



---

# **Le Sueur County, MN**

**Thursday, April 19, 2018**

**Regular Session**

## **Item 1**

### **Hunt Packet**

Staff Contact: Joshua Mankowski or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Darian & Hayley Hunt

**911 ADDRESS:** 24688 266<sup>th</sup> St, Le Center, MN

**VARIANCE REQUEST:** To allow the applicant 4,932 square feet accessory structure size on a 3.91-acre parcel.

**VARIANCE NUMBER:** 18018

**PARCEL NUMBER:** 08.018.0300

## SITE INFORMATION

**LOCATION:** Part of the NW 1/4, Section 18, Lexington Township

**ZONING & PURPOSE:** Agriculture

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

**GOALS AND POLICIES:** The current Land Use Plan as adopted in 2007 does not make reference to accessory structure size in the Agriculture District.

**GENERAL SITE DESCRIPTION:** Agriculture, scattered residence, wetland, US Fish & Wildlife Management Area

**ACCESS:** Existing off 266<sup>th</sup> Street

## BACKGROUND INFORMATION

The property acreage is 3.91 acres, which allows for a maximum of 4,000 square feet accessory structure size. Parcels 5 acres or more do not have a maximum of accessory structure size. Swimming pools are considered to be accessory structures.

## ATTACHMENTS

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

## STAFF FINDINGS

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

- | 1. | <u>Variance:</u>   | <u>Request:</u> | <u>Required:</u>    | <u>Ordinance:</u>           | <u>Page:</u> |
|----|--|-----------------|---------------------|-----------------------------|--------------|
| a. | Accessory structure size:  | 4932 sq ft      | 4,000 sq ft Maximum | Section 8. Subdiv. 4. C. 1. | 8-6          |
| 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 <b><u>only</u></b> where the strict enforcement of the official controls will result in a <b>practical difficulty</b> .                        |                 |                     |                             |              |
| 4. | It is the responsibility of the <b><u>applicant</u></b> and/or landowner to prove evidence that a practical difficulty exists.   |                 |                     |                             |              |
| 5. | A determination that a <b><u>practical difficulty exists</u></b> upon the consideration of the <b>findings of fact</b> .   |                 |                     |                             |              |

## 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. Parcel is surrounded by US Fish and Wildlife property on the East, West, and North.

## 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: DARIAN & HAYLEY HUNT

Variance # 18018

Variance Request: TO ALLOW THE APPLICANT 4932 SQUARE FEET ACCESSORY STRUCTURE SIZE ON A PARCEL 3.91 AC ACRES.

- 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?

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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?

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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

Jim M		John W		Jeanne D		Colin H		Fritz C		Majority	
-------	--	--------	--	----------	--	---------	--	---------	--	----------	--

Explain \_\_\_\_\_

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

ACTION: ( ) APPROVE ( ) DENY

CONDITIONS: \_\_\_\_\_

Applicant response to conditions: Agree ( ) Disagree ( )

Reasons: \_\_\_\_\_

Board of Adjustment Chairman \_\_\_\_\_

Date \_\_\_\_\_



## Variance Application

**I. Applicant:**  
 Name Darian & Hayley Hunt  
 Mailing Address 24688 366<sup>th</sup> St  
 City LeCenter State MN Zip 56057  
 Phone # 507 357 4947 Phone # 507 273 3899

**II. Landowner:**  
 Name Darian & Hayley Hunt  
 Property Address 24688 366<sup>th</sup> St  
 City LeCenter State MN Zip 56057  
 Phone # 507 357 4947 Phone # 507 273 3899

**III. Parcel Information:**  
 Parcel Number 08. 018. 0300 Parcel Acreage 3.91  
 Township Lexington Section 18  
 Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Full Legal Description must be attached.

(Full legal description can be found on deed, not abbreviated legal description from tax statement).

**IV. Variance Request:** List requested alternative to development standard(s).

Install 18 x 36 inground pool

**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.)

Lexington Township notified on March 19<sup>th</sup>, 2018  
 (Township Name) (Date)

Board Member George Whiggs 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 - <i>Within and adjacent to project area.</i> |             |
| • Lot Dimensions    | • Ponds    | • Location of trees to be removed - <i>Shoreland Districts.</i>     |             |

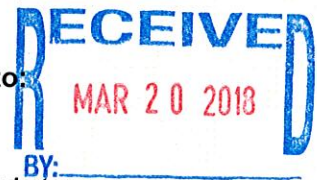
• **Impervious Surface**

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

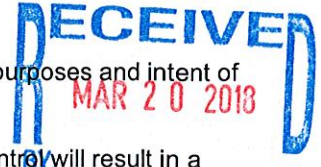
\*Site shall be physically staked, then surveyed.

\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.

\*Stakes must remain in place until construction commences.



### VIII. Practical Difficulty:



- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official controls 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.

Even though the pool area is considered an accessory structure  
No building will be present

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

We only have 3.91 Acres. The ordinance requires 5 Acres.  
We are also over the Accessory Structure coverage area.

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

The current Buildings and Acreage were purchased by us.

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

In reality the pool area is only adding to the landscaping of the house and outbuildings

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

No it's not, I cannot purchase more land

I did try to purchase more land but was turned down by US Fish & Wildlife & area Farmer - see Attached

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

Yes - we are not taking any FAIRLAND or raising any animals. Also we are not destroying any habitat or hampering any water supplies - we are also meeting goal #4 which provide for urban and rural housing

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

We believe we are consistent with the plan as we are not changing any of the characteristics of the land or the use of the land.

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

Septic is compliant, Well is functional

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

We are only asking for a 18x56 in ground structure, no additional buildings will be built. No changes to the use of the land.



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

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

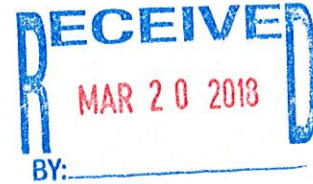
**XI. Fees:**

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.***

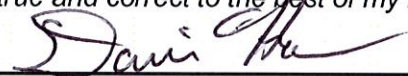
**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- 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.

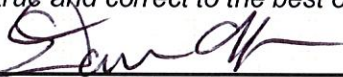
### XIII. Signatures:

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.

  
Applicant signature

3-19-18  
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.

  
Landowner signature

3-19-18  
Date

#### OFFICE USE ONLY

Date received <u>3-20-18</u>	Present Zoning Classification <u>A</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>4-19-18</u>	Lake Classification <u>/</u>	Erosion Control Plan Y <u>(N)</u>
60 Day <u>5-19-18</u>	Lake <u>/</u>	Water courses Y <u>(N)</u>
RFPE <u>NA</u>	FEMA Panel # <u>207400 145</u>	Bluff Y <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 checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input checked="" type="checkbox"/> Access approval	<input checked="" type="checkbox"/> <u>COC</u> NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue-Prints	<input checked="" type="checkbox"/> Fee \$ <u>646-</u> ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Miller</u> Planning & Zoning Department Signature	<u>3-20-18</u> Date Permit # <u>18018</u>

01-15-16

4





March 19, 2018

Re: Darian and Hayley Hunt Variance Application

24688 366<sup>th</sup> St

LeCenter, MN 56057



To Whom It May Concern,

We are applying for a variance to install an 18x36 in ground swimming pool. Our application for permit was denied due an ordinance that states we are only allowed 4,000 sq. feet of accessory structure footage. With the pool, we will be over that limit.

We currently have 3.91 acres and one solution will be to add more adjoining acreage to get us over the 5 acres needed in order to have unlimited accessory structure footage. On 3 sides we are surrounded by the US Fish and Wildlife. I did contact them offering to buy an additional acre. They never responded. I also contacted the landowner across the road and they declined to sell (attached letter).

We believe we are not upsetting the goals and objections set forth from the Comprehensive Land Use Policy. We are not taking any land away from agriculture nor are we restricting any livestock areas. In reality all we are doing is adding to the landscaping around the house with the addition of the pool.

We also believe that we are not taking any more green space than normal Based on our impervious surface calculations from the pool company and their opinion that we are well below the norm in their findings with adding pools in an urban or shoreland district.

Thank you for your time in considering our request. Please feel free to call me with any questions.

Sincerely

Darian and Hayley Hunt

507-273-3899

OWNER ADDRESS  
DARIAN & HAYLEY HUNT  
24688 366TH STREET  
LE CENTER, MN 56057

SITE ADDRESS  
24688 366TH STREET  
LE CENTER, MN 56057

PID 08.018.0300

TOTAL LOT AREA  
170,521 SQ FT

EXISTING STRUCTURES

BARN	3575 SQ FT
SHED	709 SQ FT
TOTAL	4284 SQ FT

PROPOSED STRUCTURE

POOL	648 SQ FT
------	-----------

TOTAL AREA

EXISTING + PROPOSED	= TOTAL AREA
4284 + 648	= 4932 SQ FT

LEGEND

WELL BY: *me*  
ELECTRIC METER  
LIGHT POLE  
UTILITY POLE  
MONUMENT FOUND

0 50 100  
SCALE IN FEET

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

3/20/2018  
Date

SE CORNER  
E 1/2 - NW 1/4  
SEC. 18-111-24  
1/2" OPEN IRON  
PIPE MONUMENT

POINT OF  
BEGINNING

206.57  
S 89°06'23" W

SOUTH LINE  
NW 1/4

N 89°06'23" E  
511.36

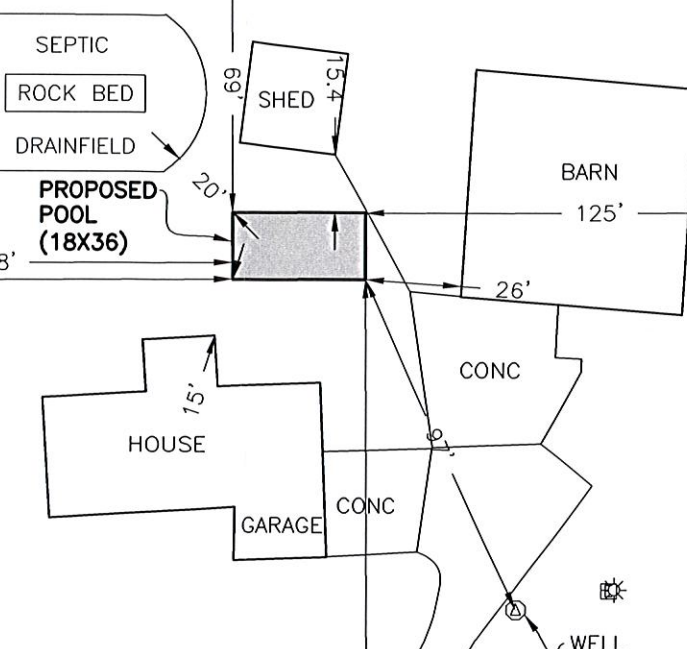
N 89°42'41" E  
1902.18

289.49  
S 00°53'37" E

WOODED AREA  
TYPE 1 WETLAND

E 1/2 - NW 1/4  
SEC. 18-111-24

W 1/4 CORNER  
SEC. 18-111-24  
CAST IRON MONUMENT



366TH STREET

DESCRIPTION OF RECORD (DOC. NO. 401526)

All that part of the East Half of the Northwest Quarter of Section 18-111-24, Le Sueur County, Minnesota, described as follows:

Commencing at the Southeast corner of said East Half of the Northwest Quarter of said Section 18; thence West 206.57 feet along the South line of said Northwest Quarter (assumed bearing South 89° 06' 23" West) to the point of beginning of the parcel to be described; thence North 00° 53' 37" West 350.22 feet; thence South 88° 59' 42" West, 233.09 feet; thence South 76° 53' 03" West, 284.72 feet; thence South 00° 53' 37" East, 289.49 feet to a point on the South line of the Northwest Quarter of said Section 18; thence North 89° 06' 23" East, 511.36 feet to the point of beginning.

©Bolton & Menk, Inc. 2018, All Rights Reserved

H:\HUNT\ARI\_PR\M33116024\CAD\C3D\116024BD1.dwg 3/20/2018 8:42 AM

SDB116024H

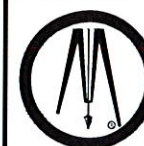
JOB NUMBER: M33.116024

FIELD BOOK: SEE FILE

DRAWN BY: JLA

4.0 S18-T111N-R24W

CERTIFICATE OF SURVEY  
LEXINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA



**BOLTON  
& MENK**

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

THAT PART OF THE E 1/2 OF THE NW 1/4 OF  
SECTION 18, TOWNSHIP 111 NORTH, RANGE 24  
WEST, LEXINGTON TOWNSHIP, LE SUEUR COUNTY,  
MINNESOTA

FOR: DARIAN & HAYLEY HUNT



Lot Area = 170,319.6 Sq Ft.

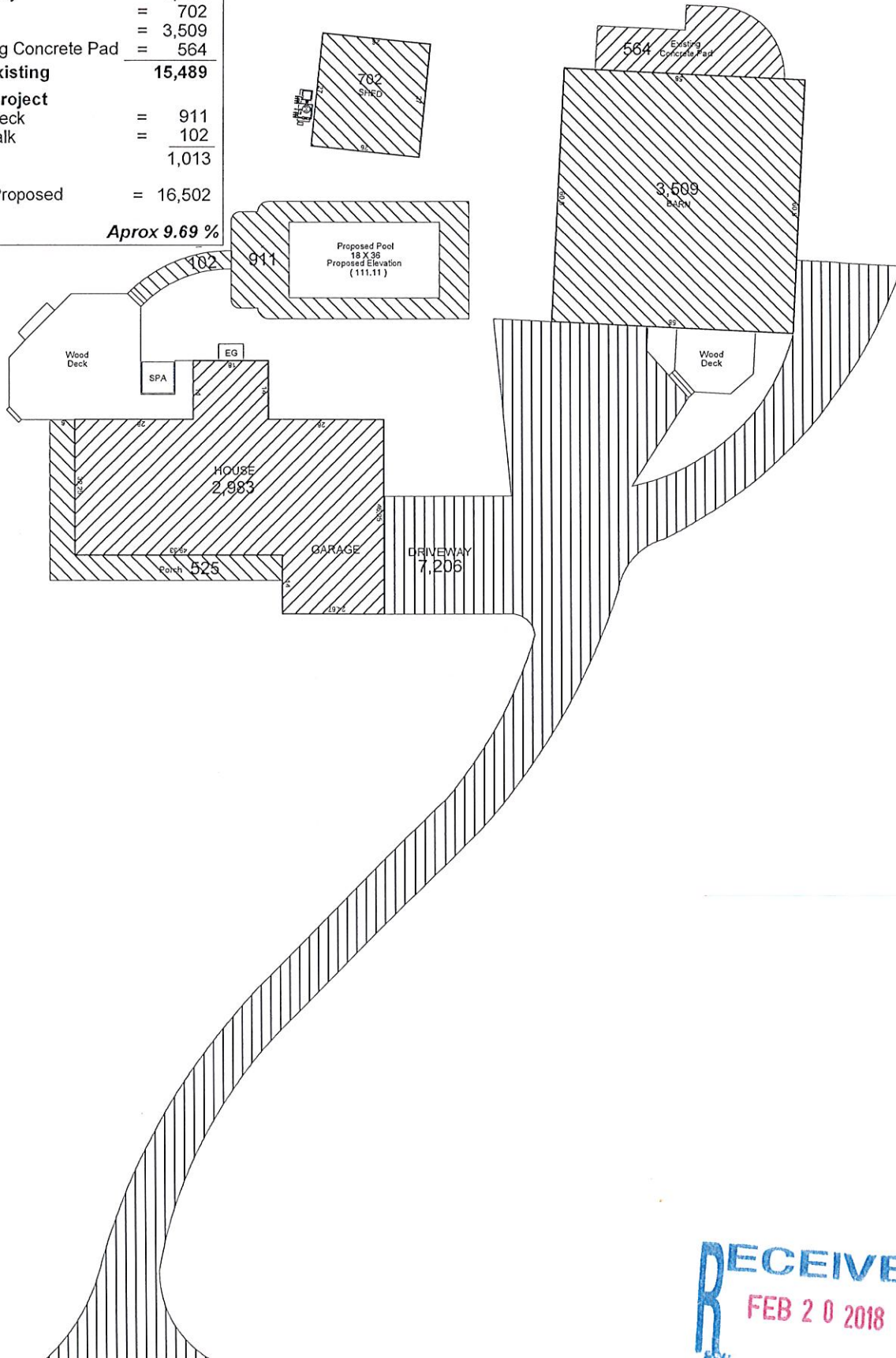
House & Garage	=	2,983
Porch	=	525
Driveway	=	7,206
Shed	=	702
Barn	=	3,509
Existing Concrete Pad	=	564

**Total Existing 15,489**

<b>Pool Project</b>		
Pool Deck	=	911
Sidewalk	=	102
<b>Total</b>		<b>1,013</b>

**Total Proposed = 16,502**

**Aprox 9.69 %**



March 7, 2018

Darian and Hayley Hunt

24688 366<sup>th</sup> St.

LeCenter, MN 56057

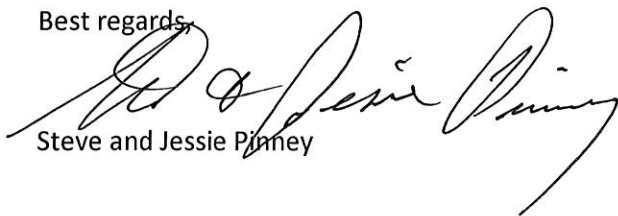
Dear Darian and Hayley.

We received your letter of February 28<sup>th</sup> regarding your dilemma with the size of your building site, your desire to add an in ground pool and resulting permitting issues.

Unfortunately, we will not be able to assist you in the resolution of those issues. We will not be selling any of the twenty acre parcel that is located across the road from your residence.

Thank you for your inquiry and we wish you the best of luck in resolving the permitting issue in other ways.



Best regards,

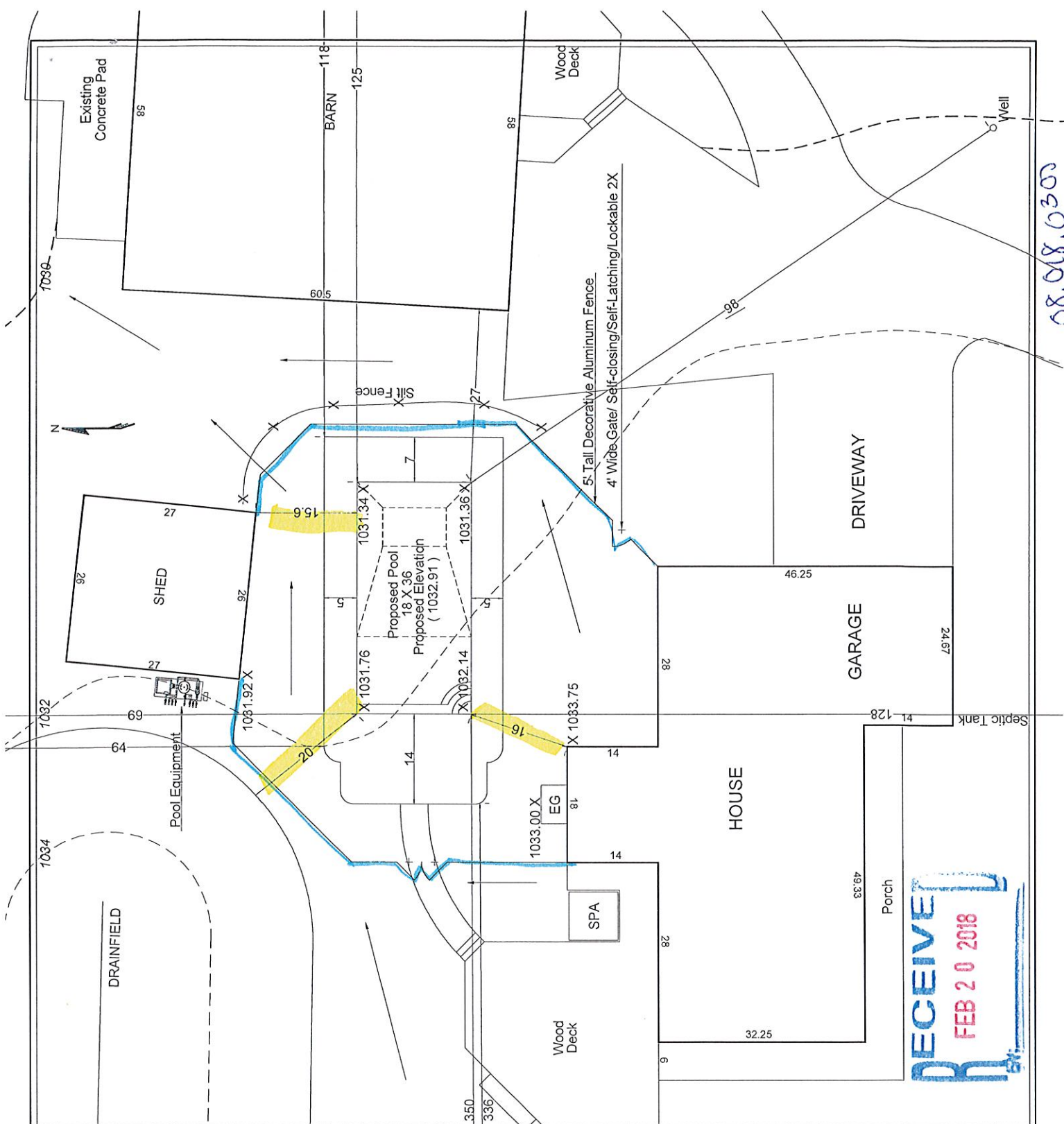


Steve and Jessie Pinney





Prepared By:	
Performance Pool & Spa 2405 Annapolis Lane Plymouth, MN 55441 (651) 775 - 3940 (651) 731 - 8372 Fax Attn: Ken Ronsberg Kenronsberg@Comcast.net	
<b>Home Owner :</b> Hayley & Darin Hunt 24688 - 366TH St. Lexington Twp, MN 56057 (507) 357-4947	
Res. 3.91 AC Sec. 18 Twp. 111 Rng. 024 PID 08-018-0300	
Pool Dimensions Width X Length Pool (18 X 36 ) Deck (28 X 57 )	
( 955.35 ) Denotes Proposed Elevation X 955.35 Denotes Existing Elevation ————— Denotes Drainage Direction -X- Denotes Silt Fence	
<b>Scale - 1 Inch = 20 Feet</b> 	
<b>City Codes / Setbacks</b> Principal - 5' Water Side - W 15 Rear - W 15 Equipment - Same S & R Fence - 5' Tall Septic - 10' Water Well - 20' Water Drainfield - 20' Water	



08.018.0300



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Hunt  
 PID: 08.018.0300  
 DATE: 03-20-18  
 FIRM #: 27079C0145D  
 F-Zone: X-outside  
 RFPE: na  
 District: Agriculture

**RECEIVED**  
**MAR 20 2018**  
 BY: \_\_\_\_\_



1	6	5	4	3	2	1	6	5
12	7	8	9	10	11	12	7	8
13	18	17	16	15	14	13	18	17
24	19	20	21	22	23	24	19	20
25	30	29	28	27	26	25	30	29
36	31	32	33	34	35	36	31	32



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