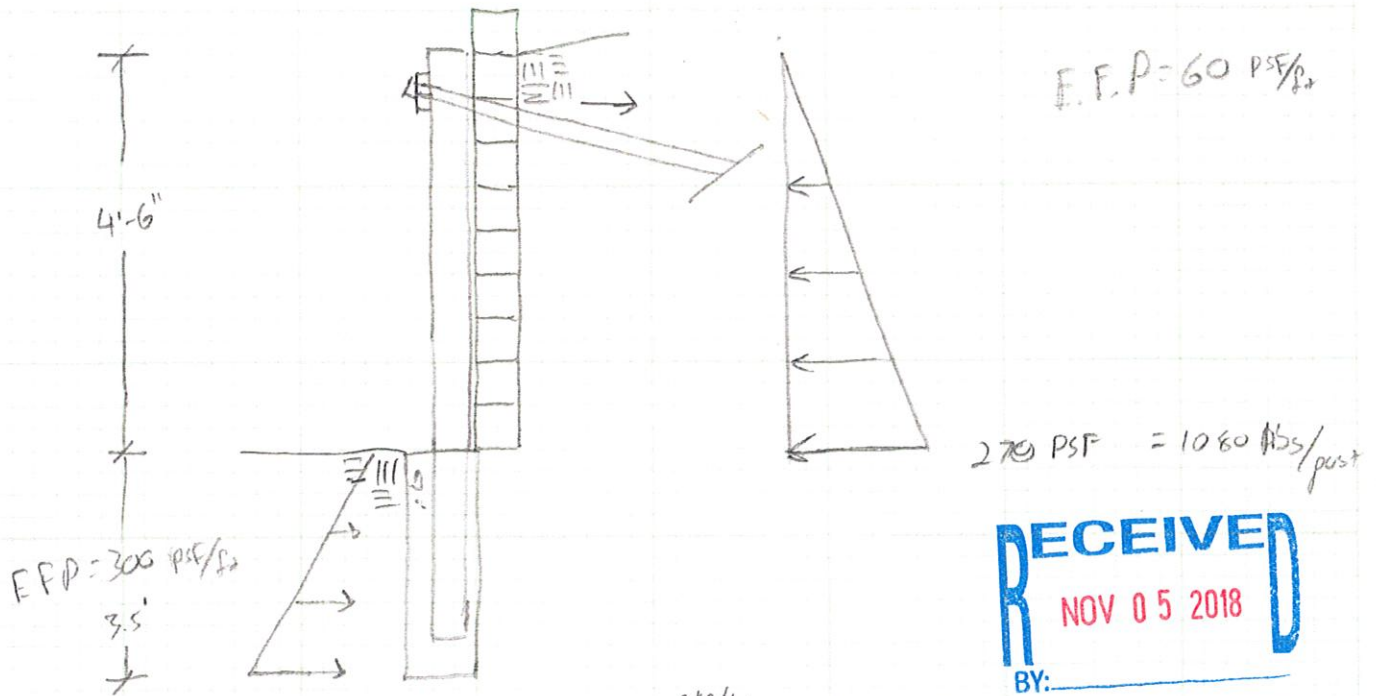
I HEREBY CERTIFY THAT THE PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

ENGINEER: Gregory A. Prunty

CERTIFICATION NO: 49847

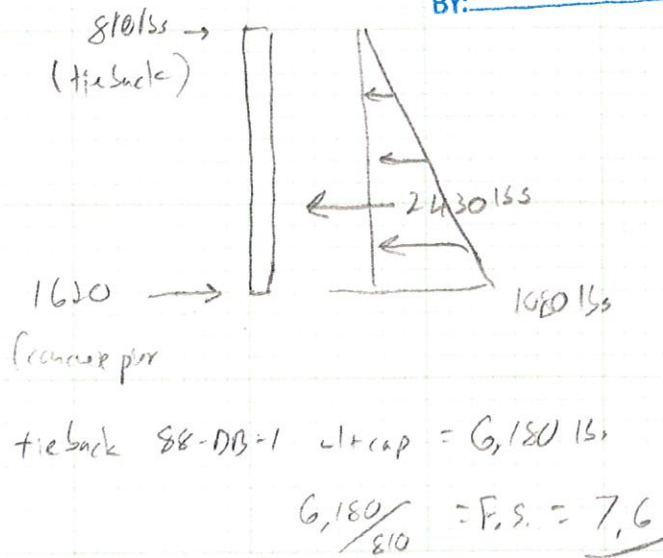
SIGNATURE: DATE:

Gregory A. Prunty 11-1-2018



$$\frac{300(10)^2}{2} = 1620$$

$$D = 3.28 \rightarrow \text{use } 3.5'$$



Essie waterwall & retaining wall

Number Project Location Date

GP Engineering
Structural & Investigative

507.246.6778
PO Box 383
St. Peter, MN 56082
www.gp-eng.net

Sheet #

003

Duckbill Earth Anchors Holding Capacity

<u>Duckbill Model</u>	<u>Ultimate Capacity</u>	<u>Normal Soil*</u>	<u>Normal Installation Depth</u>
40	580 lbs (261 kg)	300 lbs (135 kg)	20 inches (.5m)
68	2,045 lbs (920 kg)	1,100 lbs (495 kg)	30 inches (.75m)
88	6,180 lbs (2,781 kg)	3,000 lbs (1,350 kg)	42 inches (1.05m)
138	10,670 lbs (4,802 kg)	5,000 lbs (2,250 kg)	60 inches (1.5 m)

- Typical Blow Count Per ASTM-D1586. Normal Soil Blow Count Range 24-40.
- Common Soil Type – Dense Fine Sand; Very Hard Silts and Clays; Dense Clays; Sands; and Gravel; Hard Silts and Clays.

DUCKBILL
EARTH ANCHORS



FORESIGHT
PRODUCTS, LLC

6430 East 49th Drive
Commerce City, CO 80022 (USA)
WATS: 1-800-325-5360
TEL: 303-286-8955
FAX: 303-287-3866
WEB: www.duckbill.com
E-Mail: sales@earthanchor.com

RECEIVED

NOV 05 2018

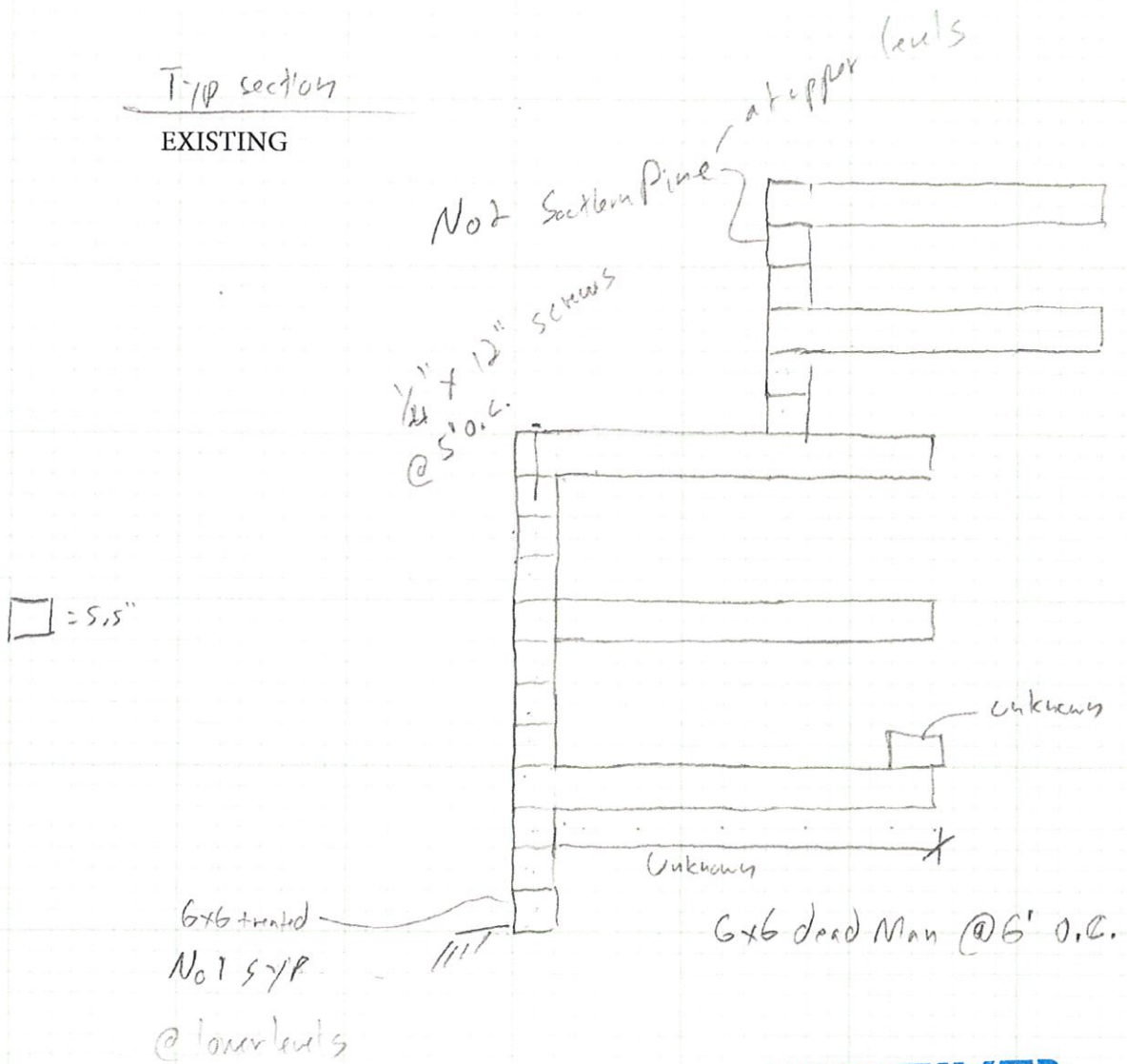
BY: _____

004



Typ section

EXISTING



RECEIVED
NOV 05 2018
BY: _____

Number	Project	Location	Date
	50411 Martensen LN		6/6/18



Engineering
Structural & Investigative

507.246.6778
PO Box 383
St. Peter, MN 56082
www.gp-eng.net

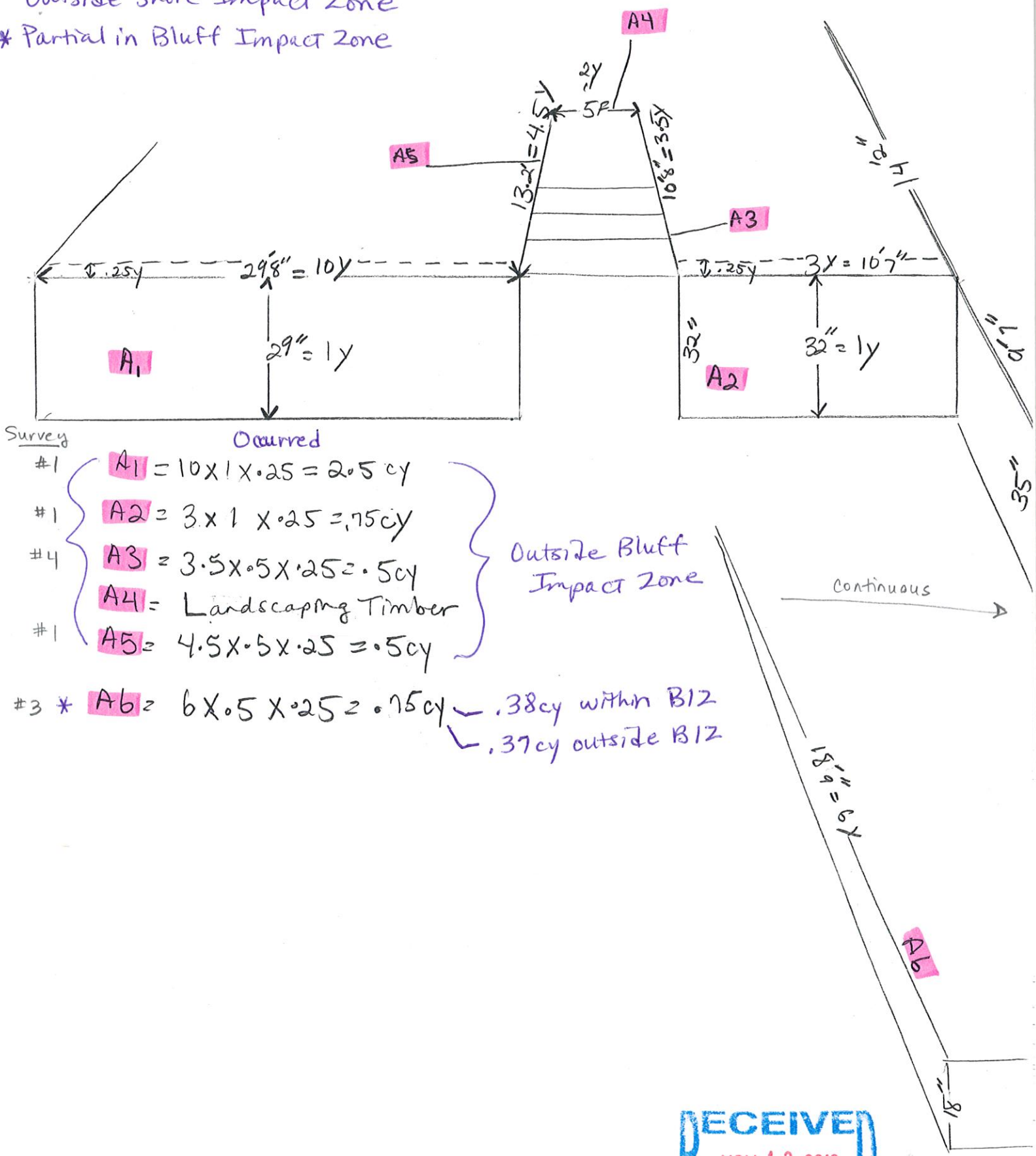
Sheet #

006

PROPOSED DESCRIPTION FROM RECORDS:
Part of Government Lot 3 of Section 28, Township 109 North, Range 23 West, Le Sueur County, Minnesota, described as follows: Commencing at the Southeast Corner of Lot 9 of AUDITOR'S SUBDIVISION of a part of Government Lots 3 & 4, Section 28, Township 109 North, Range 23 West, per the recorded plat thereof; thence North 07 degrees 37 minutes 54 seconds East on the east line of said Lot 9, a distance of 15.00 feet; thence South 76 degrees 32 minutes 06 seconds East parallel with the south line of Lot 10 of said AUDITOR'S SUBDIVISION, a distance of 50.00 feet to the point of beginning; thence continuing South 76 degrees 32 minutes 06 seconds East, a distance of 59.16 feet to the Northeast corner of a Parcel described in Document Number 355359, recorded in the Le Sueur County Recorder's Office; thence South 00 degrees 07 minutes 16 seconds East on the east line of said document, a distance of 177.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 57.51 feet; thence North 00 degrees 07 minutes 16 seconds East, a distance of 190.78 feet to the point of beginning.

Page 26 / 52

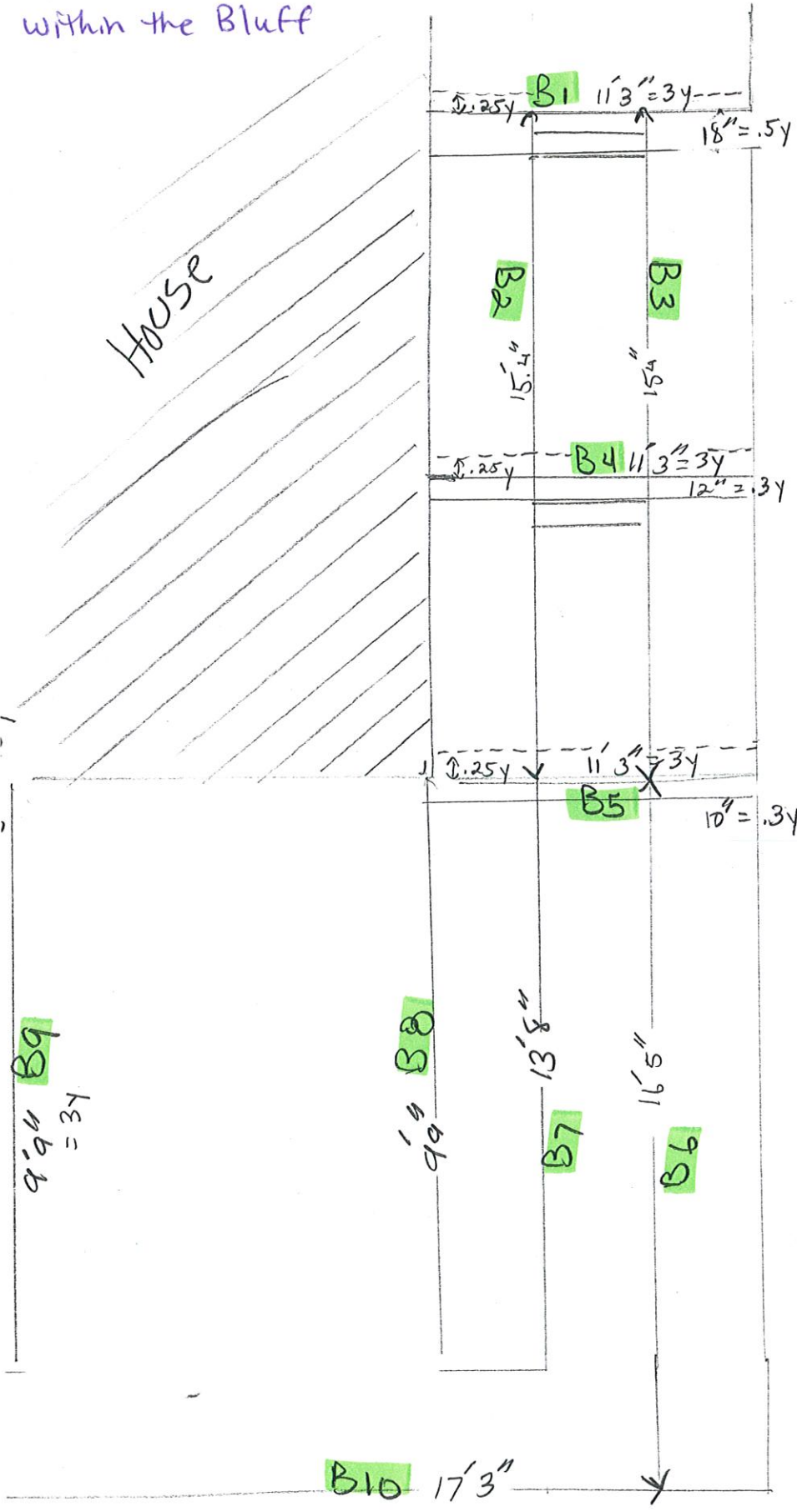
Retaining Walls Parking Area
Outside Shore Impact Zone
* Partial in Bluff Impact Zone



#3 * A6 = $6 \times .5 \times .25 = .75 \text{ cy}$ $\swarrow$.38cy within B12
 $\swarrow$.37cy outside B12

RECEIVED
NOV 13 2013

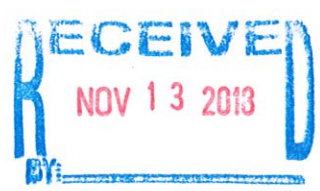
Walkway & Landscaping West of House
Outside Shore Impact Zone
within the Bluff



Occurred

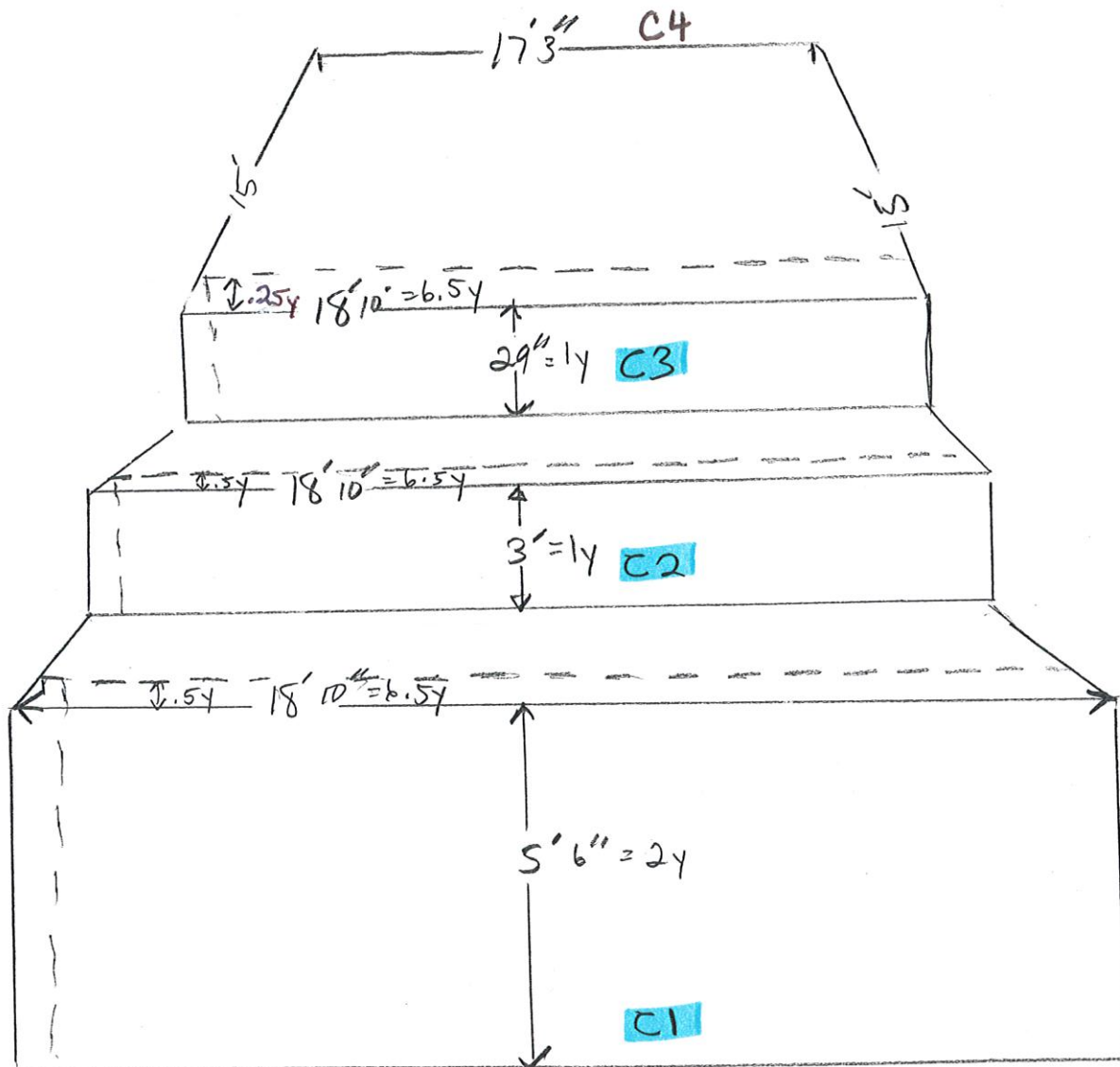
- B1 = $3 \times 5 \times 25 = .37 \text{ cy}$
- B2 = Landscaping Timber
- B3 = Landscaping Timber
- B4 = $3 \times 3 \times 25 = .23 \text{ cy}$
- B5 = $3 \times 3 \times 25 = .23 \text{ cy}$
- B6 = Landscaping Timber
- B7 = Landscaping Timber
- B8 = Landscaping Timber
- B9 = $3 \times 5 \times 25 = .37 \text{ cy}$
- B10 = Landscaping Timber

Survey - landscaping Timbers #1

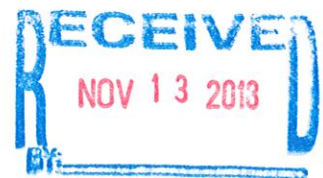


Retaining Walls behind Boat House
 Within Shore Impact Zone
 within the Bluff

⑧



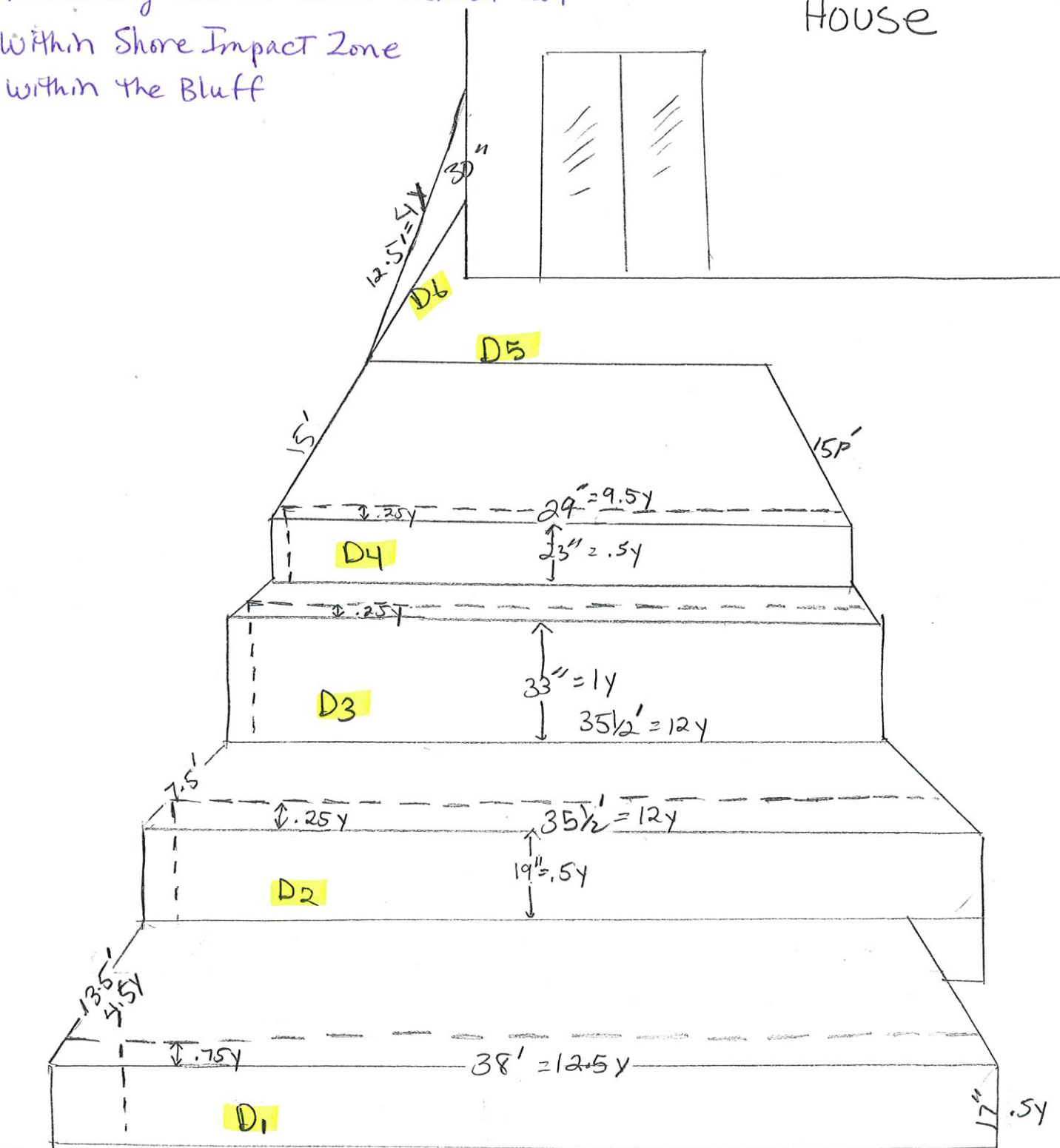
Survey	Occurred	To occur
#13	$C1 = 6.5 \times 2 \times .5 = 6.5 \text{ cy}$	$+ .31 \text{ cy}$
#14	$C2 = 6.5 \times 1 \times .5 = 3.25 \text{ cy}$	
#15	$C3 = 6.5 \times 1 \times .25 = 1.62 \text{ cy}$	
#16	$C4 = \text{Landscaping Timber}$	



Retaining Walls East side of Lot
Within Shore Impact Zone
within the Bluff

House

(A)



Survey #6 **D1** = 12.5 X .75 X .5 = 4.68cy

#7 **D2** = 12 X .25 X .5 = 1.5cy

#9 **D3** = 12 X .25 X 1 = 3cy

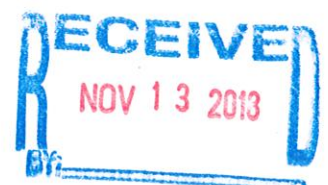
#10 **D4** = 9.5 X .25 X .5 = 1.18cy

D5 = Landscaping Timber

D6 = 4 X .25 X 1 = 1cy

Within SIZ

Outside Shore Impact Zone



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

Erosion and Sediment Control Plan

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

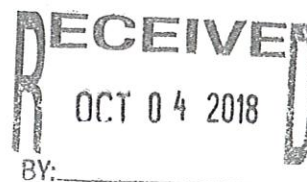
Property Owner: Esmail and Barbara Mostaghimi PID: _____
Mailing Address: 113 S. Park Lane, Le Sueur, MN 56058
Property Address: 50411 Mortensen Lane, Waterville, MN 56096
Phone: (507) 665-5058 Mobile/Cell: (507) 351-6644

Responsible party for Implementation/Inspection:

Address: 113 S. Park Ln Le Sueur MN 56058
Phone: (507) 351-6644 Mobile/Cell: () Sam

Erosion & Sediment Control Measures

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



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

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

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

13. Apply fertilizer according to soil test recommendations.

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

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

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

Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

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

Dean Matyja
(Property Owner)

Oct-4-2018
(Date)

(Person Responsible for Implementation)

(Date)

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



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

88 SOUTH PARK AVE.

LE CENTER, MINNESOTA 56057

(507) 357-8538

Fax (507) 357-8541

5/25/2018

Esmail & Barbara Moshtaghi
113 S Park Ln
Le Sueur, MN 56096

Parcel Number: 14.420.0100

To whom it may concern:

As part of your variance that was granted in July 2016, Le Sueur County needs to verify that the proposed conditions were completed for the property located at 50411 Mortensen Ln, Waterville, MN 56096. A site visit was made on Friday, May 25th 2018. The variance was approved to allow the applicant to repair an existing deck located within the bluff. During the site visit, it was determined that the conditions listed as part of your variance, specifically removal of the following impervious services: gravel parking & steps, lower concrete pad, and upper concrete pad, was not completed. Presently there is work being done that was not included as part of your variance and are in violation. Any work being done needs to stop immediately.

Le Sueur County Planning and Zoning Ordinance states that the following violations need to be addressed:

- 1) Grading, Excavating, or Filling that is greater than 10 cubic yards within the Bluff Impact Zone (BIZ) requires a Conditional Use Permit (CUP). The BIZ is defined as 30 feet from the top of bank of a bluff.
- 2) Grading, Excavating, or Filling that is greater than 10 cubic yards within the Shore Impact Zone (SIZ) requires a CUP. The SIZ for Tetonka Lake is defined as 50 feet from the OHWL.
- 3) A CUP is required if a retaining wall is placed within the SIZ or within a bluff.
- 4) A CUP is required if Grading, Excavating, or Filling occurs within the bluff.
- 5) A CUP is required if impervious surface exceeds 25% of the total lot area.

Another issue on site that could be in violation includes:

- Greater than a total of 50 cubic yards lot material being Graded, Excavated, or Filled within shoreland. Shoreland for a lake is defined as the distance of 1000 feet from the OHWL.

You must inform your contractor immediately to stop all work, and put erosion control measures in place. Please contact me in order to address the violations that were listed. I can be reached by phone at (507) 357-8540, via e-mail at hkalbus@co.le-sueur.mn.us or at the address located below. Once we discuss the violations, you need to come into our office to apply for a permit. Michelle Mettle or Josh Mankowski

will be your point of contact at that time. Your timely response to this matter is appreciated; please notify us within two weeks of receiving this letter.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Holly Kalbus', with a long, sweeping horizontal line extending to the right.

Holly Kalbus
Le Sueur County
Environmental Services
Environmental Resources Specialist

Physical Address: 515 South Maple Ave, Le Center, MN 56057

Michelle-

I meet with Essie on 10/5/2018 to discuss with him how to address stormwater runoff and improve drainage for his lot. After talking with Essie, we had agreed on a few projects/ideas that would work .

- First, we discussed adding rock and native vegetation around tile intakes to help slow the stormwater and infiltrate any sediment.
- Secondly, Essie would like to add some vegetation near his trees that are closest to the lake. It is difficult for him to mow in this area, and again it will help with runoff.
- Another area that Essie would like to add some native plants is just to the west of his steps that head down to the lake.
- One project that I believe will help tremendously is adding some kind of best management practice (such as a rain garden, grassed waterway, etc.) near the road and steep hillside. It sounds like the water is creating major erosion problems in that area, and eventually the water drains to his lot.
- It didn't sound like Essie had a problem with removing the concrete surface near his boat house, but he is concerned on how to go about getting it removed. I suggested that utilizing the ice in winter in order to get access to the concrete pad would be ideal. Essie said he was having difficulty finding a contractor that would do this. I gave him a list of local contractors to call and let us know if he finds someone who would be able to do the work.

My biggest concern with this lot is the amount of water that is coming from the steep road and hillside to his property. We came up with some ways that will hopefully slow down the water, but also infiltrates some of the nutrients and sediments that it will carry.



Holly Talbus

DOCUMENT NO. 405273
July 26, 2016 2:50 PM

Certified filed and or
recorded on above date

SHARON J. BUDIN, RECORDER
Le Sueur County, Minnesota

Pages 2 SAB

Well Cert Received
Well Cert Not Required

STATE OF MINNESOTA
COUNTY OF LE SUEUR

LE SUEUR COUNTY BOARD OF ADJUSTMENT
VARIANCE PROCEEDINGS

IN THE MATTER OF: ESMail AND BARBARA MOSTAGHIMI

REQUEST: Allow the applicant to repair an existing deck located within the bluff in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka.

ORDER GRANTING VARIANCE # 16157

OWNER: ESMail AND BARBARA MOSTAGHIMI

The above entitled matter came on to be heard before the Le Sueur County Board of Adjustment on the 21 day of July, 2016, on a petition for a Variance pursuant to the Le Sueur County Zoning Ordinance, for the following described property: **SEE ATTACHED**

IT IS ORDERED that the Variance be granted as written with the following conditions or reasons:

1. The Variance is reasonable.
2. The alleged practical difficulty is unique to the property.
3. The circumstances causing the practical difficulty were created by someone other than the landowner.
4. The issuance of the Variance will maintain the essential character of the locality.
5. The alleged practical difficulty involves more than economic considerations.
6. The Variance is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.
7. The Variance is consistent with the Comprehensive Plan.
8. The footprint of the deck remains the same and the existing footings are used.

DATED THIS 22nd DAY OF July, 2016.

Nathy Brochway
LE SUEUR COUNTY ZONING AUTHORITY

STATE OF MINNESOTA)
) SS.
COUNTY OF LE SUEUR)

LE SUEUR COUNTY OFFICE
OF PLANNING AND ZONING

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my hand at Le Center, Minnesota, in the County of Le Sueur, on the 26th day of July, 2016.

Da R
LE SUEUR COUNTY ADMINISTRATOR

SEAL
AFFIXED

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 6/14/2016
60 DAY RULING DATE: 8/13/2016

PERMIT NUMBER 16157

FEE: \$646.00

APPLICANT: ESMail & BARBARA MOSTAGHI
ADDRESS: 113 S PARK LN
CITY: LE SUEUR
STATE: MN
PHONE: 507-351-6644

ZIP: 56096

PROPERTY OWNER: ESMail & BARBARA MOSTAGHIMI
ADDRESS: 50411 MORTENSEN LN
CITY: WATERVILL
STATE: MN
PHONE: 507-351-6644

ZIP: 56096

PARCEL NO: 14.420.0100 TOWNSHIP: WATERVILLE 911: 50411 MORTENSEN LN, WATERVILLE
SEC: 28 SUBDIV: AUDITORS PLAT
TWP: 112 LOT: 11 ZONE: RR
RANGE: 23 BLOCK: FEMA PANEL #: 27079C0430D
Q/Q: ROAD: PVT FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

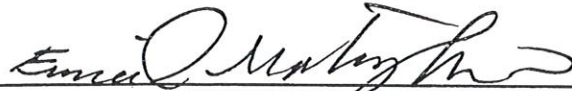
1.) Reason for Requested Variance:

TO ALLOW THE APPLICANT TO REPAIR AN EXISTING DECK LOCATED WITHIN THE BLUFF.

2.) Reasons for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO
ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN
RECORD:


APPLICANT/PROPERTY OWNER

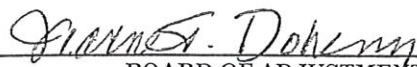
6-14-16
DATE


LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

6-14-16
DATE

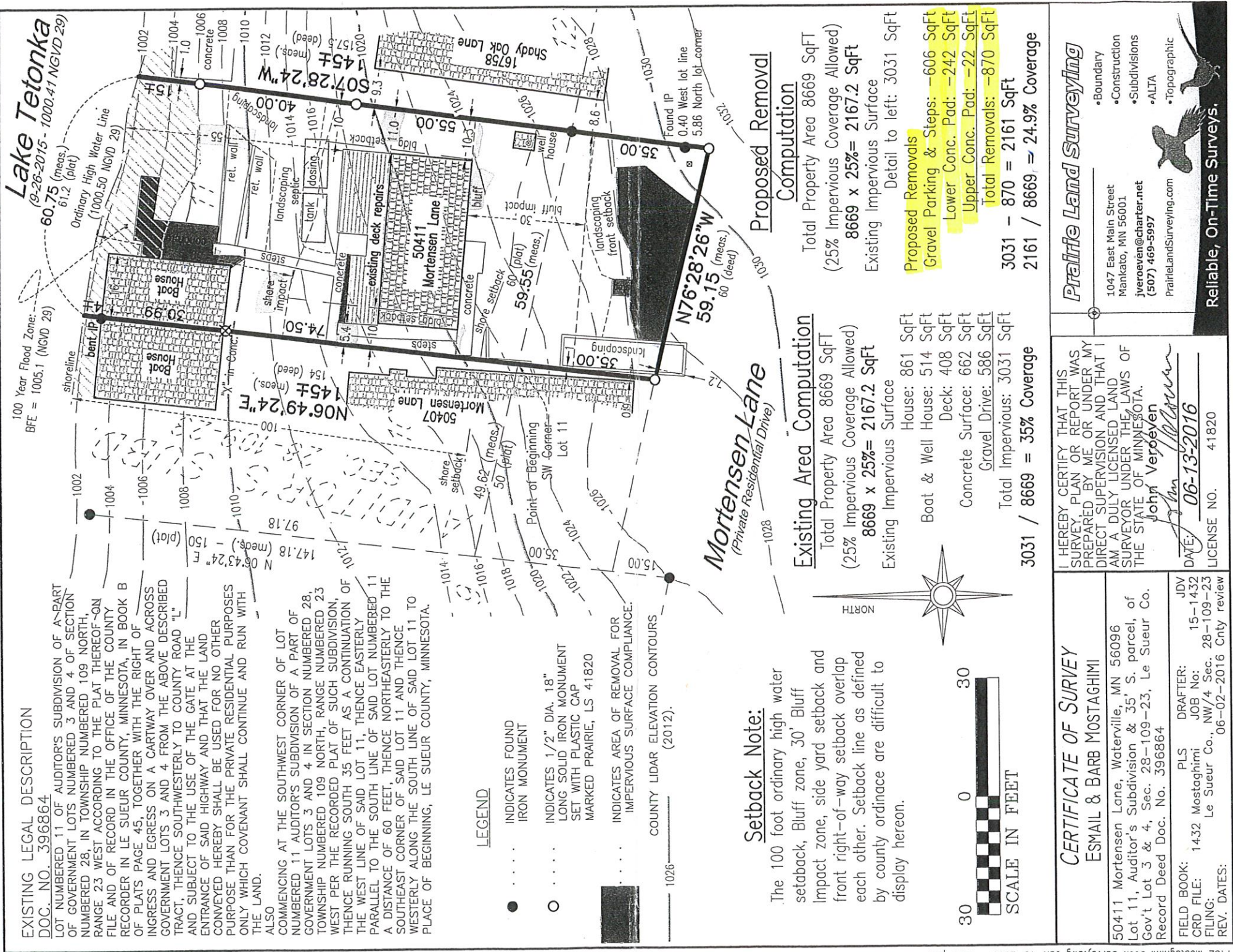
**** FEES ARE NON-REFUNDABLE ****

ON-SITE TOUR DATE: 7/21/2016	
PUBLIC HEARING DATE: 7/21/2016	ACTION: <u>Approved</u>
☐ AS WRITTEN	☒ WITH CONDITIONS

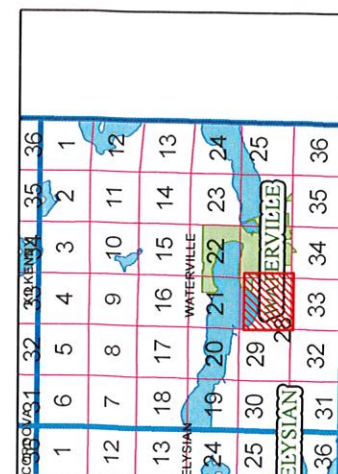

BOARD OF ADJUSTMENT CHAIRMAN

7-21-16
DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING
OR THE APPLICATION WILL BE TABLED.



NAME: Mostaghimi
PID: 14.420.0100
DATE: 11-28-18
FIRM #: 27079C0430D
F-Zone: AE 100 yr flood
RFPE: na
District: Recreational//
Residential &
Flood Fringe
Floodplain



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



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OCT 04 2018
BY: _____

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NOV 13 2018





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OCT 04 2018
BY: _____

















