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# **Le Sueur County, MN**

**Thursday, June 21, 2018**

**Regular Session**

## **Item 2**

### **Lukes Packet**

Staff Contact: Joshua Mankowski or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Kurt & Valerie Lukes

**911 ADDRESS:** 46864 Glen's Beach Road Waterville, MN

**VARIANCE REQUEST:** To allow the applicant to construct a single-family dwelling 54 feet from the road Right-Of-Way (ROW). (*Corrected from public notice 55 feet*)

**VARIANCE NUMBER:** 18066

**PARCEL NUMBER:** 04.560.0160

## SITE INFORMATION

**LOCATION:** Lot 17, Glen's Beach Subdivision, Section 4, Elysian Township

**ZONING & PURPOSE:** Recreational Residential & Mineral Resources Overlay District

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.

This **Mineral Resources Overlay District** shall not prohibit mining in other areas of the County not identified within the Mineral Resources Overlay District boundaries as shown on the Official Zoning Map.

**GOALS AND POLICIES:** The current Land Use Plan as adopted in 2007 does make reference to shoreland development design.

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

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

## GENERAL SITE

**DESCRIPTION:** Shoreland, residential

**ACCESS:** Existing off Glen's Beach Road

**LAKE:** German Lake, Recreational Development Lake

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

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

## BACKGROUND INFORMATION

Parcel is a non-conforming lot with an existing dwelling and detached garage. There is also additional property owned by the Lukes across the road. The Lot Combination form has been filed in the County Recorder's office stating that these two parcels are considered to be one parcel. For the purposes of impervious surfaces however, the area across the road cannot be considered for lot area when

calculating impervious surface. The existing dwelling does not meet setbacks to the OHWL and is located within the Shore Impact Zone. A Mineral Resources Form will be required to be filed in the County Recorder's office during the zoning permit process. Proposal is for a 2-story slab on grade dwelling. Proposal meets the 10-foot setback to property lines. Proposal meets the setback to the OHWL. A similar exemption allows for the dwelling to be closer than the 100-foot setback: No closer to the OHWL than the dwellings on the adjacent lots and at least ½ the setback whichever is greater. The proposed dwelling meets the lake setback of 50 feet, which is a greater setback than the adjacent dwellings.

## ATTACHMENTS

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

## STAFF FINDINGS

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

- | <u>1. Variance:</u>   | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>             | <u>Page:</u> |
|---|-----------------|------------------|-------------------------------|--------------|
| a. Structure to road ROW:   | 55 feet         | 65 feet          | Section 13. Subdiv. 5. B. 3.  | 13-44        |
| b. *Exemption setback to ROW  | 55 feet         | 54 feet          | Section 13. Subdiv. 5. B. 10. | 13-44        |
| <i>No closer to the road ROW than the existing dwellings on the adjacent lots or half the setback whichever is greater.</i>   |                 |                  |                               |              |
| <br><b>2. Refer to DNR Guidance Letters:</b>  |                 |                  |                               |              |
| 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       |
| <br>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 <b><u>only</u></b> where the strict enforcement of the official controls will result in a <b>practical difficulty</b> .                            |                 |                  |                               |              |
| 5. It is the responsibility of the <b><u>applicant</u></b> and/or landowner to prove evidence that a practical difficulty exists.   |                 |                  |                               |              |
| 6. 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. Exemption to 65-foot road ROW setback for non-conforming Lots of Record:  
*No closer to the road ROW than the existing dwellings on the adjacent lots or half the setback whichever is greater.*
  - b. Half the setback is 32.5 feet. The dwellings on the adjoining lots are 55 feet and 52 feet from the road ROW.

Page 2 of 3



- c. The exemption allows for a 55-foot a setback to the road ROW.

#### CONDITIONS

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



# VARIANCE FINDINGS OF FACT

Name of Applicant: KURT LUKES

Variance # 18066

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 55 FEET FROM THE ROAD ROW.

- 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: 6/11/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

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**Applicant:**

Kurt & Valerie Lukes

**Property owner:**

Kurt & Valerie Lukes

**Property:**

04.560.0160

**Description:**

Variance request to allow the applicant to construct a single-family dwelling 55 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, German Lake.


**Recommendation:**

It is my recommendation that you approve this application with the condition listed below. This project plans to remove the existing dwelling which is currently in the shore impact zone (SIZ). A new dwelling will be constructed out of the shore impact zone (SIZ) and will be under the allowable amount of impervious surface.

**Condition(s):**

Point downspouts away from German Lake to reduce stormwater flow.

Sincerely,



Holly Kalbus  
Le Sueur County  
Environmental Resources Specialist



## Variance Application

### I. Applicant:

 Name Kurt Lukes

 Mailing Address 90588 145th Street

 City Glenville

 State Minnesota

 Zip 56036

 Phone # 507-440-3183

Phone # \_\_\_\_\_

### II. Landowner:

 Name Kurt & Valerie Lukes

 Property Address 46864 Glens Beach

 City Waterville

 State Minnesota

 Zip 56096

 Phone # 507-440-3183

Phone # \_\_\_\_\_

### III. Parcel Information:

 Parcel Number 04.560.0160

 Parcel Acreage .25 acres

 Township Elysian

 Section 4

 Subdivision Glens Beach

 Lot 17

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).

We are asking for a variance to build a new dwelling one foot closer to the road right-of-way. Current front road right-of-way is 55 feet we are asking for 54 feet.

### 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.)

Elysian

Township notified on \_\_\_\_\_

May 21, 2018

(Township Name)

(Date)

 Board Member LINUS HEBEL

(Name)

regarding the proposed request.

### 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 adjacent dwellings are 52 feet and 55 feet from the road right-of-way. We are asking for a 54 foot road right-of-way setback which is a one foot variance.

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

The small buildable area and the (OHWL) requirement of a slab foundation makes it difficult to build a home that is desirable for our family and future potential owners

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

Before the new zoning regulations were in effect, the adjacent dwellings were built in the lake shore impact zone and farther from the road right-of-way. Therefore affecting our lot by reducing/limiting the buildable area

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

The new dwelling would allow us to remove the existing dwelling and other older accessory buildings greatly improving curbside appeal and it would be similar in size to adjacent dwellings.

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

Yes, the small buildable area makes it difficult to design, plan and build a desirable/functional home and considerably limits options for floorplans.

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

Yes, we are requesting a 1 foot variance. Allowing us to build considerably further away from the shore impact zone than the existing dwelling.

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

The new dwelling would be a single family home. It would also have an impervious surface under the allowable amount.

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

Compliant septic system. Privately owned well.

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

The 1 foot variance would make it possible to utilize our buildable area effectively, allowing us to center it in the lot and align it parallel to the road. The new dwelling would meet all other requirements

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

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

*The Department may request additional information regarding the application.*

**X. Quantities and Submittal Formats:**

- One (1) reproducible copy of the request and all other supporting documents.
- Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- Electronic version of any supporting documents if available.
- 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.

- Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- 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.**
- All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- Fees **will not** be accepted by mail and must be paid at the time of application.
- 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.
- Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.



- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

### XIII. Signatures:

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

[Signature]  
Applicant signature

May 21 2018  
Date

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

[Signature]  
Landowner signature

May 21 2018  
Date

#### OFFICE USE ONLY

Date received <u>5-21-18</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>6-21-18</u>	Lake Classification <u>RN</u>	Erosion Control Plan <u>(Y)</u> N
60 Day <u>7-20-18</u>	Lake <u>Germew</u>	Water courses Y <u>(N)</u>
RFPE <u>1022.80</u>	FEMA Panel # <u>27074C0300 P</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 type="checkbox"/> Access approval	<u>COC</u> NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Muth</u> Planning & Zoning Department Signature	ATF / SPEC MTG <u>18000</u>
		Date <u>5-21-18</u> <u>21</u>
		Permit # _____

01-15-16



### Written Detail of Variance

We are asking for a variance to build a new dwelling one foot closer to the front road right-of-way. Current front road right-of way is 55 feet we are asking for 54 feet to allow for a 8 sq ft bump out.

The current dwelling is in need of repairs and does not meet our needs. It is a seasonal dwelling. We love this location and as we plan for retirement we would love to build a cozy home for ourselves that is inviting to our growing family. We have been working very hard and have made several modifications to design a floor plan to follow the construction codes and zoning regulations. The small buildable area and the (OHWL) requirement of a slab foundation make it difficult to build a home that is desirable and functional for our family. The adjacent dwellings are on the lake shore impact zone measuring at 42 and 43 feet and therefore are farther from the road right-of-way. This affects the buildable area of our lot reducing/limiting the buildable area.

The 1 foot variance would:

1. Allow us to have a desirable/functional home.
2. Provide us with a storm shelter.
3. Build out of the shore impact zone. (current dwelling is in the impact zone)
4. Meet all the other setback requirements.
5. Comply with (OHWL) limiting us to build on a slab foundation.
6. Dispose the current dwelling and two other accessory buildings
7. Provide a clean curb appeal.
8. Maintain the beauty/integrity of the lot.





RECEIVED  
MAY 21 2018  
BY:

## EXISTING CONDITIONS

PID 04.560.0160

### OWNER ADDRESS

KURT & VALERIE LUKES  
90588 145TH STREET  
GLENVILLE, MN 56036

### SITE ADDRESS

46864 GLENS BEACH ROAD  
WATERVILLE, MN 56096

### TOTAL LOT AREA

11068 SQ FT

### EXISTING IMPERVIOUS SURFACES

HOUSE	664 SQ FT
GARAGE	408 SQ FT
DECK	227 SQ FT
SHED 1	54 SQ FT
SHED 2	93 SQ FT
OUT HOUSE	24 SQ FT
CONCRETE SURFACE 1	123 SQ FT
CONCRETE SURFACE 2	7 SQ FT
CONCRETE SURFACE 3	83 SQ FT
CONCRETE SURFACE 4	36 SQ FT
WOOD STEPS 1	35 SQ FT
WOOD STEPS 2	21 SQ FT
TOTAL	1775 SQ FT (16.0%)

### 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

5/18/2018  
Date

License Number 19789

### CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



**BOLTON  
& MENK**

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

LOT 17, GLENS BEACH, SECTION 4, TOWNSHIP 109  
NORTH, RANGE 24 WEST, LE SUEUR COUNTY,  
MINNESOTA

FOR: KURT & VALERIE LUKES

WATER'S EDGE  
ELEV = 1018.27

OHW  
ELEV=1018.5



0 20 40  
SCALE IN FEET

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H:\LUKESKUR\_PR\M33114642\CAD\C3D\114642BD2 EXISTING.DWG 5/18/2018 11:28 AM

SDB114642H

JOB NUMBER: M33.114642

FIELD BOOK: 90A1 PG 28

DRAWN BY: JLA

4.0 S4-T109N-R24W



# PROPOSED CONDITIONS

PID 04.560.0160

## OWNER ADDRESS

KURT & VALERIE LUKES  
90588 145TH STREET  
GLENVILLE, MN 56036

## SITE ADDRESS

46864 GLENS BEACH ROAD  
WATERVILLE, MN 56096

## TOTAL LOT AREA

11068 SQ FT

## REMOVED IMPERVIOUS SURFACES

HOUSE	664 SQ FT
DECK	227 SQ FT
SHED 2	93 SQ FT
OUT HOUSE	24 SQ FT
CONCRETE SURFACE 2	7 SQ FT
CONCRETE SURFACE 3	83 SQ FT
CONCRETE SURFACE 4	36 SQ FT
WOOD STEPS 1	35 SQ FT
<b>TOTAL</b>	<b>1169 SQ FT (10.5%)</b>

## PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	2085 SQ FT
GARAGE	408 SQ FT
SHED 1	54 SQ FT
CONCRETE SURFACE 1	123 SQ FT
WOOD STEPS 2	21 SQ FT
<b>TOTAL</b>	<b>2691 SQ FT (24.3%)</b>

## 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

5/18/2018  
Date

REVISED ORIGINAL SURVEY: 5-22-18  
(MOVED HOUSE TO 10' SETBACK TO SOUTH)

## CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA

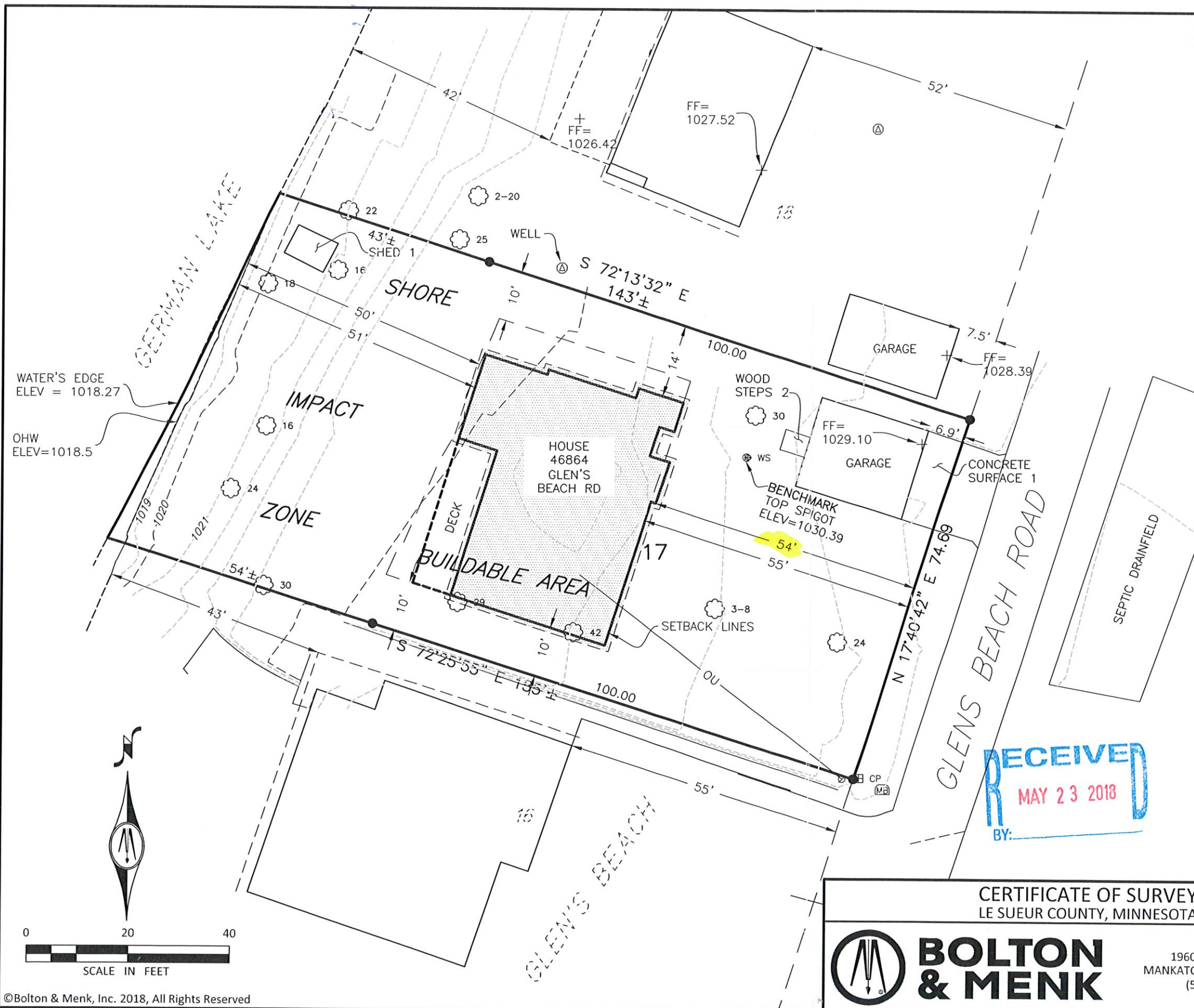


**BOLTON  
& MENK**

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

LOT 17, GLENS BEACH, SECTION 4, TOWNSHIP 109  
NORTH, RANGE 24 WEST, LE SUEUR COUNTY,  
MINNESOTA

FOR: KURT & VALERIE LUKES



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H:\LUKESKUR\_PR\M33114642\CAD\C3D\114642BD3 PROPOSED.dwg 5/22/2018 11:43 AM

SDB114642H

JOB NUMBER: M33.114642

FIELD BOOK: 90A1 PG 28

DRAWN BY: JLA

4.0 S4-T109N-R24W



## Surveyor Certification

I. **Applicant:**  
Name Kurt Lukes

II. **Landowner:**  
Name Kurt & Valerie Lukes  
Property Address 46864 Glens Beach  
City Waterville State Minnesota Zip 56096

III. **Parcel Information:**  
Parcel Number 04.560.0160

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 OR by June 8 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.*

Roy Janna Surveyor Signature May 21 Date 19769 Lic #

**RECEIVED**  
**MAY 21 2018**  
Date Received

**OFFICE USE ONLY**

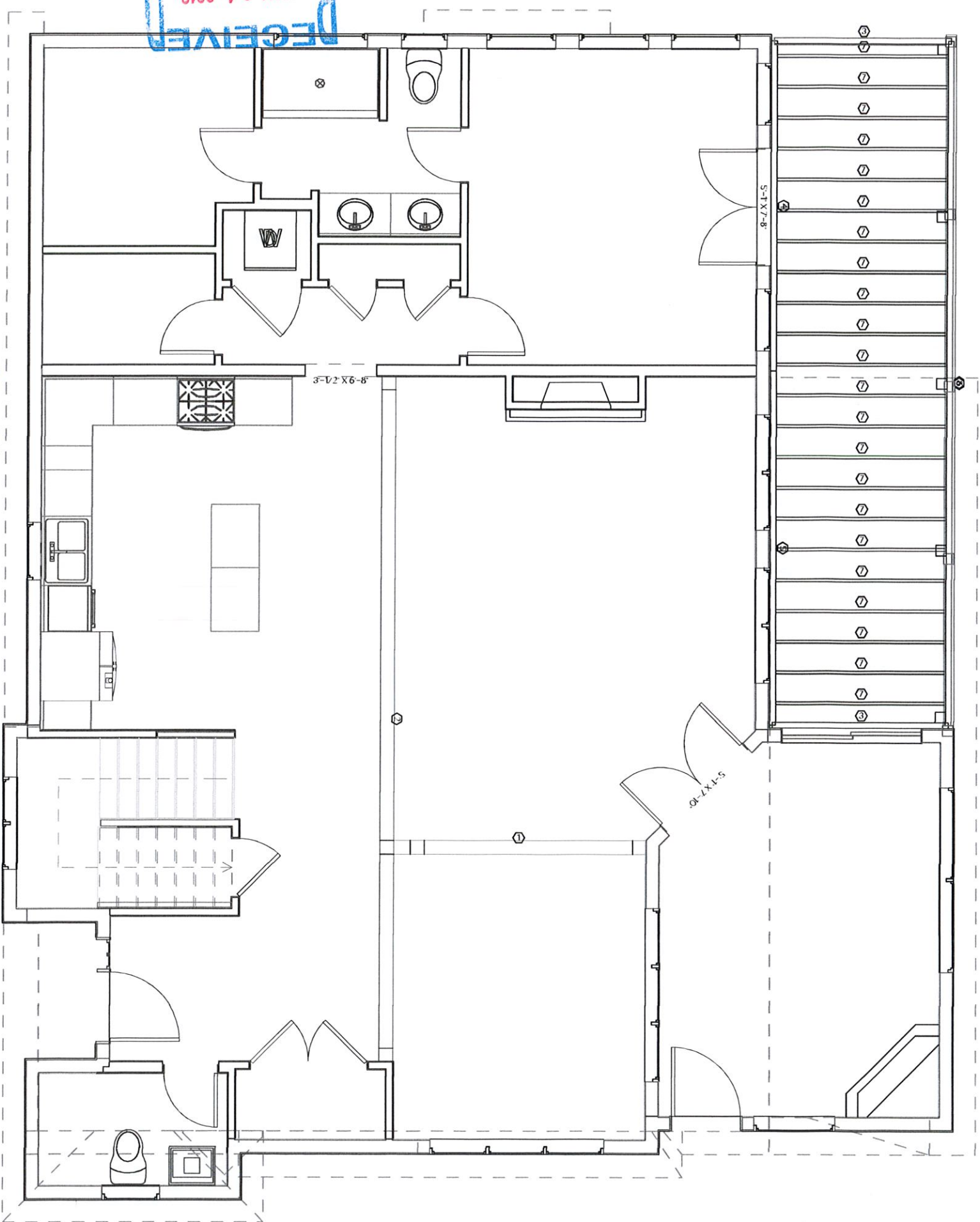
mm Planning & Zoning Department Signature

01-15-16 BY: \_\_\_\_\_



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BY:

Main Level



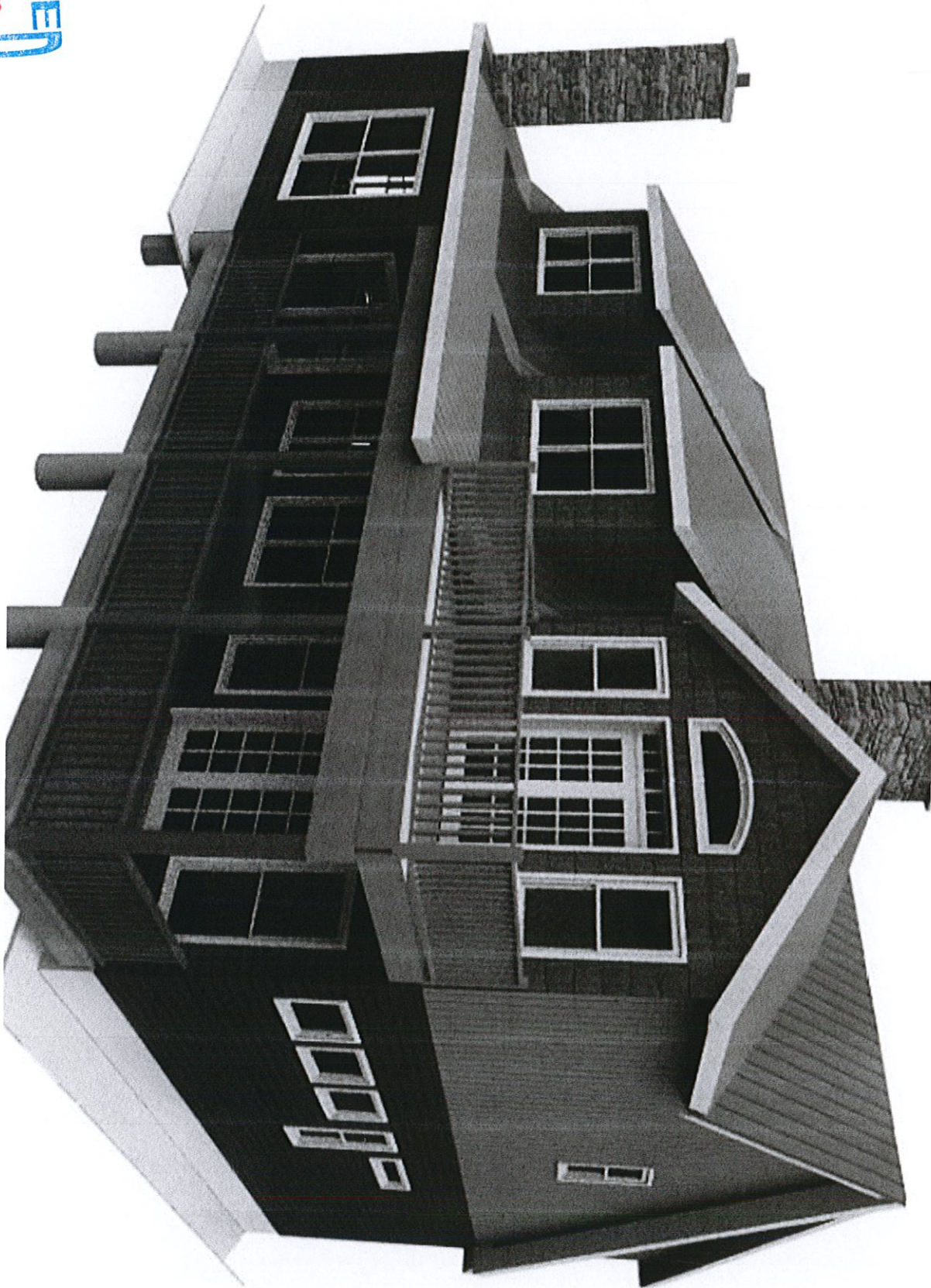


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MAY 21 2018  
BY: \_\_\_\_\_





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MAY 21 2018  
BY: \_\_\_\_\_





**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:** KURT & VALERIE LUKES **PID:** 04.560.0160  
**Mailing Address:** 90588 145th STREET GLENVILLE MN 56036  
**Property Address:** 46864 GLENS BEACH WATERVILLE MN 56096  
**Phone:** (507) 440-3183 **Mobile/Cell:** (507) 440-3183

**Responsible party for Implementation/Inspection:** Andy Houg Construction LLC  
**Address:** 1602 SOUTH ST NORTHWOOD IA 50459  
**Phone:** (507) 383 5618 **Mobile/Cell:** ( ) Same

**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 1<sup>st</sup>. 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.

  
\_\_\_\_\_  
(Property Owner)

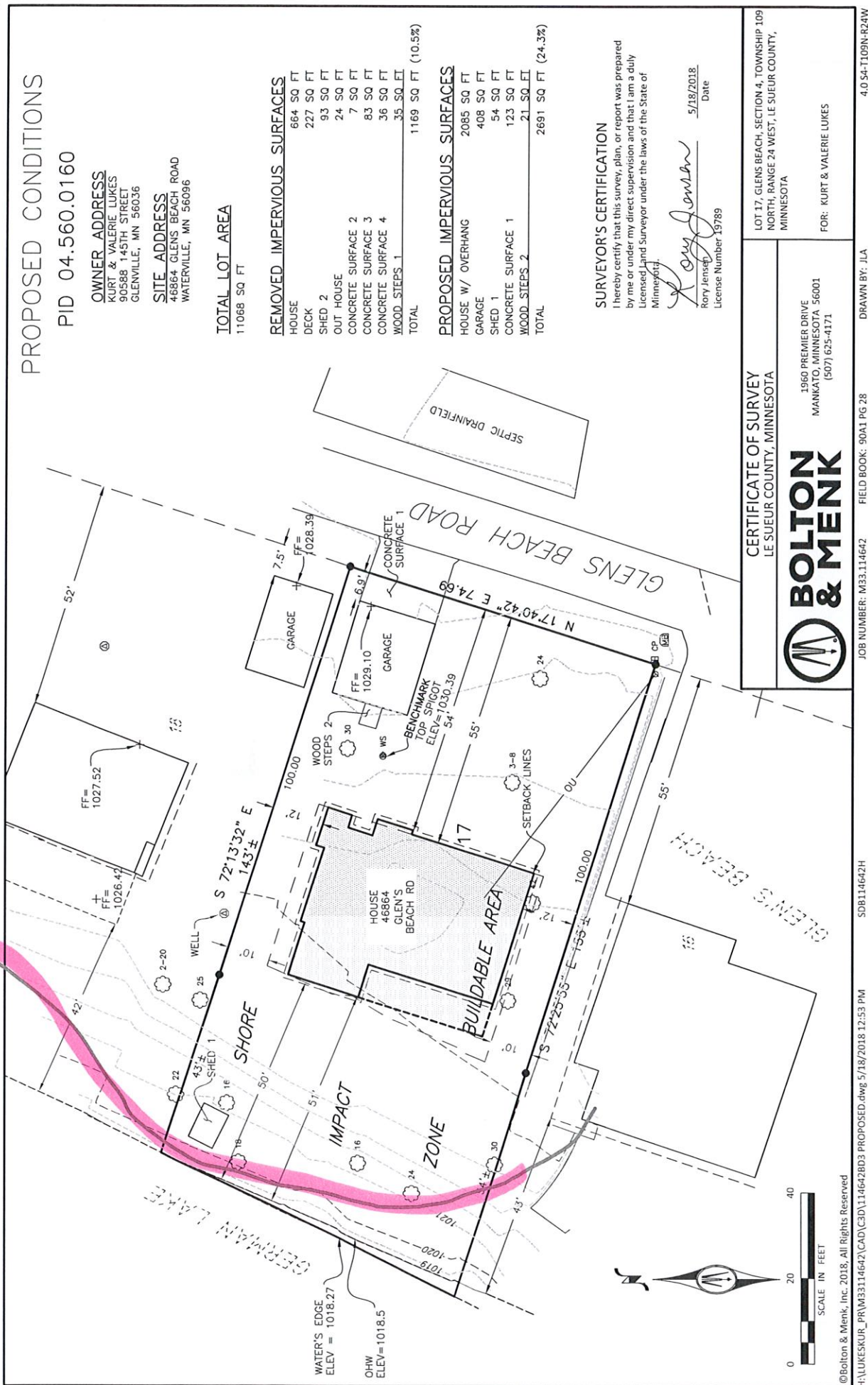
  
\_\_\_\_\_  
(Person Responsible for Implementation)

5-21-2018  
(Date)

5/21/18  
(Date)

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





Certified filed and or  
recorded on above date

SHARON J. BUDIN, RECORDER  
Le Sueur County, Minnesota

Pages 2 *SB*

Well Cert Received  
Well Cert Not Required



Environmental Services/Planning and Zoning  
Physical Address: 515 S. Maple Ave  
Le Center MN 56057  
507-357-8538

### PLANNING AND ZONING LOT COMBINATION FORM

The Lot Combination form for Zoning Purposes only must be completed and filed with the Le Sueur County Recorder prior to the issuance of a zoning/septic permit for construction.

Applicant/Landowner: KURT & VALERIE LUKES  
Mailing Address: 90588 145TH STREET GLENVILLE, MN 56036  
Property Address: 46864 GLENS BEACH WATERVILLE, MN 56096  
Parcel Number(s): 04.500.0140 & 04.004.5D10

Legal Description of Properties to be Combined: ATTACH FULL LEGAL DESCRIPTIONS. (Not abbreviated legal description from tax statement)

*Note: If legal description is not provided, the application will be deemed incomplete.*

The described properties are located within Le Sueur County and will be *combined for zoning purposes only* and meet the purposes and intent of the County Zoning Ordinance to protect the public health, safety, morals and general welfare throughout Le Sueur County.

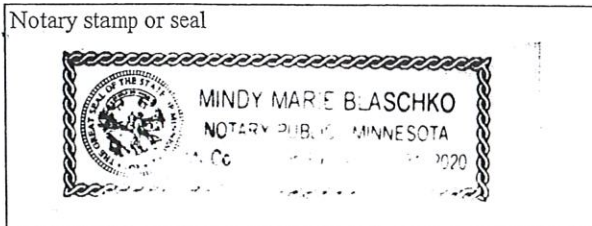
CURRENT ZONING: Recreational Residential

SUMMARY OF REQUEST: ZONING PERMIT

I hereby understand and acknowledge that by signing this lot combination form, future land use on my combined parcel will need to comply with the Le Sueur County Zoning Ordinance as applied to the combined parcels.

*[Signature]*  
(Applicant/Landowner signature)

May 21, 2018  
(Date)



Signed or attested before me on

May 21, 2018  
(Date)

by *[Signature]*  
(Notary signature)

*[Signature]*  
County Zoning Authority

5-23-18  
Date



Lot Numbered Seventeen (17), in Glen's Beach, part of Government Lots Three (3) and Four (4), in Section No. Four (4), Township No. 109 North, Range No. 24 West, according to the map or plat on file and of record in the office of the Register of Deeds in and for Le Sueur County, Minnesota; together with the right and privilege and use of the private road designated on said plat so as to afford ingress to and egress from the property herein conveyed, and all other lots designated in said Plat.

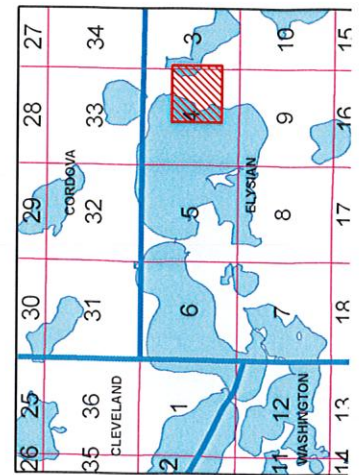
AND ALSO:

That part of Government Lot 4, Section 4, Township 109 North, Range 24 West, Le Sueur County, Minnesota, described as follows: Beginning at the southeasterly corner of Lot 17, of Glen's Beach according to the plat filed with the Le Sueur County Recorder; thence North 17 degrees 33 minutes 17 seconds east an assumed bearing on the easterly line of Lot 17 a distance of 75.00 feet to the northeasterly corner of said Lot 17; thence South 72 degrees 26 minutes 43 seconds East 150.00 feet; thence South 17 degrees 33 minutes 17 seconds West 75.00 feet; thence North 72 degrees 26 minutes 43 seconds West 150.00 feet to the point of beginning. Said property contains 11,250 square feet.



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Lukes  
 PID: 04.560.0160  
 DATE: 6-11-18  
 FIRM #: 27079C0300D  
 F-Zone: X-outside  
 RFPE: 1022.86  
 District: Recreational  
 Residential &  
 Mineral Resource  
 Overly District



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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2017

Created By: MRM



LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICE  
 507-357-8538