



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: APRIL 19, 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 Hunt Packet

ITEM #4 Stinar Packet

ITEM #5 Approved April 19, 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 April 19, 2018.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, April 19, 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: APRIL 19, 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 **APRIL 10, 2018**.

ITEM #1: DARIAN & HAYLEY HUNT, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 4,932 square feet accessory structure size on a 3.91-acre parcel in an Agriculture "A" District. Property is located in the SE quarter of the NW quarter, Section 18, Lexington Township. **VARIANCE IS FOR ACCESSORY STRUCTURE SIZE.**

ITEM #2: DALE STINAR, MONTGOMERY, MN, (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to replace an existing 30 x 30 shed destroyed by fire 204 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Natural Environment "NE" lake, Lake Pepin. Property is located at Lots 13 & 14, Benson Subdivision, Section 28, Lanesburgh Township. **VARIANCE IS FOR OHWL SETBACK**

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APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT APRIL 19, 2018.

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



Le Sueur County, MN

Thursday, April 19, 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: April 19, 2018
Time: 3:00 pm
Place: Le Sueur County Environmental Services Building

Onsite Date: April 19, 2018
Onsite Time: 2:00 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: March 15, 2018 Additions/Corrections/Approval
4. Applications

ITEM #1: DARIAN & HAYLEY HUNT, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant 4,932 square feet accessory structure size on a 3.91-acre parcel in an Agriculture "A" District. Property is located in the SE quarter of the NW quarter, Section 18, Lexington Township. **VARIANCE IS FOR ACCESSORY STRUCTURE SIZE.**

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5. Discussion Items:
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, 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 266th 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 266th 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 <u>only</u> where the strict enforcement of the official controls will result in a practical difficulty . | | | | |
| 4. | It is the responsibility of the <u>applicant</u> and/or landowner to prove evidence that a practical difficulty exists. | | | | |
| 5. | A determination that a <u>practical difficulty exists</u> 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. 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 366th St
 City LeCenter State MN Zip 56057
 Phone # 507 357 4947 Phone # 507 273 3899

II. Landowner:
 Name Darian & Hayley Hunt
 Property Address 24688 366th 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 19th, 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> | |

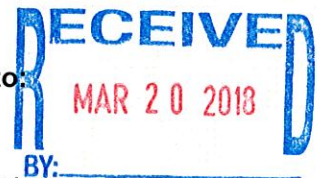
• Impervious Surface

- 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.*

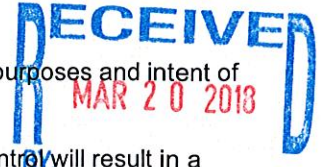
*Site shall be physically staked, then surveyed.

*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 buildy 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 its 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- 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, aeriels or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

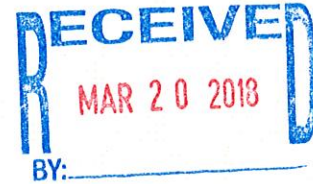
XI. Fees:

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.

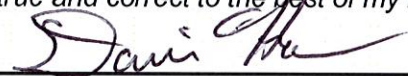
XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- 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.

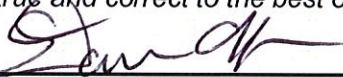
XIII. Signatures:

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 366th 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
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TOTAL AREA

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

LEGEND

WELL BY: *mlm*
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

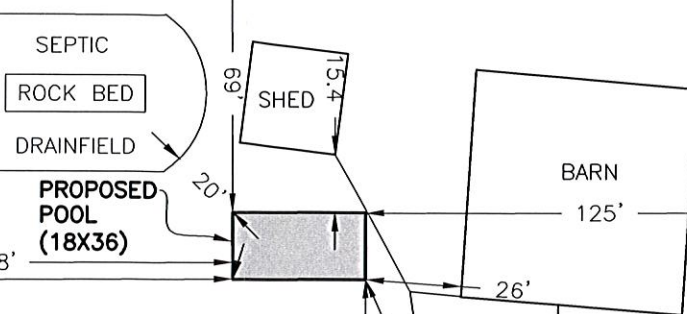
N 89°42'41" E
1902.18

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.

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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



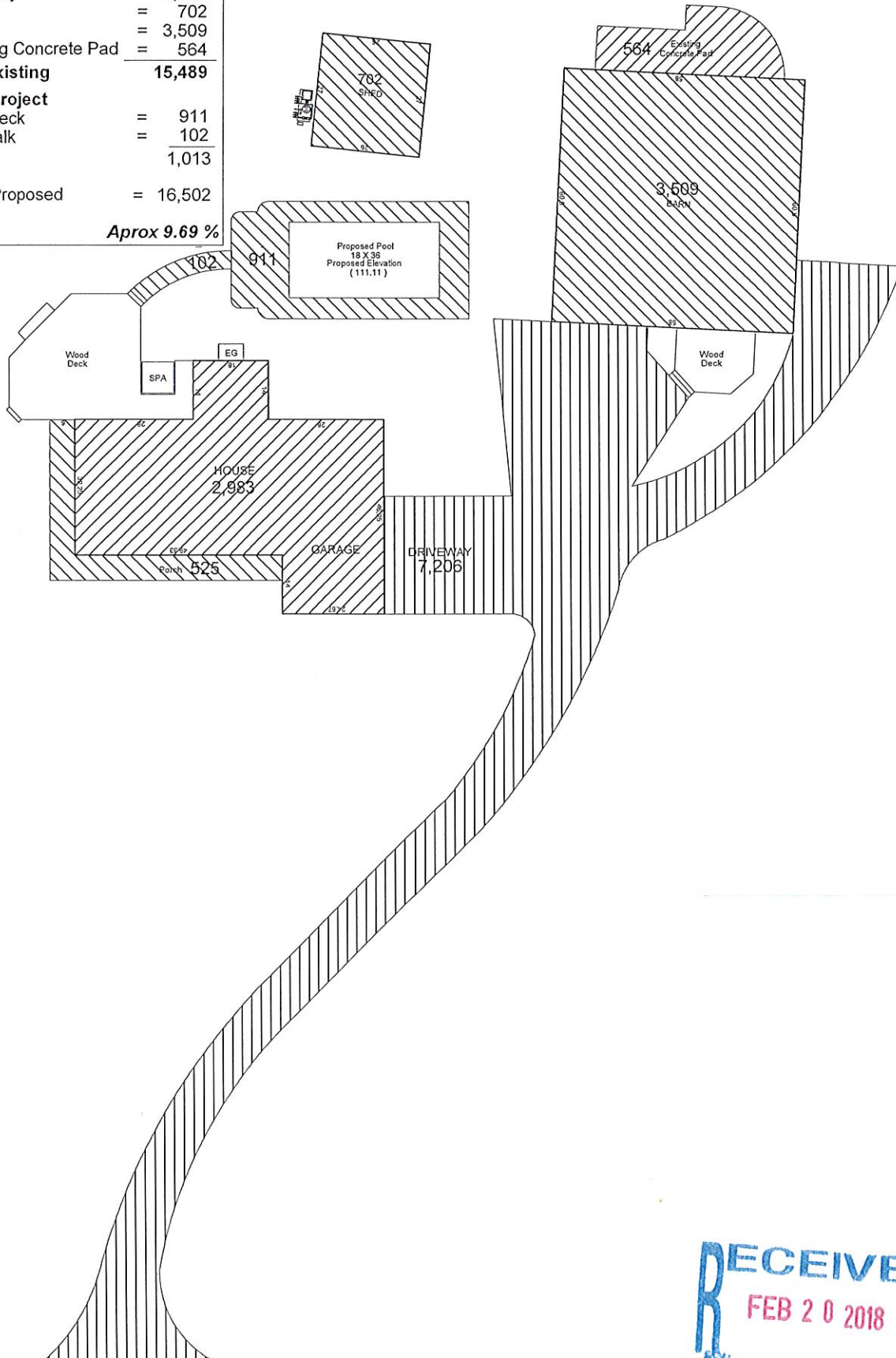
**BOLTON
& MENK**

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
Pool Project	
Pool Deck	= 911
Sidewalk	= 102
Total	1,013
Total Proposed	= 16,502
Aprox 9.69 %	



March 7, 2018

Darian and Hayley Hunt

24688 366th St.

LeCenter, MN 56057

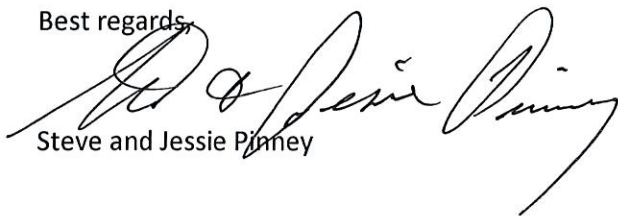
Dear Darian and Hayley.

We received your letter of February 28th 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.

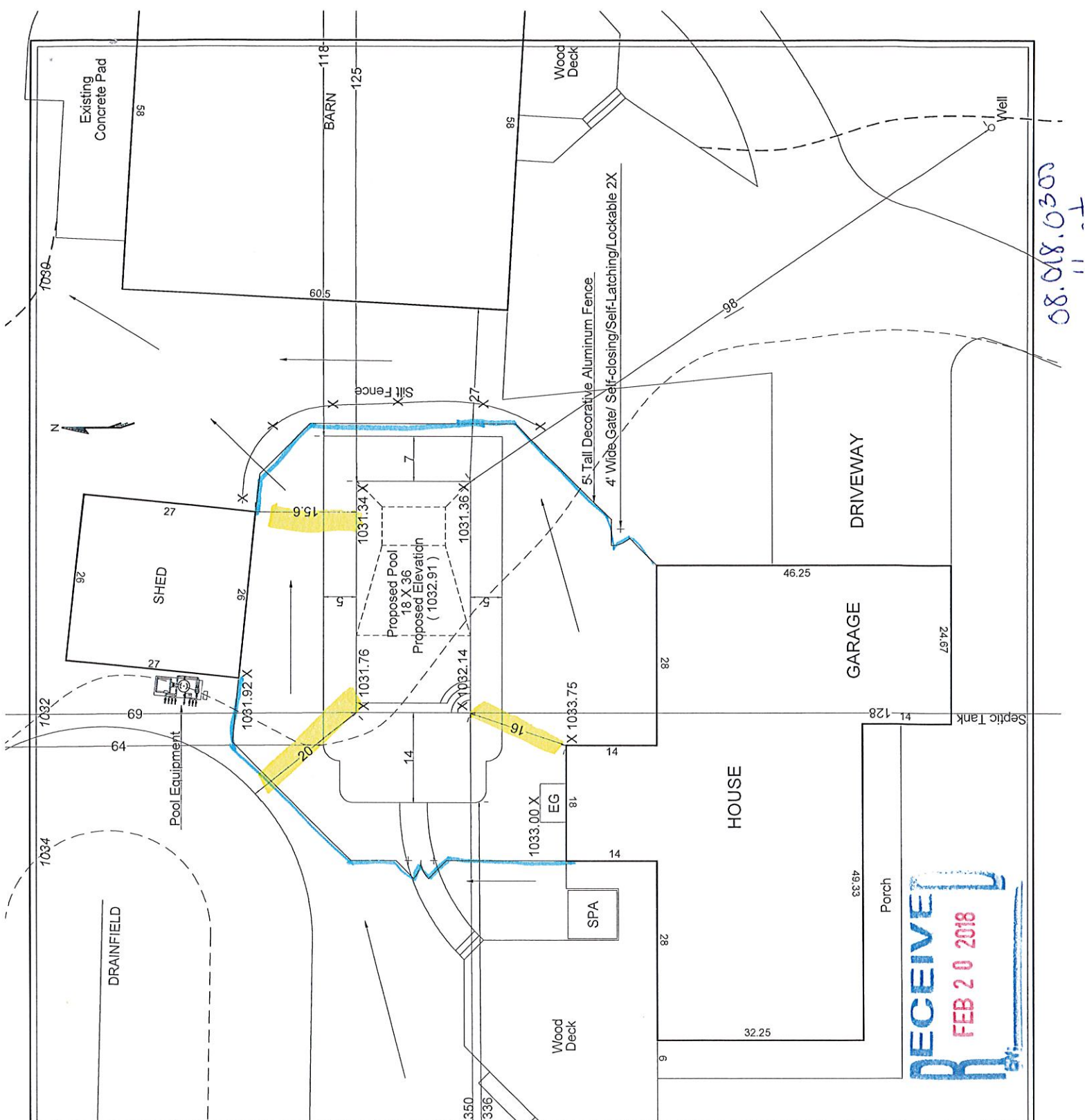
Best regards,



Steve and Jessie Pinney



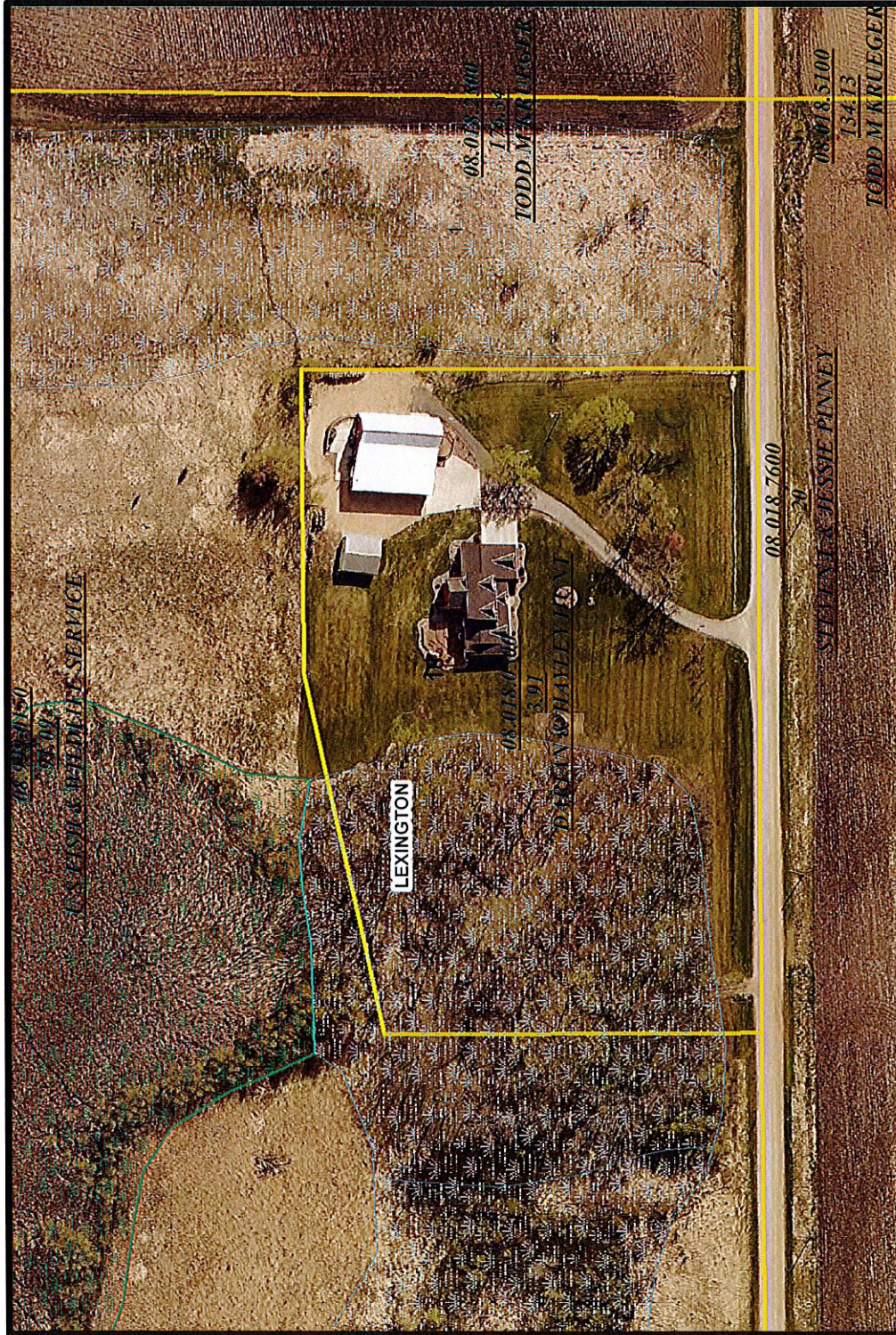
Prepared By:	
Performance Pool & Spa 2405 Annapolis Lane Plymouth, MN 55441 (651) 775 - 3940 (651) 731 - 8372 Fax Attn: Ken Ronsberg Kenronsberg@Comcast.net	
Home Owner :	
Hayley & Darin Hunt	
24688 - 366TH St.	
Lexington Twp, MN 56057	
(507) 357-4947	
Res.	3.91 AC
Sec. 18 Twp. 111 Rng. 024	
PID 08-018-0300	
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	
Scale - 1 Inch = 20 Feet	
City Codes / Setbacks	
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	



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



Le Sueur County, MN

Thursday, April 19, 2018

Regular Session

Item 2

Stinar Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Dale Stinar

911 ADDRESS: 16200 Pepin Lane, Montgomery, MN

VARIANCE REQUEST: To allow the applicant to replace an existing 30 x 30 shed destroyed by fire 204 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 18019

PARCEL NUMBER: 07.450.0130 & 07.450.0140

SITE INFORMATION

LOCATION: Lots 13 & 14, Benson's Subdivision, Section 28, Lanesburgh 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 Residential lots on Natural Environment Lakes.

GOAL #2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

Objective 3: Preserve shorelands on Natural Environment Lakes (NE) and Tributary Rivers as open space or wildlife areas.

Action 2: On Natural Environment Lakes where land is zoned residential, continue using the larger lot sizes and water setback standards that were set in the 1996 amendments.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Pepin Lane

LAKE: Lake Pepin, Natural Environment

Natural Environment Lake - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

RFPE: Regulatory Flood Protection Elevation: 1028.6 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Structure was destroyed by fire in 2017. The property is located on a Natural Environment Lake, Lake Pepin, and is located within a Recreational Residential District. The proposed shed location does not meet the required 250-foot setback from a Natural Environment Lake.

ATTACHMENTS

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

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. Structure to OHWL: | 204 feet | 250 feet | Section 13.2 Subdiv. 5. E. 1. | 13-45 |
-
- | | | | | |
|---|--|--|--|--------|
| 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. 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 <u>only</u> where the strict enforcement of the official controls will result in a practical difficulty . | | | | |
| 5. It is the responsibility of the <u>applicant</u> and/or landowner to prove evidence that a practical difficulty exists. | | | | |
| 6. A determination that a <u>practical difficulty exists</u> 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. A compliance inspection will be required to be submitted by June 1, 2018.

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: DALE STINAR

Variance # 18019

Variance Request: TO ALLOW THE APPLICANT REPLACE AN EXISTING 30 X 30 SHED DESTROYED BY FIRE 204 FEET FROM THE OHWL.

- 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

**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: 04/02/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:

Dale Stinar

Property owner:

Dale Stinar

Property:

07.450.0140

Description:

Variance request to replace an existing 30 x 30 shed that was destroyed by a fire 204 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Natural Environment "NE" Lake, Lake Pepin.

Recommendation:

It is my recommendation that you approve this application with the condition listed below. This project plans to rebuild the shed in the same location where the previous shed had burned down. By utilizing the same location, there should not be any additional material movement on the lot.

Condition(s):

Since the location of the shed is on a Natural Environment Lake, the area should look as "natural" as possible. In order to help conceal the sight of the shed, plant numerous Minnesota native shrubs and/or trees.

Sincerely,



Holly Kalbus
Le Sueur County
Environmental Resources Specialist

Variance Application

I. **Applicant:**
 Name DALE STINAR
 Mailing Address 16200 PEPIN LANE
 City MONTGOMERY State MN Zip 56069
 Phone # 952-758-2776 Phone # 612-599-2647

II. **Landowner:**
 Name DALE STINAR
 Property Address 16200 PEPIN LANE
 City MONTGOMERY State MN Zip 56069
 Phone # 952-758-2776 Phone # 612-599-2647

III. **Parcel Information:**
 Parcel Number 07.450.0130 07.450.0140 Parcel Acreage 1.55
 Township LANESBURGH Section _____
 Subdivision Benson's Lot 13 & 14 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) # From #
allow rebuild of detached garage 204'
ordinary High water level

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.)

Lanesburgh Township notified on 3/20/18
 (Township Name) (Date)

Board Member MARK VERHOEVEN 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

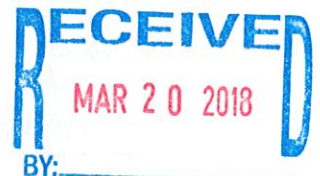
• Impervious Surface

- 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.

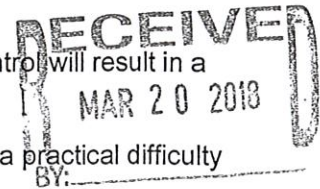
*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.

*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.

The garage being built is a replacement to a garage that was in place prior to setback changes

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

The property in its entirety is within new setbacks

The build location is the only level site plus other locations would be within road setback

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

The lot is not large enough to meet the new building setbacks. It was platted before said setbacks

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

One we are only replacing what was already there
second, there are other sheds/outbuildings on properties within the area

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

No, its farthest away from the lake without intruding the Road Setback

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

yes, we did not find anything that the build would contradict

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

The build does not interfere with the Lake or conservation of nearby soil & vegetation.

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

currently have a septic tank and mound system that will be inspected for compliance by June 1st.

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

any further from the lake and we will not meet setback from the road right of way

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 checked="" type="checkbox"/> c. Access approval | <input checked="" 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.

Dale Stinner
Applicant signature

3/20/18
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.

Dale Stinner
Landowner signature

3/20/18
Date

OFFICE USE ONLY

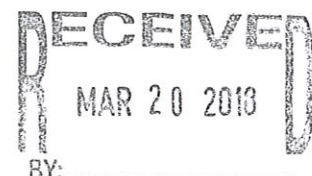
Date received <u>3-20-18</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>4-19-18</u>	Lake Classification <u>NE</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>5-14-18</u>	Lake <u>Peppin</u>	Water courses <u>(Y)</u> <u>(N)</u>
RFPE <u>1028.10</u>	FEMA Panel # <u>27079C0200D</u>	Bluff <u>(Y)</u> <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X outside</u>	Other <u>X</u>
<input 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 type="checkbox"/> Access approval	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints <u>04102 1025</u>	<input type="checkbox"/> Fee \$ <u>646-</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Matthews</u> Planning & Zoning Department Signature	<u>3-20-18</u> Date
		<u>18-019</u> Permit #

Will need CI by 6-1-18. IF NOC/HT updates.

ATF / SPEC MTG

01-15-16

4



We are replacing a detached garage lost to fire on August 6th, 2017. The garage and all of its contents were destroyed. We used the detached garage for storage of landscaping equipment, gardening supplies, a third vehicle, and various storage items.

The replacement garage will be in the same location as the original garage, but does not meet the 250' setback from the Ordinary High Water Level of the lake. The lot is shaped like a piece of pie, wide at one end narrowing to the end like the center of a pie. The lot also inclines from the lake with one flat/level location suitable for building without changing the landscape, including removal of trees and major excavation work. Due to the layout of the lot, there is insufficient space to place the building outside of the 250' setback requirement.

Thank you,

Dale Stinar
16200 Pepin Lane
Montgomery, MN 56069
612-599-2647
952-758-2776



CERTIFICATE OF SURVEY
LOTS 13 & 14, BENSON'S SUB-DIVISION
LE SUEUR COUNTY, MINNESOTA
for Dale and Angela Stinar

PROPERTY DESCRIPTION

LOTS 13 & 14, BENSON'S SUB-DIVISION, LE SUEUR COUNTY, MINNESOTA

NOTES

- 1. THE NORTHERLY LINE OF LOT 14, BENSON'S SUB-DIVISION IS ASSUMED TO BEAR SOUTH 43 DEGREES 32 MINUTES, ACCORDING TO THE RECORDED PLAT THEREOF, LE SUEUR COUNTY, MINNESOTA
- 2. THE FENCE ON THE SOUTHERLY BOUNDARY LINE CROSSES SAID BOUNDARY LINE AS SHOWN.

AREA SUMMARY

HOUSE	1,972 SQ. FT.
GRAVEL DRIVEWAY:	2,511 SQ. FT.
CONC. WALK/STOOP SLABS:	1,175 SQ. FT.
DECKS:	511 SQ. FT.
TOTAL IMPERVIOUS:	6,169 SQ. FT.
TOTAL LOT AREA =	67,322 SQ. FT.
TO OHW	

IMPERVIOUS CALCULATION
6,169 / 67,322 = 9.2%

PROPOSED GARAGE: 960 SQ. FT.
LESS EXISTING SLAB: 375 SQ. FT.
NET NEW IMPERVIOUS: 585 SQ. FT.
IMPERVIOUS CALCULATION
6,754 / 67,322 = 10.0%

LEGEND

- = CONCRETE SURFACE
- = GRAVEL SURFACE
- = EXISTING ELEVATION
- = EXISTING CONTOURS
- = ELECTRIC TRANSFORMER
- = WELL HEAD
- = GAS METER
- = PROPOSED ELEVATION
- = FOUND MONUMENT
- = SET MONUMENT

BENCHMARK

GEODETIC STATION 4002 H
GSID Station # 17372
ELEVATION = 1032.67 (NGVD 29)

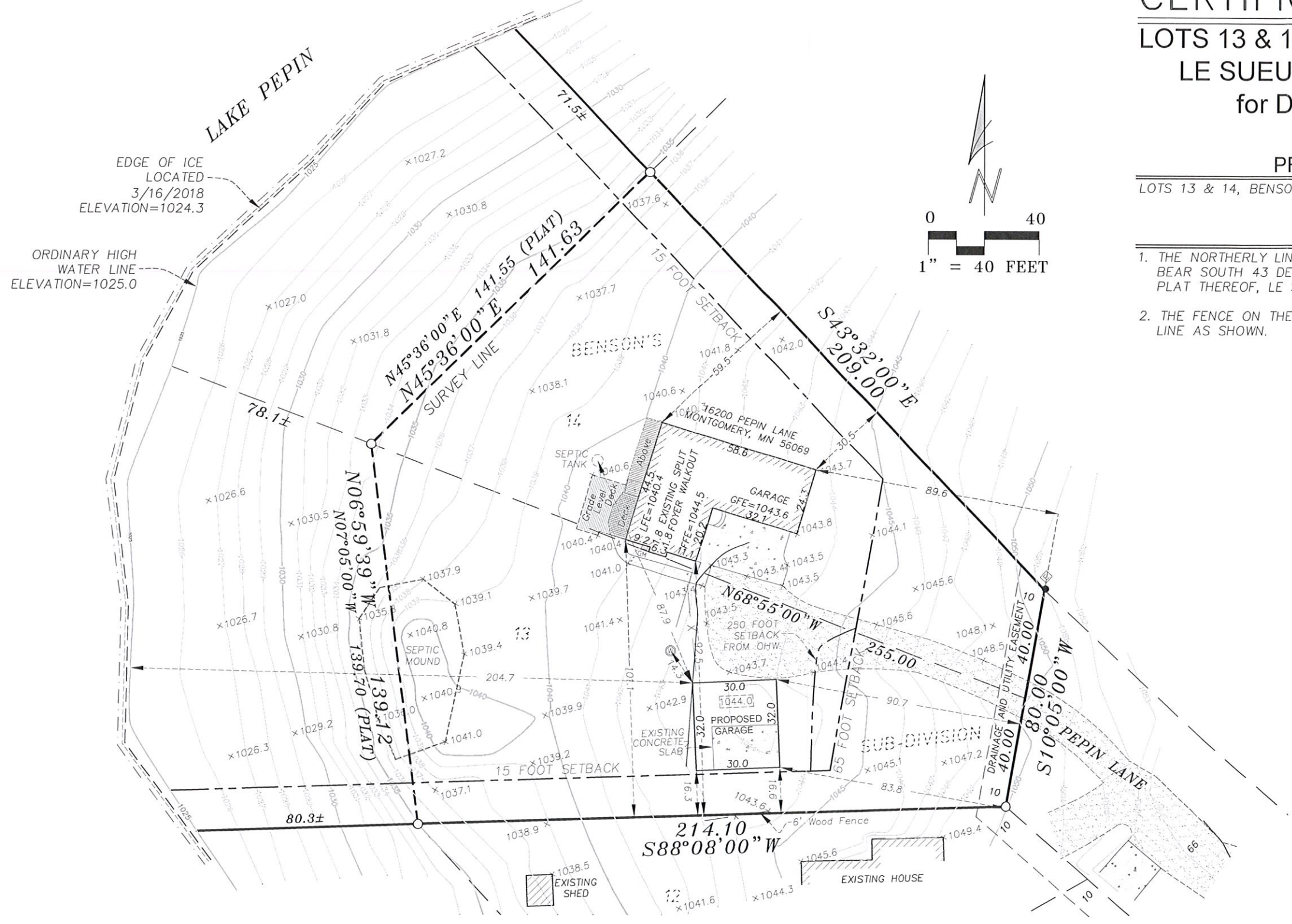
CERTIFICATION

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.

Scott C. Trosen
SCOTT C. TROSEN, MN LS 47465.
DATE: 03/20/2018 REVISED:



TROSEN LAND SURVEYING, LLC
236 LEWIS STREET SOUTH
SHAKOPEE, MN 55379
PH: 612-990-1182
WWW.TROSENLANDSURVEYING.COM



Surveyor Certification

I. Applicant:
Name DALE STINAR

II. Landowner:
Name DALE STINAR
Property Address 16200 Pepin Lane
City Montgomery State MN Zip 56069

III. Parcel Information:
Parcel Number 07-450-0130 07-450-0140

IV. 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.

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 3/19/18, 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.

[Signature]
Surveyor Signature

3/20/18
Date

47465
Lic #

OFFICE USE ONLY

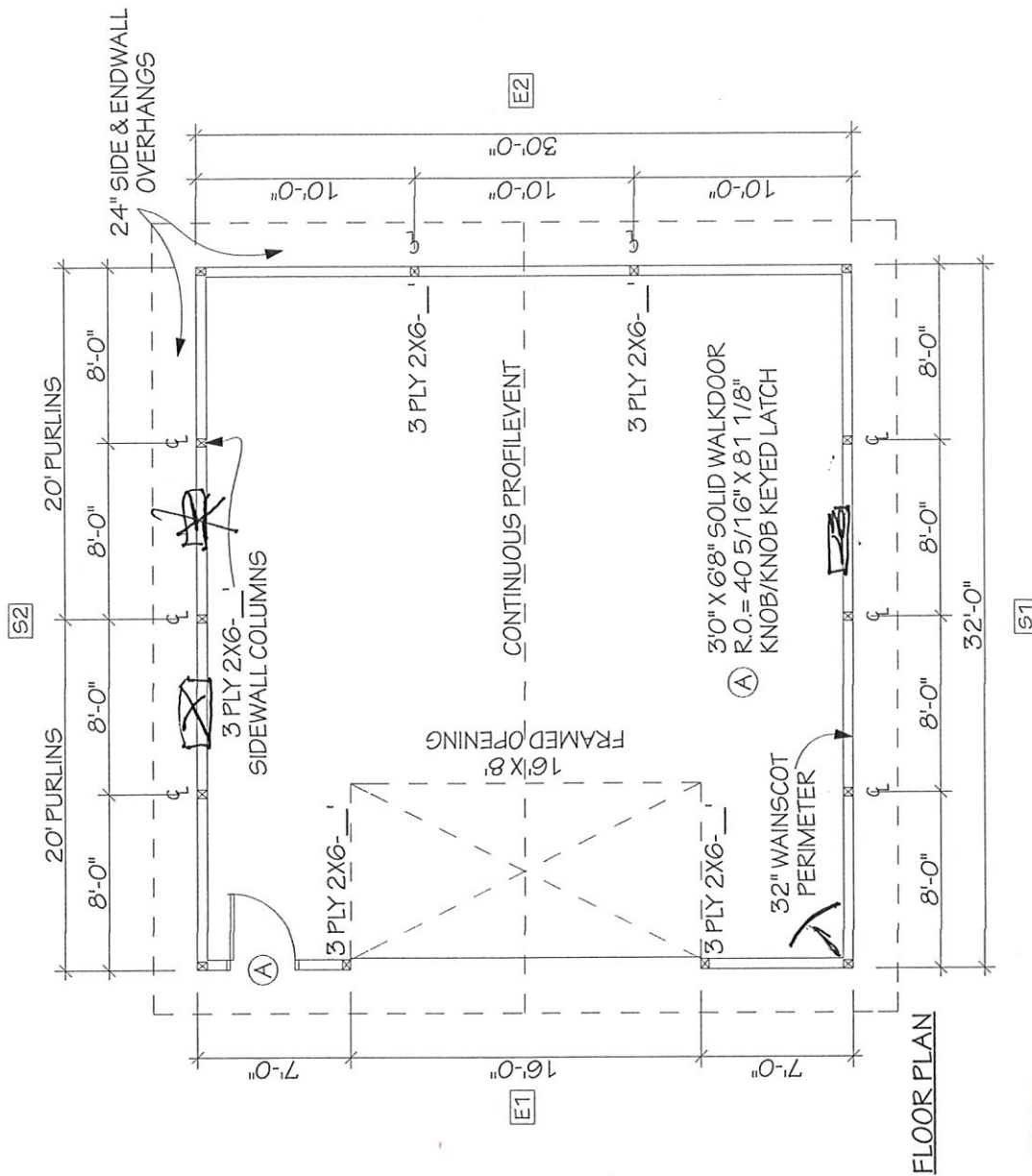
3-20-18
Date Received

Michelle R. Muth
Planning & Zoning Department Signature

RECEIVED
MAR 20 2018
BY:

01-15-16

DRAWN BY: JEREMY B. DATE: 1/30/2018 SHEET: 2 OF 2	PROJECT NAME: DALE STINAR PROJECT NUMBER: (18-) BUILDING DESCRIPTION: 30'-0" X 32'-0" X 10'-0"		592 Industrial Drive P.O. Box 650 Winnetka, Minnesota 55395 320-485-2844 800-710-4726 Fax 320-485-0825 www.rambuildings.com Contractor License Number BC171878
	DESIGN NUMBER: P18021		

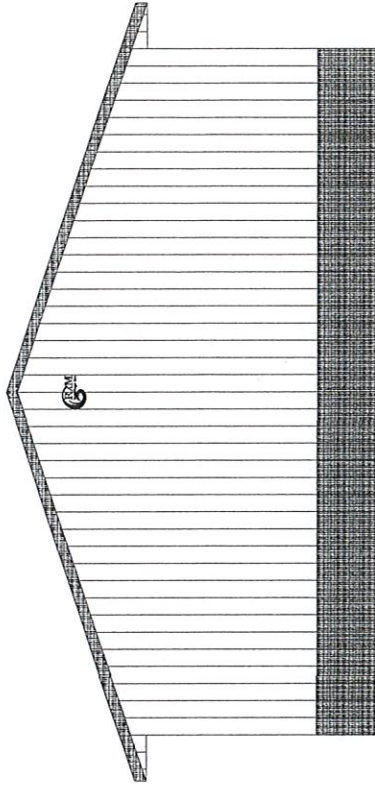


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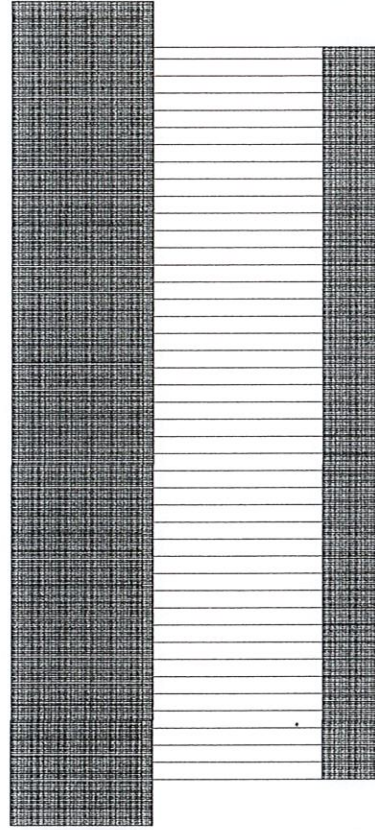
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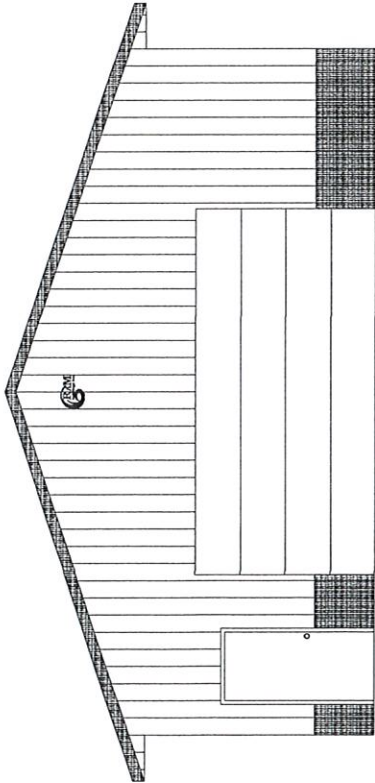
PROJECT NAME: DALE STINAR PROJECT NUMBER: (18-) BUILDING DESCRIPTION: 30'-0" X 32'-0" X 10'-0" DESIGN NUMBER: P18021		592 Industrial Drive P.O. Box 600 Winnetka, Minnesota 55395 320-495-2844 800-710-4726 Fax: 320-495-0825 www.rambuildings.com Contractor License Number BC171976	
DRAWN BY: JEREMY B. DATE: 1/30/2018 SHEET: 1 OF 2		RAM Buildings Inc. © All drawings and content copyright RAM Buildings Inc. Call RAM Buildings Inc. to obtain copies of this plan. Unauthorized reproduction of these plans is a violation of federal law.	



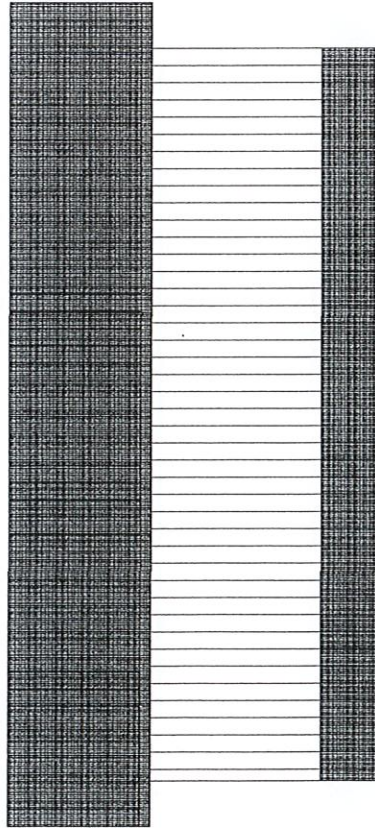
ENDWALL 2



SIDEWALL 2



ENDWALL 1



SIDEWALL 1



Stinar
07.450.0130 + 0140

#4

BENSON'S SUB-DIVISION
PART OF GOVERNMENT LOT NO.1, SECTION 27 &
PART OF GOVERNMENT LOT NO.1, SECTION 28 &
PART OF GOVERNMENT LOT NO.2, SECTION 34,
ALL IN TOWNSHIP NO.112 N., RANGE NO. 23 W.,
LE SUEUR COUNTY, MINNESOTA.

INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, George H. Fonje and Willie A. Fonje, husband and wife, and William D. Benson and Elmore B. Benson, husband and wife, owners of the following described property to wit:

Beginning at a point on the South line of Section Number 27, Township Number 112 North, Range Number 23 West, Le Sueur County, Minnesota, and on the West right-of-way line of Minnesota Trunk Highway Number 13, said point being 323.55 feet East of Meander Corner Number 10, said Meander Corner being on the line between Section Numbers 27 and 34, said Township and Range, thence North 08° 05' East along said right-of-way line 398.60 feet, thence North 80° 22' East 334.75 feet, thence North 48° 45' East 764.78 feet, thence North 48° 52' East 78.65 feet, thence North 43° 32' East 260.00 feet more or less to the waters edge of Lake Pepin, thence southeasterly, southerly and southwesterly along the waters edge of said Lake to the West right-of-way line of Minnesota Trunk Highway Number 13, thence North 10° 27' East along said right-of-way line 448.50 feet more or less to place of beginning. Containing 11.45 acres more or less and being part of Government Lot Number 1, Section Number 27; Government Lot Number 1, Section Number 28; and Government Lot Number 2, Section Number 34, all of Township 112 North, Range 23 West.

do hereby declare that we have caused the above described property to be surveyed and platted and monuments to be set as designated on said Plat and that we have named the said platted area "BENSON'S SUB-DIVISION", and that we dedicate the road to the owners of the property herein platted forever.

Witness:

Signed:

George H. Fonje
Willie A. Fonje
William D. Benson
Elmore B. Benson

George H. Fonje
Willie A. Fonje
William D. Benson
Elmore B. Benson

On this the 27th day of December, 1970, before me, a Notary Public in and for said County, personally appeared the above named George H. Fonje and Willie A. Fonje, husband and wife, known by me to be the persons who did execute the above named instrument and who did acknowledge the same to be their act and deed.

James F. Gonyea
Notary Public, Le Sueur County,
Minnesota
My Commission Expires May 18, 1974

On this the 27th day of December, 1970, before me, a Notary Public in and for said County, personally appeared the above named William D. Benson and Elmore B. Benson, husband and wife, known by me to be the persons who did execute the above named instrument and who did acknowledge the same to be their act and deed.

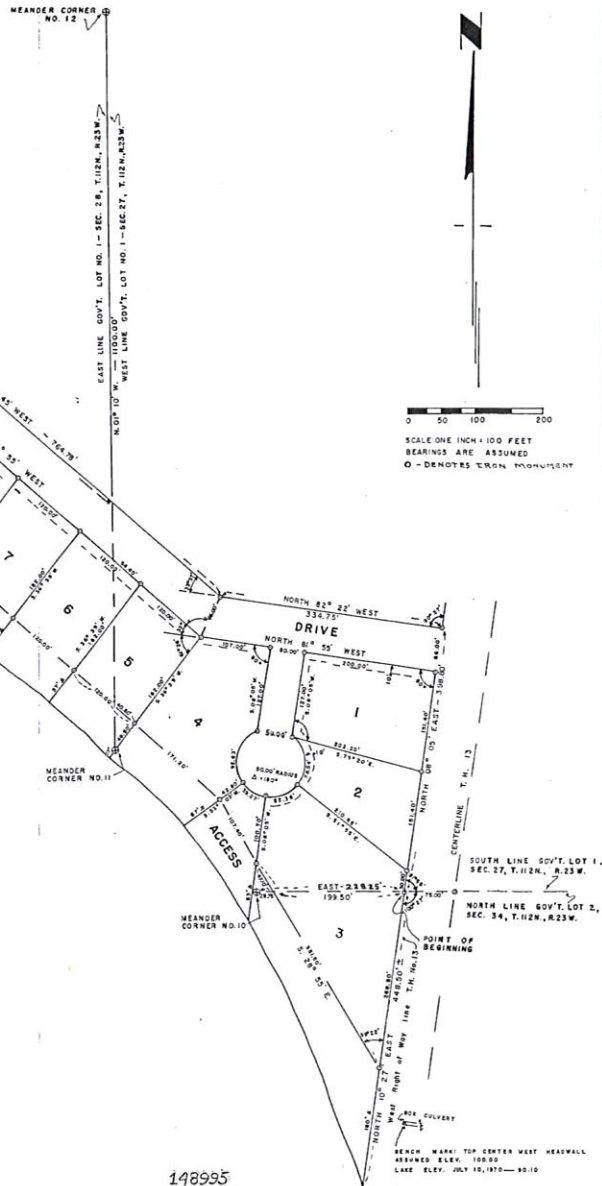
James F. Gonyea
Notary Public, Le Sueur County,
Minnesota
My Commission Expires May 18, 1974

I do hereby certify that this survey and plat was made by me at the request of the owners thereof and that all measurements and angles are correct as shown thereon, that monuments for the guidance of future surveys have been set as shown, that the boundaries are correctly designated, that said Plat is true and correct representation of said survey, and that there are no wetlands or public highways except as shown thereon under the provisions of Section 505.02 of Minnesota Statutes Annotated.

R. L. Bradshaw
R. L. Bradshaw, County Surveyor
Le Sueur County, Minnesota

Subscribed and sworn to before me, a Notary Public, on this the 2nd day of October, 1970.

James F. Gonyea
Notary Public, Le Sueur County,
Minnesota
My Commission Expires



148995

I hereby certify that the within plat was filed in this Office for record on this the 31st day of December, 1970, at 1 o'clock P.M., and was recorded in Book B of Plats on Page Number 344.

McRump
Register of Deeds
Le Sueur County, Minnesota

Taxes paid and transfer extended this the 31st day of DEC., 1970.

Russel Ruck
County Auditor
Le Sueur County, Minnesota

I hereby certify that the taxes for the year 1970 on the property described on the within Plat have been paid.

Robert F. Tuma
County Treasurer
Le Sueur County, Minnesota

Approved by the Le Sueur County Planning Advisory Commission on this the 10th day of SEPTEMBER, 1970.

R. L. Bradshaw
Vice - Chairman
Le Sueur County Planning Commission

Approved by the County Board of Commissioners of Le Sueur County on this the 29th day of December, 1970.

Shirley Sullivan
Chairman of County Board of Commissioners
Le Sueur County, Minnesota

See EXHIBIT 'B' filed herewith for Restrictions.

Rec. 7th Bd.
ORIGINAL

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: DAVE STINAR PID: 07.450.0130 +0140
Mailing Address: 16200 Pepin Lane, Montgomery, MN 56069
Property Address: Same
Phone: (952) 758-2776 Mobile/Cell: (612) 599-2647

Responsible party for Implementation/Inspection: - Self
Address: _____
Phone: (____) _____ Mobile/Cell: (____) _____

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.

Dale L. Hinson
(Property Owner)

Dale L. Hinson
(Person Responsible for Implementation)

3/20/18
(Date)

3/20/18
(Date)

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



EROSION CONTROL PLAN MAP

CERTIFICATE OF SURVEY
LOTS 13 & 14, BENSON'S SUB-DIVISION
LE SUEUR COUNTY, MINNESOTA
for Dale and Angela Stinar

PROPERTY DESCRIPTION
LOTS 13 & 14, BENSON'S SUB-DIVISION, LE SUEUR COUNTY, MINNESOTA

- NOTES
1. THE NORTHERLY LINE OF LOT 14, BENSON'S SUB-DIVISION IS ASSUMED TO BEAR SOUTH 43 DEGREES 32 MINUTES, ACCORDING TO THE RECORDED PLAT THEREOF, LE SUEUR COUNTY, MINNESOTA
 2. THE FENCE ON THE SOUTHERLY BOUNDARY LINE CROSSES SAID BOUNDARY LINE AS SHOWN.

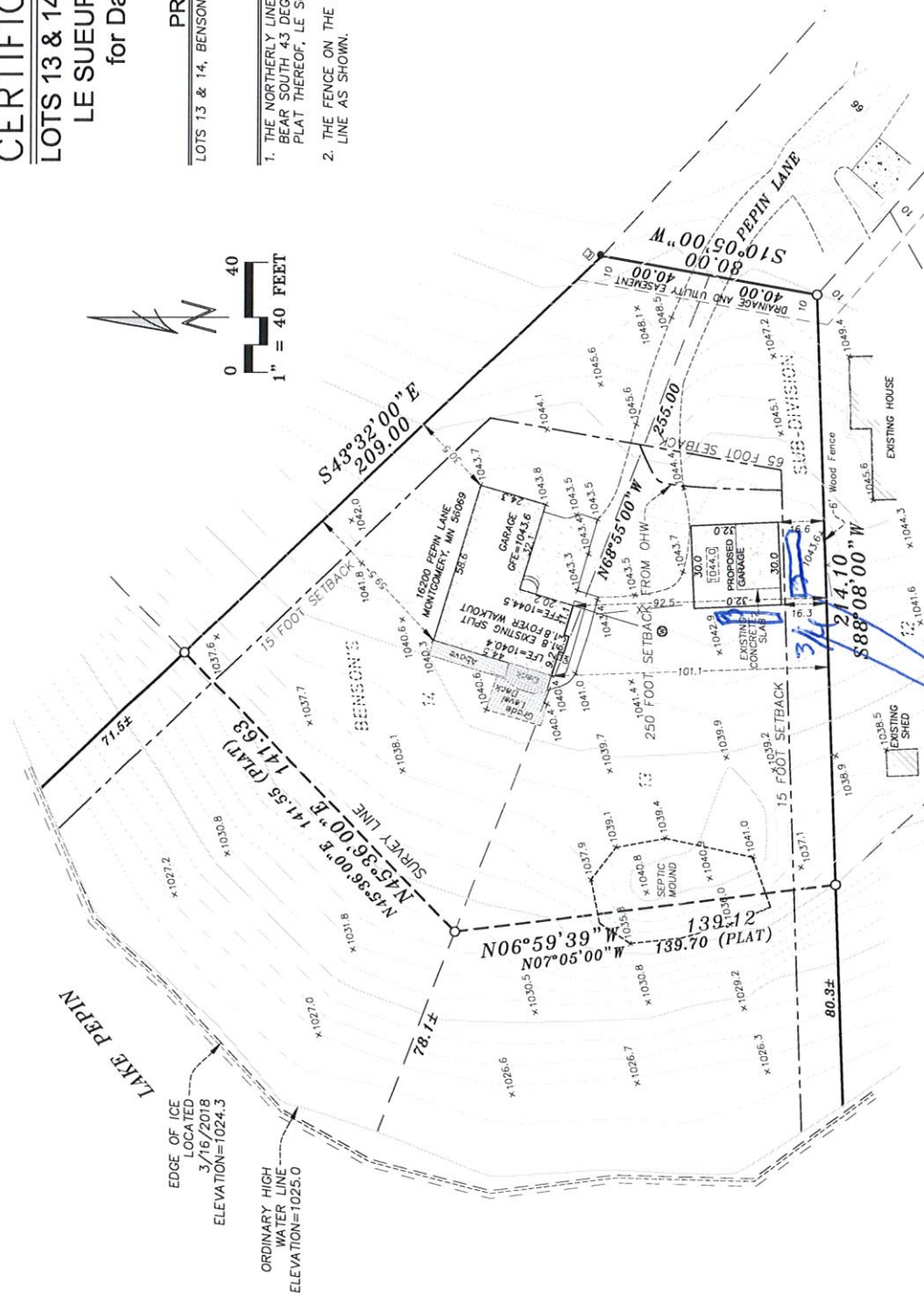
AREA SUMMARY

HOUSE	1,972 SQ. FT.
GRAVEL DRIVEWAY:	2,511 SQ. FT.
CONC. WALK/STOOP SLABS:	1,175 SQ. FT.
DECKS:	511 SQ. FT.
TOTAL IMPERVIOUS:	6,169 SQ. FT.
TOTAL LOT AREA =	67,322 SQ. FT.
TO OHW	

IMPERVIOUS CALCULATION
6,169 / 67,322 = 9.2%

PROPOSED GARAGE: 960 SQ. FT.
LESS EXISTING SLAB: 375 SQ. FT.
NET NEW IMPERVIOUS: 585 SQ. FT.
IMPERVIOUS CALCULATION
6,754 / 67,322 = 10.0%

- LEGEND
- CONCRETE SURFACE
 - GRAVEL SURFACE
 - EXISTING ELEVATION
 - EXISTING CONTOURS
 - ELECTRIC TRANSFORMER
 - WELL HEAD
 - GAS METER
 - PROPOSED ELEVATION
 - FOUND MONUMENT
 - SET MONUMENT



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.

BENCHMARK
GEODETIC STATION 4002 H
GSID Station # 17372
ELEVATION = 1032.67 (NGVD 29)

TROSEN
LAND SURVEYING
TROSEN LAND SURVEYING, LLC
236 LEWIS STREET SOUTH
SHAKOPEE, MN 55379
PH: 612-990-1182
WWW.TROSENLANDSURVEYING.COM

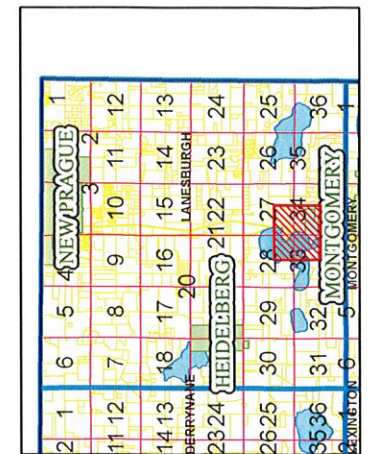
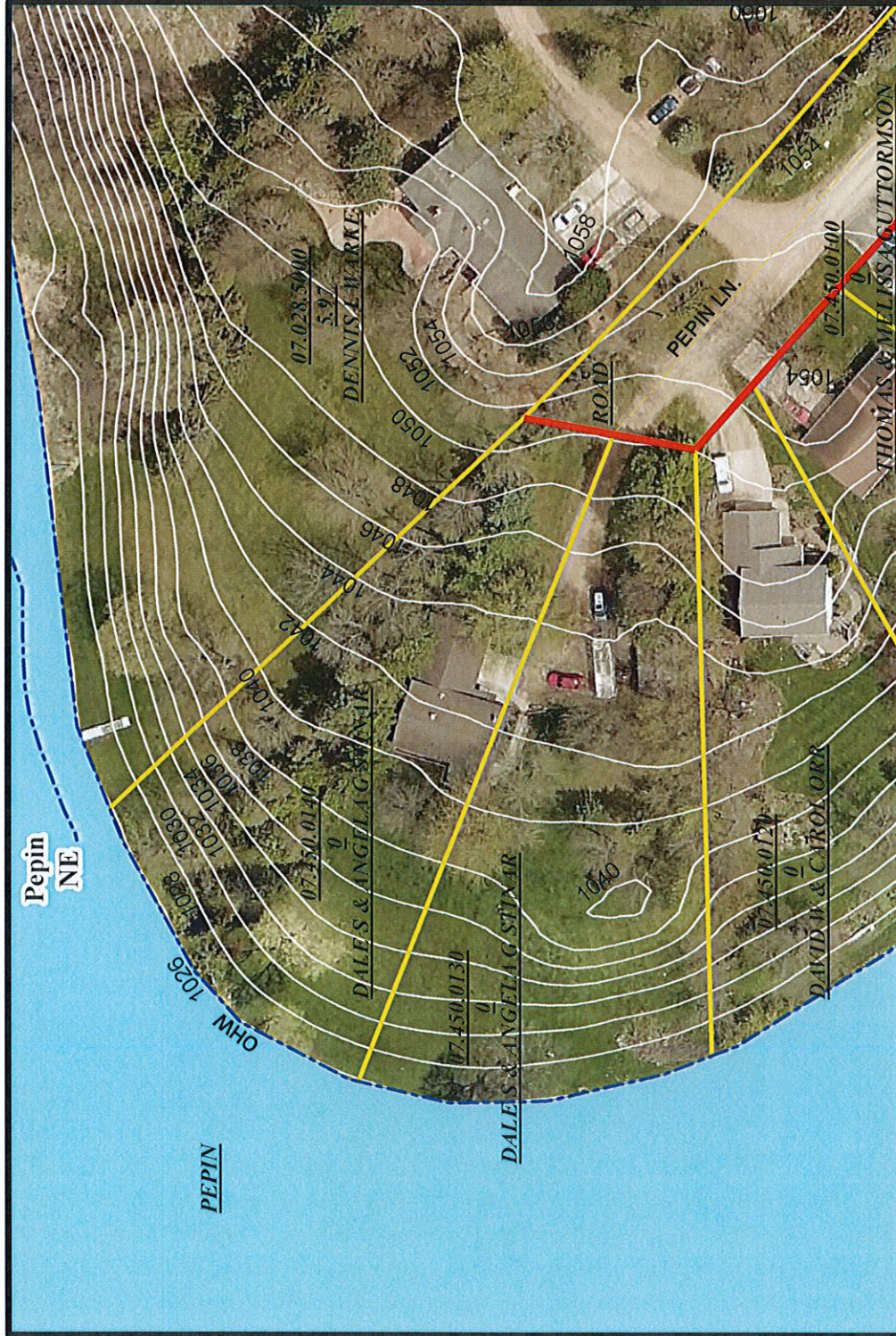
SCOTT C. TROSEN, MN LS 47465.
DATE: 03/20/2018 REVISED:

RECEIVED
MAR 20 2018
BY:

3. Place Hay Bales/Straw to prevent runoff in the event of rain during construction of garage
4. Restore Grasses disturbed by construction

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Stinar
 PID: 07 450.0130 & 0140
 DATE: 03-20-18
 FIRM #: 27079C0200D
 F-Zone: X-outside
 RFPE: na
 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.

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, MN

Thursday, April 19, 2018

Regular Session

Item 1

Approved April 19, 2018 Meeting Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 12, 2018

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Doug Krenik, Al Gehrke,
Pam Tietz, Commissioner John King

MEMBERS ABSENT: Don Reak, Shirley Katzenmeyer

OTHERS PRESENT: Joshua Mankowski, Michelle Mettler

1. The meeting was called to order at 7:00 p.m. by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Doug Krenik. Second by Don Rynda. Approved.
3. Minutes from March 8, 2018 Meeting. Motion to approve minutes was made by Don Rynda. Second by Al Gehrke. Approved.
4. Applications

ITEM #1: MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township.

Joshua Mankowski presented a power point presentation. Matt Margenthaler, Dawn Fazio, and Bryan Suemnick (Contractor) were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist, regarding recommendation for approval of the application with the conditions that the applicant plant deep rooted Minnesota native vegetation within the riprap.

PUBLIC COMMENT: Don Schuldt regarding concerns about how the project may impact the road because it is a private roadway owned by the residents. Don also voiced concern about an access easement to the lake that is located on the property. Jeanne Doheny stated that the lake access and Right of Way issues are not something that can be addressed at this level. Michelle Mettler stated that this is a private issue between landowners, this is not something Planning and Zoning can address.

Discussion was held regarding: Dawn Fazio stated that they purchased the property in November, the property was already in violation, and they would like to correct the issue. Matt Margenthaler informed the Board that they were notified before closing so they worked with the previous landowner to hold funds in escrow to help address the issue. Jeanne Doheny inquired about the planned start date for the project and access to the property. Brian Suemnick replied

that he plans to start early June. The area needs to dry out before they can start construction. Access to the site will not be an issue and they will use tracked equipment. Doug Krenik inquired about the neighbors to the east and west. Matt Margenthaler replied that the property to the east is okay and the property to the west is installing a new retaining wall. Doug Krenik inquired about the possibility of reusing the limestone from the failed wall to limit the amount of rock being brought in for the riprap. Joshua Mankowski state that limestone is not allowed to be used as riprap by the zoning ordinance. Doug then asked Matt Margenthaler if they had a chance to review the condition listed in Holly Kalbus' letter and if they would have issues meeting this condition. Matt Margenthaler stated that they had reviewed the letter and that they would be able to meet the condition. Commissioner John King asked if the property would be used as a primary residence or seasonally, to which Matt Margenthaler replied that it would be a primary residence.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Al Gehrke to approve the application with the condition listed in the letter from Holly Kalbus.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #2: DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential "R1" District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township.

Joshua Mankowski presented a power point presentation. Denise and David Peters and Mitch Dietz (Contractor) were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Doug Krenik inquired about the ability to reuse the old foundation. Denise Peters stated that the old foundation is gone. It was damaged by the fire and removed. Doug Krenik then asked staff if a Condition Use Permit would be needed to fill in the hole from

the foundation. Joshua Mankowski stated that, because it is located in the Bluff Impact Zone and the amount of fill that would be required, it would require a Conditional Use Permit. Commissioner John King asked if the applicants were going to be any changes to the driveway. Being on the crew to put out the fire, the access was difficult to use. Denise Peters stated that they did not plan to change the driveway. Doug Krenik then asked the applicants about the planned timeline to begin work. Denise Peters state they will start as soon as possible. Pam Tietz asked about the plan to use diamond piers as footings. Denise stated that the one footing would be in the bluff and their contractor thought the use of the diamond piers in the bluff would be less impact. Mitch Dietz elaborated that the use of the pier would result in little to no digging in the bluff. Pam Tietz asked about the requested material movement in the bluff. Michelle Mettler then stated that a Conditional Use Permit is still required to put the deck in the bluff but the diamond piers would be less intrusive.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Doug Krenik to approve the application.

Second by Don Rynda. Motion approved. Motion carried.

5. Discussion Items: None

6. Warrants/Claim-signatures.

7. Motion to adjourn meeting by Pam Tietz. Second by Doug Krenik. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

Approved May 10, 2018

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