



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: JANUARY 18, 2018

TIME: 3:00 PM

PLACE: ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER, MN

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 Erickson Packet

ITEM #4 Approved January 18, 2018 Meeting 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 January 18, 2018.

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



Le Sueur County, MN

Thursday, January 18, 2018

Regular Session

Item 1

Board of Adjustment Notice of Public Hearing

Staff Contact: Joshua Mankowski 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: JANUARY 18, 2018

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 **JANUARY 9, 2018**.

ITEM #1: TIM & CHRISTY ERICKSON, ST PETER, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 9 feet from the west property line, 46 feet from the road Right-Of-Way (ROW), 19 feet from the top of the bluff, and within the bluff impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 16, Edgewater Terrace, Section 3, Cleveland Township. **VARIANCE IS FOR PROPERTY LINE, ROAD ROW, BLUFF AND BLUFF IMPACT ZONE.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT JANUARY 18, 2018.

JOSHUA MANKOWSKI, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, January 18, 2018

Regular Session

Item 1

Board of Adjustment Agenda

Staff Contact: Joshua Mankowski 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: January 18, 2018

Meeting Time: 3:00 pm

Onsite Date: January 18, 2018

Onsite Time: 2:00 pm

ITEM #1: Tim & Christy Erickson

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, January 18, 2018

Regular Session

Item 1

Erickson Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Tim & Christy Erickson

911 ADDRESS: 46563 Evergreen LN, Cleveland

VARIANCE REQUEST: To allow the applicant to construct a single-family dwelling 9 feet from the West property line, 46 feet from the road Right-Of-Way (ROW), 19 feet from the top of a bluff and within the bluff impact zone.

VARIANCE NUMBER: 17487

PARCEL NUMBER: 01.550.0160

SITE INFORMATION

LOCATION: Lot 16, Edgewater Terrace, Section 3, Cleveland Township

ZONING & PURPOSE: Recreational Residential

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

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to bluff setbacks shoreland development standards.

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

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

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

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Evergreen Lane

LAKE: Lake Jefferson, Recreational Development Lake

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

RFPE: Regulatory Flood Protection Elevation: 1022.86. Lowest floor must be at or above RFPE.

ATTACHMENTS

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

Page 1 of 3

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. Structure to bluff: | 19 feet | 30 feet | Section 13.2 Subdiv. 5. F. 1. c. | 13-46 |
| b. Bluff Impact Zone (BIZ): | <i>inside</i> BIZ | <i>outside</i> BIZ | Section 18. Subdiv. 2. B. 4. | 18-3 |
| c. Structure to property line: | 9 feet | 10 feet | Section 13.2 Subdiv. 5. C. 2. | 13-44 |
| d. Structure to road ROW: | 46 feet | *Exemption | Section 13.2. Subdiv. 5. B. 11. | 13-44 |
| <i>See additional considerations below.</i> | | | | |
| 2. Refer to DNR Guidance Letters: | | | | |
| a. The Role of the Variances in Shoreland Management Ordinances | | | | pg. 9 |
| b. Bluffs and Steep Slopes | | | | pg. 11 |
| c. Non-conforming Lots of Record in Shoreland Areas | | | | pg. 19 |
| d. Structure Setback Requirements | | | | pg. 21 |
| 3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan. | | | | |
| 4. A Variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty . | | | | |
| 5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists. | | | | |
| 6. A determination that a practical difficulty exists upon the consideration of the findings of fact . | | | | |

CONSIDERATIONS

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

2. **Additional Considerations:**
 - a. Required structure setback to road ROW is 65 feet.
 - b. *Exemption allows the new dwelling to be closer to the road ROW than 65 feet.
 1. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback **if the adjacent lot is vacant** with the following restrictions:
 - a. There shall be an existing dwelling located on **one** side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjoining lot plus one half the difference between the setback of the non-conforming dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a bluff impact zone.
 2. The dwelling on the adjacent lot is 48.2 feet from the road ROW. Required setback is 65 feet.
 - a. Difference $65 - 48.2 = 16.8$
 - b. Half the difference. $16.8 / 2 = 8.4$
 - c. Setback of the dwelling on the adjacent lot plus $\frac{1}{2}$ the difference. $48.2 + 8.4 = \underline{56.6}$.
 - d. The setback to the road ROW for the Erickson lot is 56.6.
 - c. The proposal is closer than the exemption allows, which would require a Variance to be 46 feet from the road ROW.

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: TIM & CHRITSTY ERICKSON

Variance # 17487

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 9 FT FROM THE W PROP LINE, 46 FT FROM ROAD ROW, 19 FT FROM TOP OF BLUFF, AND WITHIN THE BLUFF IMPACT ZONE.

- 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

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

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 01/11/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski

Applicant:

Tim & Christy Erickson

Property owner:

Tim & Christy Erickson

Property:

01.550.0160

Description:

To request a variance to construct a single-family dwelling 9 ft. from the West property line, 46 ft. from the Road ROW, 19 Ft from the top of Bluff, and within the Bluff Impact Zone.

Recommendation:

It would be my recommendation to approve this application for a Variance with the condition(s) listed below. The applicant has done a lot of work to try to build to the property.

Condition(s):

1. Work with Environmental Services to further stabilize the bluff to address the issues caused by a reduced setback from the bluff. This may be done by planting native, deep-rooted vegetation to provide for increase stability, by directing runoff away from this area of the bluff, or by some other means or combination of different BMPs.

Sincerely,



Joshua Mankowski
Le Sueur County

Mettler, Michelle

From: Bennett, Garry (DNR) <garry.bennett@state.mn.us>
Sent: Wednesday, January 10, 2018 2:58 PM
To: Mettler, Michelle; Brockway, Kathy
Cc: Piepho, Todd (DNR)
Subject: Erickson variance from bluff setback
Attachments: shoreland_rules_fact_sheet_bluff_management.pdf

Kathy and Michelle,

This correspondence is regarding the Tim & Christy Erickson request for a variance from the bluff setback standard. Please be advised that the bluff setback and bluff impact zone exist in order to help protect properties from erosion and to preserve the natural aesthetic. Most bluffs are inherently unstable, or prone to instability, due to erosional and mass wasting process such as slumping, landslides, or other types of slope failure. As a result, we believe it is important to preserve, at minimum, the 20-foot "bluff impact zone". For your convenience, I have attached a copy of the "Management of Bluffs and Slopes" informational brochure.

We also recommend that the county ensure the granting of variances complies with Minnesota Statutes, Section 394.27, Subd. 7 – VARIANCES; PRACTICAL DIFFICULTIES. It is my understanding that local governments may grant a variance if all five of the following criteria are satisfied:

- Would granting the variance be consistent with the comprehensive plan?
- Would granting the variance be in harmony with the general purposes and intent of the ordinance?
- Are there unique circumstances to the property not created by the landowner?
- Would granting the variance allow the essential character of the locality to stay the same?
- Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

Thank you for the opportunity to comment on this variance request. Please contact me with any questions.

Best regards,

Garry M. Bennett GIT, CFM

Area Hydrologist | Ecological & Water Resources

Minnesota Department of Natural Resources

20596 Highway 7

Hutchinson, MN 55350

Phone: (320) 234-2550, ext. 230





Management of Bluffs and Slopes

Bluffs and Steep Slopes: Sensitive Resources in Shoreland Areas



Some of Minnesota's lake and riverfront properties are steep and sensitive resources that are susceptible to damage if not properly managed. Erosion is a natural process, but our activities can accelerate erosion of these sensitive shorelines and can even result in bank failure.

Bank instability threatens property and negatively affects natural resources. Some common activities that reduce the stability of steep slopes include removing natural vegetation, reshaping the slope to create level areas, installing cuts in the bank for stairs, installing retaining walls, or channeling runoff that creates erosion and compromises the integrity of the bluff.

These impacts can be measured in both physical and aesthetic terms. Physically, development that encroaches on bluff tops can accelerate soil erosion, loading, and slope failure. Aesthetically, development that encroaches on bluff tops can compromise or eliminate the natural appearance of this topographic feature in shoreland areas.

Preventing Problems

To manage bluffs and slopes properly, communities use preventative controls. These include zoning for compatible land uses, implementing appropriate bluff setbacks for structures, and



Definitions

Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- Part or all of the feature is located in a shoreland area.
- The slope rises at least 25 feet above the ordinary high water level of the waterbody.
- The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
- The slope drains toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more is not considered part of the bluff.

Bluff impact zone: A bluff and land located within 20 feet from the top of a bluff.

Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Steep slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Toe of the bluff: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff: The higher point of a 50-foot segment with an average slope exceeding 18 percent.

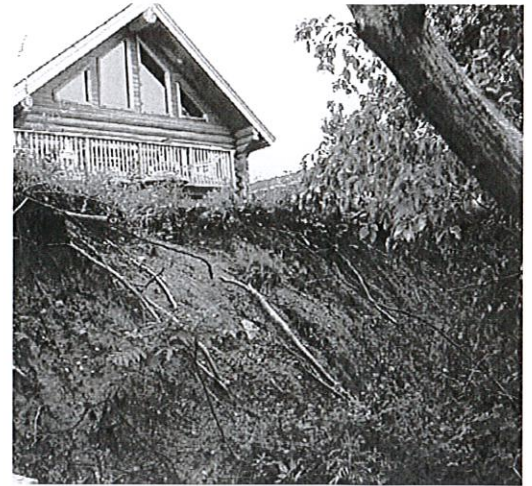
Management of Bluffs and Slopes

requiring modern erosion-control and stormwater measures that are necessary to preserve the integrity of steep slopes and bluffs. These preventative measures also preserve property values, minimize the visual impact of built features, and preserve native vegetation that stabilizes slopes and provides habitat for wildlife.

Bluff Impact Zone

Setbacks from bluff tops for structures are needed in order to protect the bluff tops from adverse environmental impacts of development and construction activities.

A bluff impact zone is established for preservation and management of shoreland vegetation and soils, and all structural development is excluded from this zone, except for stairways, lifts, and landings. Consequently, the zone can reduce or avoid erosion problems. Preserving and maintaining vegetation can protect soils, screen development, and maintain the natural appearance of bluff areas.



This is an example of eroded bluff in Meeker County.

Alterations to Vegetation and Topography

Alterations to vegetation and topography should be controlled by local governments because the mismanagement of soil and vegetation can adversely affect the natural resources. Where grading and filling is absolutely needed, local permits should be required for grading or filling topography in bluff impact zones and on steep slopes. Grading or filling impacts include sedimentation to receiving water bodies, soil deposition onto adjacent properties or into wetlands, and significant erosion or soil slumping problems on steep slopes or on highly erosive soils.

Vegetation is important to bluff and steep slope stability in several ways. The vegetation softens the impact of raindrops that otherwise can loosen soil particles. Vegetation slows runoff and filters out suspended sediments. Native vegetation is preferred over turf grass and other non-native species because native vegetation generally has deeper roots, which better stabilize the slope. As a condition of allowing vegetation alterations in the shore and bluff impact zones and on steep slopes, a permit should specify performance standards and provisions to ensure that natural characteristics of these areas will be properly managed.

Stormwater Management Issues

The importance of managing site drainage and precipitation runoff from natural and impervious surfaces cannot be understated. It is essential that the landowner, developer, and the contractors plan for and manage runoff where bluffs or steep slopes are nearby. Developing a lake lot generates greater amounts of runoff from the impervious surfaces. Directing excess water to a lake or river would be a big mistake. Allowing water to flow over bluffs or steep slopes will cause erosion problems. Designing the site so infiltration is promoted and runoff is directed away from the steep areas is crucial to protecting our lakeshores. Restoration of failed bluffs and steep slopes can be extremely expensive, and the repaired hillside often is not as stable so recurrent erosion becomes more likely.

The comments in this brochure address jurisdictional matters and concerns of the DNR, Division of Waters. Please contact your DNR Area Hydrologist to discuss issues relating to your project or this brochure. More information is available at this website: <http://mndnr.gov/waters/shoreland.html>



Variance Application

I. Applicant:

Name Tim & Christy Erickson
 Mailing Address 200 Kasota Sunrise Lane
 City St. Peter State MN Zip 56082
 Phone # 507-931-1214 Phone # 507-351-1562 507-351-1748

II. Landowner:

Name Tim & Christy Erickson
 Property Address 46563 Evergreen Lane
 City Cleveland State MN Zip 56017
 Phone # 507-931-1214 Phone # 507-351-1562 507-351-1748

III. Parcel Information:

Parcel Number 01.550.0160 Parcel Acreage _____
 Township Cleveland Section _____
 Subdivision _____ Lot 16 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).

Road variance - 46ft from road right of way
Side variance - 9ft to property line
bluff variance - 19ft from top of bluff and within bluff impact zone

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 Township notified on 12-16-17
(Township Name) (Date)

Board Member Art Davis 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:

see attached paper

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

~~We feel they are reasonable due to the size of our lot.~~

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

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

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

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

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

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

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

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

IX. Attachments shall include but not limited to:

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

- 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.

Tim C. Clarke
Applicant signature

12-18-17
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.

Tim C. Clarke
Landowner signature

12-18-17
Date

OFFICE USE ONLY

Date received <u>12/18/17</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <input type="radio"/> N
Meeting date <u>1/18/17</u>	Lake Classification <u>RD</u>	Erosion Control Plan Y <input type="radio"/> N
60 Day <u>2-16-17</u>	Lake <u>Jefferson</u>	Water courses Y <input type="radio"/> N
RFPE <u>1022.86</u>	FEMA Panel # <u>27079C02450</u>	Bluff <input type="radio"/> Y <input type="radio"/> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input type="checkbox"/> Septic <u>W/eff p/p</u> COC NONC/Waiver Design
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u> ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u><i>Michelle R. Mitter</i></u> Planning & Zoning Department Signature	<u>12/18/17</u> Date
		<u>10487</u> Permit #

01-15-16

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

~ We feel they are reasonable due to the size of our lot. The road variance would not be an issue if the mobile home was still on the lot to the east. The side variance is very minimal and is only needed for less than 1ft for about 10ft the length of the house. After having it surveyed, we would still need a variance for the bluff on the SW corner of the house. We would only be inches in the bluff impact zone if the ordinance was returned back to the 20ft that it used to be. After considering how much we have already changed our plans to accommodate all other setbacks, we feel this is the best place for the house.

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

~The size of the lot. It is small but buildable.

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

~This is how the lots were plotted when the area was developed.

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

~We will improve the lot by building a permanent dwelling on it while keeping the same grade level and keeping the structure size similar to others around it.

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

~We need the extra area to meet the minimum square footage while keeping the impervious surfaces as low as possible.

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

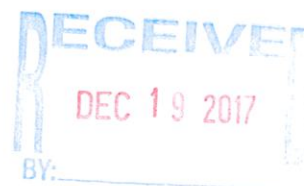
~We will be keeping the structure set back 19.8ft from the top of the bluff for about ½ the width of the house. The rest of the house will be 50ft back. We will be addressing the storm water issues by installing a permeable driveway and rain garden.

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

~ We will be keeping the footprint of the house as small as possible while including everything we need. We will also be installing a permeable driveway and possible rain garden to decrease water runoff into the lake. This will help filter the water back into the ground.

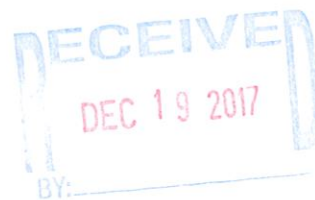
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

~There is currently a holding tank on the lot that will be destroyed because it is where the house will be built. We will be installing a temporary holding tank in the NW corner of the lot and using that until the pipeline is complete. We are then on the list to connect to that.



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

~This request allows us to meet the minimum square footage needed while not getting any closer to the lake and also obeying the allotment for impervious surfaces. We have changed our plans many times in order to ask for the least variances possible.



Our names are Tim and Christy Erickson. We purchased lot #16 on West Jefferson with the address of 46563 Evergreen Lane. Before we made this purchase, we spoke with Michelle Mettler in Planning and Zoning about whether or not it was a buildable lot. She stated that it was, but we wouldn't be able to build anything very big. She stated the approximate area we would be able to build on would be 35x35, give or take. She told us to go on the beacon website and use that as a guide to figure out what the area was that we could build on. When figuring this out on the Beacon website, we came up with a buildable area of 35x36. Not knowing that this website was just a tool and that it is not very accurate, we came up with a plan to fit within all of our setbacks. When she first told us this area, she believed there was a mobile home on the lot next to ours. At the time, we didn't realize this would make a difference whether it was there or not. The mobile home is no longer there, so it changed our setbacks by quite a bit. Our setbacks then changed to 10 ft from each side, 62.5 ft from the road, and 80 ft from the lake due to the bluff. Now after having it surveyed, we found that the top of the bluff is actually higher on the SW corner and our house would only be 19.8 ft from this. The bluff impact zone is currently 30ft. So we would need a variance for the bluff. We understand that the ordinance used to state that the bluff impact zone used to be 20 ft from the top of the bluff. If we went by this, we would only be inches from obeying the ordinance on that part of the house. When considering whether or not to move the house forward, we believe it would cause more problems since we are already asking for a variance for the NW corner of the house and to be closer to the road. We have been working on this plan for over a year now with Michelle trying to stay within all the guidelines. We have changed our plans from building a 35 x 30 ft house with a 24 x 24 ft detached garage, which would have been 1930 sq ft to this current plan, which consists of the garage built within the house. This plan is 34x38 ft and will only be 1292 sq ft. This was done to decrease the amount of impervious surface. We are planning on installing a permeable paver driveway in order to allow the rain water to flow back into the ground decreasing our impervious surface even more. We have talked with Josh Mankowski in Environmental Services about this and he agrees that they would be a great substitute for concrete. As we stand now, our impervious surface would be at 22.7% which is below the 25% allowed.

Due to the mobile home no longer being there, our buildable area has now been decreased to 35x20. This is why we are requesting a variance to build 16 ft closer to the road. This would still leave us with a 55 ft driveway from the edge of the road to the house. Many of the houses around

RECEIVED
DEC 19 2017
BY: _____

us are actually closer to the road than that. We just happen to be in between a mobile home and a vacant lot. The house next to the vacant lot is only 27 ft off the road.

We would also need a slight variance on the NW corner of the house. It will be about 1 ft under the 10 ft side variance, making it only 9ft off the line. We already decreased the width of the house from 35ft to 34ft thinking that would be enough, but it doesn't quite cut it. We took the foot out of the garage area since we still need to meet the minimum square footage of 760 on the main level. The footprint for our house would be 34x38 ft including the garage.

The last variance is to build within the bluff impact zone. We didn't realize the SW corner of the lot consisted of bluff until it was surveyed. We had originally thought the bluff was only above the retaining wall so we made sure the house was 50 ft from that area. Our house is currently 19.8 ft above the top of the bluff on the SW corner. As it currently stands, we would need a variance for 10.2 ft for the setback and the bluff impact zone. We understand that the bluff impact zone used to be 20 ft. We would then only be inches within it. If this were the case, we would still need a variance for the bluff, but we wouldn't be within the bluff impact zone.

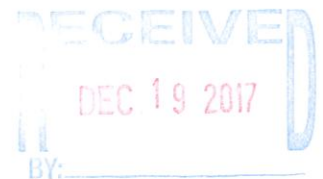
Another project will be to replace the retaining wall. The wall that is currently there is failing. We're not sure if we'll be able to complete this when we build or if it will be something we need to do later when we can afford it.

We are planning on hooking up to the pipeline but since it keeps getting pushed back, we have decided to install a temporary holding tank. This will be in the NW corner of the lot. We have already talked with St.Peter Well about this and they have stated that it will fit in that area without needing any further variances.

Thank you for your time,
Tim & Christy Erickson

Variations Requested:

Road setback – 40 ft from road right of way
Side setback – 9 ft to property line
Bluff setback – 10 ft from top of bluff



Excavation Plan

12-22-17

Seamless Construction Services
160 Woodland Dr
Henderson MN 56044

Subject: Excavation Plan
46563 Evergreen Lane
Cleveland MN

To Whom it may concern,

Seamless Construction Services, on behalf of Tim and Christy Erickson, presents this excavation plan for the construction of their new home.

1. Site Preparation

Seamless Construction Services will install bio log rolls along the perimeter of the property. This work will consist of placing the bio logs along the perimeter and staking them with wood stakes. We feel this is the best option due to the trees on the lot, digging in silt fence could potential damage the roots during the installation process.

2. Sub cutting driveway.

The sub cutting of the driveway and hauling in rock will be the next step in the project. This involves digging out the area where the driveway will go, hauling out the dirt and hauling rock back in.

3. Digging the basement

The digging of the basement will consist of removing the materials within the area staked out by a surveyor. Due to the size of the lot most of the material will have to be hauled out and stored at a different location.

4. Backfill

After the foundation is poured we will then proceed with backfill process. At this time we will haul back in what material we need to backfill the foundation. We will also haul in materials needed to fill the garage and basement area.

5. Final grading

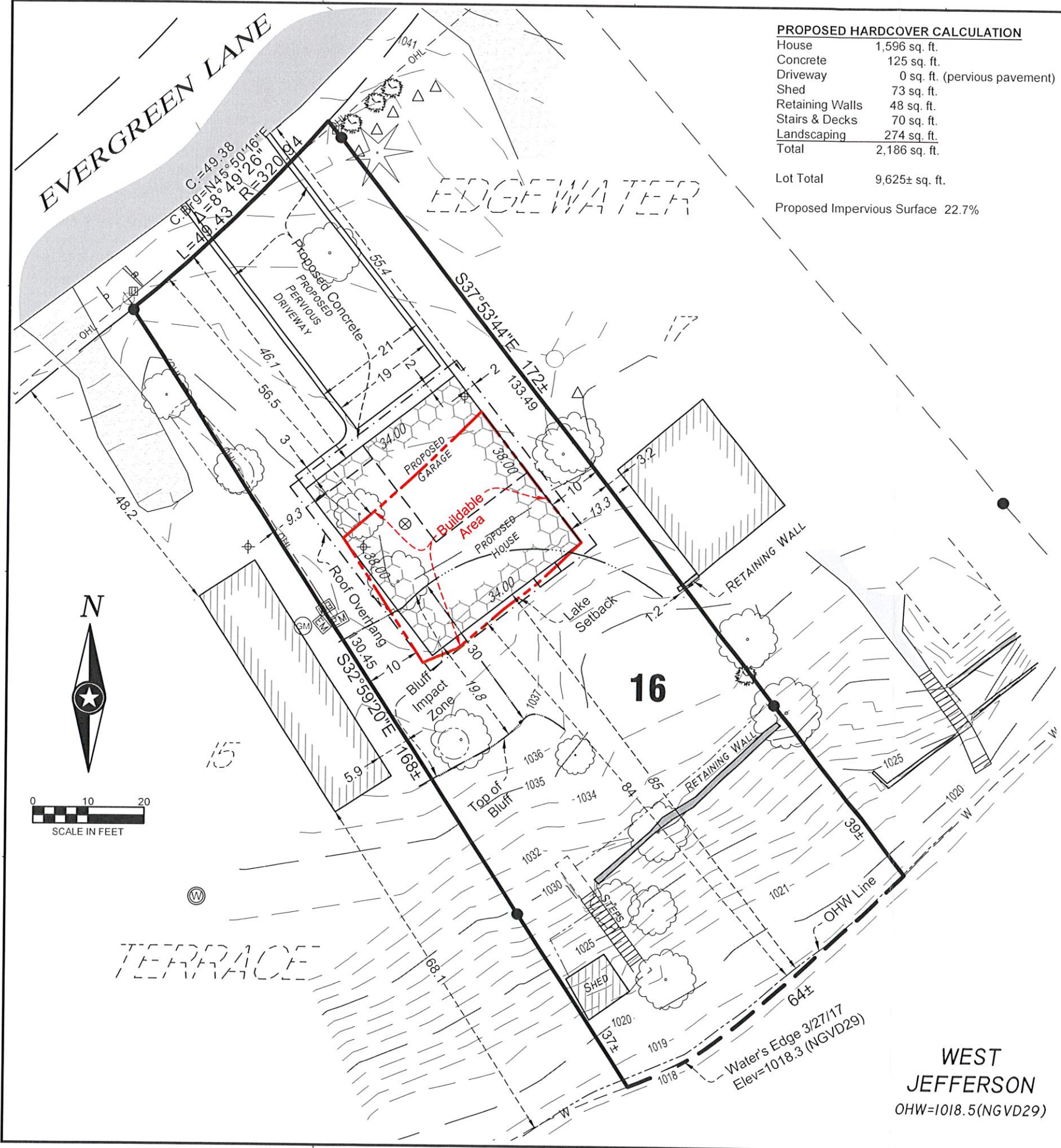
This is the final step in the excavation plan. This involves hauling back in the topsoil and spreading it out to get proper drainage. After that is done we will then seed the top the soil and allow grass to grow. This process will not be done until all other aspects of the construction process are complete.

6. Closure

In closing, Seamless Construction Services will do our best to limit the impact to the lot during the construction process. If you have any questions in regards to this work plan, please contact me at any time.

Sincerely

Brad Fries
Owner
Seamless Construction Services
(507) 469-0235



PROPOSED HARDCOVER CALCULATION

House	1,596 sq. ft.
Concrete	125 sq. ft.
Driveway	0 sq. ft. (pervious pavement)
Shed	73 sq. ft.
Retaining Walls	48 sq. ft.
Stairs & Decks	70 sq. ft.
Landscaping	274 sq. ft.
Total	2,186 sq. ft.

Lot Total 9,625± sq. ft.
Proposed Impervious Surface 22.7%

EXISTING DESCRIPTION:
(Per Doc. No. 406422)
Lot Sixteen (16), Edgewater Terrace, Section 3-109-25, Le Sueur County, Minnesota.

BEARING NOTE:
The orientation of this bearing system is based on the easterly line of Lot 16, Edgewater Terrace. Said line bears South 37 degrees 53 minutes 44 seconds East.

BENCHMARK:
MnDot Monument WASHINGTON C Elevation - 1047.82 (NGVD29)

ZONING:
RR (Recreational Residential District) (Per Le Sueur County Website)


Setbacks
Front = 56.5 feet (per Le Sueur County Ordinance)
Side = 10 feet
Rear = 15 feet (or match adjacent non conforming)
OHWL = 84 feet (per Le Sueur County Ordinance)

NOTES:

- This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
- Ordinary high water line is noted as elevation 1018.5 (NGVD29).

LEGEND

	Existing Building
	Existing Bituminous Surface
	Existing Concrete Surface
	Landscape Edge
	Overhead Utility Line
	Existing Contour
	Water's Edge
	Building Setback
	Iron Monument Found
	Utility Pedestal
	Electric Meter
	Gas Meter
	Power Pole
	Sign
	Curb Stop
	Existing Tree
	Bush
	Cleanout
	Rural Hydrant
	Well



I HEREBY CERTIFY THAT THIS SURVEY PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DANIEL L. STUEBER
Daniel L. Stueber
DATE 12/21/2017 LIC. NO. 43110

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

PROJECT

SEAMLESS CONSTRUCTION SERVICES

Lot 16, Edgewater Terrace, Le Sueur County, MN.

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	17-20326
CAD FILE NAME	20326 CERT
DRAWN BY	KH
DESIGNED BY	-
REVIEWED BY	-
ORIGINAL ISSUE DATE	3/30/17
CLIENT PROJECT NO.	-

TITLE

PROPOSED CONDITIONS CERTIFICATE OF SURVEY

SHEET

1 OF 1

Surveyor Certification

I. Applicant: Name Tim & Christy Erickson
II. Landowner: Name Tim & Christy Erickson, Property Address 46563 Evergreen Lane, City Cleveland, State MN, Zip 56017
III. Parcel Information: Parcel Number 01.550.0160

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

*Site shall be physically staked, then surveyed.
*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
*Stakes must remain in place until construction commences.

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

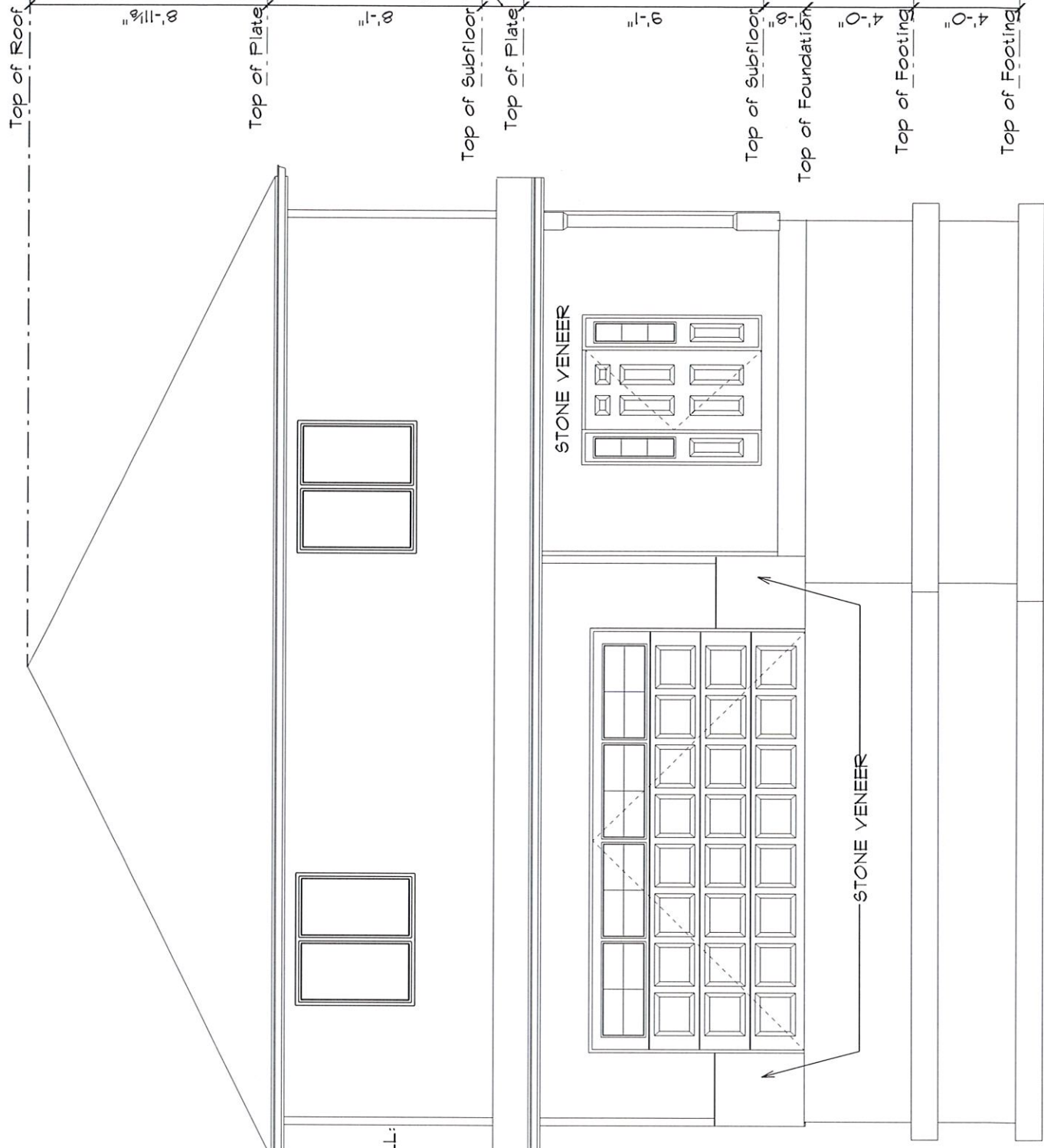
VI. Signatures:
The proposed improvements have been physically staked onsite then surveyed on Jan. 5, 2018, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Surveyor Signature [Signature] Date 12/18/17 Lic # 43110

OFFICE USE ONLY

Date Received 12-18-17 Planning & Zoning Department Signature [Signature]



ASPHALT SHINGLES
 ALUMINUM FASCIA, SOFFIT,
 GUTTERS & RAIN WATER LEADERS

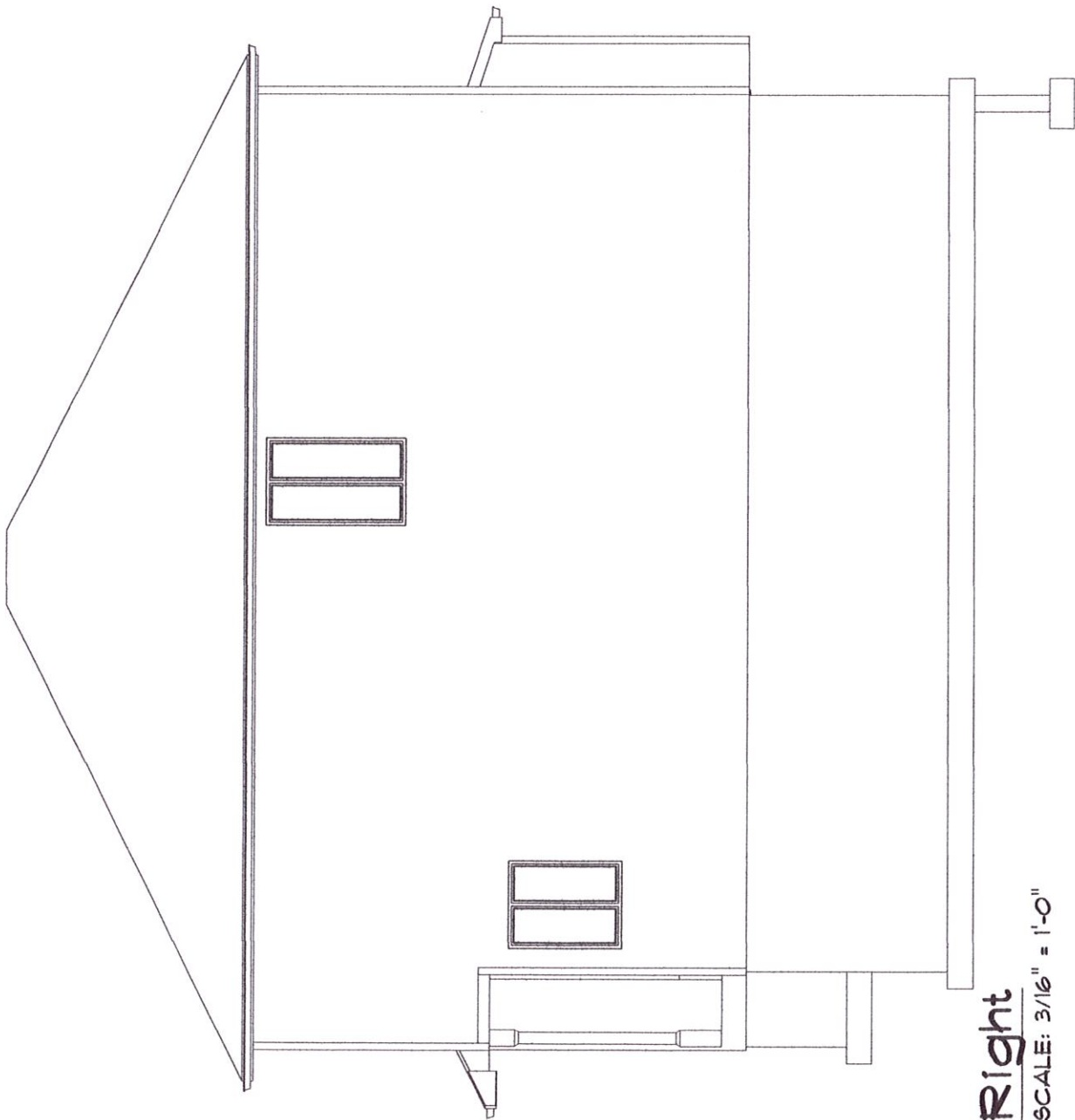
TYPICAL 2x6 SIDING EXTERIOR WALL:
 LP SMART BOARD SIDING
 1/16" PLYWOOD SHEATHING
 2x6 STUDS @ 16" o.c.
 R21 BATT INSULATION
 4 mil POLY V.B.
 1/2" DRYWALL
 TAPED & SANDED

STONE VENEER

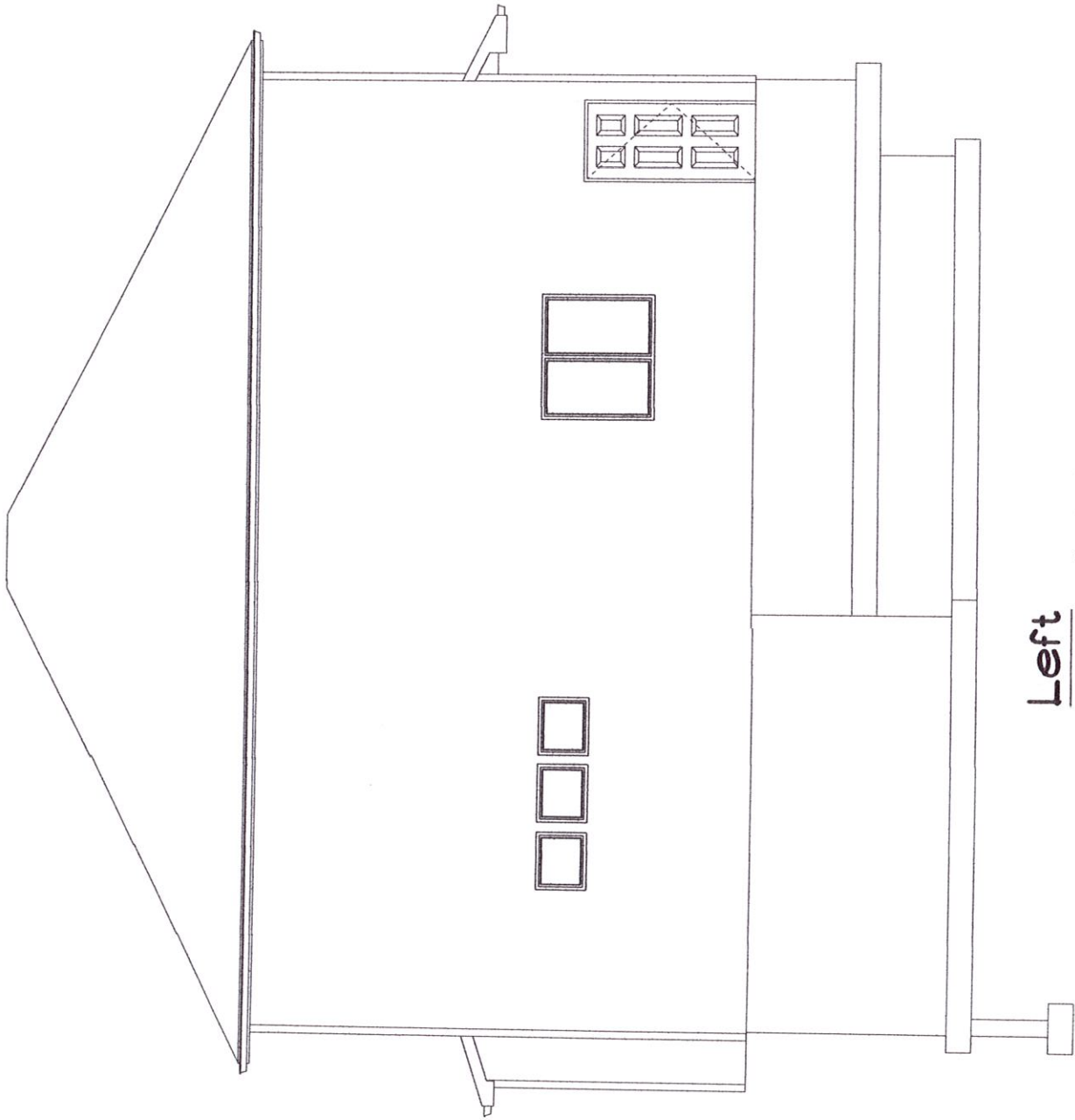
STONE VENEER

WATERPROOF FOUNDATION
 COVERING
 8" Poured CONCRETE
 FOUNDATION WALL
 20" WIDE x 8" DEEP
 CONCRETE FOOTING c/w
 2 - RUNS 15M REBAR

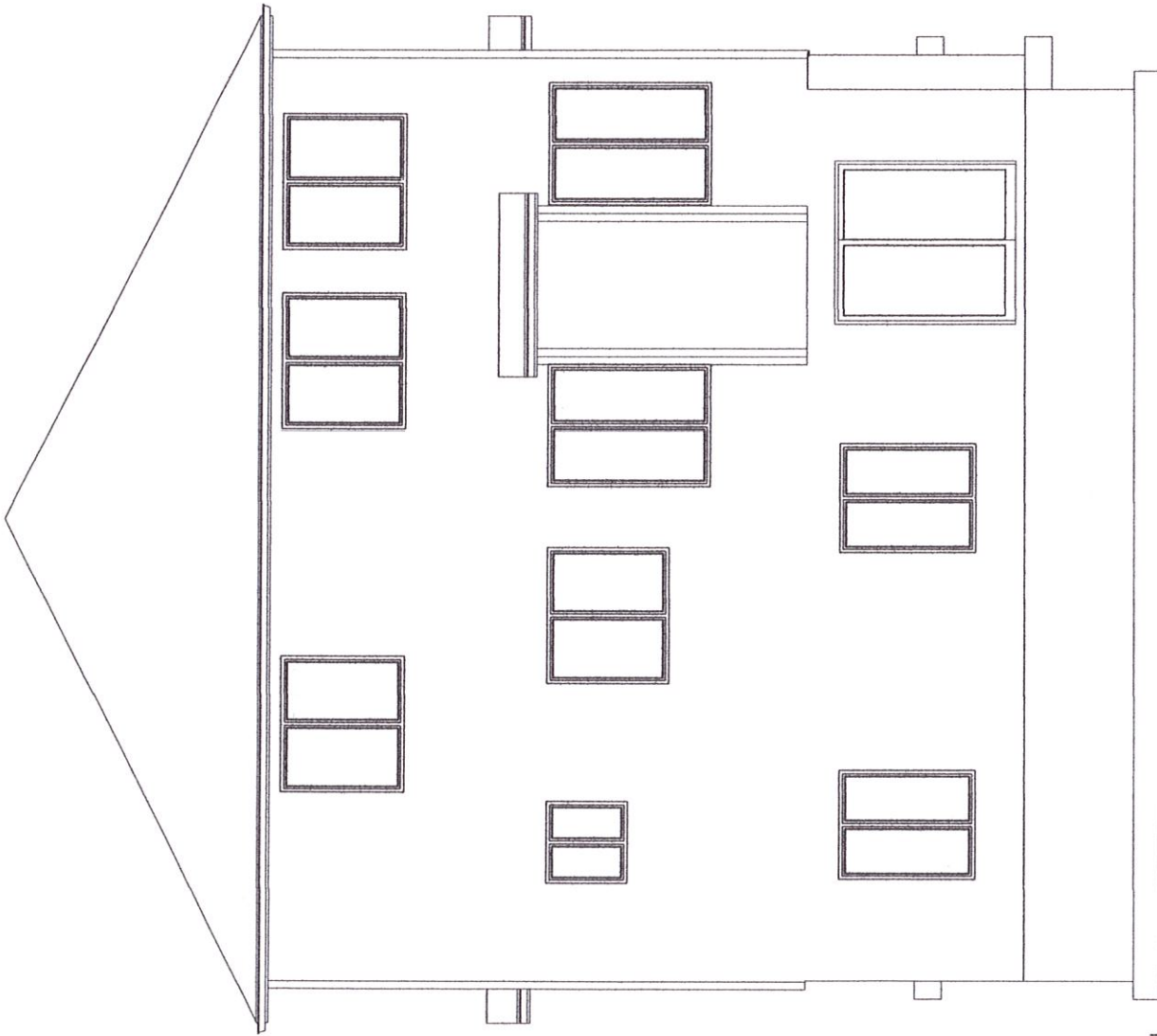
Front
 SCALE: 3/16" = 1'-0"



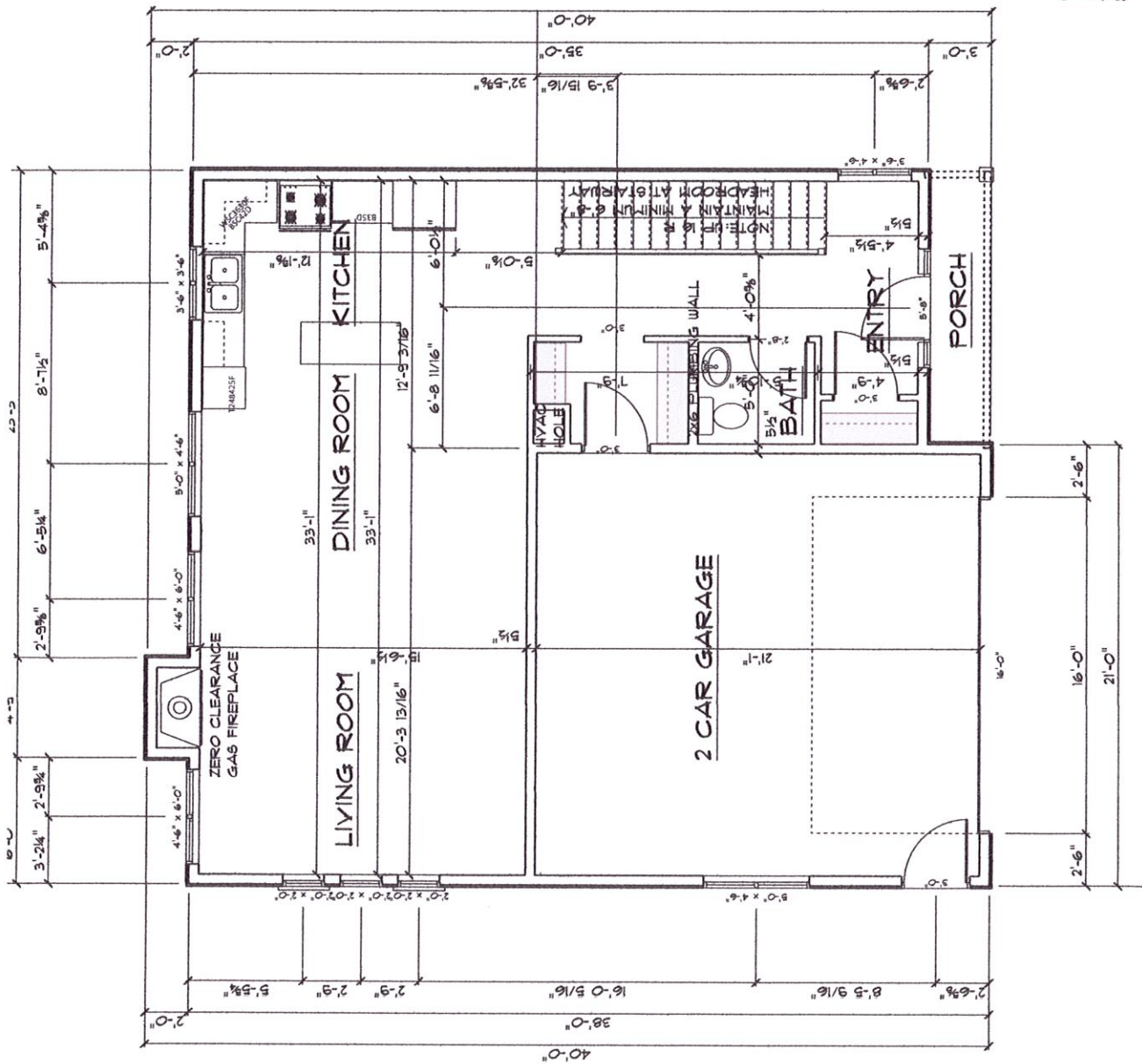
Right
SCALE: 3/16" = 1'-0"

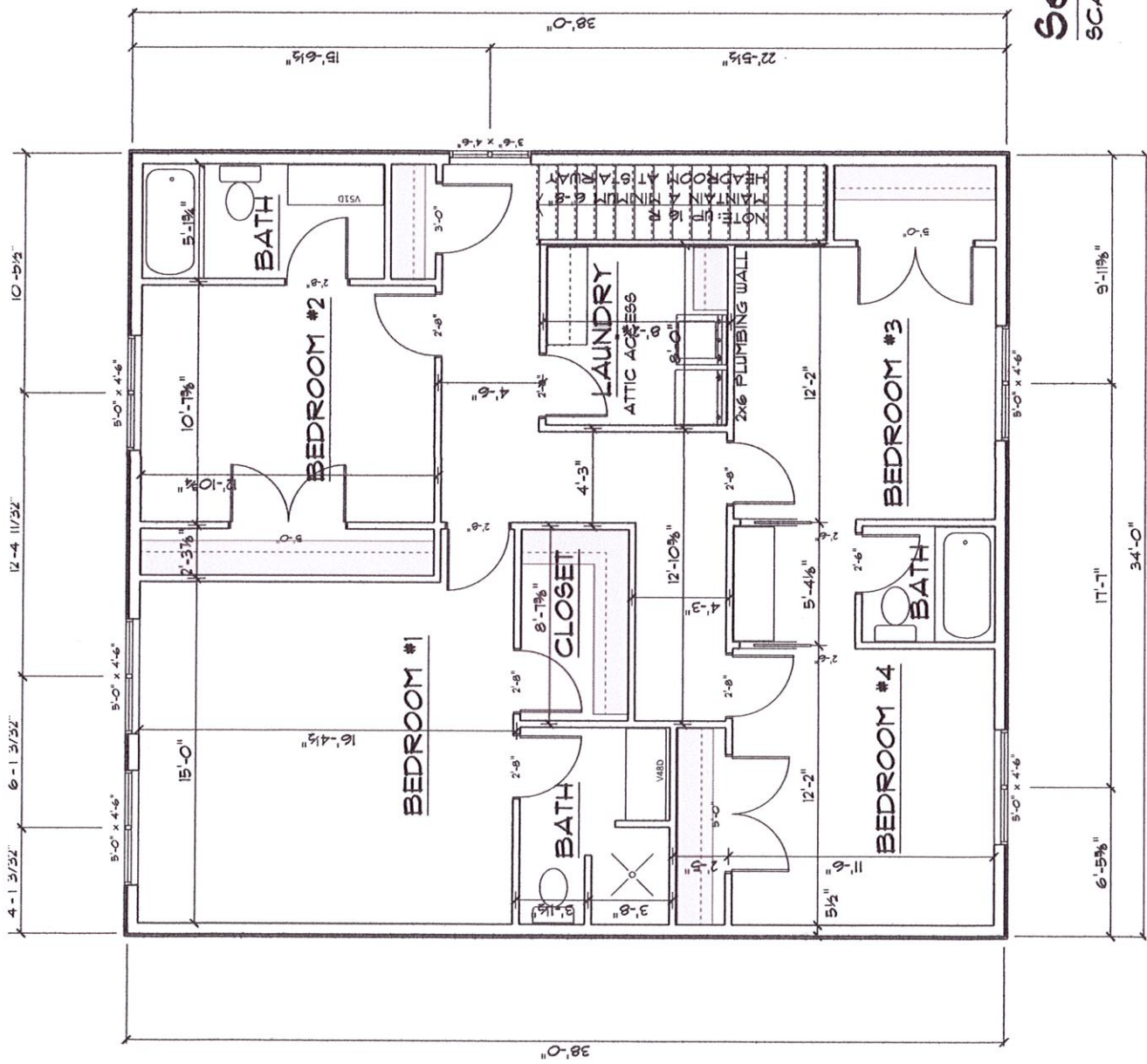


Left
SCALE: 3/16" = 1'-0"



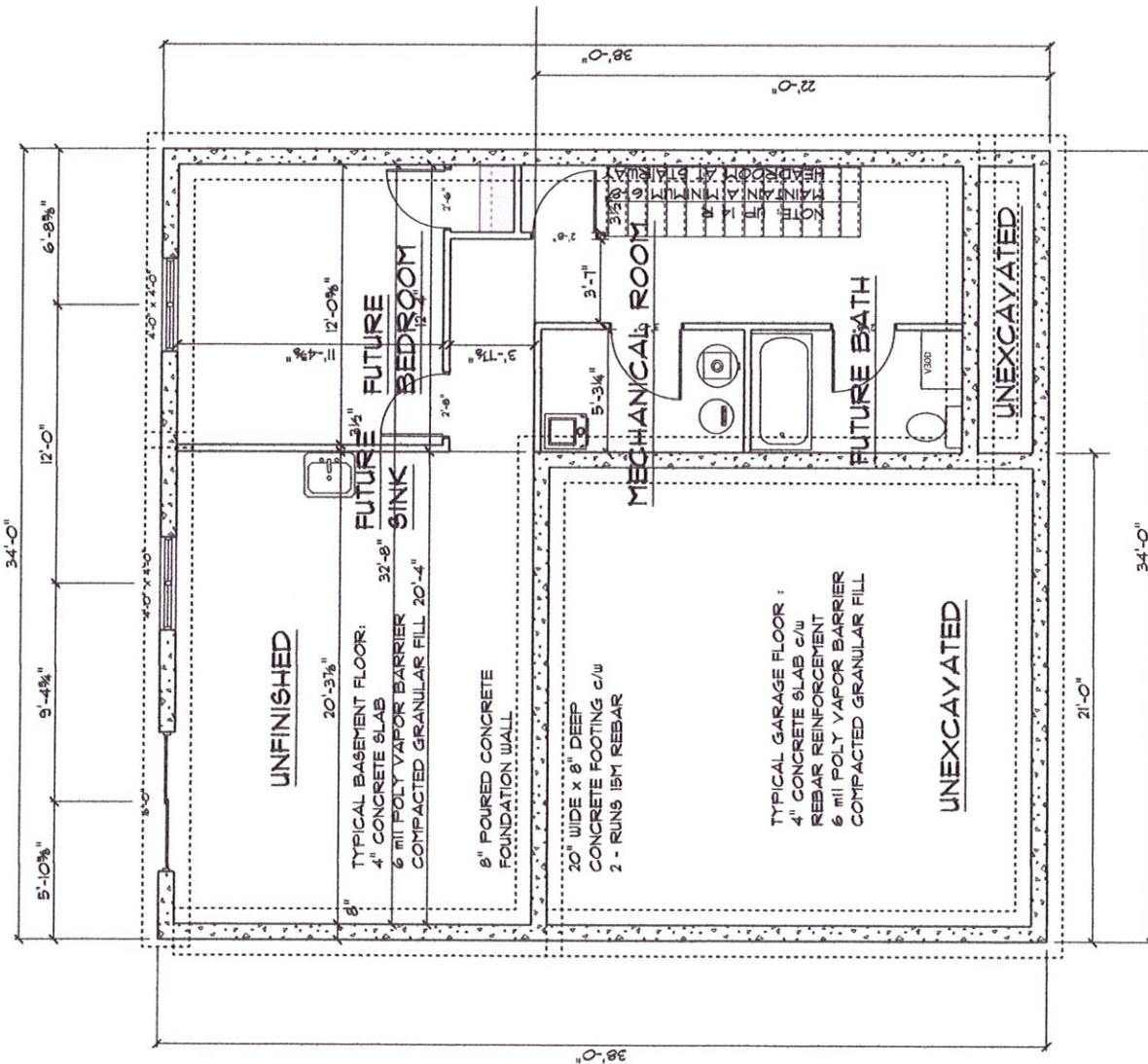
Rear
SCALE: 3/16" = 1'-0"





Second Floor

SCALE: 0.1719" = 1'-0"



Foundation

SCALE: 0.1563" = 1'-0"



Le Sueur County, MN

Thursday, January 18, 2018

Regular Session

Item 1

Approved January 18, 2018 Meeting 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

January 18, 2018

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

MEMBERS ABSENT:

OTHERS PRESENT: Joshua Mankowski, Michelle R. Mettler

ITEM #1: To allow the applicant to construct a single-family dwelling 9 feet from the west property line, 46 feet from the road Right-Of-Way (ROW), 19 feet from the top of the bluff, and within the bluff impact zone

Tim & Christy Erickson were present for application. Township: None DNR: Email from DNR Area Hydrologist, Garry Bennett, regarding bluffs. Letters submitted: Joshua Mankowski-recommend approve application w/condition to work with Environmental Services to stabilize the slope.

Discussion was held regarding: Worked to get design to meet requirements; Owned property since Aug/Sept; Bluff impact zone, currently 30 feet, previously 20 feet, was 30 foot bluff impact zone when purchased. DNR 20 foot bluff impact zone, County definition more restrictive. Retaining wall staying, continue to keep stability of slope. Adding vegetation to slope. Trees to be removed, going to replace. Plan to start in spring. Findings of Fact.

Motion was made by John Wolf to approve application. Conditions: Josh Mankowski letter. Seconded by Jim Mladek. Motion approved. Motion carried.

Commend permeable surface driveway is a good plan. Working to stay within the guidelines, made changes to stay within the requirements.

Minutes:

11-16-17 Meeting Additions or corrections-None. Motion to approve minutes by Jim Mladek. Seconded by Colin Harris. Motion approved. Motion carried.

11-28-17 Meeting Additions or corrections-Change date on heading to 2017. Motion to approve minutes by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.

12-12-17 Meeting Additions or corrections-None. Motion to approve minutes by John Wolf. Seconded by Colin Harris. Motion approved. Motion carried.

Motion to adjourn meeting by Colin Harris. Seconded by Fritz Cummins. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

JM/mrm

Minutes approved March 15, 2018

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