



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: MARCH 15, 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 Gore Packet

ITEM #4 Peters Packet

ITEM #5 Approved March 15, 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 March 15, 2018.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, March 15, 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: MARCH 15, 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 **MARCH 5, 2018**.

ITEM #1: JILL GORE, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a detached garage 3 feet from the road Right-Of-Way (ROW), 3 feet from the north property line, 71 feet from the Ordinary High Water Level (OHWL), 29 feet from 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 2 Tomahawk 1st Addition, Section 2, Washington Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, OHWL, & BLUFF SETBACKS; & STRUCTURE WITHIN BLUFF IMPACT ZONE.**

ITEM #2: DAVID & DENISE PETERS, 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 3 feet from an existing septic tank, 0 feet from the bluff, within the bluff impact zone and within the bluff, in an Urban/Rural Residential "R1" District. Property is located at Lots 9 & 10, Riverview Heights Subdivision, Section 2, Kasota Township. **VARIANCE IS FOR SEPTIC & BLUFF SETBACKS, WITHIN THE BLUFF IMPACT ZONE AND BLUFF.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT MARCH 8, 2018.

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



Le Sueur County, MN

Thursday, March 15, 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: March 15, 2018
Time: 3:00 pm
Place: Le Sueur County Environmental Services Building

Onsite Date: March 15, 2018
Onsite Time: 1:30 pm

***Board of Adjustment Members if you CANNOT be at the meeting contact Mindy at 357-8538.*

1. Call to Order
2. Agenda: Additions/Corrections/Approval
3. Meeting Minutes: **January 18, 2018** Additions/Corrections/Approval
4. Applications

ITEM #1: JILL GORE, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a detached garage 3 feet from the road Right-Of-Way (ROW), 3 feet from the north property line, 71 feet from the Ordinary High Water Level (OHWL), 29 feet from 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 2 Tomahawk 1st Addition, Section 2, Washington Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, OHWL, & BLUFF SETBACKS; & STRUCTURE WITHIN BLUFF IMPACT ZONE.**

ITEM #2: DAVID & DENISE PETERS, 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 3 feet from an existing septic tank, 0 feet from the bluff, within the bluff impact zone and within the bluff, in an Urban/Rural Residential "R1" District. Property is located at Lots 9 & 10, Riverview Heights Subdivision, Section 2, Kasota Township. **VARIANCE IS FOR SEPTIC & BLUFF SETBACKS, WITHIN THE BLUFF IMPACT ZONE AND BLUFF.**

5. Discussion Items: Possible future work session and/or training.
6. Warrants/Claims
7. 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, March 15, 2018

Regular Session

Item 1

Gore Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Matt & Jill Gore

911 ADDRESS: 28252 Ridge Rd, Cleveland, MN

VARIANCE REQUEST: To construct a detached garage 3 feet from the road Right-Of-Way (ROW), 3 feet from the north property line, 71 feet from the Ordinary High Water Level (OHWL), 29 feet from the bluff and within the bluff impact zone.

VARIANCE NUMBER: 18009

PARCEL NUMBER: 13.651.0020

SITE INFORMATION

LOCATION: Lot 2, Tomahawk Point First Addition, and part of Government Lot 2, Section 4, Washington Township.

ZONING & PURPOSE: Recreational Residential "RR"

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

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does make reference to 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 premature development of natural resources.

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

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

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) lakes 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: Residential, shoreland

ACCESS: Existing off Ridge Road

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: 1028.86. Lowest floor must be at or above RFPE.

ATTACHMENTS

STAFF FINDINGS

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

- | 1. Variance: | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|------------------------------------|-----------------|------------------|-----------------------------------|--------------|
| a. Detached garage to road ROW: | 3 feet | 25 feet | Section 13.2, Subdiv. 5. B. 9. | 13-44 |
| b. Structure to property line: | 3 feet | 10 feet | Section 13.2, Subdiv. 5. C. 2. | 13-44 |
| c. Structure to OHWL: | 71 feet | 100 feet | Section 13.2, Subdiv. 5. E. 1. | 13-44 |
| d. Structure to bluff: | 29 feet | 30 feet | Section 13.2, Subdiv. 5. F. 1. C. | 13-46 |
| e. Structure in Bluff Impact Zone: | within | outside | Section 13.2, Subdiv. 5. F. 4. | 13-46 |
2. **Refer to DNR Guidance Letters:**
- a. Administration, Compliance, and Enforcement pg. 1
 - b. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - c. Bluffs and Steep Slopes pg. 11
 - d. Non-conforming Lots of Record in Shoreland Areas pg. 19
 - e. 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. Proposal is to replace an existing detached garage that was destroyed by fire.
 - b. No living space is allowed in detached garage.
 - c. Landowner has petitioned to be part of West Jeff to connect to the City of Cleveland.

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.
7. Compliance inspection of the existing septic system is required by June 1, 2018.

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: 03/07/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski,

Applicant:

Matt and Jill Gore

Property owner:

Matt and Jill Gore

Property:

13.651.0020

Description:

Variance request to construct a detached garage 3 feet from the road Right-Of-Way (ROW), 3 feet from the north property line, 71 feet from the Ordinary High Water Level (OHWL), 29 feet from the bluff and within the bluff impact zone.

Recommendation:

It is my recommendation that you approve this application with the condition listed below. This project plans to reused an existing slab left after the previously constructed garage burned down. By reusing the old slab, there should not be any additional material movement on the lot.

Condition(s):

- 1) Plant deep rooted vegetation between proposed garage and bluff to provide additional bluff stability.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

VARIANCE FINDINGS OF FACT

Name of Applicant: JILL GORE

Variance # 18009

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A DETACHED GARAGE 3 FT FROM THE ROAD ROW, 3 FT FROM THE N PROPERTY LINE, 71 FT FROM THE OWHL, 29 FT FROM THE BLUFF & 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

Variance Application

I. Applicant:
 Name Jill Gore
 Mailing Address 28252 Ridge Rd
 City Cleveland State MN Zip 56017
 Phone # 507-381-2957 Phone # 507 327 0467

II. Landowner:
 Name Jill Gore
 Property Address 28252 Ridge Rd
 City Cleveland State MN Zip 56017
 Phone # 507 381 2957 Phone # 507 327 0467

III. Parcel Information:
 Parcel Number 13.651.0020 Parcel Acreage _____
 Township 109 North Section 4
 Subdivision Tomanawc 1st Addn Lot 2 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).
22'x24' detached garage, 3' from Right of Way, 3' to Property line (N)
29' from the bluff, 71' from the Lake OHL,
within the 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.)*

Washington Township notified on Feb 1, 2018
 (Township Name) (Date)

Board Member Gregory Davis regarding the proposed request.
 (Name)

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

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

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

VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

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

See attached

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- 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.

Matthew D. Love 2/9/18
Applicant signature Date

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

Matthew D. Love 2/9/18
Landowner signature Date

OFFICE USE ONLY

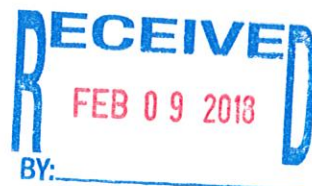
Date received <u>2-9-18</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' <u>1000'</u> <u>(N)</u>
Meeting date <u>3-15-18</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>4-10-18</u>	Lake <u>Jefferson</u>	Water courses <u>(Y)</u> <u>(N)</u>
RFPE <u>1022.00</u>	FEMA Panel # <u>27079C02450</u>	Bluff <u>(Y)</u> <u>(N)</u>
<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 _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> COC
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> NONC/Waiver
<input checked="" type="checkbox"/> Application complete	<u>Michelle D. Mattheis</u>	<input type="checkbox"/> Design
	Planning & Zoning Department Signature	<u>with Sept</u>
		ATF / SPEC-MTG
		<u>18009</u>
		Permit #
		<u>646</u>
		Fee \$
		<u>2-9-18</u>
		Date

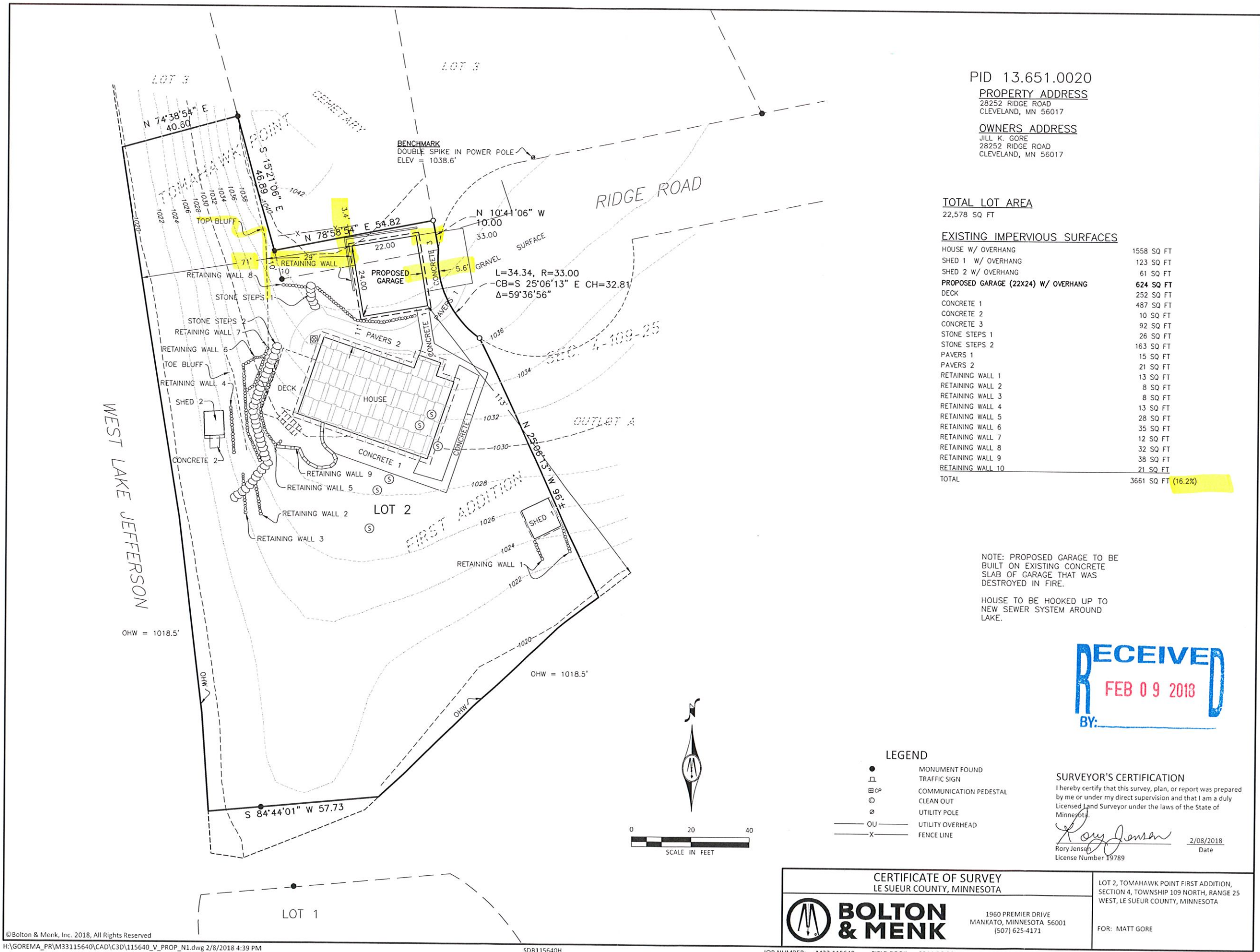
01-15-16

On January 4, 2018, our garage was destroyed by fire. This garage had stood in this location 40 plus years pinched within the bluff, house, neighboring property, and the culdesac. The configuration of the property does not allow for the garage to be located in any other area of the lot due to the pond southeast of the house and the lake to the south west and west of the house. The concrete pad remains in essentially the only location a garage would work, taking into consideration the neighbors, the road and the lake/bluff preservation. There will be zero disturbance of the soil during the process of replacing the destroyed structure. We propose that the new garage would match the house and become an aesthetically pleasing addition to the neighborhood.

RECEIVED
FEB 09 2018
BY: _____

1. The variance request is reasonable in that we are replacing a structure destroyed by fire on January 4, 2018. Our goal is to replace the destroyed structure utilizing the current concrete pad thus replicating the exact same footprint.
2. Space is limited and the geography of the location lends itself to the garage being placed in the exact same location. Since the garage has been in this location for 40 plus years, the neighborhood has evolved with this structure in place.
3. The previous landowner erected the garage in this location based on the lot and how this lot was platted in 1965.
4. Building a new garage would maintain the character of the neighborhood based on the character of the neighborhood prior to the structure being destroyed. When viewing comparable properties, the garage would seem to maintain the essential character of not only the neighborhood, but the lake shore properties on Lake Jefferson.
5. The garage is where it needs to be based on bluff/lake shore, neighbors property, and the culdesac. The destroyed structure was pinched within the bluff, neighbors and culdesac as well as our house with no real options available for any alternative options.
6. After reviewing the ordinance, we are consistent with the goal of preserving the bluff/lake shore as we are building on the existing location utilizing the existing concrete pad with no plans to expand on the footprint.
7. Since we are building on the current concrete pad, we are consistent with the preservation of the bluff and lake shore. There will be zero disturbance to soil at or near the bluff and/or lake shore. There will be no soil disturbed in any manner during the construction of this structure as we are utilizing the existing concrete pad.
8. We are currently enrolled in the Septic Pipe Project to Cleveland with anticipated completion 2018.
9. We propose a garage to be built on the concrete pad that the original garage stood. Since this lot is such that a garage could not be erected in any other area of the lot. We do recognize the location of the garage is pinched into a small area thus we are restricted in any plans to erect a larger structure than was previously there.





PID 13.651.0020

PROPERTY ADDRESS
28252 RIDGE ROAD
CLEVELAND, MN 56017

OWNERS ADDRESS
JILL K. GORE
28252 RIDGE ROAD
CLEVELAND, MN 56017

TOTAL LOT AREA
22,578 SQ FT

EXISTING IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	1558 SQ FT
SHED 1 W/ OVERHANG	123 SQ FT
SHED 2 W/ OVERHANG	61 SQ FT
PROPOSED GARAGE (22X24) W/ OVERHANG	624 SQ FT
DECK	252 SQ FT
CONCRETE 1	487 SQ FT
CONCRETE 2	10 SQ FT
CONCRETE 3	92 SQ FT
STONE STEPS 1	26 SQ FT
STONE STEPS 2	163 SQ FT
PAVERS 1	15 SQ FT
PAVERS 2	21 SQ FT
RETAINING WALL 1	13 SQ FT
RETAINING WALL 2	8 SQ FT
RETAINING WALL 3	8 SQ FT
RETAINING WALL 4	13 SQ FT
RETAINING WALL 5	28 SQ FT
RETAINING WALL 6	35 SQ FT
RETAINING WALL 7	12 SQ FT
RETAINING WALL 8	32 SQ FT
RETAINING WALL 9	38 SQ FT
RETAINING WALL 10	21 SQ FT
TOTAL	3661 SQ FT (16.2%)

NOTE: PROPOSED GARAGE TO BE BUILT ON EXISTING CONCRETE SLAB OF GARAGE THAT WAS DESTROYED IN FIRE.

HOUSE TO BE HOOKED UP TO NEW SEWER SYSTEM AROUND LAKE.



LEGEND

- MONUMENT FOUND
- ⊠ TRAFFIC SIGN
- ⊞ CP COMMUNICATION PEDESTAL
- CLEAN OUT
- ⊗ UTILITY POLE
- OU — UTILITY OVERHEAD
- X — FENCE LINE

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789
2/08/2018
Date

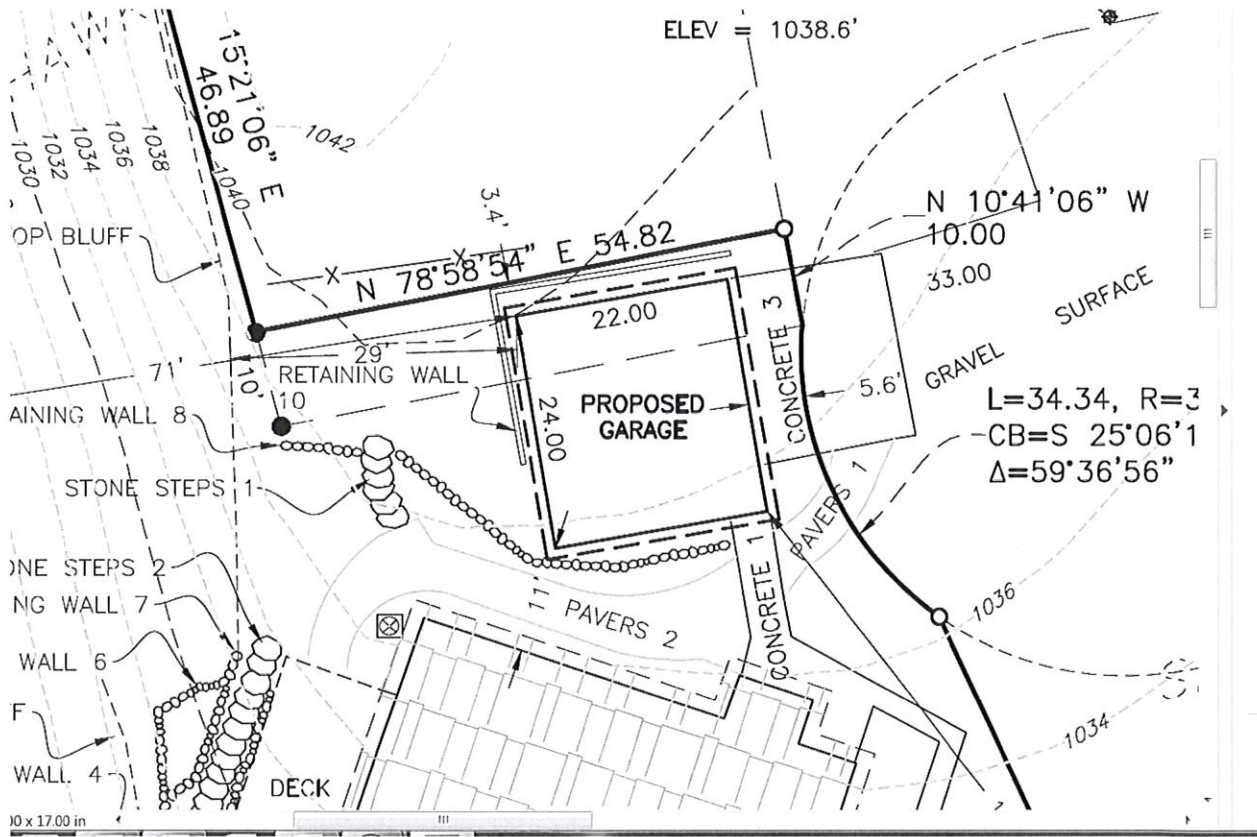
CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



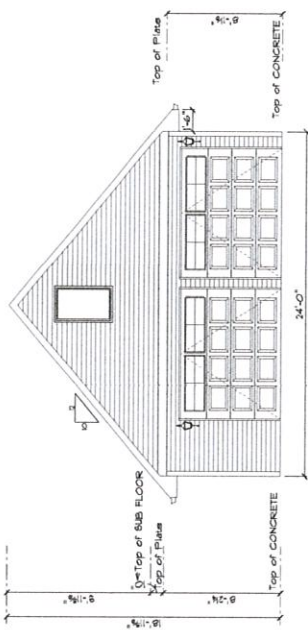
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

LOT 2, TOMAHAWK POINT FIRST ADDITION,
SECTION 4, TOWNSHIP 109 NORTH, RANGE 25
WEST, LE SUEUR COUNTY, MINNESOTA

FOR: MATT GORE

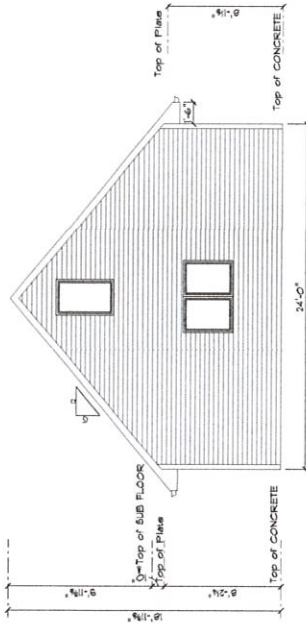


RECEIVED
 FEB 05 2018
 BY: *MVM*



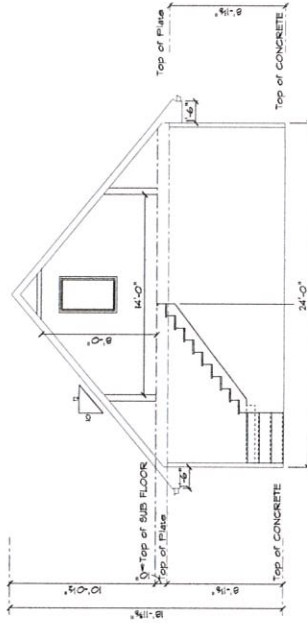
FRONT ELEVATION

MATT & JILL GORE
 28252 RIDGE ROAD
 CLEVELAND MN.56011

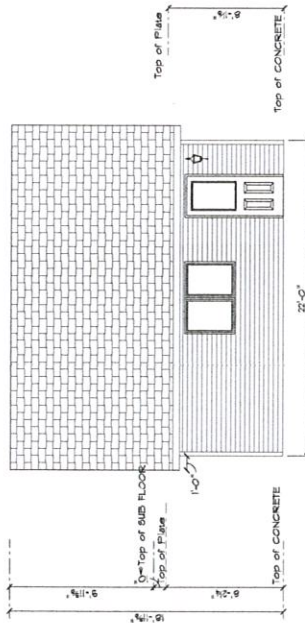


REAR ELEVATION

MATT & JILL GORE
 28252 RIDGE ROAD
 CLEVELAND MN.56011

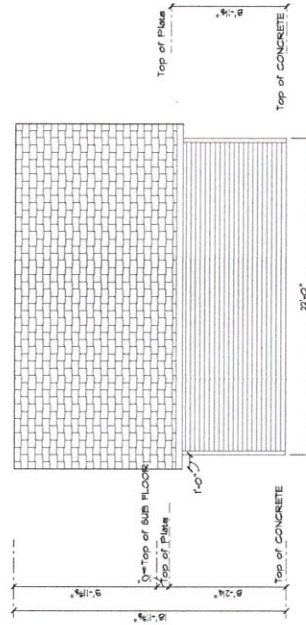


MATT & JILL GORE
 28252 RIDGE ROAD
 CLEVELAND MN.56011



LEFT ELEVATION

MATT & JILL GORE
 28252 RIDGE ROAD
 CLEVELAND MN.56011



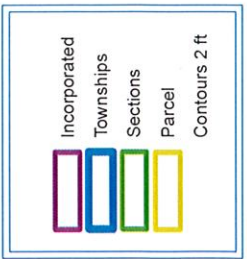
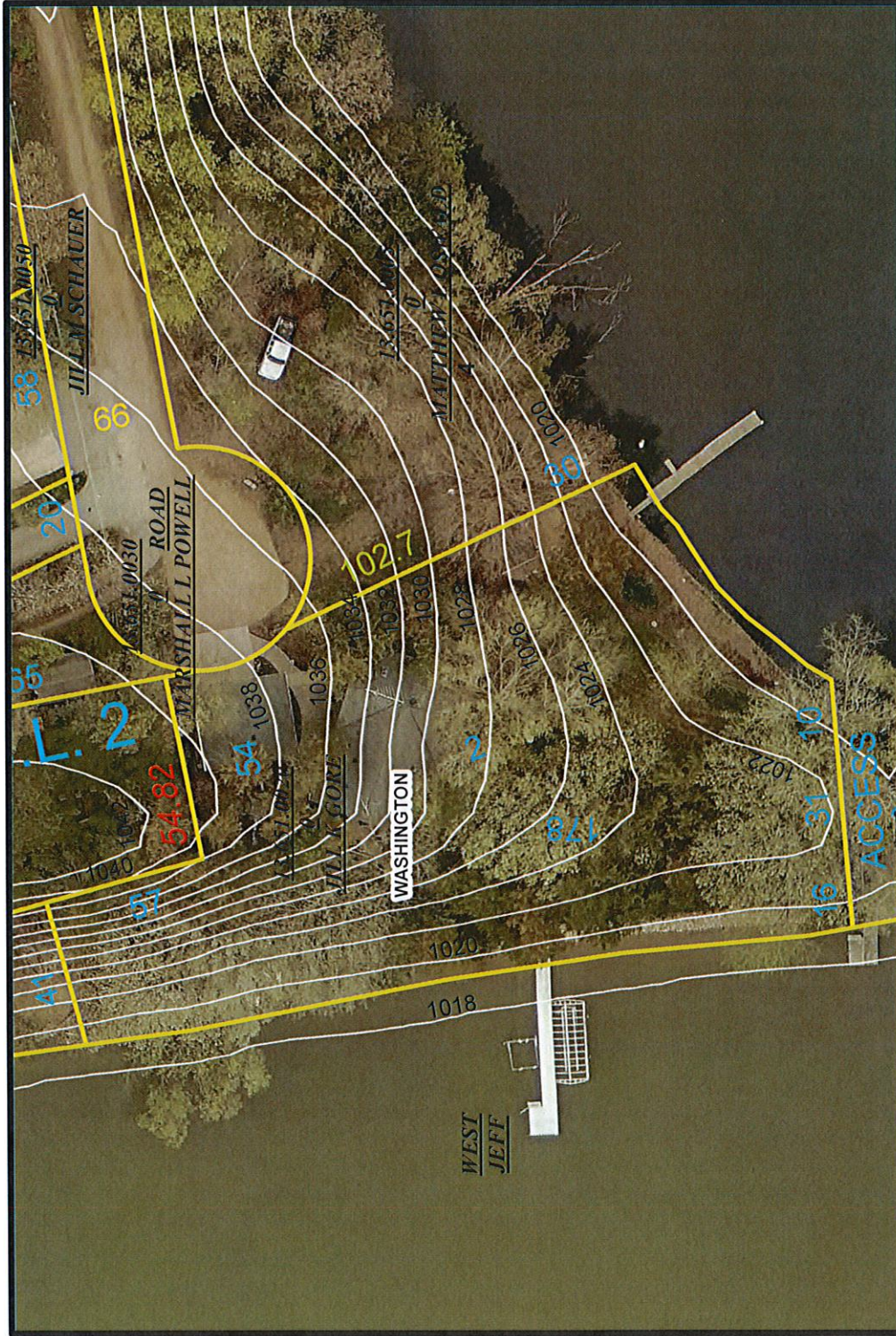
RIGHT ELEVATION

MATT & JILL GORE
 28252 RIDGE ROAD
 CLEVELAND MN.56011

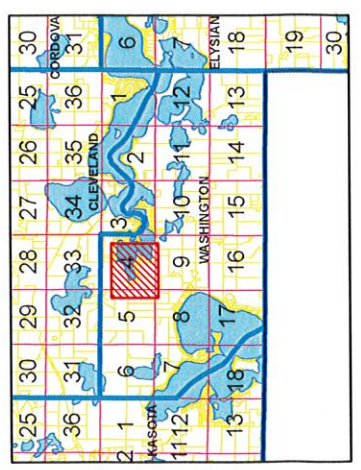
1315.0020

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Matt & Jill Gore
PID: 13.651.0020
DATE: 03-06-18
FIRM #: 27079C0265D
F-Zone: X-Outside
RFPE: 1022.86
District: Recreational/Residential



Map Disclaimer
 *Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
 *The maps are date specific and are intended for use only at the published scale.
 *These maps should not be used for navigational, engineering, legal, or any other site-specific use.



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet
 Photo dated April/May 2013
 Created By: MRM



Le Sueur County, MN

Thursday, March 15, 2018

Regular Session

Item 2

Peters Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: David & Denise Peters
911 ADDRESS: 40709 Ottawa Rd, St Peter MN
VARIANCE REQUEST: To construct a single-family dwelling 3 feet from an existing septic tank, 0 feet from the bluff, within the bluff impact zone and within the bluff.
VARIANCE NUMBER: 18010
PARCEL NUMBER: 05.650.0090

SITE INFORMATION

LOCATION: Lot 9 and part of Lot 10, River View Heights Subdivision, Section 4, Kasota Township.
ZONING & PURPOSE: Urban/Rural Residential "R1"

The Urban/ Rural Residential (RI) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does make reference to 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 premature development of natural resources.
Objective 1: The County should continue its preservation of significant bluff areas and river valleys through its use of Conservancy Zone.
Action 3: Amend the County's Zoning controls to require all structures to meet a 30' minimum setback from the top of a bluff.

GENERAL SITE DESCRIPTION: Scattered residents, rural subdivision, bluff, ravine, and wetland landscapes, scenic river valley
ACCESS: Existing access off Ottawa Road
BLUFF DEFINITION: A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).
BLUFF IMPACT ZONE: Land located within 30 feet from the top or toe of a bluff.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Plat, Erosion Control Plan

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. Dwelling in bluff:	within	30 feet	Section 9. Subdiv. 5. E. 1. c.	9-7 Page 1 of 2

- | | | | | |
|-----------------------------------|--------|---------|---------------------------------|------|
| b. Dwelling in bluff impact zone: | within | outside | Section 9, Subdiv. 5. E. 4. | 9-7 |
| c. Dwelling to septic tank: | 3 feet | 10 feet | Section 17, Subdiv. 4. D. 1. B. | 17-9 |
2. 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.
 3. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
 4. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
 5. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Property is an existing building site in a rural platted subdivision.
 - b. The existing dwelling was destroyed by fire.
 - c. Property has a compliant septic system.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE FINDINGS OF FACT

Name of Applicant: DAVID & DENISE PETERS

Variance # 18010

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 3 FEET FROM THE EXISTING SEPTIC TANK, 0 FEET FROM THE BLUFF, & LOCATED 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

Variance Application

I. **Applicant:**
 Name DAVID & DENISE PETERS
 Mailing Address 219 S MINNESOTA AVE
 City ST PETER State MN Zip 56082
 Phone # 952 210 6047 Phone # 507 382 5436 (Dave)

II. **Landowner:**
 Name DAVID & DENISE PETERS
 Property Address 40709 OTTAWA RD
 City ST PETER State MN Zip 56082
 Phone # 952-210-6047 Phone # 507 934 2640 (w)

III. **Parcel Information:**
 Parcel Number 05 650.0090 Parcel Acreage 5.73
 Township KASOTA Section 2 & 3
 Subdivision RIVERVIEW HEIGHTS Lot 009 Block _____
 NW 1/2 Lot 10

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).
SEPTIC SETBACK 3' to house
BLUFF SETBACK 0' to house
w/in Bluff impact zone w/in Bluff

V. **Description of Request:**

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

VI. **Township Notification:**

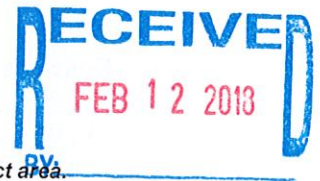
Township must be notified prior to application. (County Commissioners are not the Township Board.)

KASOTA Township notified on 2-12-18
 (Township Name) (Date)

Board Member DAREN BALF KUECHT regarding the proposed request.
 (Name)

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

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



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

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

VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

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

WE ARE JUST REQUESTING TO USE THE EXISTING
FOOTPRINT OF WHERE OUR HOUSE WAS PRIOR TO THE FIRE
WE ARE NOT DOING ANYTHING TO IMPACT THE SOIL OR LAND

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

OUR HOME WAS ORIGINALLY SET IN THE BLUFF PRIOR TO
THESE ORDINANCES. WE ARE UNABLE TO REBUILD OUR
ORIGINAL HOME AND STAY WITHIN THE CURRENT ORDINANCES

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

OUR HOME WAS DESTROYED IN A FIRE DUE TO A
FAULTY FIREPLACE THAT WE WERE UNAWARE THERE
WAS ANY PROBLEM WITH IT.

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

GRANTING THIS REQUEST WILL MAINTAIN THE
INTEGRITY OF THE BLUFF

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

WE ARE JUST REQUESTING TO REBUILD OUR ORIGINAL
HOME THAT WAS DESTROYED IN A FIRE.

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

YES - WE WILL BE PROTECTING AND MAINTAINING
THE INTEGRITY OF THE SOIL AND THE BLUFFS.

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

WE WILL BE PRESERVING THE SIGNIFICANT BLUFF
AREAS AS WELL AS PROTECTING THE BIOLOGICAL
SYSTEMS OF THE NATURAL ENVIRONMENT

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

WE HAVE A SEPTIC AND WELL THAT ARE BOTH
IN COMPLIANCE AND WILL NOT BE DISTURBED
THERE ARE NO PROPOSED CHANGES

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

WE ARE JUST REQUESTING TO REBUILD THE HOUSE AS
THE ORIGINAL FOOTPRINT WAS - WE WILL ONLY DO THE
MINIMAL SO THAT WE CAN HAVE A HOME AGAIN

RECEIVED
FEB 12 2018
BY: _____

IX. Attachments shall include but not limited to:

- a. Site Plan-**survey**
- b. Surveyor Certification
- c. Access approval
- d. Full legal description
- e. Floor plans and/or blue prints (*For structures*)
- f. Septic System Compliance Inspection
- g. Erosion control plan
- 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:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.



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

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

- 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.

[Signature]
Applicant signature

2-12-18
Date

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

[Signature]
Landowner signature

2-12-18
Date

RECEIVED
FEB 12 2018
BY: _____

OFFICE USE ONLY

Date received <u>2-12-18</u>	Present Zoning Classification <u>R1</u>	Feedlot within 500' 1000' <input type="radio"/> N
Meeting date <u>3-15-18</u>	Lake Classification _____	Erosion Control Plan <input checked="" type="radio"/> Y <input type="radio"/> N
60 Day <u>443-18</u>	Lake _____	Water courses <input type="radio"/> Y <input checked="" type="radio"/> N
RFPE _____	FEMA Panel # <u>27079C235</u>	Bluff <input checked="" 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 checked="" type="checkbox"/> Septic <u>6-10-16</u> <input checked="" type="radio"/> COC
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input type="checkbox"/> NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ _____ ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Math</u> Planning & Zoning Department Signature	<u>2-12-18</u> Date
		<u>18010</u> Permit #

01-15-16

To: Board of Adjustments, Le Sueur County

From: Denise & David Peters

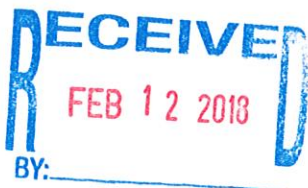
This is a description of the variance request we are asking for to rebuild our house back to its original footprint before we had our house fire on December 9th, 2017. On that day we lost everything we own as well as our home in a fire due to a faulty fireplace, so this was out of our control and not a choice we are making to rebuild our home.

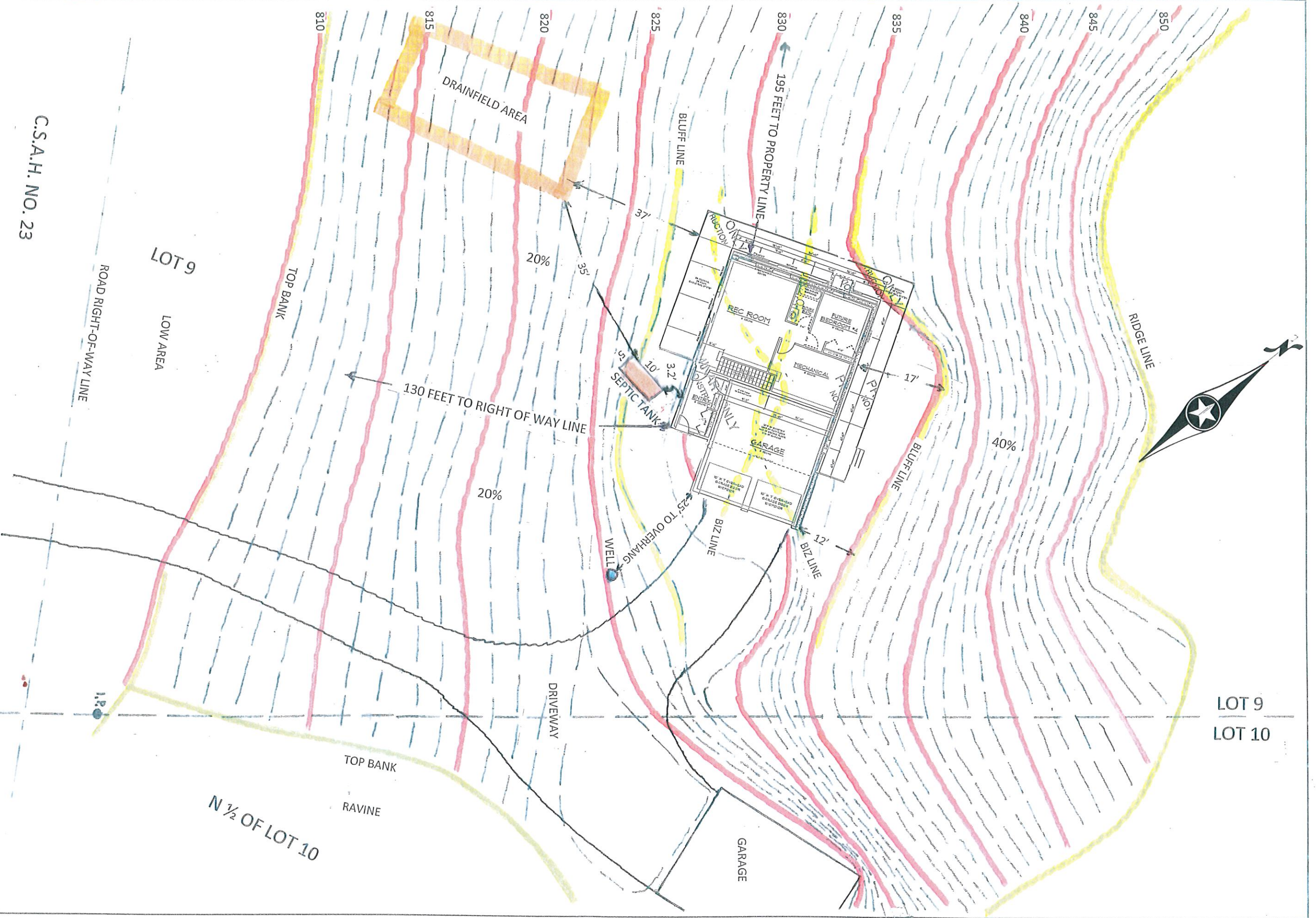
We are asking for a variance for the septic because it was originally 3 feet from the structure and since it is functioning and in compliance we would like to keep that as is. We just want to put the foundation back to the original size but to do that we would been to ask for this variance.

The additional variance we are asking for is for building our structure in the bluff. Most of our property is at a 20% slope so to rebuild our home in the same footprint we need to ask for this as well. We will not be changing the footprint anymore into the bluff. The original structure was set into the bluff and it's my understanding that we are far less that the 30 foot requirement for the entire home.

We are just asking to rebuild our home as it was originally. This situation was out of our control so we are asking that these variances be approved so we can move forward with the construction as well as our lives.

Thank you!





C.S.A.H. NO. 23

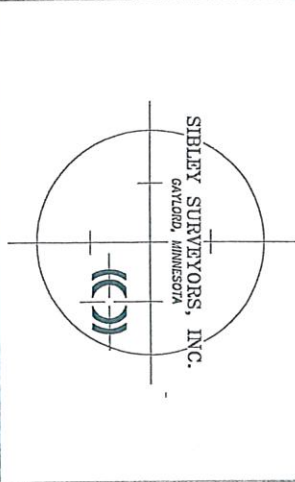
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

[Signature]

Date Jan. 30th, 2018 Registration No. 15475

BUILDING PERMIT SURVEY FOR
DENISE AND DAVID PETERS
 OF LOT 9 & NW 1/4 OF LOT 10
 PLAT OF 'RIVER VIEW HEIGHTS'
 Sec. 2 & 3-110-26, Le Sueur County, MN
 Scale: 1 inch = 20 feet

January 30th, 2018 File No. 110



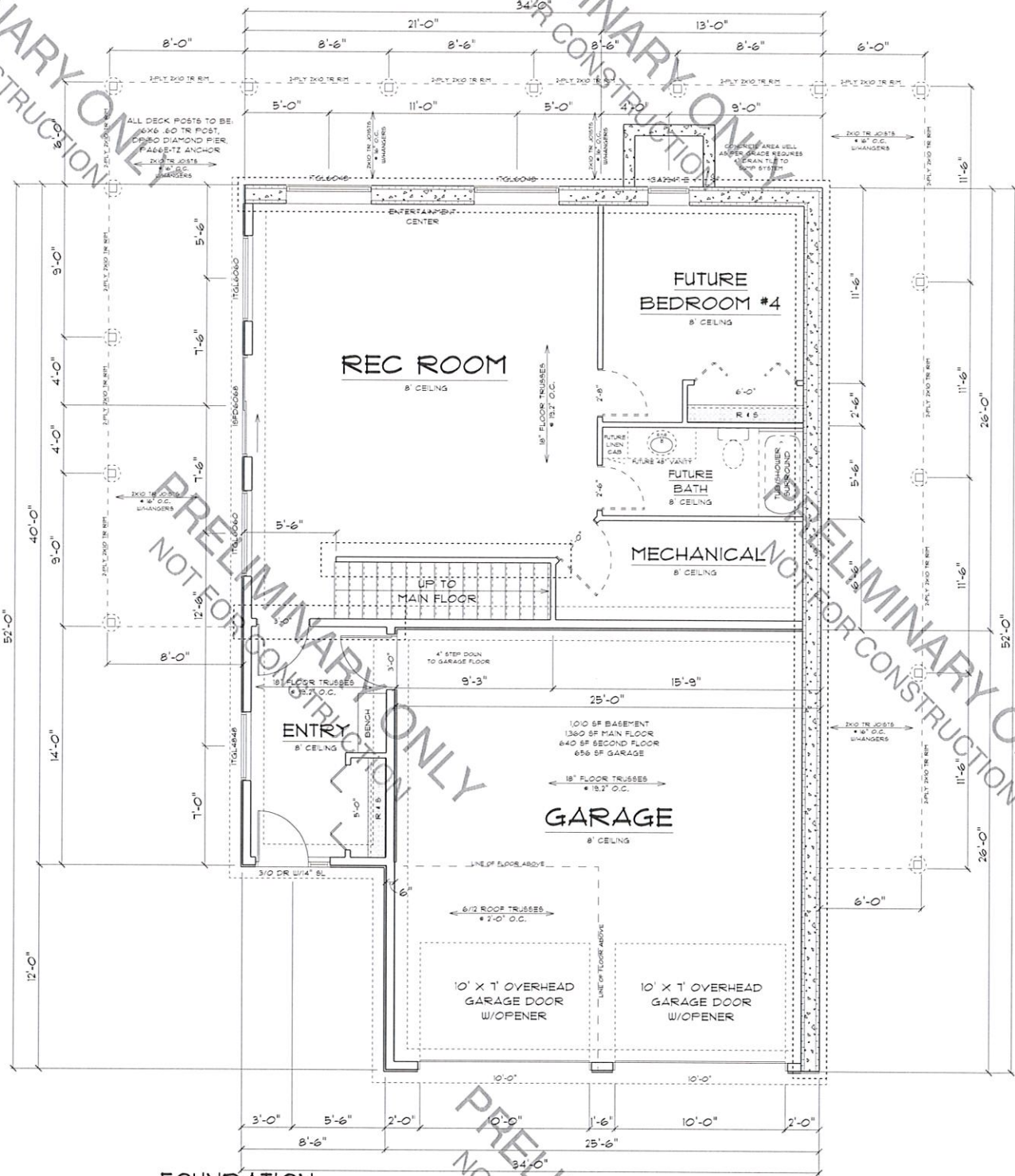
PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

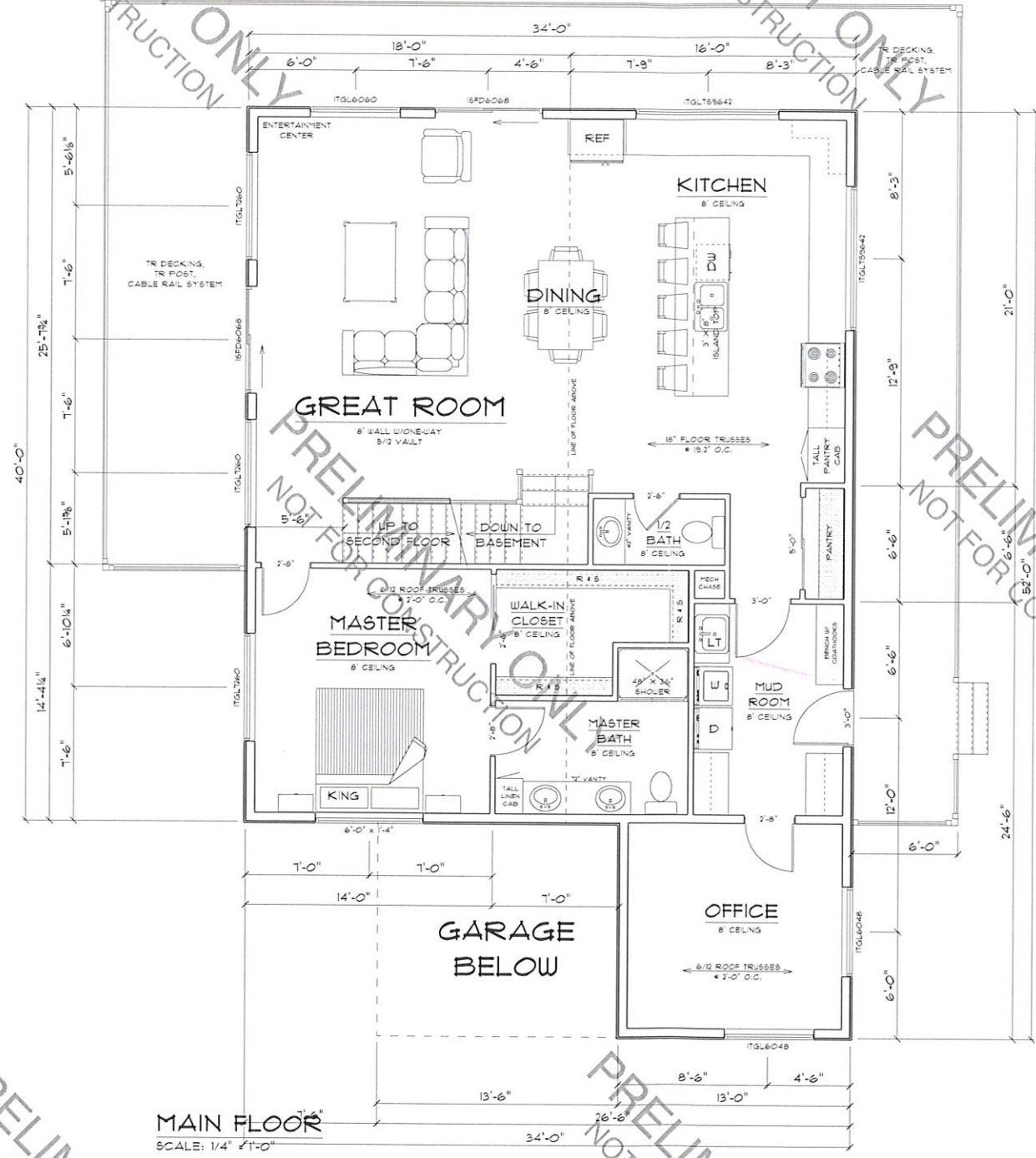
PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

NC



FOUNDATION
SCALE: 1/4" = 1'-0"



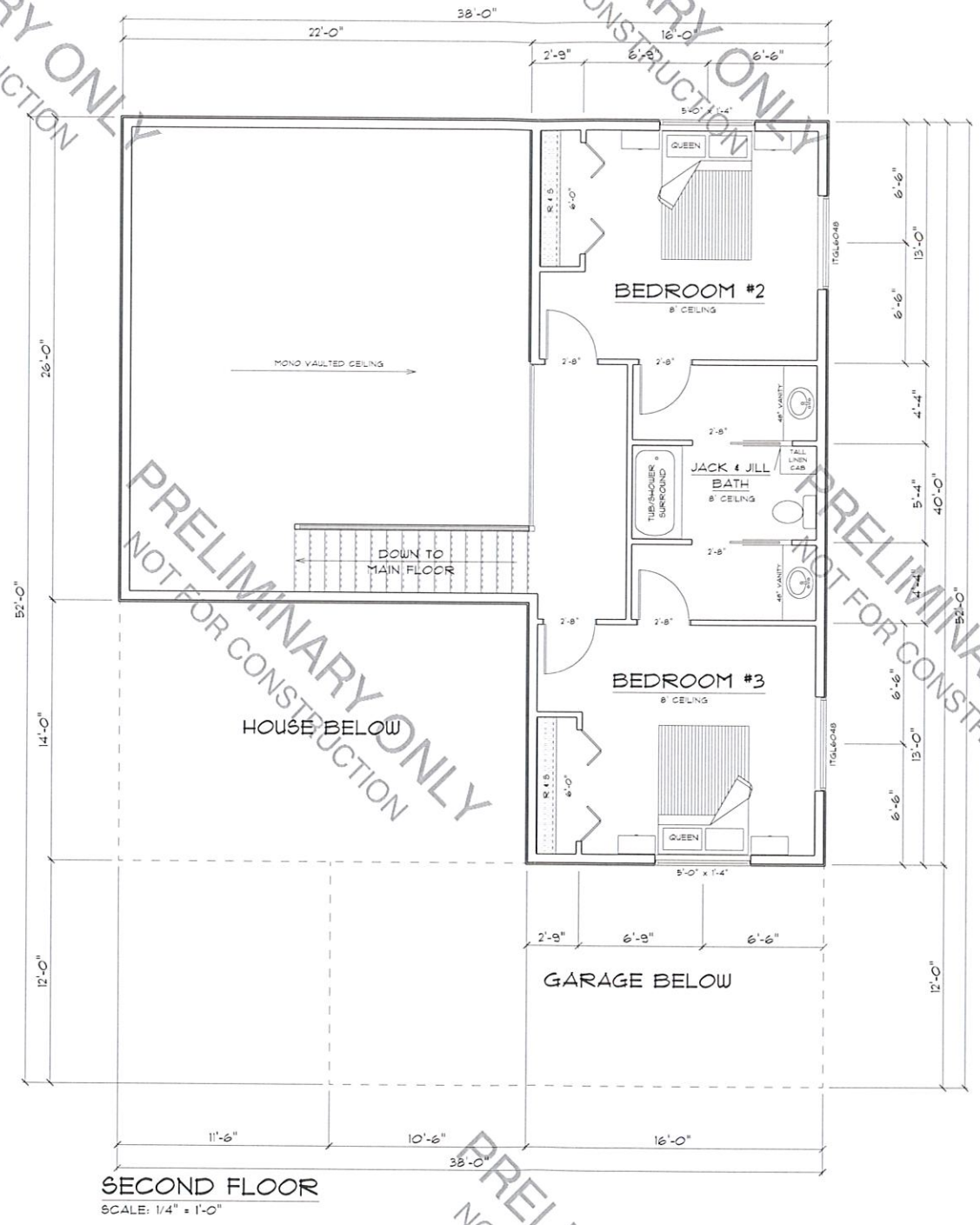
MAIN FLOOR
SCALE: 1/4" = 1'-0"

RECEIVED
MAR 07 2018
BY: [Signature]



Property of Haggemiller Lumber Inc. For Estimation And Quotation Only		DATE: 3/2/18	APPROVED: [Signature]	DRAWN BY: 604
Disclaimer: this drawing is being provided by Haggemiller Lumber Inc. for its internal use only to estimate or quote the cost of materials for the structure. This drawing is not professionally engineered and Haggemiller Lumber Inc. cannot be held liable for any errors, omissions, or defects in this plan. This plan cannot be copied.		DAVE & DENISE PETER'S NEW HOME		REVISED:
2280 401 AV. ARLINGTON VA 22201	PHONE: 801-964-2363 FAX: 801-964-2365	DRAWING NUMBER:		

RECEIVED
 MAR 07 2018
 BY: _____



HAGGENMILLER LUMBER

Property of Haggenmiller Lumber Inc. For Estimation And Quotation Only

DATE: 2/28/2018

APPROVED: DAVE & DENISE PETERS

NEW HOME

2380 401 AV. ARLINGTON TN 38001

PHONE: 901-964-2363 FAX: 901-964-2365

DRAWN BY: BWH

REVISED:

DRAWING NUMBER:

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: DAVID & DENISE PETERS PID: _____
Mailing Address: 219 S MINNESOTA AVE ST PETER MN 56082
Property Address: 40709 OTTAWA RD ST PETER MN 56082
Phone: (507) 934 2640 Mobile/Cell: (952) 210 6047

Responsible party for Implementation/Inspection: Mich Dietz
Address: 221 Sibley Ave Gaylord MN 55334
Phone: _____ Mobile/Cell: (507) 381-8554

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.

 <hr/> (Property Owner)	2/12/18 <hr/> (Date)
 <hr/> (Person Responsible for Implementation)	2/12/18 <hr/> (Date)

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



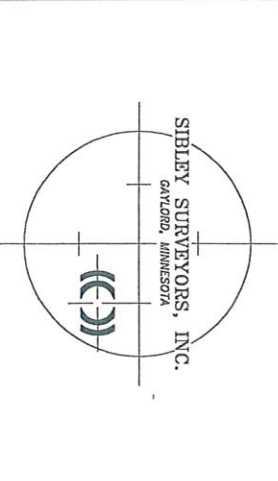
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

[Signature]

Date Jan. 30th, 2018 Registration No. 15475

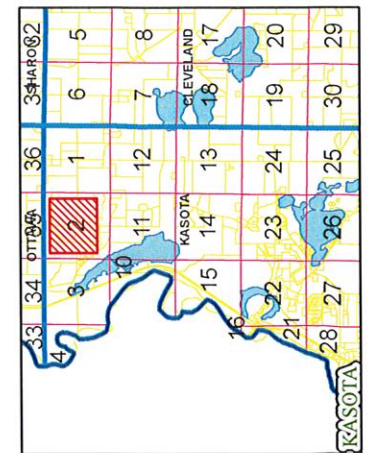
BUILDING PERMIT SURVEY FOR
DENISE AND DAVID PETERS
 OF LOT 9 & NW 1/4 OF LOT 10
 PLAT OF 'RIVER VIEW HEIGHTS'
 Sec. 2 & 3-110-26, Le Sueur County, MN
 Scale: 1 inch = 20 feet

January 30th, 2018 File No. 110



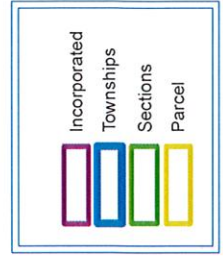
LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: David & Denise Peters
 PID: 05.650.0090
 DATE: 03-06-18
 FIRM #: 27079C0235D
 F-Zone: X-Outside
 RFPE: na
 District: Urban/Rural Residential



Map Disclaimer

*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
 *The maps are date specific and are intended for use only at the published scale.
 *These maps should not be used for navigational, engineering, legal, or any other site-specific use.



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

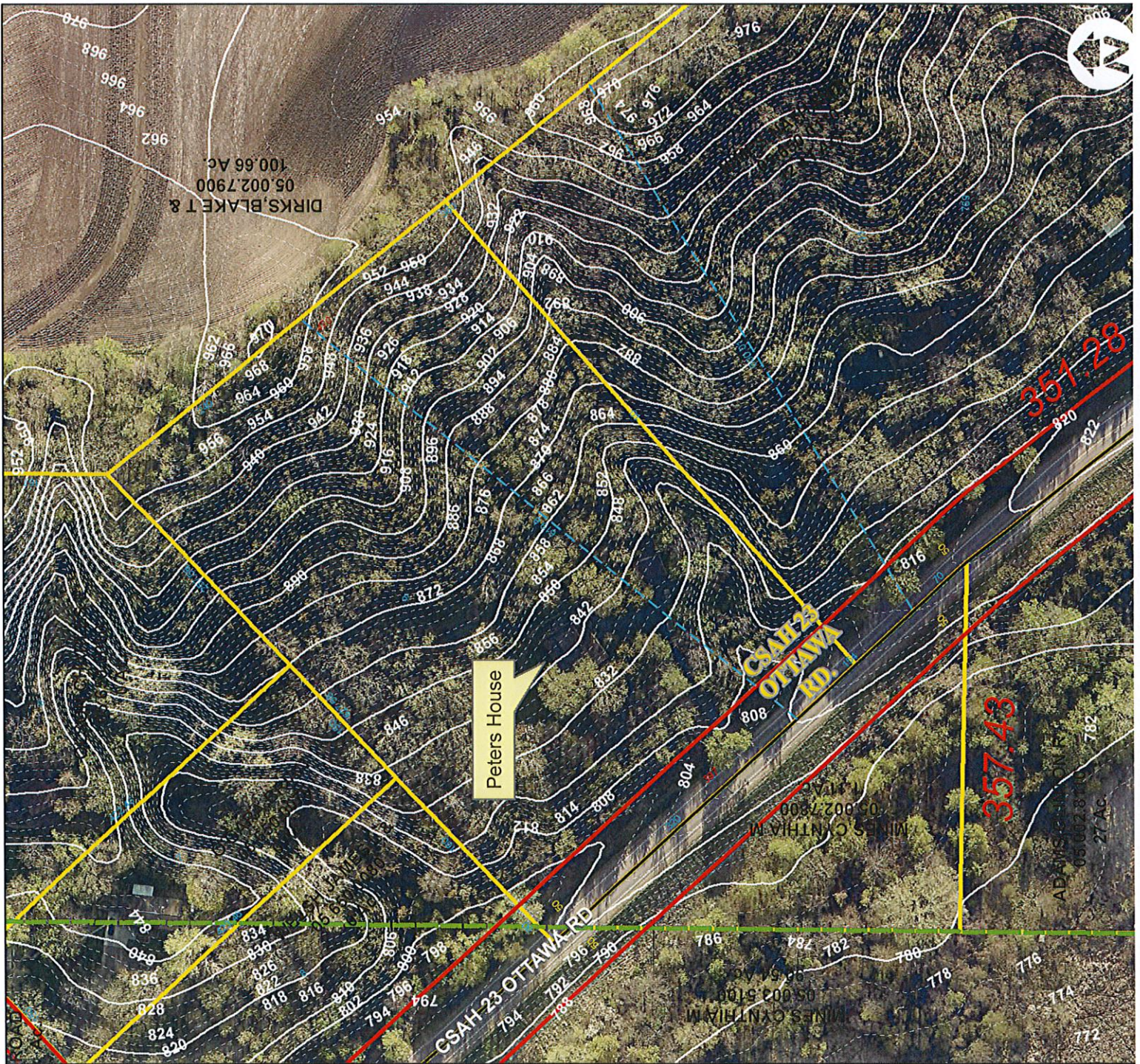
Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

Le Sueur County
Road Centerlines
RDCODE

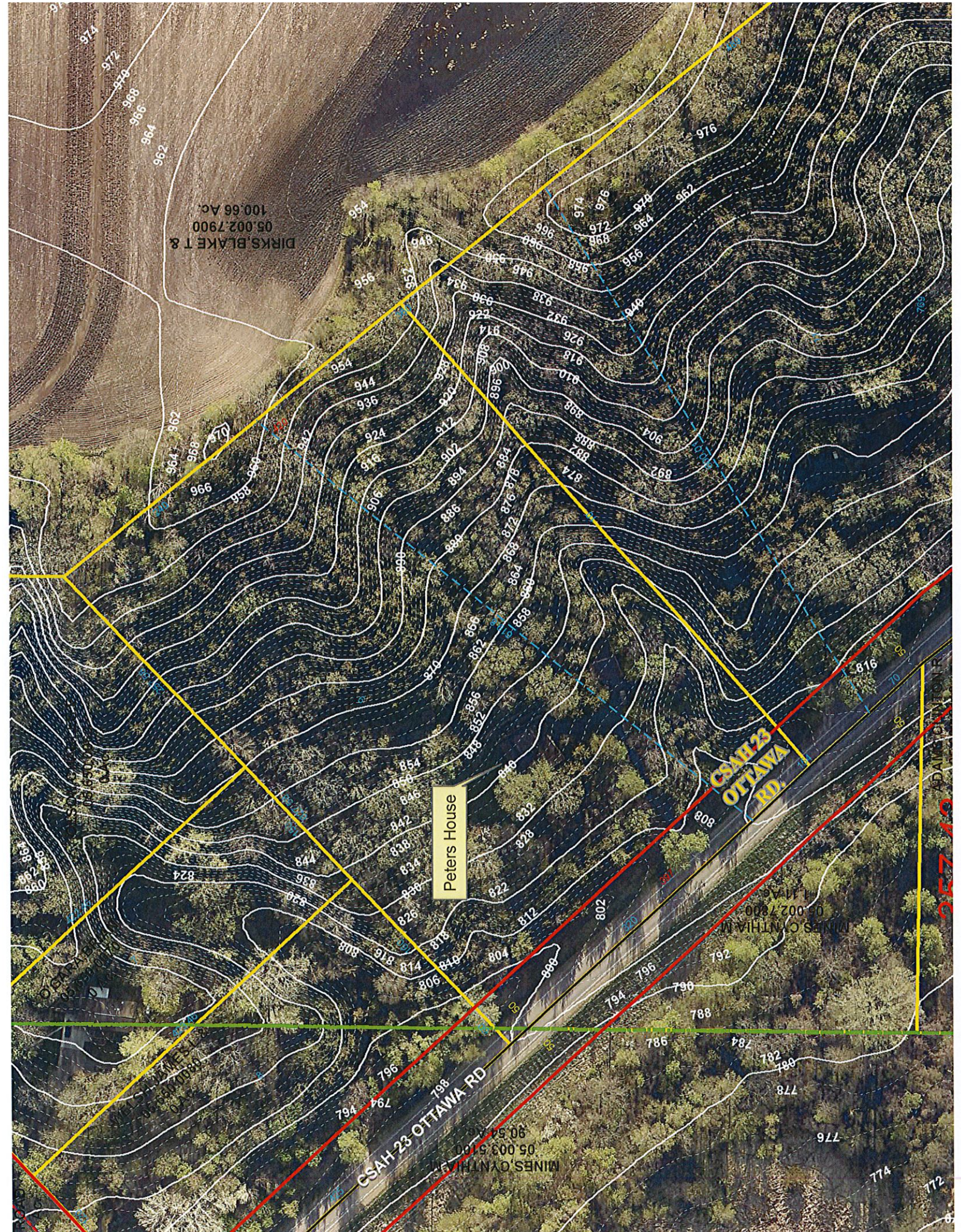
- CSAH; County Road; Ramp
- Private Road - Open to public
- Parcel



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Fe
 Projection: Lambert Conformal Conic
 Datum: NAD 1983 HARN Adj MN Le Sueur
 False Easting: 500,000.0000
 False Northing: 100,000.0000
 Central Meridian: -93.1333
 Standard Parallel 1: 44.3000
 Standard Parallel 2: 44.6667
 Latitude Of Origin: 44.1947
 Units: Foot US

Date: 3/7/2018

User Name: mmattf1e





Le Sueur County, MN

Thursday, March 15, 2018

Regular Session

Item 1

Approved March 15, 2018 Meeting Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

Mailing address: 88 SOUTH PARK AVE
Physical Address: 515 SOUTH MAPLE AVE
LE CENTER, MINNESOTA 56057

March 15, 2018

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

MEMBERS ABSENT: Colin Harris

OTHERS PRESENT: Joshua Mankowski, Michelle R. Mettler, Holly Kalbus

1. **Call to Order** at 3:00 by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: NONE. Motion to approve agenda by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.
3. **Meeting Minutes:** January 18, 2018 Additions/Corrections: NONE. Motion to approve minutes by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.
4. **Applications**

ITEM #1: JILL GORE, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a detached garage 3 feet from the road Right-Of-Way (ROW), 3 feet from the north property line, 71 feet from the Ordinary High Water Level (OHWL), 29 feet from 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 2 Tomahawk 1st Addition, Section 2, Washington Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, OHWL, & BLUFF SETBACKS; & STRUCTURE WITHIN BLUFF IMPACT ZONE.**

Matt Gore was present for application.

Township: Email from Bob Kaveney, Washington Township-no issues with proposal.

DNR: None.

Letters submitted: Joshua Mankowski.

Discussion was held regarding garage was in that spot for many years, building on the same concrete slab. Concern with rain water off the roof. Have gutters and downspouts both sides. Condition to plant deep-rooted vegetation. Applicant agreed to condition.

Motion was made by John Wolf to approve application. Conditions: Joshua Mankowski letter vegetation condition to plant deep rooted vegetation between proposed garage and bluff to provide additional bluff stability. Rain gutters and downspouts to control stormwater runoff and prevent erosion. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #2: DAVID & DENISE PETERS, 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 3 feet from an existing septic tank, 0 feet from the bluff, within the bluff impact zone and within the bluff, in an Urban/Rural Residential "R1" District. Property is located at Lots 9 & 10, Riverview Heights Subdivision, Section 2, Kasota Township.

VARIANCE IS FOR SEPTIC & BLUFF SETBACKS, WITHIN THE BLUFF IMPACT ZONE AND BLUFF.

Denise Peters and Mitch Dietz, Dietz Builders were present for application.

Township: None.

DNR: None.

Letters submitted: None.

Discussion was held regarding house burned down on December 9th, want to replace it back to what it was when purchased last year. Roof run-off gutters on house, all sod and grass still intact. Any runoff or downspouts will have rip rap to prevent erosion as well as silt fence during construction. Not a new site. Will disturb some ground during construction, not a full basement-footings. Trees burned from fire. Removed one already that was in the deck right next to the house. Going to wait until spring to see if the other damaged trees survive, if not they will be replaced.

Motion was made by Fritz Cummins to approve application. Conditions: None. Seconded by John Wolf. Motion approved. Motion carried.

5. **Discussion Items:** New employee introduction. Future trainings. DNR and Land Use Trainings. Updated sections of Ordinance passed out.
6. **Warrants/Claims:** Sign warrants/claim sheets
7. **Adjourn:** Motion to adjourn meeting by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

JM/mm

Approved April 19, 2018

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