



**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: JUNE 21, 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 June 21, 2018 Notice of Public Hearing

ITEM #2 Board of Adjustment Agenda

ITEM #3 Camp Fo Ho Cha Packet

ITEM #4 Lukes Packet

ITEM #5 Keller Packet

ITEM #6 Baker Packet

ITEM #7 Bohn Well Drilling/Knight Packet

ITEM #8 Behr Packet

ITEM #9 Approved June 21, 2018 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 June 21, 2018.

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



Le Sueur County, MN

Thursday, June 21, 2018

Regular Session

Item 1

June 21, 2018 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: JUNE 21, 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 **JUNE 12, 2018**.

ITEM #1: CAMP FO HO CHA, CLEVELAND, MN (APPLICANT); GRAND LODGE OF MN IOOF, WINDOM, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 54 feet from the Ordinary High Water Level (OHWL) & 5 feet from a cabin; construct a septic drainfield 69 feet from the West OHWL and 71 feet from the East OHWL in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 5 (Island), Section 5, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACK. PREVIOUS VARIANCE EXPIRED APRIL 20, 2017.**

ITEM #2: KURT LUKES, GLENVILLE, MN, (APPLICANT); KURT & VALERIE LUKES, GLENVILLE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 55 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, German Lake. Property is located at Lot 17, Glens Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #3: DAVID & SARAH KELLER, MAPLETON, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow total impervious surface of 32.5 % in a Recreational Residential "RR" District, on a Recreation Development "RD" lake, Lake Washington. Property is located at Lot 2, Block 1, Auditor's Subdivision, Section 13, Washington Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

ITEM #4: KEVIN & SHANNON BAKER, MADISON LAKE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to create a new property line 15 feet from an existing shed in a Special Protection "SP" District, on an Unnamed Natural Environment "NE" lake. Property is located in the NW 1/4, Section 11, Washington Township. **VARIANCE IS FOR STRUCTURE SETBACK.**

ITEM #5: BOHN WELL DRILLING, JORDAN, MN, (APPLICANT); ANDREW & HEIDI KNIGHT, NEW PRAGUE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic system drainfield 11 feet from an existing accessory structure in an Urban/Rural Residential "R1" District. Property is located at Lot 18, Eastwood Acres Subdivision, Section 1, Lanesburgh Township. **VARIANCE IS FOR STRUCTURE SETBACK.**

ITEM #6: MILAN BEHR, ELYSIAN, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank and septic drainfield within the bluff and 64 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 2, Muellerleile Subdivision, Section 33, Elysian Township. **VARIANCE IS FOR BLUFF AND OWHL SETBACKS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT JUNE 21, 2018.

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



Le Sueur County, MN

Thursday, June 21, 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: June 21, 2018
Time: 3:00 pm
Place: Le Sueur County Environmental Services Building

Onsite Date: June 21, 2018
Onsite Time: 10:00 am

***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: May 17, 2018 Additions/Corrections/Approval
4. Applications

ITEM #1: CAMP FO HO CHA, CLEVELAND, MN (APPLICANT); GRAND LODGE OF MN IOOF, WINDOM, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 54 feet from the Ordinary High Water Level (OHWL) & 5 feet from a cabin; construct a septic drainfield 69 feet from the West OHWL and 71 feet from the East OHWL in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake, German Lake . Property is located in Government Lot 5 (Island), Section 5, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACK. PREVIOUS VARIANCE EXPIRED APRIL 20, 2017.**

ITEM #2: KURT LUKES, GLENVILLE, MN, (APPLICANT); KURT & VALERIE LUKES, GLENVILLE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 55 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, German Lake. Property is located at Lot 17, Glens Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #3: DAVID & SARAH KELLER, MAPLETON, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow total impervious surface of 32.5 % in a Recreational Residential "RR" District, on a Recreation Development "RD" lake, Lake Washington. Property is located at Lot 2, Block 1, Auditor's Subdivision, Section 13, Washington Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

ITEM #4: KEVIN & SHANNON BAKER, MADISON LAKE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to create a new property line 15 feet from an existing shed in a Special Protection "SP" District, on an Unnamed Natural Environment "NE" lake. Property is located in the NW 1/4, Section 11, Washington Township. **VARIANCE IS FOR STRUCTURE SETBACK.**

ITEM #5: BOHN WELL DRILLING, JORDAN, MN, (APPLICANT); ANDREW & HEIDI KNIGHT, NEW PRAGUE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic system drainfield 11 feet from an existing accessory structure in an Urban/Rural Residential “RI” District. Property is located at Lot 18, Eastwood Acres Subdivision, Section 1, Lanesburgh Township. **VARIANCE IS FOR STRUCTURE SETBACK.**

ITEM #6: MILAN BEHR, ELYSIAN, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank and septic drainfield within the bluff and 64 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Francis. Property is located at Lot 2, Muellerleile Subdivision, Section 33, Elysian Township. **VARIANCE IS FOR BLUFF AND OWHL SETBACKS.**

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, June 21, 2018

Regular Session

Item 1

Camp Fo Ho Cha Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Camp Fo Ho Cha; Grand Lodge of MN IOOF

911 ADDRESS: 46397 Beaver Dam Road, Cleveland, MN

VARIANCE REQUEST: To install a septic tank 54 feet from the Ordinary High Water Level (OHWL) & 5 feet from a cabin; Construct a septic drainfield 69 feet from the West OHWL and 71 feet from the East OHWL.

VARIANCE NUMBER: 18060 (17026 expired)

PARCEL NUMBER: 04.005.5000

SITE INFORMATION

LOCATION: Government Lot 5, Section 5, Elysian Township (Island)

ZONING & PURPOSE: Special Protection & Flood Plain-Flood Fringe

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007, Goal #3, Objective 1, Action 2, references septic replacement program.

GENERAL SITE DESCRIPTION: Shoreland, Island, recreational

LAKE: German Lake, Recreational Development

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.

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:

Page 1 of 3

- | 1. <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|--------------------------------------|-----------------|------------------|--|--------------|
| a. Septic tank to OHWL: | 54 feet | 100 feet | Section 17; Subdiv. 4. D.5.b.1. | 17-9 |
| b. Septic drainfield to OHWL: | 69 feet | 100 feet | Section 17; Subdiv. 4. D.5.b.1. | 17-9 |
| c. Septic drainfield to OHWL: | 71 feet | 100 feet | Section 17; Subdiv. 4. D.5.b.1. | 17-9 |
| d. Septic tank to cabin: | 5 feet | 10 feet | Section 17; Subdiv. 4. D.1.b. | 17-9 |
2. **Refer to DNR Guidance Letters:**
- | | |
|---|--------|
| a. The Role of the Variances in Shoreland Management Ordinances | pg. 9 |
| b. Non-conforming Lots of Record in Shoreland Areas | pg. 19 |
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
- There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - 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.
 - Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
- Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - Variances shall only be issued by the County upon the following:
 - A showing of good and sufficient cause.
 - A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. **Additional Considerations:**
- Property is located within the German/Jefferson Sewer District. Installation deadline was 12-31-17.
 - Previous Variance was approved on April 20, 2017 and was expired. No changes from previous application.

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: CAMP FO HO CHA

Variance # 18060

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 54' FROM THE OHWL & 5' FROM A CABIN; CONSTRUCT A SEPTIC DRAINFIELD 69' FROM THE WEST OHWL & 71' FROM THE EAST 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	
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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	
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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 MN 56057-1620
(507) - 357-8538
Fax (507) - 357-8541

April 21, 2017

CAMP FO HO CHA
46397 Beaver Dam Rd
Cleveland MN 56017

Grand Lodge of MN IOOF
2815 Cottonwood Lake Dr
Windom MN 56101

Parcel No: 04.005.5000

RE: Variance Approval

To Whom It May Concern:

The Le Sueur County Board of Adjustment approved your application for Variance # 17026 on April 20, 2017 as requested.

The Department is required to notify all property owners of record within 500 ft of the affected property, regarding the decisions made by the Board of Adjustment in granting the variances or in hearing appeals from any administrative order, requirements, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal the Board's decision within 30 days, after notice of the decision, to the district court.

The Variance will lapse within one year from the date of the approval. Construction must be completed prior to the expiration of the Variance. A zoning permit is required prior to starting any construction on your project.

If the work permitted by the Variance has not been completed, a petition for extension may be requested thirty (30) days prior to the Variance expiration. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Variance. The petition for extension shall be filed with the Planning & Zoning Administrator. Such petition shall be presented to the Board of Adjustment for a decision.

If you have any questions, please contact this office at the above-listed number.

Thank you.

Kathy Brockway
(Electronic Signature)

Kathy Brockway
Le Sueur County
Planning and Zoning
Administrator

CC: file
Le Sueur County Assessor's Office
DNR

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 20, 2017**

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

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

The meeting was called to order at 3:00 PM by Chairperson, Jeanne Doheny.

ITEM #1: LINDA GOOD, CLEVELAND, MN (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 0 feet from the deck and 68 feet from the Ordinary High Water Level (OHWL); install a pump tank 4 feet from the deck and 62 feet from the OHWL; construct the septic drainfield 1 foot from the dwelling, 2 feet from the property line, 50 feet from the OHWL and 2 feet from the deck in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 17 & 18, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR STRUCTURE, PROPERTY LINE & OHWL SETBACKS.**

Linda Good, applicant, along with John Bruender, contractor, were present for application. Township: No comments. DNR: no comments. Letters submitted: none.

Public Comment: none

Discussion was held regarding: property within the German-Jefferson Sewer District, required to update by December 31, 2017, was working with neighbors in order to install a cluster system, land deal fell through, no other options, was not in favor of the pipe, heard stories of draining the lake due to a community pipe in White Bear Lake.

Motion was made by John Wolf to approve the application as she has no other options available. Seconded by Fritz Cummins. Motion approved. Motion carried.

ITEM #2: RICHARD LOOD, RICHFIELD, MN (APPLICANT\OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 41 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 13, Indian Meadows Subdivision, Section 2, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

Jadd Seppmann, Seppman and Sons, contractor, was present for application. Township: No Comments. DNR: No Comments. Letters submitted: None.

Public Comment: none

Discussion was held regarding: non-conforming lot, due to well locations no other options available.

Motion was made by Fritz Cummins to approve the application as written. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #3: CAMP FO HO CHA, CLEVELAND, MN (APPLICANT); GRAND LODGE OF MN IOOF, WINDOM, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 54 feet from the Ordinary High Water Level (OHWL) & 5 feet from a cabin; construct a septic drainfield 69 feet from the West OHWL and 71 feet from the East OHWL in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 5 (Island), Section 5, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACK.**

Tony Nichols, President of the Board for Camp Fo Ho Cha was present for application. Township: no comments. DNR: none. Letters submitted: none.

Public Comment: none

Discussion was held regarding: non-compliant septic system, required to update by December 31, 2017, they hold a camp for 2-weeks a year for children between the ages of 10-12, about 40 children per week, no other options available.

Motion was made by Colin Harris to approve the application as requested. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #4: ROGER & MARY SCHEURER, KASOTA, MN (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to separate 2 contiguous non-conforming lots under the same ownership for the purposes of sale and development in an Urban/Rural Residential "R1" District. Property is located at Lots 30 & 31, Thunderbird Hills Subdivision, Section 17, Kasota Township. **VARIANCE IS FOR NON-CONFORMING LOTS.**

Roger and Mary Scheurer applicant were present for application. Township: no comments. Letters submitted: none.

Public Comment: Tom Sanger, property owner, covenants within the subdivision, no problems with their proposal.

Discussion was held regarding: history of parcel, no other variances needed in order to construct a new home on the property, adequate area available for a septic system, construct a patio home for retirement, downsizing home, platted in the 70's, ordinance changes.

Motion was made by Jim Mladek to approve the request as presented. Seconded by Fritz Cummins. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes from the March 16, 2017 meeting by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.

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

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
April 20, 2017

Approved May 18, 2017

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

Variance Application

I. **Applicant:**
 Name Tony Nichols President Odd Fellows Youth Camp
 Mailing Address 2815 Cottonwood Lake Dr.
 City Winona State MN Zip 56101
 Phone # 507-830-1614 Phone # _____

II. **Landowner:**
 Name Grand Lodge of MN I.O.O.F.
 Property Address 46397 Beaver Dam Road
 City Cleveland State MN Zip 56017
 Phone # 320-234-0101 Phone # _____

III. **Parcel Information:**
 Parcel Number 04.005.5000 Parcel Acreage 24.7
 Township Elysian Section 5 lot 5 Sec. 8 lot 5
 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).
Set Backs to the Septic Drainfield

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 5/15/18
 (Township Name) (Date)

Board Member Linus Hebel 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 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 request for a variance from the Setback is the only alternative for a compliant Septic System to be installed on the Property.

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

It is on an Island on German Lake, and the available land area for the drainfield is very limited.

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

The setback requirements Required by the State and County ordinances are the reason for our difficulty

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

We will be able to install a drainfield which will put us in compliance and allow us to continue to run the Youth Camp

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

Yes, due to the size of the island 24.7 acres and the natural topography and to preserve the natural setting of the island to accommodate the current County requirements for a drainfield, the location and size requirement does not allow for other locations within the Island.

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

Yes, Lesueur County land use Goal #2 and Goal #3

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

This request is consistent with Goal #2, Objective #2 and Action #2 of the Comprehensive Land Use Plan. This Variance will allow for Protection of the lake water quality by installing a Compliant Septic System

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

The current septic system is considered non-compliant and does not meet current code requirements. If the setback Variance request is approved the new septic system will meet county requirements and county land use Goals.

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

Due to the land width of the island any location on the island would require This Variance request. We are requesting the minimum amount to meet the required drainfield size.

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance: \$ 600
Filing Fee: \$ 46

Variance for Clusters: \$ 600 + \$200 per household
Filing Fee: \$ 46

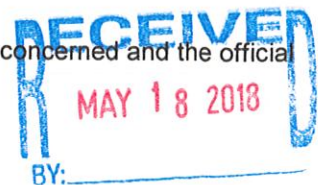
Additional Fees:

Special Meeting: \$1,200
After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.
After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

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

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

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.



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

XIII. Signatures:

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

Tony Nichols
Applicant signature

5/18/18
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.

Grand Lodge of MN Tony Nichols
Landowner signature

5/18/18
Date

OFFICE USE ONLY

Date received <u>5-18-18</u>	Present Zoning Classification <u>SP/FF</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>6-21-18</u>	Lake Classification <u>R0</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>7-17-18</u>	Lake <u>German</u>	Water courses <u>Y</u> <u>(N)</u>
RFPE <u>/</u>	FEMA Panel # <u>27079C0300D</u>	Bluff <u>Y</u> <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>VA-100VR</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"/> COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u> ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u><i>Michelle Rmitts</i></u> Planning & Zoning Department Signature	<u>5-18-18</u> Date <u>18060</u> Permit #

01-15-16



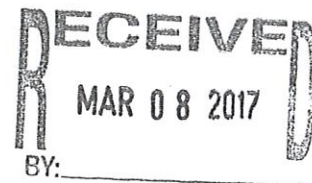
Description of Request

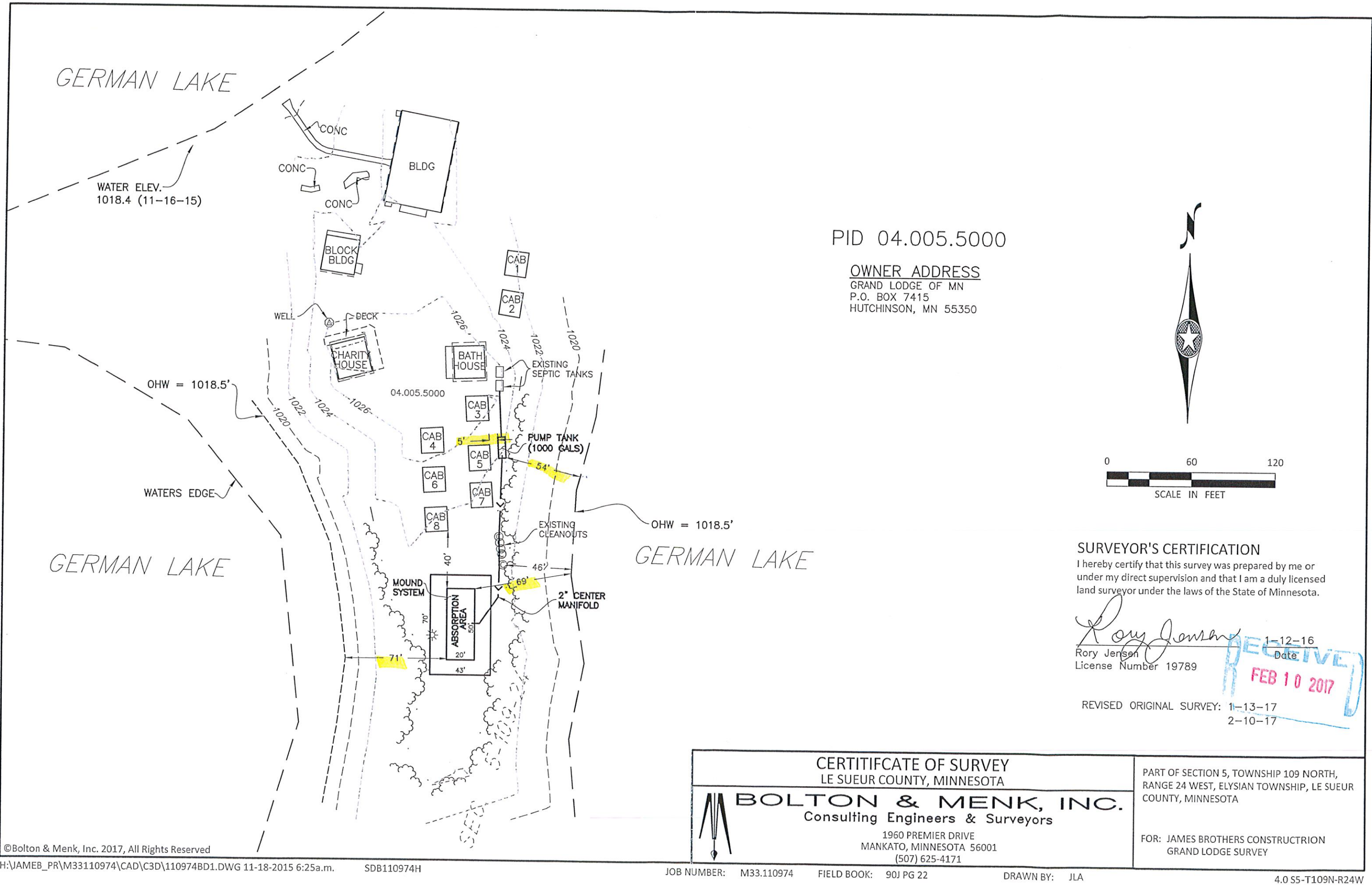
The Grand Lodge of MN IOOF requests a Variance to meet Le Sueur County Code for the installation of a 450-gallon per day mound septic system for Camp Fa Ho Cha.

Parcel #04.005.5000

Attached please find:

1. Variance Application.
2. Township Notification – Elysian Township Supervisors were contacted and the Variance application for Camp Fa Ho Cha was discussed. Elysian Township approved proceeding with a Variance application request to Le Sueur County.
3. Full Legal Description – Copy of Deed.





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H:\JAMEB_PR\M33110974\CAD\C3D\110974BD1.DWG 11-18-2015 6:25a.m.

SDB110974H

JOB NUMBER: M33.110974

FIELD BOOK: 90J PG 22

DRAWN BY: JLA

4.0 S5-T109N-R24W

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

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

PART OF SECTION 5, TOWNSHIP 109 NORTH,
RANGE 24 WEST, ELYSIAN TOWNSHIP, LE SUEUR
COUNTY, MINNESOTA

FOR: JAMES BROTHERS CONSTRUCTION
GRAND LODGE SURVEY

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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

1-12-16
Date

RECEIVED
FEB 10 2017

REVISED ORIGINAL SURVEY: 1-13-17
2-10-17

Surveyor Certification

I. Applicant: James BROTHERS
Name

II. **Landowner:**
 Name GRAND LODGE OF MN
 Property Address WATERWAY EXPRESS - GERMAN LAKE
 City _____ State MN Zip _____

III. Parcel Information:
Parcel Number 04.005.5000

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 Jan. 26, 2017, 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.

Ray Jensen
 Surveyor Signature

2/2/17
 Date

19789
 Lic #

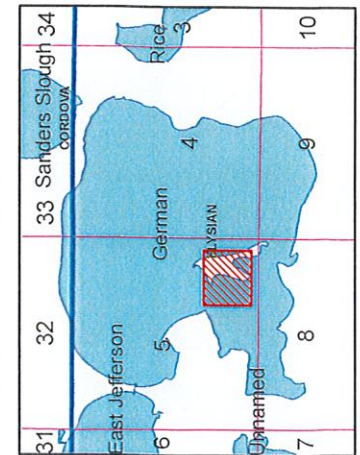
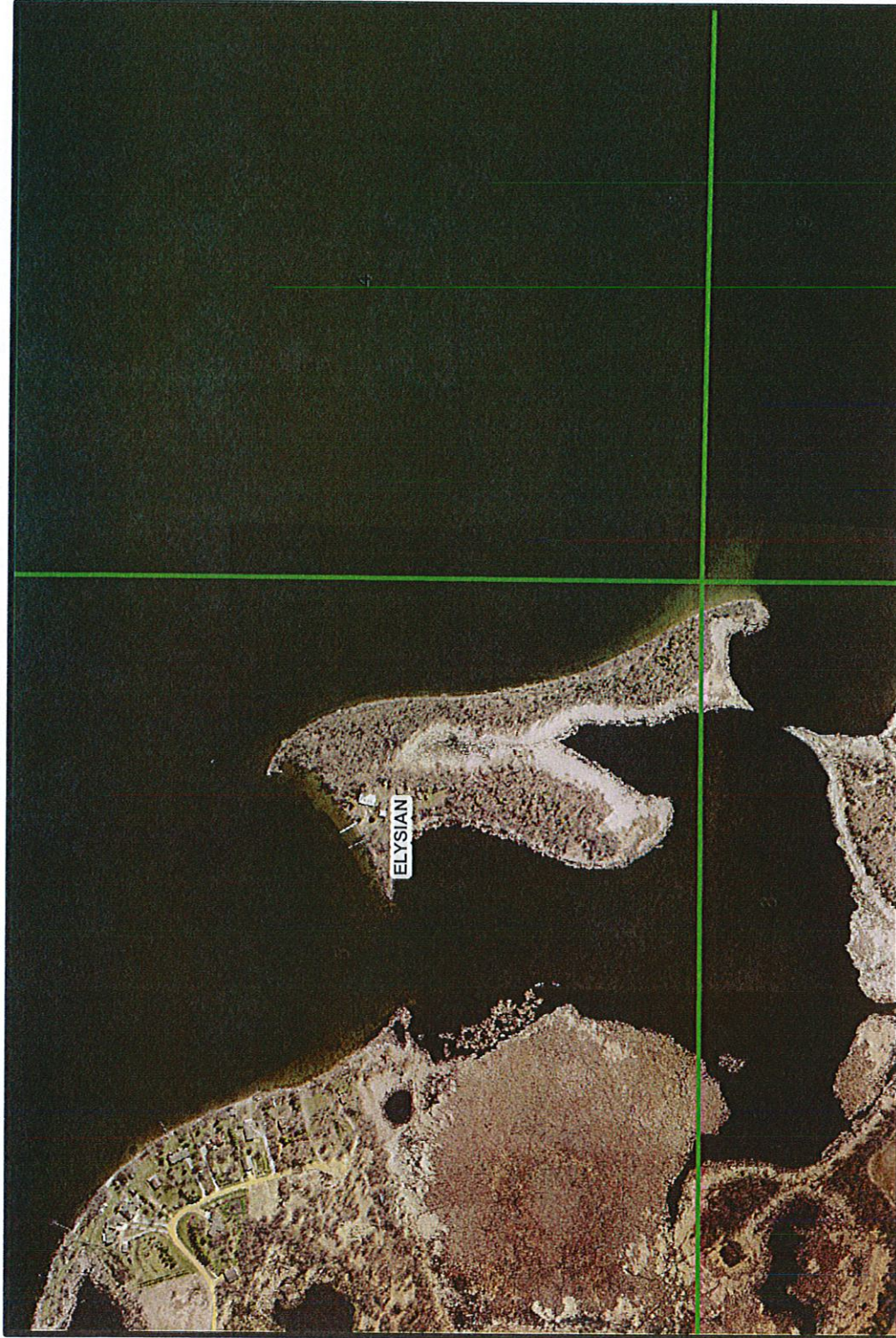
2/3/17
Date Received

OFFICE USE ONLY
mlm
 Planning & Zoning Department Signature

RECEIVED
FEB 03 2017
BY: _____

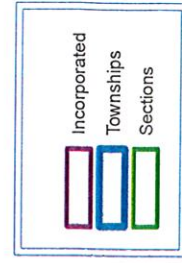
LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Camp Fo Ho Cha
 PID: 04.005.5000
 DATE: 4-7-17
 FIRM #: 27079C0300D
 F-Zone: A
 RFPE: na
 District: Special Protection



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, 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> | | | | |
|
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. 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

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

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 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- survey | <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 |
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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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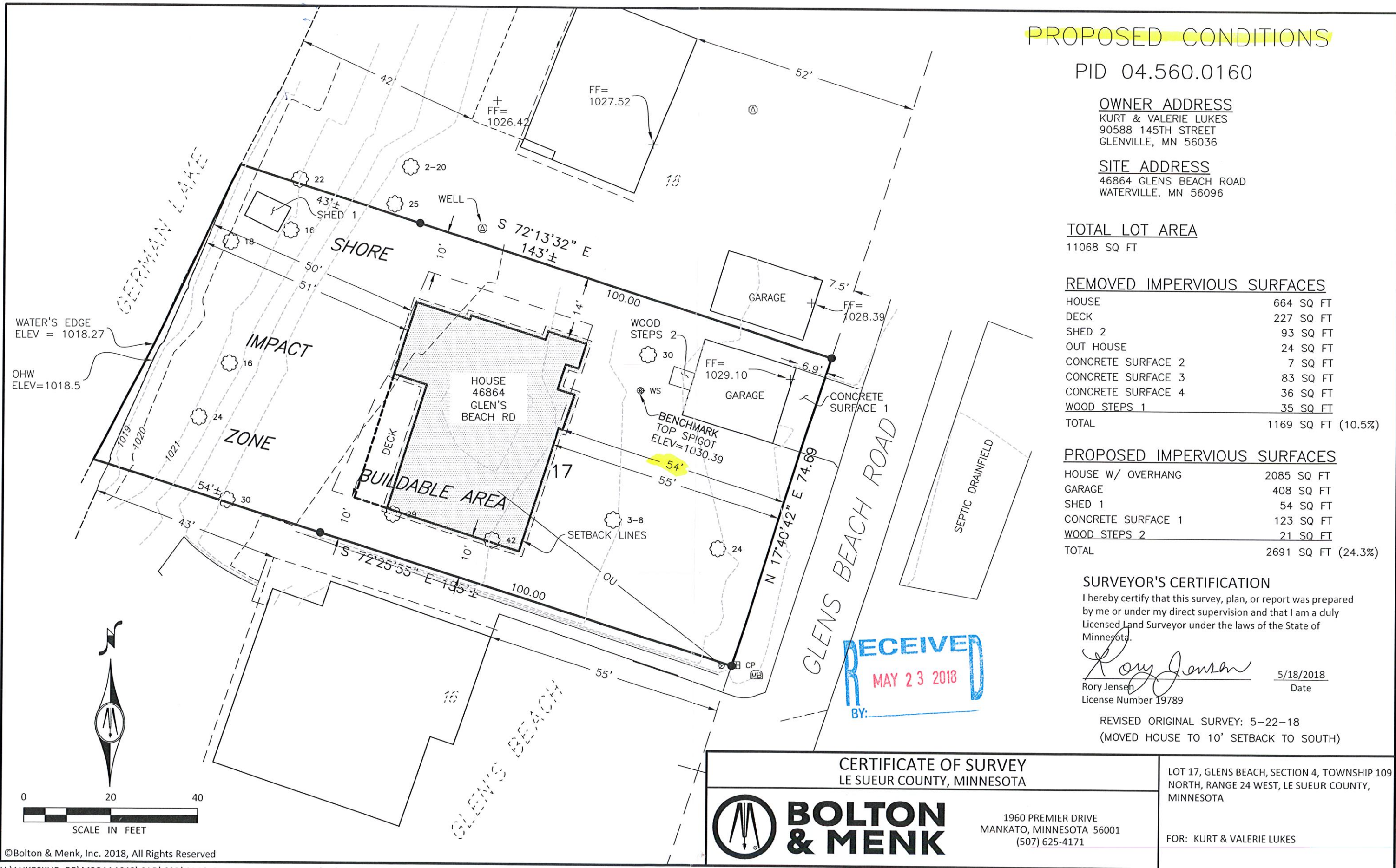
SDB114642H

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
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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
TOTAL	1169 SQ FT (10.5%)

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
TOTAL	2691 SQ FT (24.3%)

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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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.

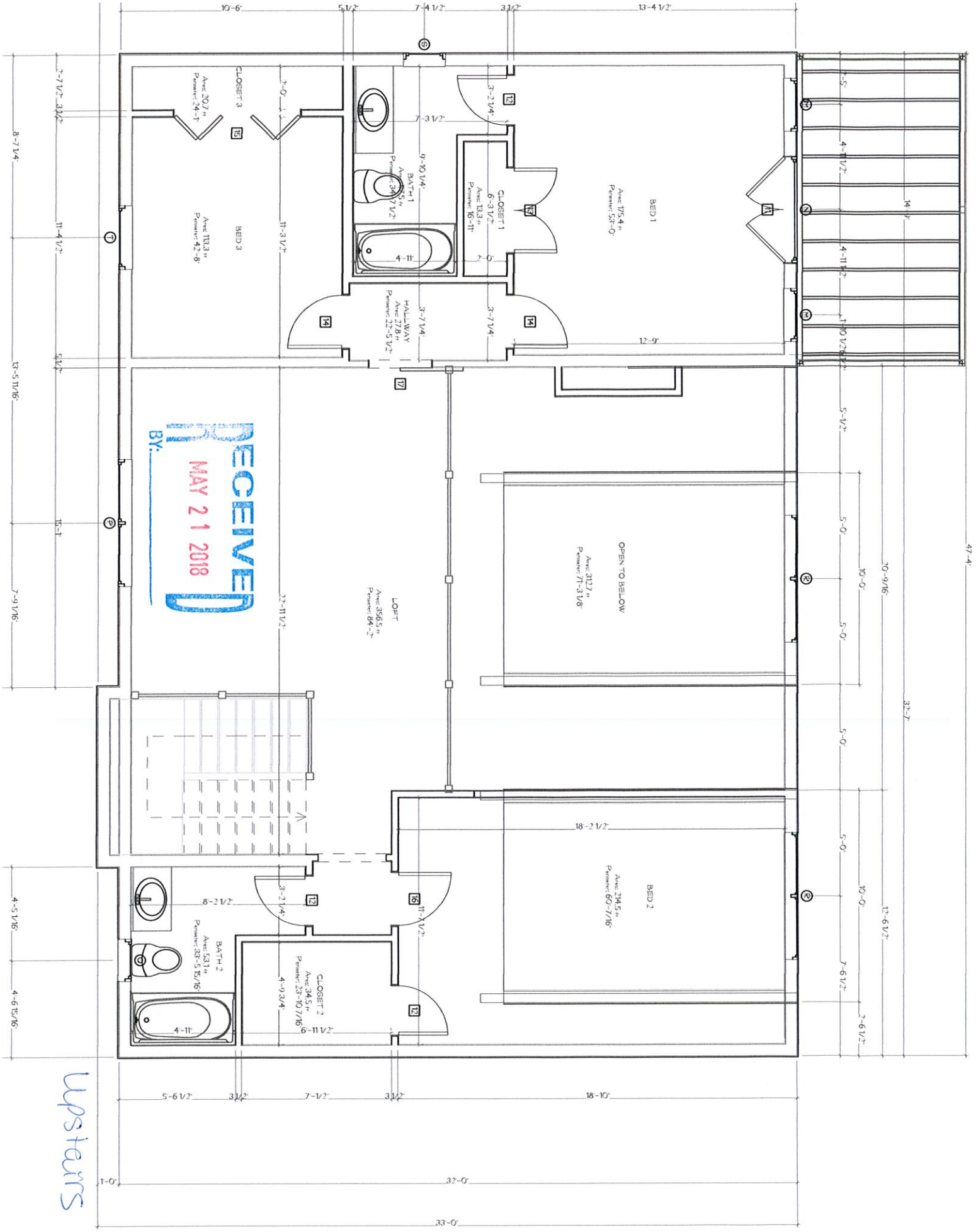
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Roy Janna Surveyor Signature May 21 Date 19769 Lic #

RECEIVED
MAY 21 2018
Date Received **OFFICE USE ONLY**
 Planning & Zoning Department Signature

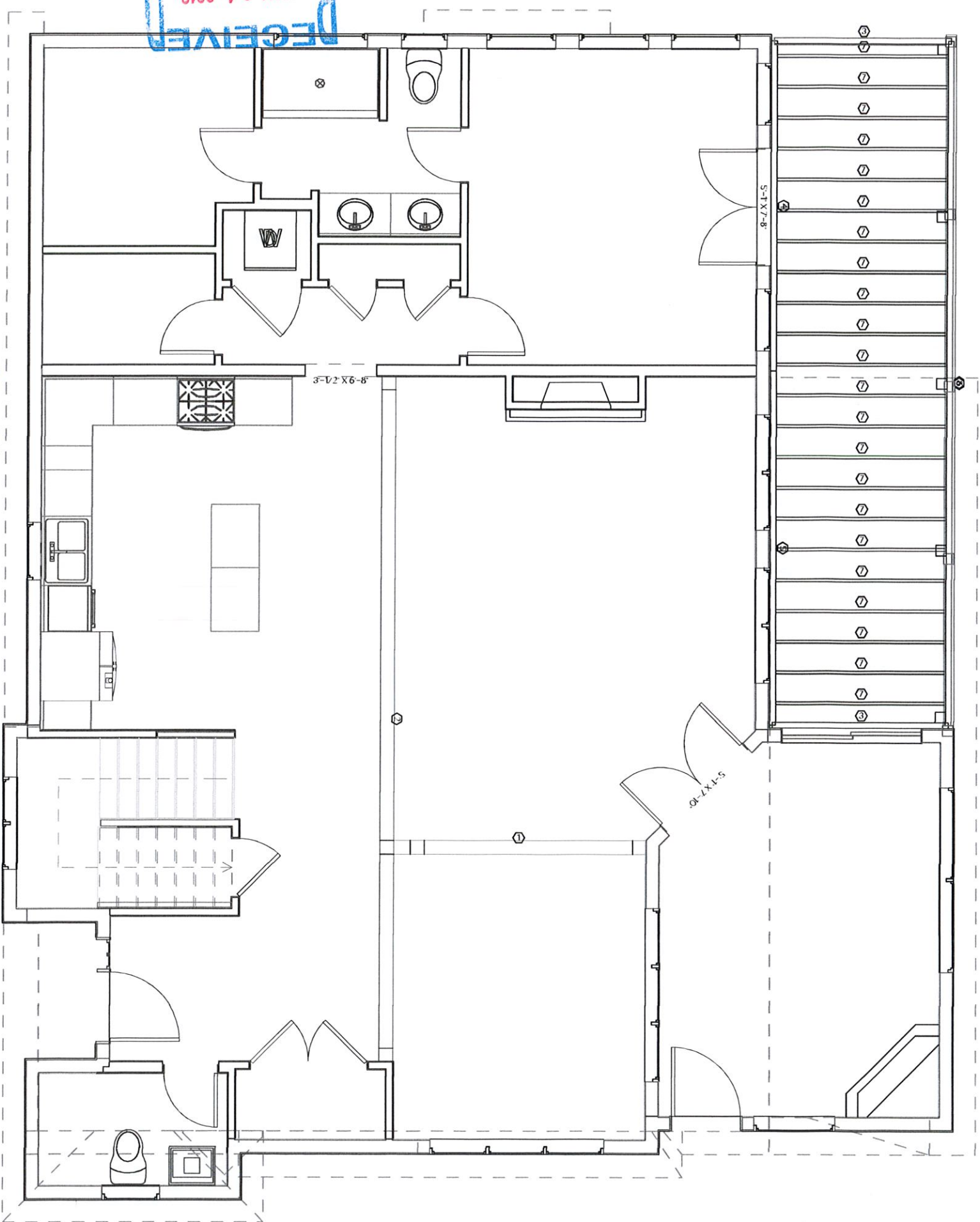
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BY:



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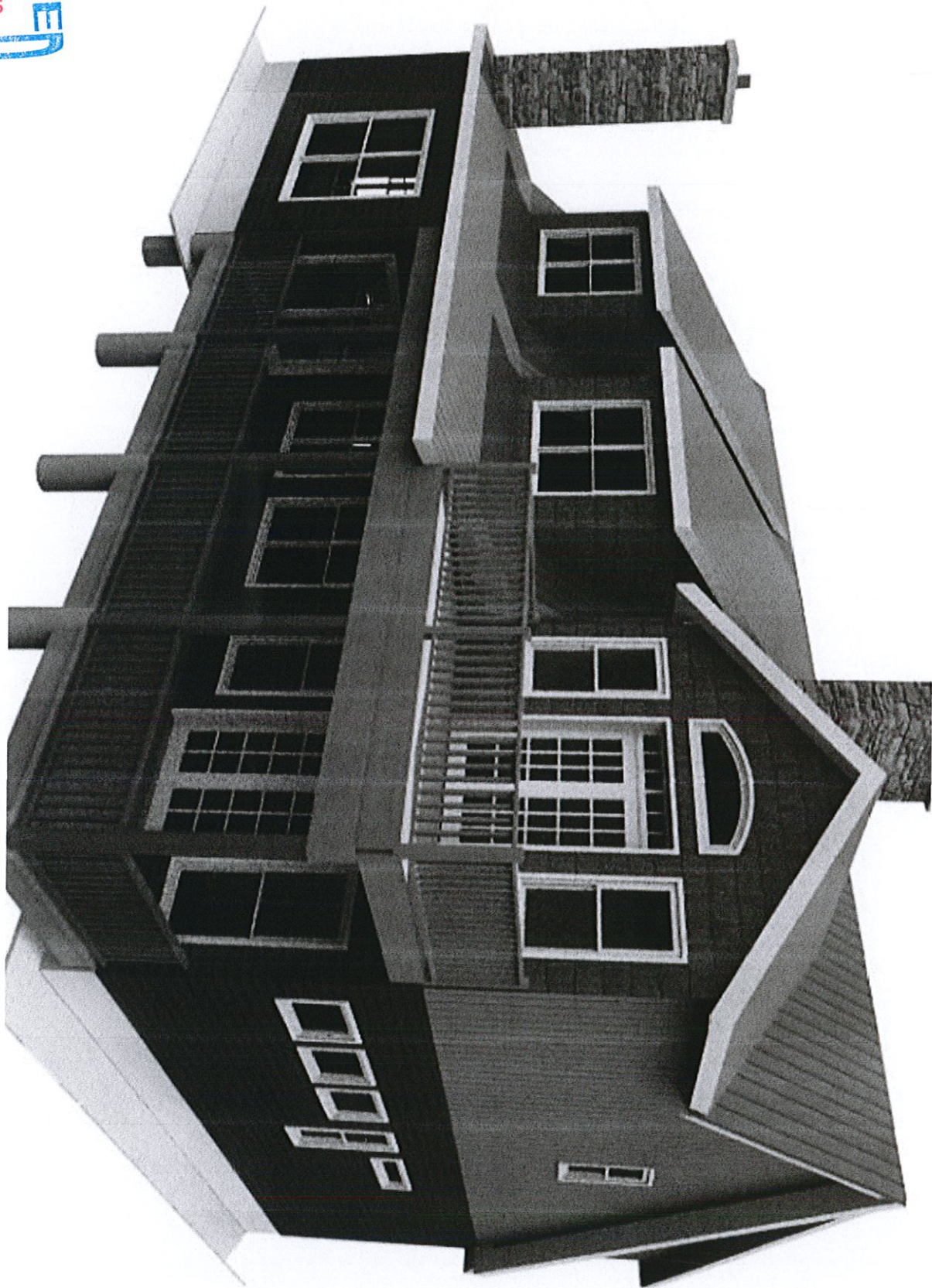
Main Level



RECEIVED
MAY 21 2018
BY: _____



RECEIVED
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 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.



(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.

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
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WOOD STEPS 1	35 SQ FT
TOTAL	1169 SQ FT (10.5%)

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CONCRETE SURFACE 1	123 SQ FT
WOOD STEPS 2	21 SQ FT
TOTAL	2691 SQ FT (24.3%)

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 13789

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



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

DRAWN BY: JLA

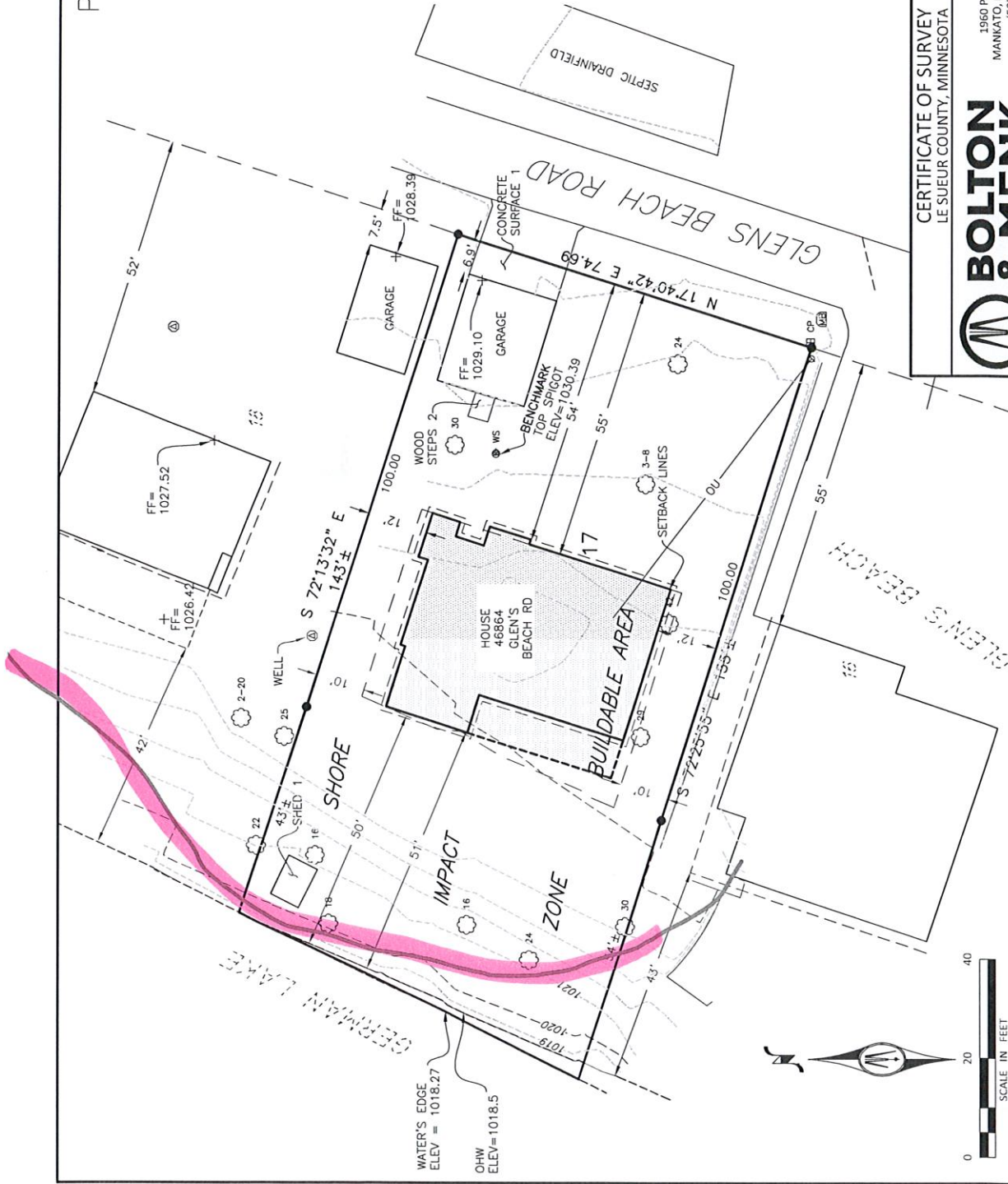
FIELD BOOK: 90A1 PG 28

JOB NUMBER: M33.114642

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4.0 54-T109N-R24W



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.

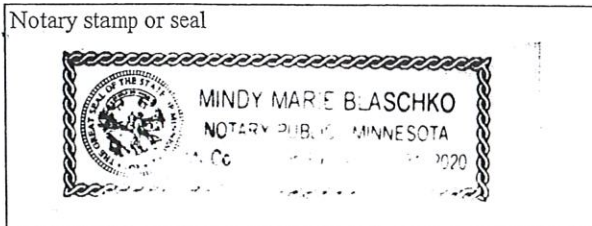
CURRENT ZONING: Recreational Residential

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

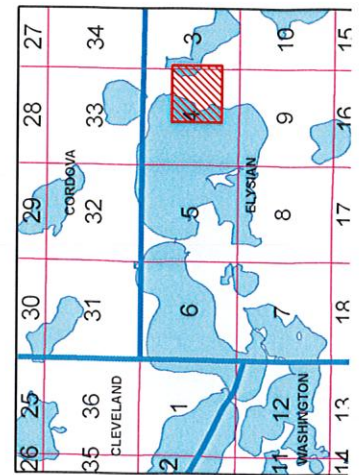
Lot Numbered Seventeen (17), in Glen's Beach, part of Government Lots Three (3) and Four (4), in Section No. Four (4), Township No. 109 North, Range No. 24 West, according to the map or plat on file and of record in the office of the Register of Deeds in and for Le Sueur County, Minnesota; together with 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



Le Sueur County, MN

Thursday, June 21, 2018

Regular Session

Item 3

Keller Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: David & Sarah Keller

911 ADDRESS: 4334 Linder Bay Lane, Madison Lake, MN

VARIANCE REQUEST: To allow total impervious surface lot coverage of 32.5 %, *and enlarging a non-conforming structure.*

VARIANCE NUMBER: 18069

PARCEL NUMBER: 13.410.0020

SITE INFORMATION

LOCATION: Lot 2, Block 1, Auditor's Plat #1, Section 17, Washington Township

ZONING & PURPOSE: 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 shoreland development design and stormwater.

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.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 6: In addition to traditional stormwater designs, the use of new technologies in dealing with on-site stormwater should be reviewed and considered for use, such as:

- a. Use of individual on-site rain gardens.
- b. Permeable pavers for use in traditionally large impermeable surface areas;
- c. Other new technologies, as identified.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing access off Linder Bay Lane

LAKE: Lake Washington, 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: 985.8 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Parcel is a non-conforming lot with an existing impervious surface lot coverage of 39.2%. The area across the road cannot be counted toward the total lot coverage for calculating impervious surface. Proposal is to detach the existing gazebo. Once unattached, the structure is considered to be a water-oriented accessory structure (WOAS) and will be conforming as WOAS are allowed in the shore impact zone. The existing dwelling is a non-conforming structure as it is located within the Shore Impact Zone (SIZ). Enlarging a non-conforming structure requires a Variance. The proposed dwelling addition and attached garage addition is not located within the SIZ. Proposed detached garage, dwelling addition and attached garage meets all setbacks.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Holly Kallbus letter, Erosion Control Plan, detached garage plans, dwelling addition & attached garage plans

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. Impervious surface:	32.5 %	25 %	Section 13.2. Subdiv. 5. J. 3.	13-48
2. <u>Refer to DNR Guidance Letters:</u>				
a. Administration, Compliance, and Enforcement				pg. 1
b. The Role of the Variances in Shoreland Management Ordinances				pg. 9
c. Limiting Impervious Surface				pg. 15
d. Non-conforming Lots of Record in Shoreland Areas				pg. 19
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. Property is located within the Lake Washington Sewer District.
 - b. Impervious surface additions are located outside the SIZ.
 - c. Reducing more impervious surface.
 - d. Reducing the detached garage size.

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.

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

Applicant:

David & Sarah Keller

Property owner:

David & Sarah Keller

Property:

13.410.0020

Description:

Variance request to allow total impervious surface of 32.5% in a Recreational Residential "RR" District, on a Recreation Development "RD" lake, Lake Washington.

Recommendation:

It is my recommendation that you approve this application with the conditions listed below. This project plans to reduce the total amount of impervious surfaces from 39.2% to 32.5%.

Condition(s):

- 1) Plant vegetation that is native to Minnesota within the designated landscaping areas (shrubs, grasses, and/or forbs).
- 2) Replace any trees that have been or will be cut down due to disease, construction, etc.
- 3) Point downspouts away from Washington Lake to reduce stormwater flow.

Sincerely,



Holly Kalbus
Le Sueur County
Environmental Resources Specialist

VARIANCE FINDINGS OF FACT

Name of Applicant: DAVID & SARAH KELLER

Variance # 18069

Variance Request: TO ALLOW THE APPLICANT A TOTAL OF 32,500 IMPERVIOUS SURFACE ON A PARCEL.

MRN

- 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 DAVID & JARAH KELLER
 Mailing Address 12053 581ST AVE
 City MAPLETON State MN Zip 56065
 Phone # 507-524-3612 Phone # CELL 507-327-9900

II. Landowner:

Name -SAME-
 Property Address 4334 LINDER BAY LANE
 City MADISON LAKE State MN Zip 56063
 Phone # _____ Phone # 507-327-9900

III. Parcel Information:

Parcel Number 13.410.0020 Parcel Acreage 1.62 ACRES
 Township WASHINGTON Section 17-109-25
 Subdivision AUDITOR'S PLAT #1 Lot _____ Block 1
LOT: LOT 2 & PART OF LOT 3

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).

32.5 % Impervious surface

V. Description of Request:

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

VI. Township Notification:

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

WASHINGTON Township notified on 5/20/18
 (Township Name) (Date)

Board Member ROBERT KAVENEY regarding the proposed request.
 (Name)

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

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

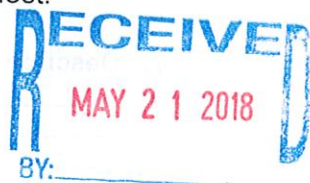
• Impervious Surface

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

*Site shall be physically staked, then surveyed.

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

*Stakes must remain in place until construction commences.



VIII. Practical Difficulty:

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

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

WE FEEL VARIANCE REQUEST IS REASONABLE, ALTHOUGH WE ARE ADDING IMPERVIOUS SURFACE WE ARE GUMMING UP MUCH MORE.

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

PREVIOUS OWNER MAY ORIGINAL GARAGE SMALLER, THUS MAKING GAR. TOO SMALL TO PARK IN. ALSO WITH NO BASEMENT, NO STORAGE IS THERE.

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

PREVIOUS OWNER REDUCED SIZE OF EXISTING GARAGE.

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

NEW ADDITION & SHED WILL LOOK GOOD W/ NEIGHBORS & WE ARE REDUCING IMPERVIOUS SURFACE COVER.

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

DAVID HAS HEALTH ISSUES THAT DOWN THE LINE COULD CREATE DIFFICULTIES BY NOT HAVING A LARGE ENOUGH GARAGE FOR PARKING IN.

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

THE OBJECTIVES OF IMPERVIOUS SURFACE, ALTHOUGH WE WILL BE STILL ON WE HAVE MADE STRIVES TO CUT IT BACK & DID, BUT STILL ALLOW US TO GET THINGS NEEDED.

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

AGAIN, REDUCING THE IMPERVIOUS SURFACE.

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

CITY SEWER

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

WE FEEL TO GET THE STORAGE & GARAGE PARKING WE NEEDED IT WAS THE MINIMUM AMOUNT. ALTHOUGH DRIVEWAY COULD BE SOMEWHAT SMALLER, THAT BY MAKING SMALLER WE WOULD STILL NEED TO DRIVE ON THE CURBS.

IX. Attachments shall include but not limited to:

- ☒ a. Site Plan-**survey**
- ☒ b. Surveyor Certification
- ☐ c. Access approval
- ☒ d. Full legal description
- ☒ e. Floor plans and/or blue prints (For structures)
- ☐ f. Septic System Compliance Inspection
- ☒ g. Erosion control plan
- ☒ h. Description of request

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

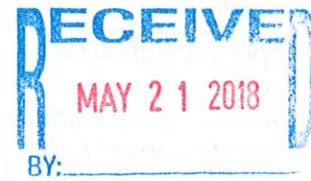
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	\$ 600
Filing Fee:	\$ 46
Variance for Clusters:	\$ 600 + \$200 per household
Filing Fee:	\$ 46

Additional Fees:

Special Meeting:	\$1,200
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.



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

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

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

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

XIII. Signatures:

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

Jaiah Kelle
Applicant signature

5-20-18
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.

Jaiah Kelle
Landowner signature

5-20-18
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>RD</u>	Erosion Control Plan <u>(Y)</u> N
60 Day <u>6-20-18</u>	Lake <u>LWA</u>	Water courses Y <u>(N)</u>
RFPE <u>985.8</u>	FEMA Panel # <u>270740 380</u>	Bluff Y <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other <u>LX LWA Sewer Dis +</u>
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>COC</u>
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>NONC/Waiver</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<u>Design</u>
<input checked="" type="checkbox"/> Application complete	<u><i>Michelle R. Mott</i></u>	<input checked="" type="checkbox"/> Fee \$ <u>640</u> ATF / SPEC MTG
Planning & Zoning Department Signature	<u>5-22-18</u>	<u>18069</u>
	Date	Permit #

01-15-16

5/21/18

Le Sueur County Variance Request Description

For: David and Sarah Keller
Property: 4334 Linder Bay Lane
Madison Lake, Mn
Located on Lake Washington

Description:

The request involves changes involving the amount of impervious surface. Previous owner or owner had increased the present impervious surface to 39.2% and although we would like to add some additional square footage, we will be doing many changes to reduce the amount of square footage as well. We will, in the near future, be moving to this property full time and need to make a couple of changes to make this doable. A previous owner had build on to the house and removed much of the garage and turned the existing garage more into a storage area for toys and lake stuff, lawnmowers snow removal, etc. The garage is presently too small to fit our vehicles into it. David has some serious health issues that someday would make it nice to have the room to be able to park inside. Also, as a seasonable house, not parking inside is not the issue, but it is in the winter. Another reason is there is no basement in this house, so we don't have any storage area. So, although we would like to add to the front of the existing garage a 24' x12' addition (to allow us parking in the garage) and adding a 26' x32' nonattached garage (for storage), we would still be decreasing square footage of impervious surface area. After our talks with Michelle Mettler and Holly Kalbus, we have adjusted and revamped our ideas to fit within the set backs of the lot and land and feel we have accomplished that. Although we are still over that amount we feel we are making changes in the right direction.

-Things we will be doing to reduce our impervious surface area:

- removing all plastic from under the shrubs and landscaping
- removing all of the concrete driveway, some of the front door sidewalk and some of the bituminous surface\
- a small existing shed
- much of the deck on the west side
- disconnecting the gazebo from the house deck (removing about 6 ft of decking between gazebo and deck). This would change the gazebo from being a nonconforming structure.

-Proposed gain to the impervious surface

- 24x12 addition to existing garage (this doesn't include overhangs) (numbers on survey plan do include the square footage)
- adding a 26' x32' nonattached storage shed (again this doesn't include the overhang and are included on the survey plan).
- we will be adding a small 12' x8' deck back into an area that we are removing for grilling
- adding onto the master bath a small area to add a shower
- we will add a small amount of concrete to extend existing sidewalk
- we will be adding back a smaller driveway (to make the shed work for a driveway, we need it to be about 24 foot wide all the way to enter the shed from the side and have a garage apron for the house garage).



These changes will drop our impervious surface coverage from 39.2% to 32.5% — mkm

All changes fit into the setbacks required and also changed the Gazebo from being a nonconforming structure.

We worked at reducing impervious surface down, but still giving us things we needed.

David & Sarah Keller

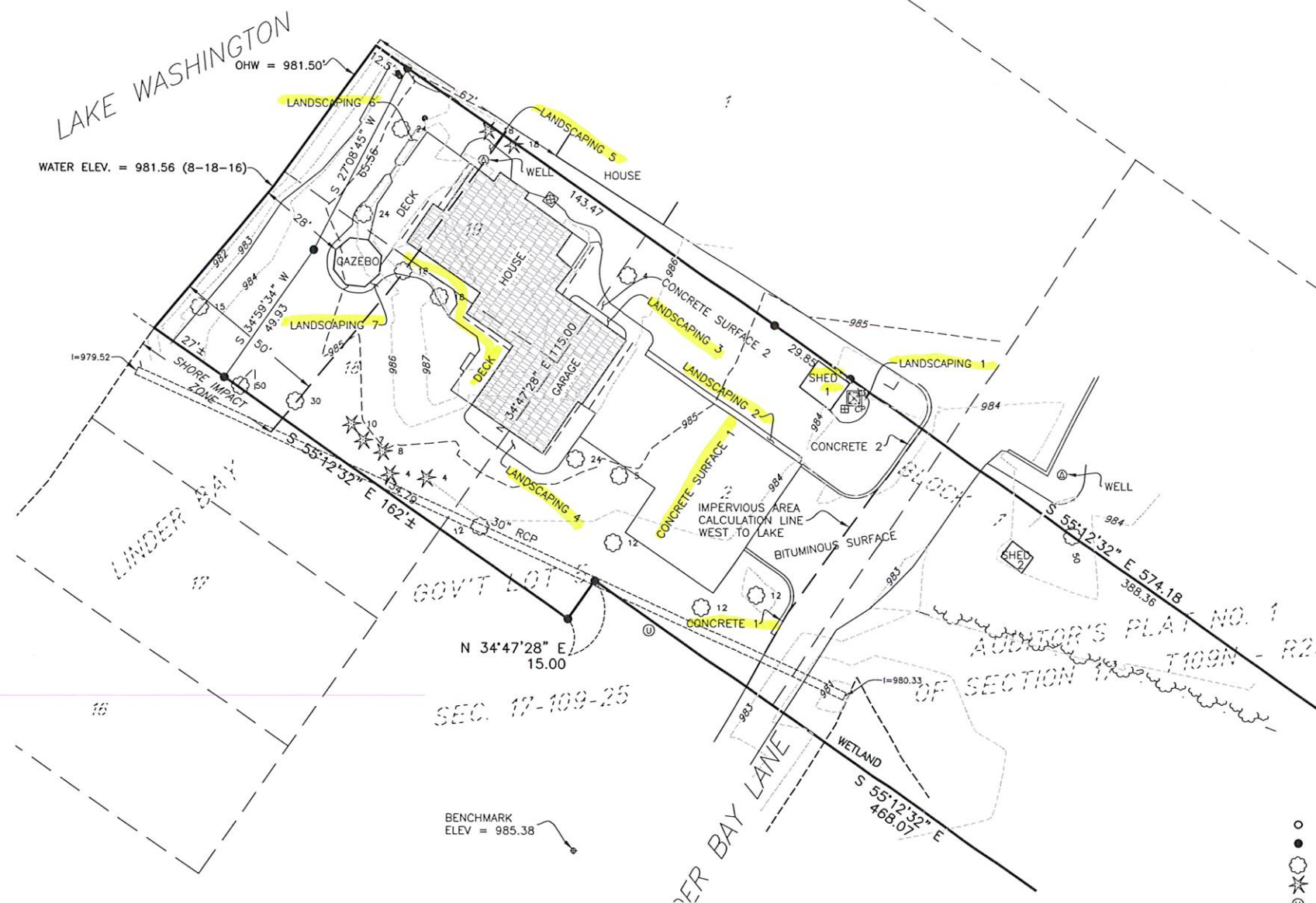


EXISTING CONDITIONS

RECEIVED
MAY 24 2018
BY:

OWNER
DAVID & SARAH KELLER
12053 581ST AVENUE
MAPLETON, MN 56065

SITE ADDRESS
4334 LINDER BAY LANE
MADISON LAKE, MN 56063

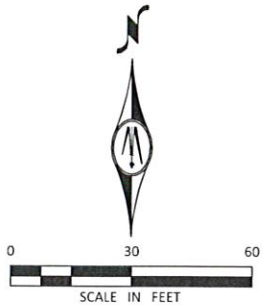


TOTAL LOT AREA
23,895 SQ FT WEST OF BITUMINOUS SURFACE

EXISTING IMPERVIOUS SURFACES	
HOUSE W/ OVERHANG	3144 SQ FT
LANDSCAPING 1	101 SQ FT
LANDSCAPING 2	113 SQ FT
LANDSCAPING 3	55 SQ FT
LANDSCAPING 4	321 SQ FT
LANDSCAPING 5	133 SQ FT
LANDSCAPING 6	43 SQ FT
LANDSCAPING 7	327 SQ FT
DECK	941 SQ FT
BITUMINOUS SURFACE	784 SQ FT
SHED 1	132 SQ FT
GAZEBO	183 SQ FT
CONCRETE SURFACE 1	2758 SQ FT
CONCRETE SURFACE 2	251 SQ FT
CONCRETE 1	35 SQ FT
CONCRETE 2	51 SQ FT
TOTAL	9372 SQ FT (39.2%)

REMOVAL IMPERVIOUS SURFACES	
LANDSCAPING 1 (REMOVING PLASTIC)	101 SQ FT
LANDSCAPING 2 (REMOVING PLASTIC)	113 SQ FT
LANDSCAPING 3 (REMOVING PLASTIC)	55 SQ FT
LANDSCAPING 4 (REMOVING PLASTIC)	321 SQ FT
LANDSCAPING 5 (REMOVING PLASTIC)	133 SQ FT
LANDSCAPING 6 (REMOVING PLASTIC)	43 SQ FT
LANDSCAPING 7 (REMOVING PLASTIC)	327 SQ FT
CONCRETE SURFACE 1 & DRIVEWAY BUMP OUT	2758 SQ FT
CONCRETE 1	35 SQ FT
BITUMINOUS SURFACE	192 SQ FT
SHED 1	132 SQ FT
DECK	293 SQ FT
DECK FROM GAZEBO	31 SQ FT
TOTAL	4534 SQ FT (18.9%)

- LEGEND
- IRON PIPE MONUMENT SET
 - MONUMENT FOUND
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - UTILITY MANHOLE
 - WELL
 - ELECTRIC TRANSFORMER
 - COMMUNICATION PEDESTAL
 - LIGHT POLE
 - IRRIGATION CONTROL VALVE



SURVEYOR'S CERTIFICATION
I hereby certify that this survey 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
5-17-18
Date

REVISED ORIGINAL SURVEY DATED: 5-22-18

Horizontal Datum: 1996 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

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

LOT 2 & THAT PART OF LOT 3, AUDITOR'S PLAT NO. 1, IN GOVERNMENT LOT 5, IN SECTION 17, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: DAVID & SARAH KELLER

PROPOSED CONDITIONS



PID 13.410.0020

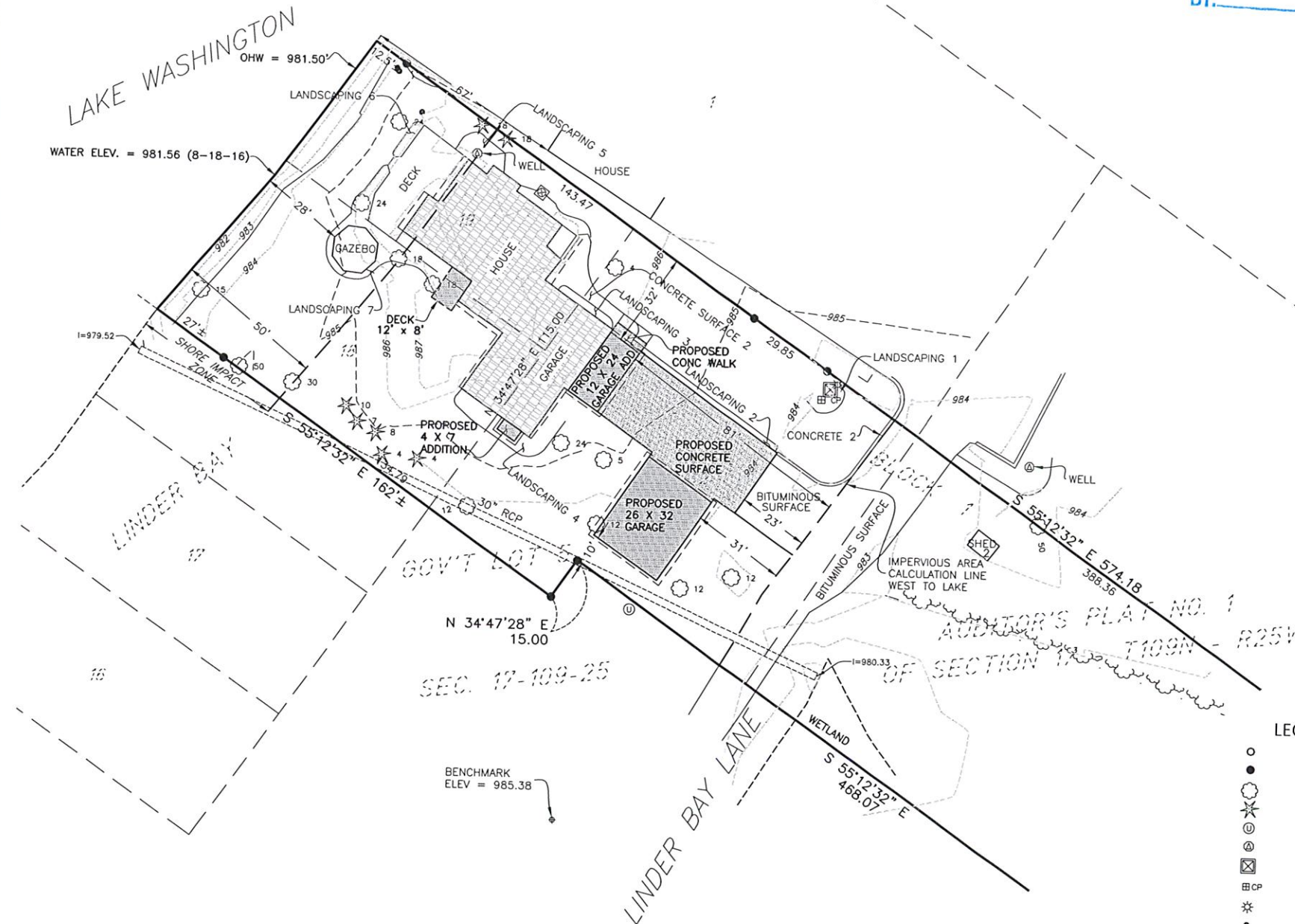
OWNER
DAVID & SARAH KELLER
12053 581ST AVENUE
MAPLETON, MN 56065

SITE ADDRESS
4334 LINDER BAY LANE
MADISON LAKE, MN 56063

TOTAL LOT AREA
23,895 SQ FT WEST OF BITUMINOUS SURFACE

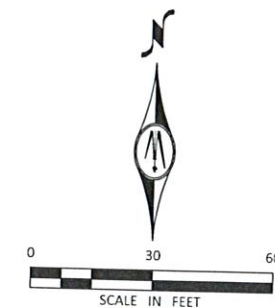
PROPOSED IMPERVIOUS SURFACES	
DETACHED GARAGE (26 X 32) W/ OVERHANG	986 SQ FT
GARAGE (12 X 24) W/OVERHANG	351 SQ FT
CONCRETE	36 SQ FT
CONCRETE DRIVEWAY	1416 SQ FT
DECK (12 X 8)	96 SQ FT
HOUSE ADDITION (4 X 7) W/ OVERHANG	45 SQ FT
TOTAL	2930 SQ FT (12.2%)

EXISTING - REMOVAL + PROPOSED = TOTAL
9372 - 4534 + 2930 = 7768 (32.5%)



LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- DECIDUOUS TREE
- CONIFEROUS TREE
- UTILITY MANHOLE
- WELL
- ⊠ ELECTRIC TRANSFORMER
- ⊞ COMMUNICATION PEDESTAL
- ⊙ LIGHT POLE
- ⊙ IRRIGATION CONTROL VALVE



SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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
Date 5-17-18

REVISED ORIGINAL SURVEY DATED: 5-22-18

Horizontal Datum: 1996 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA BOLTON & MENK, INC. Consulting Engineers & Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		LOT 2 & THAT PART OF LOT 3, AUDITOR'S PLAT NO. 1, IN GOVERNMENT LOT 5, IN SECTION 17, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA FOR: DAVID & SARAH KELLER
JOB NUMBER: M33.112284	FIELD BOOK: 83-2 PG 58	DRAWN BY: JLA

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H:\KELLERDA_PR\M33112284\CAD\C3D\112284BD1 PROPOSED CONDS.dwg 8/23/2016 8:02 AM

SOB112284H

4.0 S17-T109N-R25W

Surveyor Certification

I. **Applicant:**
Name John Miller - FREEBORN Lumber Co.

II. **Landowner:**
Name DAVID & SARAH Keller
Property Address 4334 LINDER BAY LANE
City MADISON LAKE State MN Zip 56063

III. **Parcel Information:**
Parcel Number 13-410-0020

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 _____
 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.

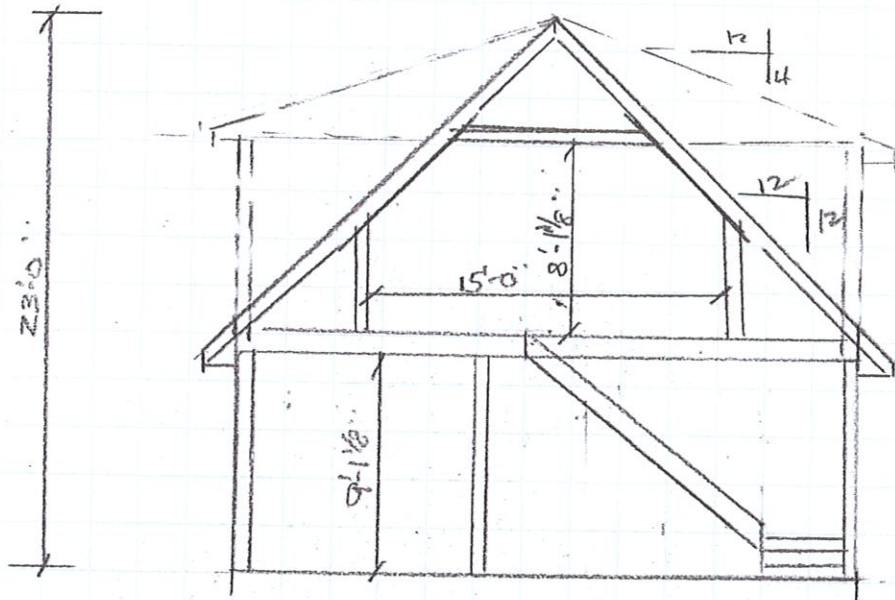
Roy Jena _____ 5/24/18 19789
 Surveyor Signature Date Lic #

5-24-18
 Date Received

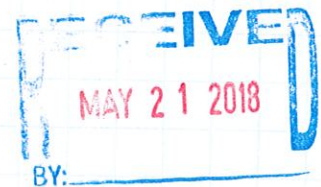
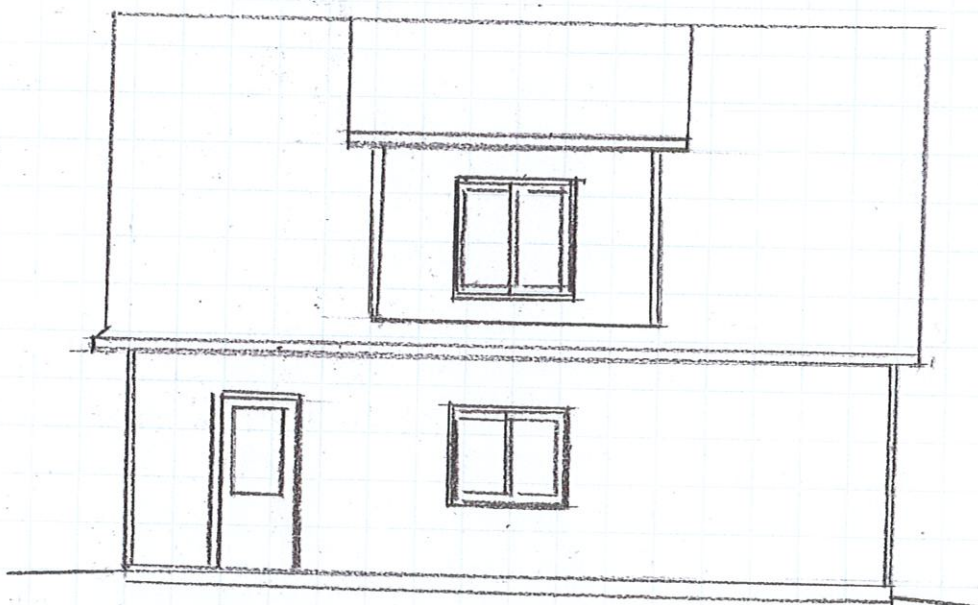
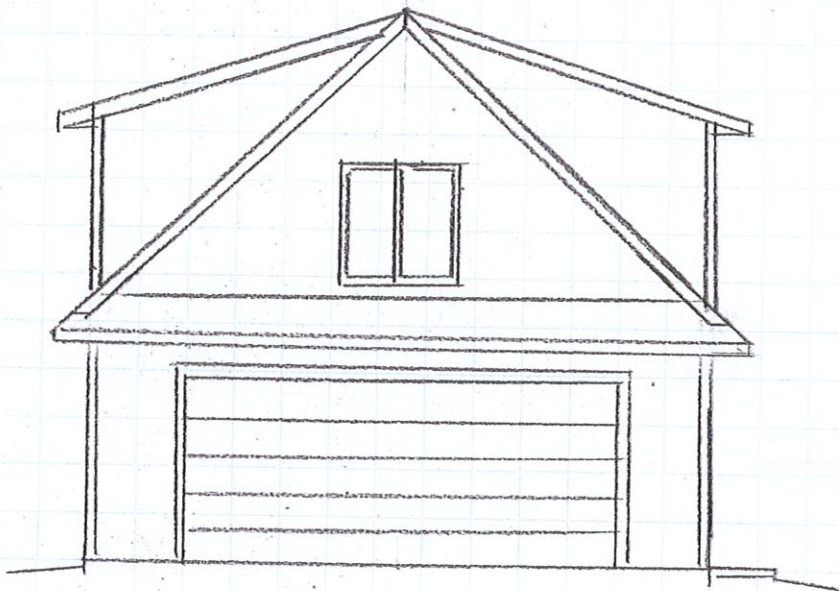
OFFICE USE ONLY
mm
 Planning & Zoning Department Signature



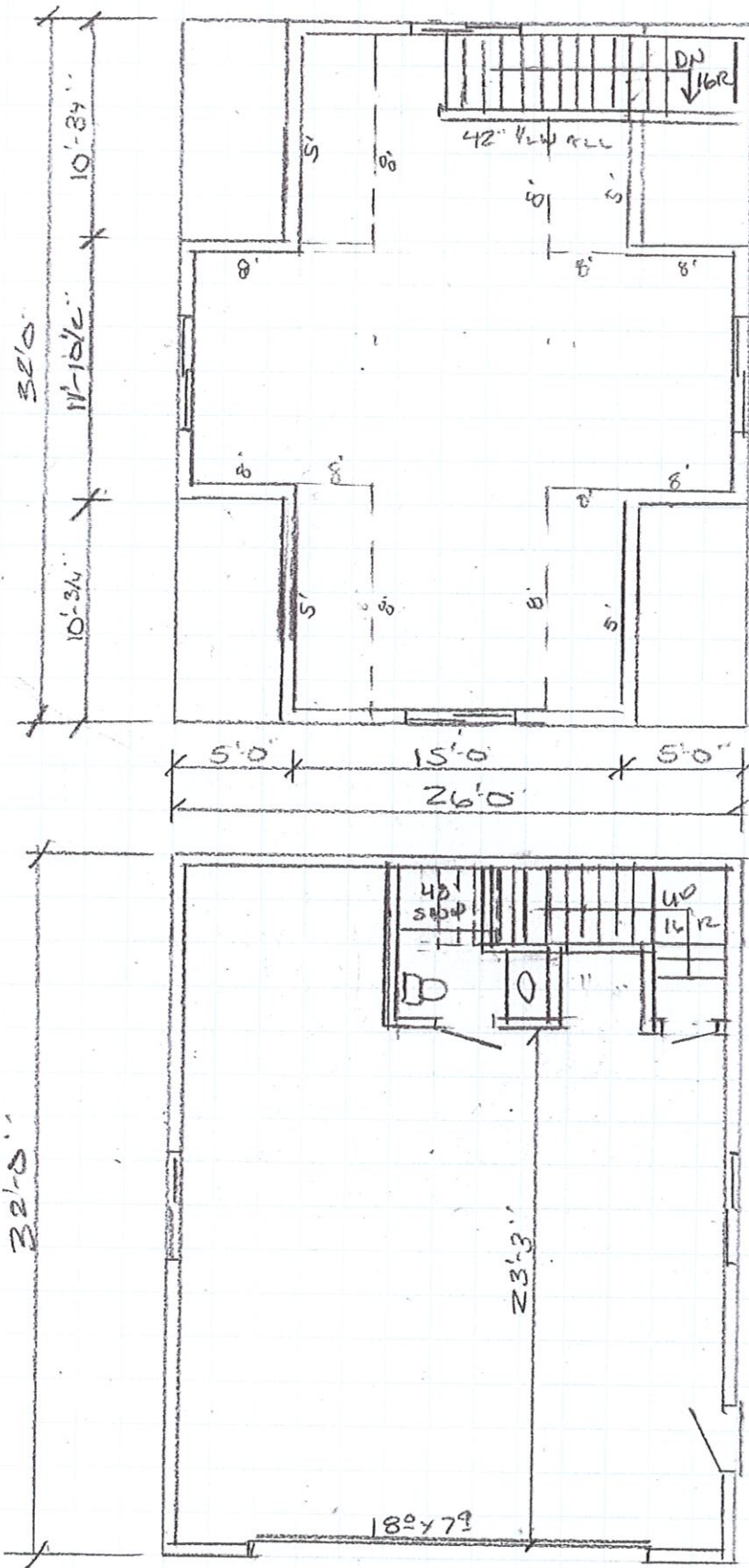
01-15-16



FLC/JM
 4/18/18
 SCALE 1/8" = 1'-0"
 GARAGE PROPOSAL
 DAVIS SANIT
 KELLER



FLOORM
 4/18/18
 SCALE 1/8" = 1'-0"
 GARAGE PROPOSAL
 DAVESSARAH
 KELLER



RECEIVED
 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: DAVID & SARAH KELER PID: 13.410.0020
Mailing Address: 12053 581ST AVE, MAPLETON, MN
Property Address: 4334 LINDER BAY LN, MADISON LAKE, MN
Phone: (607) 524-3612 Mobile/Cell: (507) 327-9900

Responsible party for Implementation/Inspection: DAVID KELER
Address: -same-
Phone: () -same- 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

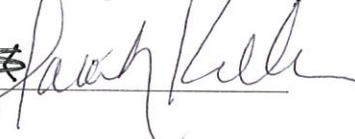
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the 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.

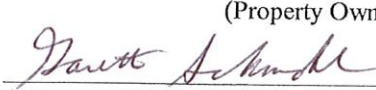
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

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.

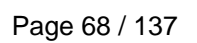
~~DAVID S. SNAPE~~ 
(Property Owner)


(Person Responsible for Implementation)

5-20-18
(Date)

5-18-18
(Date)

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



Mettler, Michelle

From: Lake Washington Sanitary District <lwsd@hickorytech.net>
Sent: Monday, May 21, 2018 10:49 AM
To: Mettler, Michelle
Subject: 4334 Linder Bay

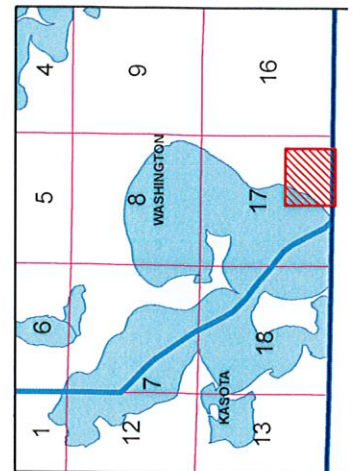
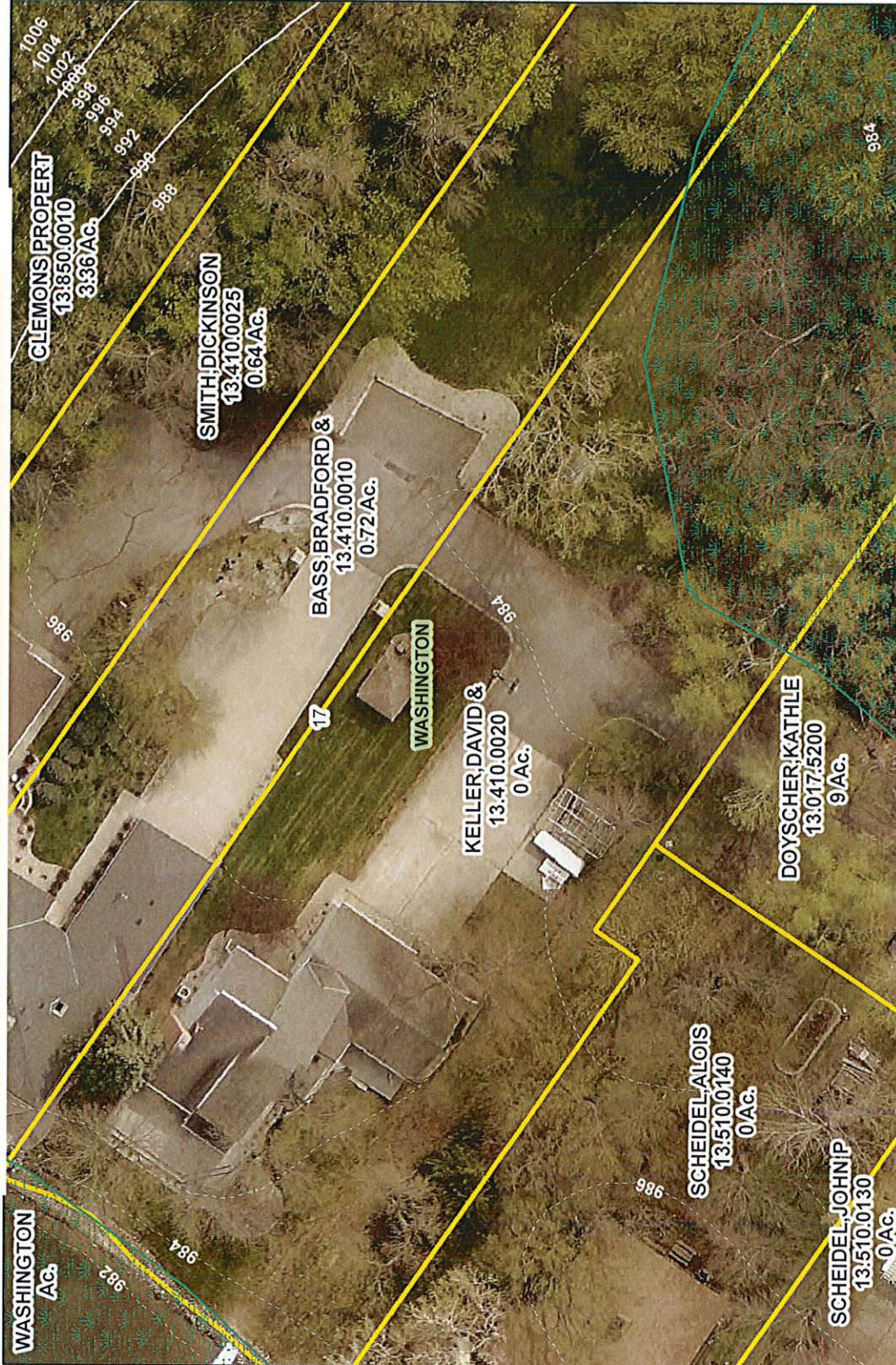
Michelle,

This e-mail is to confirm that the property at 4334 Linder Bay Lane, Madison Lake, MN 56063 is connected to the Lake Washington Sanitary District's collection. If you need any further information, please let me know.

James Deike
Secretary, Lake Washington Sanitary District

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Keller
 PID: 13.410.0020
 DATE: 6-11-18
 FIRM #: 27079C0380D
 F-Zone: X-outside
 RFPE: 985.8
 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. 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



Le Sueur County, MN

Thursday, June 21, 2018

Regular Session

Item 4

Baker Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Kevin & Shannon Baker

911 ADDRESS: 47261 271st Ave, Madison Lake, MN

VARIANCE REQUEST: To allow the applicant to create a new property line 15 feet from an existing shed.

VARIANCE NUMBER: 18073

PARCEL NUMBER: 13.011.0200

SITE INFORMATION

LOCATION: NW quarter, Section 11, Washington Township

ZONING & PURPOSE: Special Protection

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to development 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 1: Use the agricultural zone density controls for housing development standards in Natural Environment Lake special protection areas and tributary rivers.

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: Rural scattered development, shoreland, agriculture

ACCESS: Existing access off 271st Ave, County Road 15

LAKE: Unnamed Natural Environment Lake

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: 1033 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Parcel is a 30-acre parcel with an existing building site established. The landowner is proposing to split off the existing dwelling and create a new parcel. In order to have building eligibility, a Conditional Use Permit will need to be applied for. If approved this would transfer a building eligibility from an adjoining quarter/quarter to the new parcel. The request is to place the new property line 15 feet from the existing shed in order to keep the shed on the same lot as the proposed new building eligibility. The setback for structures to the property line is 50 feet.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, house plans, access approval for shared driveway, erosion control plan

STAFF FINDINGS

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

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|--------------------------------|-----------------|------------------|--------------------------------|--------------|
| a. Structure to property line: | 15 feet | 50 feet | Section 13.1. Subdiv. 5. C. 1. | 13-31 |
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. Structure Setback Requirements | | | | pg. 21 |
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
- There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - 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.
 - 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:**
- Proposed building site will require a Conditional Use Permit to transfer the development right from an adjoining quarter/quarter to this quarter/quarter in order for a building eligibility.
 - Proposal meets all other setbacks.

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: KEVIN & SHANNON BAKER

Variance # 18073

Variance Request: TO ALLOW THE APPLICANT TO PLACE NEW PROPERTY LINE 15 FEET FROM AN EXISTING SHED.

- 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	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
-------	--------------------------	--------	--------------------------	----------	--------------------------	---------	--------------------------	---------	--------------------------	----------	--------------------------

Explain _____

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

Jim M	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
-------	--------------------------	--------	--------------------------	----------	--------------------------	---------	--------------------------	---------	--------------------------	----------	--------------------------

Explain _____

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

Jim M	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
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Explain _____

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

Jim M	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
-------	--------------------------	--------	--------------------------	----------	--------------------------	---------	--------------------------	---------	--------------------------	----------	--------------------------

Explain _____

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

Jim M	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
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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	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
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Explain _____

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

Jim M	<input type="checkbox"/>	John W	<input type="checkbox"/>	Jeanne D	<input type="checkbox"/>	Colin H	<input type="checkbox"/>	Fritz C	<input type="checkbox"/>	Majority	<input type="checkbox"/>
-------	--------------------------	--------	--------------------------	----------	--------------------------	---------	--------------------------	---------	--------------------------	----------	--------------------------

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 Kevin and Shannon Baker
 Mailing Address 47261 271 Avenue A
 City Madison Lake State MN Zip 56063
 Phone # 507-381-4174 Phone # 507-381-6375

II. Landowner:
 Name Kevin and Shannon Baker
 Property Address 47261 271 Avenue
 City Madison Lake State MN Zip 56063
 Phone # 507-381-4174 Phone # 507-381-6375

III. Parcel Information:
 Parcel Number 13.011.0200 Parcel Acreage _____
 Township Washington Section 11
 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).
See Attachment.
Request New Property line within 15 feet of existing shed.

V. Description of Request:

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

VI. Township Notification:

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

Washington Township notified on 5/10/2018
 (Township Name) (Date)

Board Member Robert Kaveny 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.

SEE ATTACHMENT

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

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

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

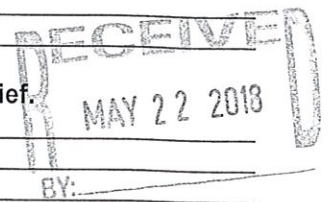
5. Does the alleged practical difficulty involve more than economic considerations?

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

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

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

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



IX. Attachments shall include but not limited to:

- ☒ a. Site Plan-*survey Rory* ☒ e. Floor plans and/or blue prints (For structures) *Me*
☒ b. Surveyor Certification *Rory* ☒ f. Septic System ~~Compliance Inspection~~ *Design St. P. well*
☒ c. Access approval *Don't need Tug* ☒ g. Erosion control plan *Kev*
☒ d. Full legal description *Rory* ☒ h. Description of request *Me*

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

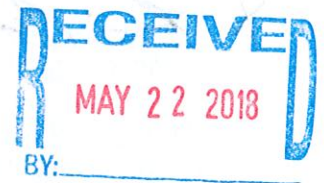
XI. Fees:

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.

X [Signature] Applicant signature 5/16/2018 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.

X [Signature] Landowner signature 5/16/2018 Date

OFFICE USE ONLY

Date received 5-22-18 Present Zoning Classification SP Feedlot within 500' 1000' (N)

Meeting date 6-21-18 Lake Classification NE Erosion Control Plan (Y) N

60 Day 7-20-18 Lake Unnamed Water courses Y (N)

RFPE / FEMA Panel # 27079C02700 Bluff (Y) N

☒ Site Plan -survey ☒ Flood Zone X-outside Other _____

☒ Surveyor Certificate ☒ Full legal description ☒ Septic _____ COC

☒ Floor plans/blue prints ☐ Access approval _____ NONC/Waiver

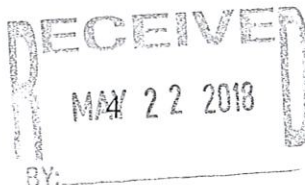
☒ Description of Request ☐ Blue Prints _____ Design

☒ Application complete Michelle R. Mitta ☐ Fee \$ _____ ATF / SPEC MTG

Planning & Zoning Department Signature 5-22-18 18073

Date Permit #

01-15-16



Attn: Le Sueur County Board of Adjustment

Re: Variance Request for Property Line Distance Adjustment

Overview:

We have lived on our farm in Washington township Section 11 for 38+ years. We would like to sell our current farmhouse to our daughter and her family and build a home on the same property, but in an area that will preserve the prime agricultural land. We have a machine shed on the property and would like to retain that as part of our land rather than include with the house to go to our daughter. Including as part of the farmhouse property would value the property above their budget. In addition, adding the shed to the farmhouse property would then require the new house to be 100 feet from the shed, which would place it in a wooded area. We wish also to retain as much of the woodland and natural features as possible.

Proposal:

The proposal is to deviate from the property setback requirements currently in the special protection zone and follow the agricultural zone setback requirements. We would like to place the property line 15 feet from the machine shed and 50 feet from the existing house. This would be acceptable in the agricultural zoning district. Since we are in special protection zoning, the requirements are for a building to be 50 feet from the property line and 100 feet between structures, which puts it out of compliance.

Additional Information:

We have been in contact with Planning and Zoning office and are assured that all other requirements for the requested building site are in compliance; including setbacks, sewage and water capabilities, lot dimensions, etc. Pending variance approval, we will apply for a Conditional Use Permit to transfer the development right from an adjacent agricultural land site. Again, this will retain the ag land and allow us to build on the non-ag land.

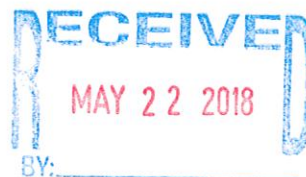
Summary:

Building in the proposed area would preserve prime agricultural farmland as well as woodland and allow us to pass the farmhouse to a family member in an affordable manner. We respectfully request your consideration of this variance.

Thank you,

Kevin Baker

Shannon Baker



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

The Variance request is reasonable as it is following the guidelines for the Agricultural Zoning requirements.

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

The majority of our property consists of agricultural land. There is also wooded acreage. In order to preserve the farmland and as much of the woodland as possible, the area chosen for our house is too close to the proposed property line of the house we wish to sell to our daughter and family.

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

The property has been declared Special Protection (vs Agricultural), which poses more strict setbacks. If it was still zoned agricultural, no special variance would be necessary.

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

Building the new house in the proposed area is the best solution to preserving the agricultural land and will require the least amount of tree and dirt removal versus other sites that would require not special variation.

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

The practical difficulty exists due to the special protection zoning. Were we to apply for a permit on one of the other areas that meet the criteria of setbacks and the many other pre-requisites for building, we would be eliminating significant acreage of prime agricultural land. Also, if we were to declare the machine shed part of the original house property, though it would eliminate the request for Variance, the property line distance requirements would force us to build further into the wooded area of the property.

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

Yes. Goal #1 states the County will protect the best of its agricultural land as a resource for long term agricultural use. This Variance will preserve agricultural land.

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

The request is consistent as stated in #6. The proposed building site meets all other requirements including setbacks from feedlots and shoreland areas, buildable lot area, availability of proper sewage and water resources, density level, etc.

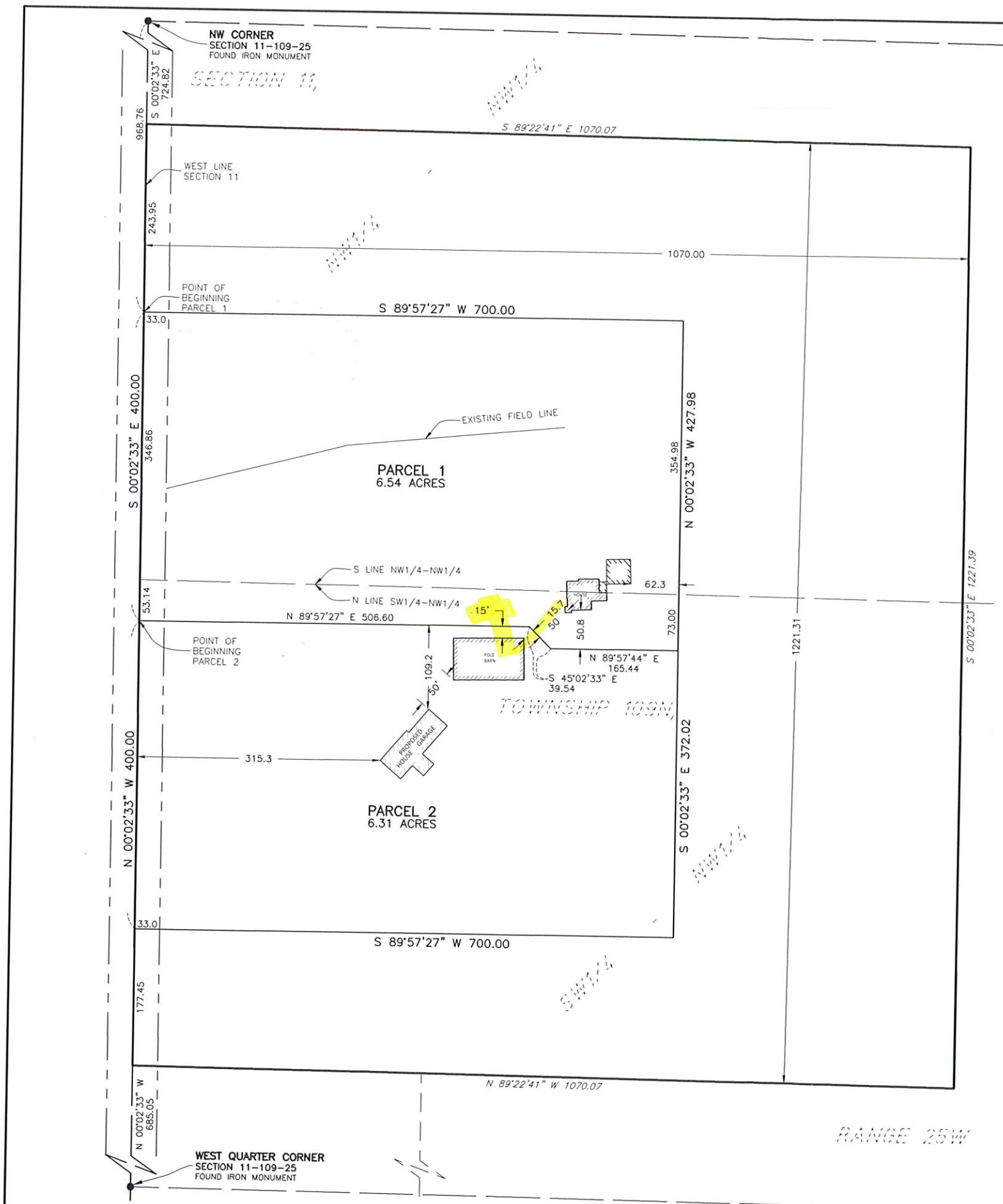
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

The current property has working well and sewage updated late 2017. The new site will use a shared-well agreement with the original property. There is adequate sewage treatment space on the proposed property.

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

We are only asking Variance from Special Protection Zone rules to Agricultural Zone rules (which the property previously was zoned).





PARENT DESCRIPTION

The West 1070.00 feet of the North 1221.31 feet of the South 1906.31 feet of the West Half of the Northwest Quarter of Section 11, Township 109 North, Range 25 West, Le Sueur County, Minnesota.

PROPOSED DESCRIPTIONS

PARCEL 1

That part of The West 1070.00 feet of the North 1221.31 feet of the South 1906.31 feet of the West Half of the Northwest Quarter of Section 11, Township 109 North, Range 25 West, Le Sueur County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 11; thence South 00 degrees 02 minutes 33 seconds East (Minnesota County Coordinate System, Le Sueur County, NAD83, 1996 adjustment) along the west line of said Section 11, a distance of 968.77 feet to the point of beginning; thence continuing South 00 degrees 02 minutes 33 seconds East along said west line, a distance of 400.00 feet; thence North 89 degrees 57 minutes 27 seconds East, a distance of 506.60 feet; thence South 45 degrees 02 minutes 33 seconds East, a distance of 39.54 feet; thence North 89 degrees 57 minutes 44 seconds East, a distance of 165.44 feet; thence North 00 degrees 02 minutes 33 seconds West parallel with said west line of said Section 11, a distance of 427.98 feet; thence South 89 degrees 57 minutes 27 seconds West, a distance of 700.00 feet to the point of beginning.

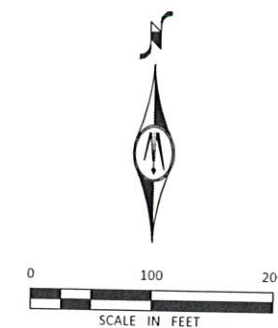
Contains 6.54 acres of land.

PARCEL 2

That part of The West 1070.00 feet of the North 1221.31 feet of the South 1906.31 feet of the West Half of the Northwest Quarter of Section 11, Township 109 North, Range 25 West, Le Sueur County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 11; thence South 00 degrees 02 minutes 33 seconds East (Minnesota County Coordinate System, Le Sueur County, NAD83, 1996 adjustment) along the west line of said Section 11, a distance of 968.77 feet; thence continuing South 00 degrees 02 minutes 33 seconds East along said west line, a distance of 400.00 feet to the point of beginning; thence North 89 degrees 57 minutes 27 seconds East, a distance of 506.60 feet; thence South 45 degrees 02 minutes 33 seconds East, a distance of 39.54 feet; thence North 89 degrees 57 minutes 44 seconds East, a distance of 165.44 feet; thence South 00 degrees 02 minutes 33 seconds East parallel with said west line, a distance of 372.02 feet; thence South 89 degrees 57 minutes 27 seconds West, a distance of 700.00 feet to said west line of said Section 11; thence North 00 degrees 02 minutes 33 seconds West along said west line, a distance of 400.00 feet to the point of beginning.

Contains 6.31 acres of land.



PARCEL ID
13.011.0200

ADDRESS
47261 271ST AVE
MADISON LAKE

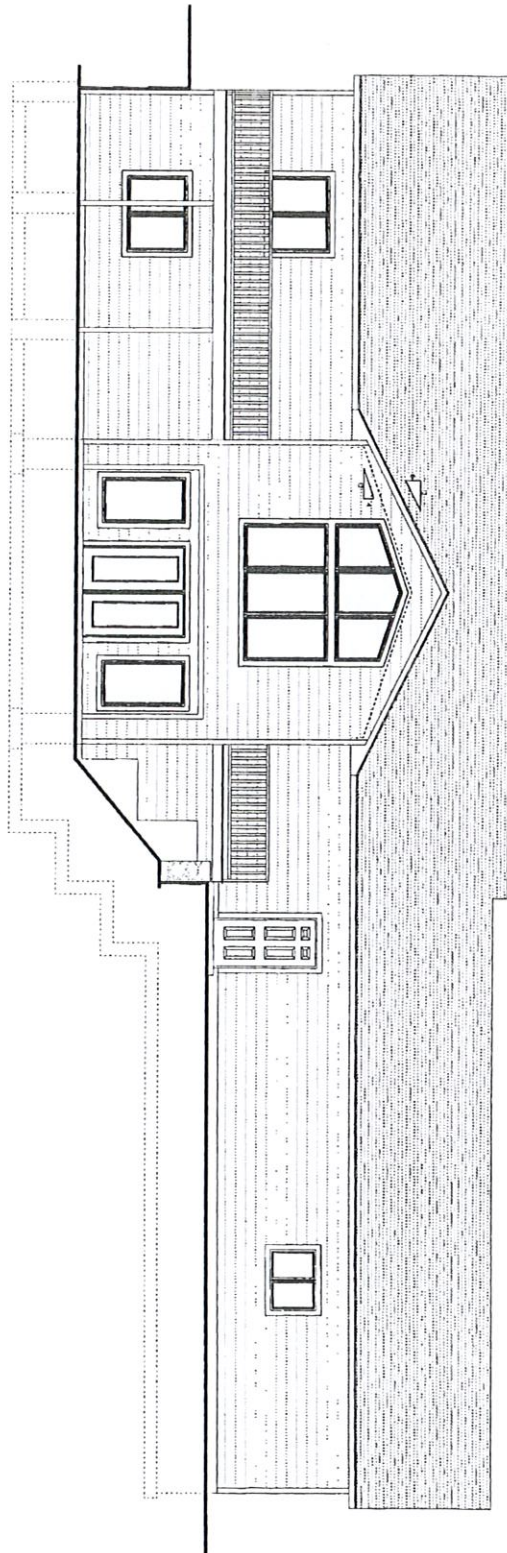
OWNER
KEVIN M & SHANNON M BAKER

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.

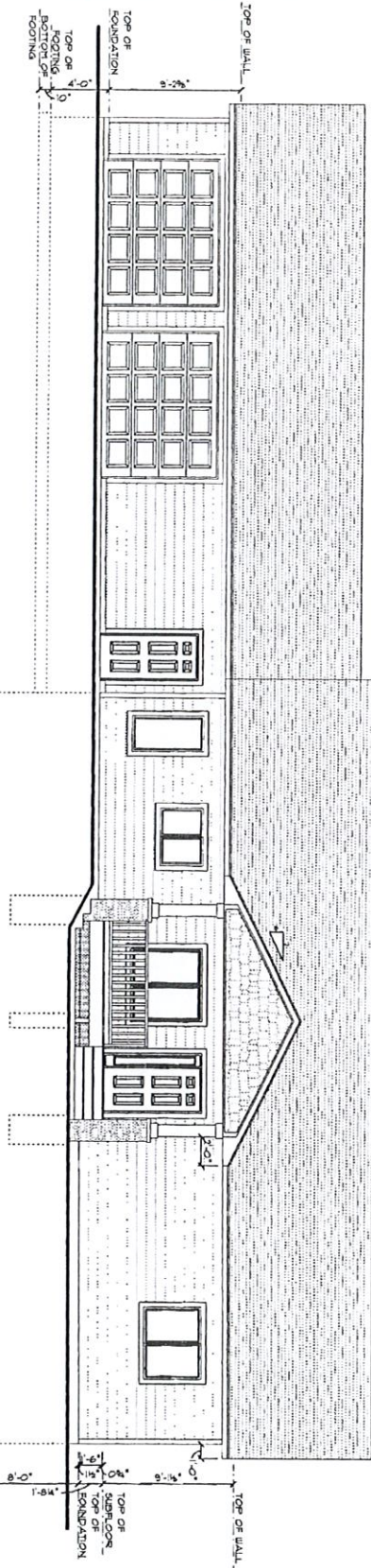
Rory Jensen
Rory Jensen
License Number 19789
05/21/2018
Date

SKETCH LE SUEUR COUNTY, MN		PART OF THE WEST HALF OF THE NW QUARTER OF SECTION 11, TWP. 109N, RGE. 25W
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	
FOR: KEVIN BAKER		



REAR ELEVATION

3/16" = 1'-0"



FRONT ELEVATION

3/16" = 1'-0"

RECEIVED
MAY 23 2018
BY: [Signature]

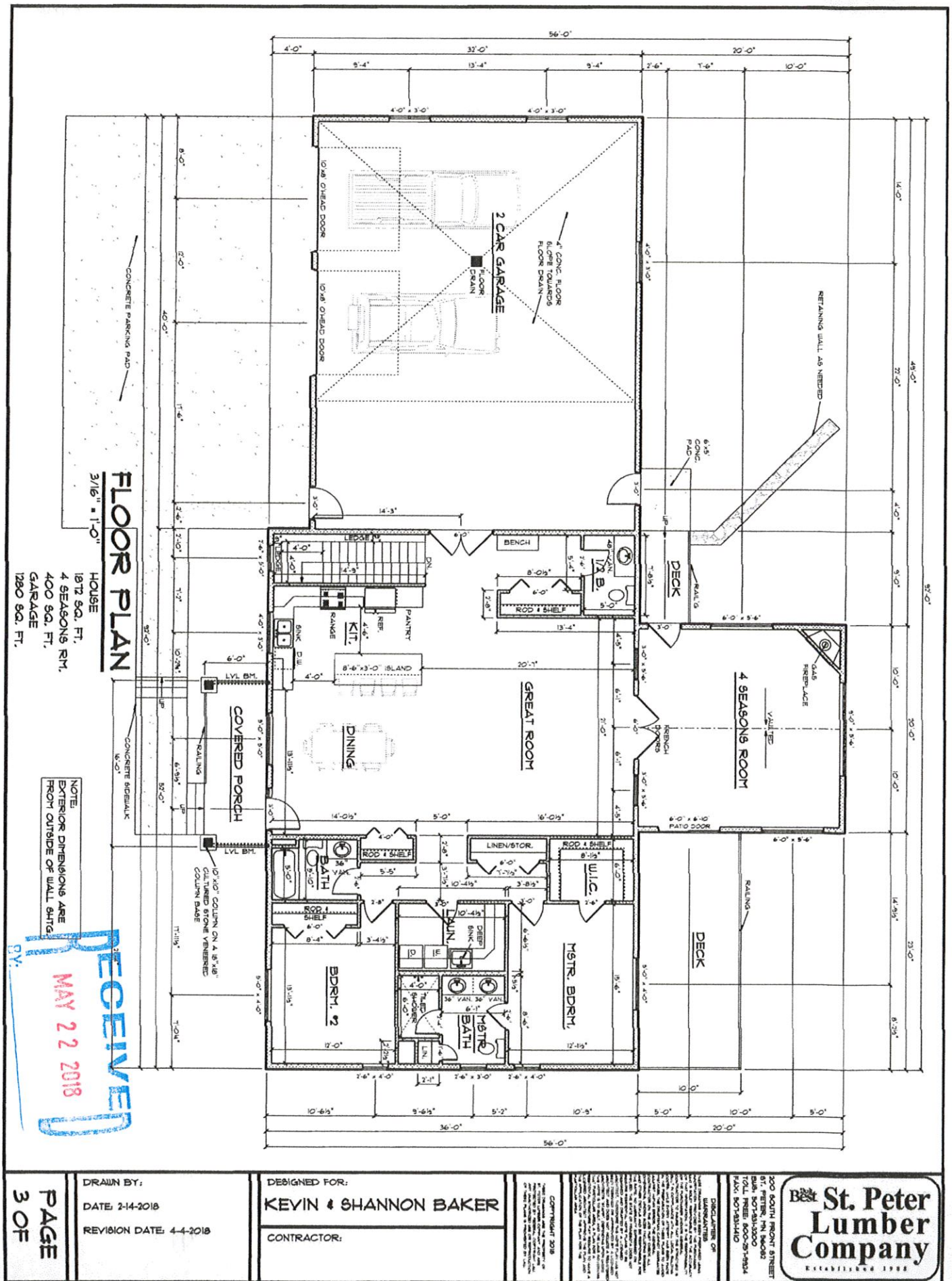
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1 OF

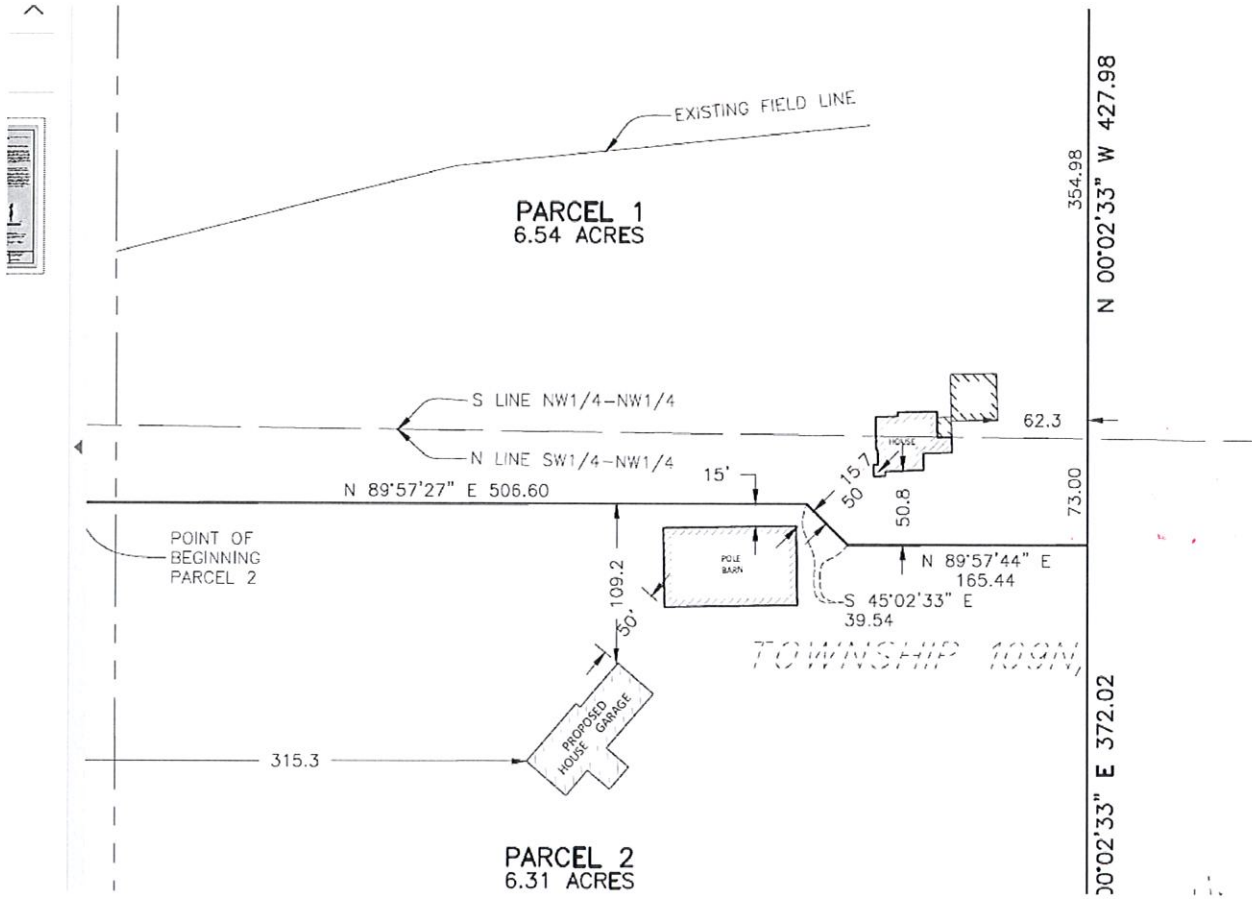
DRAWN BY:
DATE: 2-14-2018
REVISION DATE: 4-4-2018

DESIGNED FOR:
KEYIN & SHANNON BAKER
CONTRACTOR:

ST. PETER LUMBER COMPANY
200 SOUTH FRONT STREET
61, PETER, MN 56003
PHONE: 507-343-3300
FAX: 507-343-3300
WWW.STPETERLUMBER.COM

St. Peter Lumber Company
ESTABLISHED 1908





Blaschko, Mindy

From: St. Peter Well Drilling <spwell2@gmail.com>
Sent: Friday, May 25, 2018 11:54 AM
To: Environmental Services
Subject: Statement for property PID 13.011.0200 for Michelle

Hello:

The property at
PID 13.011.0200
27261 271st Ave Madison Lake

The site sketch for Kevin Baker

Shows that there is ample Room for a primary and secondary type 1 septic system for a 4 bedroom house.

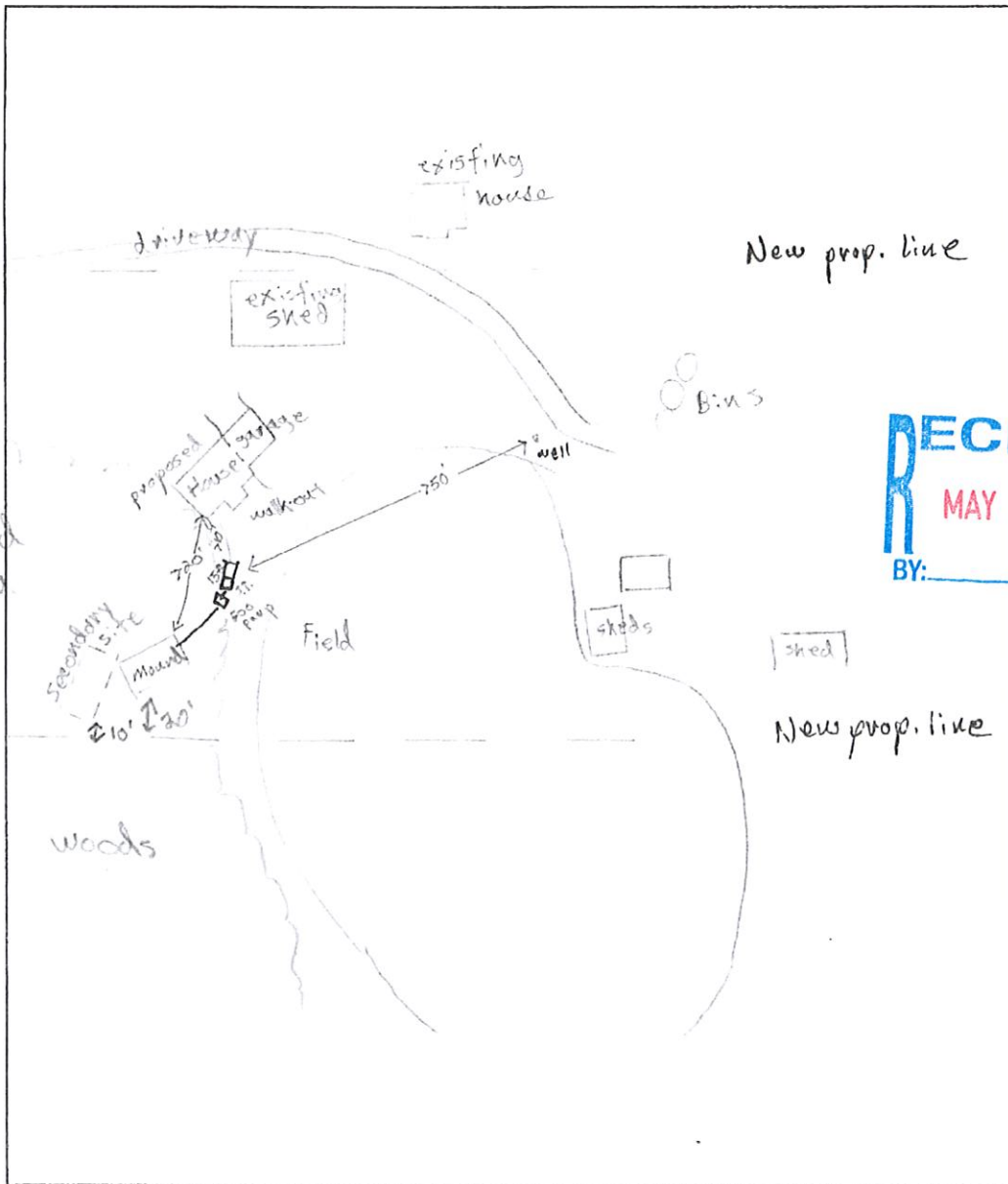
Please include this statement with the design.

Thanks.

Glen Schilling
St. Peter Well Drilling
45823 State Highway 22
Kasota, MN 56050
507-931-1340
Spwell2@gmail.com

bs

SSTS Site Drawing



Prepared By: Glen Schilling

Date 5-22-18

Notes:

site sketch for Kevin Baker
 * there is ample room
 for a primary and secondary
 septic system for a 4 bed room house

EROSION CONTROL PLAN for HOUSE CONSTRUCTION

Kevin and Shannon Baker 2018

- Existing trees will be preserved as much as possible. Minimum number of trees to accommodate house and construction will be removed. Many of trees needing to removed will be replanted adjacent to construction area.
- Phases of construction will commence as follows:
 - Installation of septic and drain field
 - Installation of water line from existing on-site well
 - Excavation of building site
- A berm consisting of wood chips will be constructed adjacent to the downslope on the east side of building site. This berm will be inspected and maintained throughout entire construction project.
- Stockpiled topsoil will be covered with plastic.
- Any disturbed areas with slopes 4:1 or steeper will be mulched according to criteria set forth by Le Sueur County Environmental Services.
- Disturbed areas will be seeded per Le Sueur County requirements. Specific seeding times will be dependent upon timing of construction commencement and finish.
- Fertilizers will be applied per soil test recommendations.
- Current driveway will serve as access road to construction site.



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

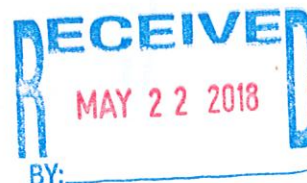
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Kevin & Shannon Baker PID: _____
Mailing Address: 47261 271 Avenue Madison Lake, MN 56063
Property Address: 47261 271 Avenue Madison Lake, MN 56063
Phone: (____) _____ Mobile/Cell: (507) 381-4174

Responsible party for Implementation/Inspection: KEVIN BAKER
Address: 47261 271 Ave Madison Lake, MN 56063
Phone: (____) _____ Mobile/Cell: (507) 381-4174

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.

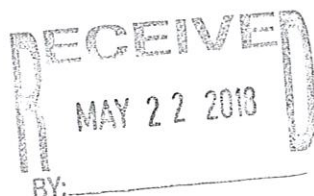
X *Ken. Bahr*
(Property Owner)

X *Ken. Bahr*
(Person Responsible for Implementation)

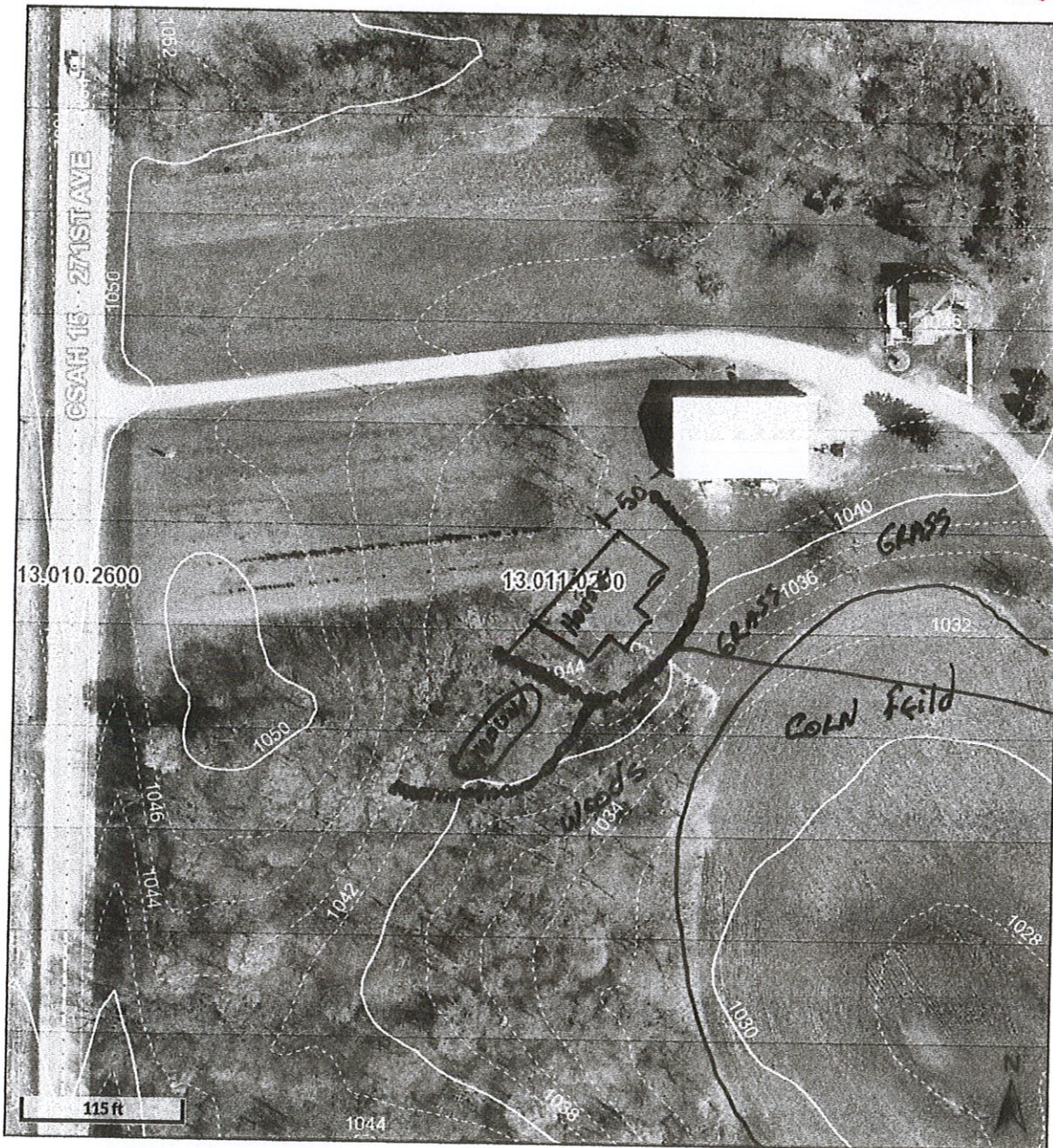
5/18/2018
(Date)

5/18/2018
(Date)

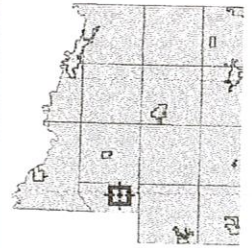
If you have any questions, please contact Environmental Services, at 507-357-8538.



EROSTON CONTROL MAP



Overview



Legend

- Roads
- 2 ft. Contours
 - 10 ft.
 - 2 ft.
- City Limits
- Parcels
- Parcel Labels
- Wetlands
 - Type 1-2
 - Type 3-8

*WOOD/STRAW BLANKET
WITH NET PER REQUIREMENT*

-2ft Contours are LIDAR derived and displayed in North American Vertical Datum of 1988 (NAVD 88). Provided by: Minnesota Legislature and the Minnesota tax payers through the "Clean Water Fund" of the "Clean Water, Land and Legacy Amendment".

-Aerial Photo taken in April 2017

Date created: 5/20/2018

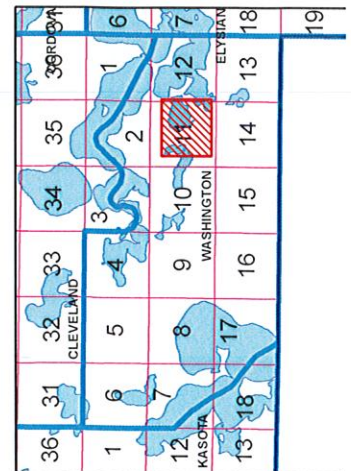
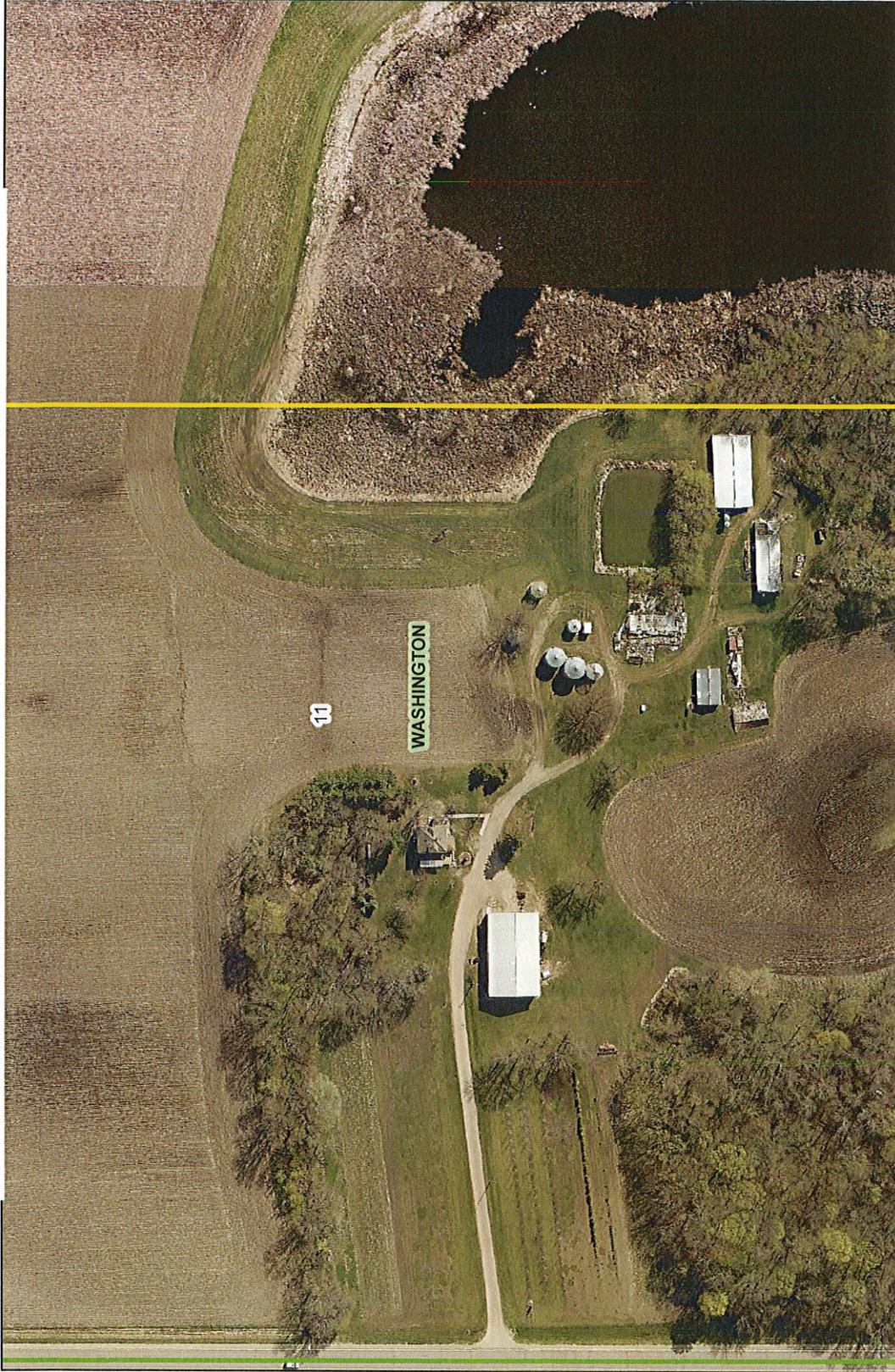
Last Data Uploaded: 5/19/2018 2:48:01 AM

Developed by
The Schneider Corporation



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Baker
 PID: 13.011.0200
 DATE: 06-12-18
 FIRM #: 27079C0270D
 F-Zone: X-outside
 RFPE: 1033
 District: Special Protection



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 SERVICES
 507-357-8538

Le Sueur County, MN

Thursday, June 21, 2018

Regular Session

Item 5

Bohn Well Drilling/Knight Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Bohn Well Drilling

OWNER: Andrew & Heidi Knight

911 ADDRESS: 13378 Circle Drive South, New Prague, MN

VARIANCE REQUEST: To allow the applicant to install a septic system drainfield 11 feet from an existing accessory structure.

VARIANCE NUMBER: 18075

PARCEL NUMBER: 07.570.0170

SITE INFORMATION

LOCATION: Lot 18, Eastwood Acres, Section 1, Lanesburgh Township

ZONING & PURPOSE: Urban/Rural Residential

The **Urban/ Rural Residential (R1) District** is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to protecting ground water.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

GENERAL SITE DESCRIPTION: Rural residential development

ACCESS: Existing access off South Circle Drive

BACKGROUND INFORMATION

Property was recently purchased by Knights. Prior to sale a compliance inspection is required for the septic system. A waiver is allowed, which would allow the applicant to forgo the inspection. The waiver deems the septic system to be non-compliant. A design has been submitted to update the system but cannot meet all the setbacks.

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. Septic drainfield to structure: | 11 feet | 20 feet | Section 17. Subdiv. 4. D. 1. a. | 17-9 |
| 2. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan. | | | | |

3. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
4. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
5. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

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

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: BOHN WELL DRILLING

Variance # 18075

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC SYSTEM DRAINFIELD 11 FEET FROM AN EXISTING STRUCTURE.

- 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 Bohn Well Drilling Company
 Mailing Address 10190 Dairy Lane
 City Jordan State MN Zip 55352
 Phone # 952 445 4809 Phone # 952 445 4809

II. Landowner:
 Name Andrew + Heidi Knight
 Property Address 13370 Circle Drive South
 City New Prague State MN Zip 56071
 Phone # 952 292 9176 Phone # 952 292 9176

III. Parcel Information:
 Parcel Number D7. 570. D170 Parcel Acreage none available
 Township Lanesburgh Section 112
 Subdivision Eastwind Acres Lot 1B 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).
To construct Driveway 11' from shed

V. Description of Request: See attached.

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 Township notified on 5/11/2018
 (Township Name) (Date)

Board Member Vicky Vailley regarding the proposed request.
 (Name)

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

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

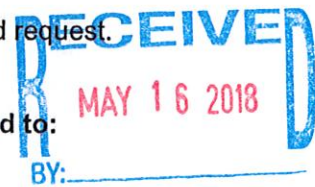
• Impervious Surface

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

*Site shall be physically staked, *then* surveyed.

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

*Stakes must remain in place until construction commences.



VIII. Practical Difficulty: *see Attached.*

- 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.

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

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

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

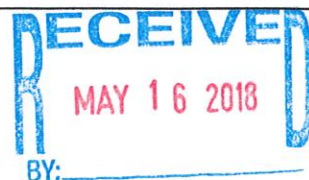
5. Does the alleged practical difficulty involve more than economic considerations?

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

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

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

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



IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input type="checkbox"/> e. Floor plans and/or blue prints (For structures) <i>n/a</i> |
| <input checked="" type="checkbox"/> b. Surveyor Certification | <input checked="" type="checkbox"/> f. Septic System Compliance Inspection (<i>waiver attached</i>) |
| <input type="checkbox"/> c. Access approval <i>n/a</i> | <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:

- 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.

Carri Rabin
Applicant signature

5/15/18
Date

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

[Signature]
Landowner signature

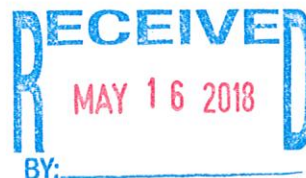
5/15/18
Date

OFFICE USE ONLY

Date received <u>5-16-18</u>	Present Zoning Classification <u>R1</u>	Feedlot within 500' 1000' <u>N</u>
Meeting date <u>6-21-18</u>	Lake Classification <u>✓</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>7-20-18</u>	Lake <u>✓</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>✓</u>	FEMA Panel # <u>2709AC 092D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>8-outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>5-22-18</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ <u>646</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mitta</u>	<u>5-22-18</u>
	Planning & Zoning Department Signature	Date
		COC NONC/Waiver Design
		ATF / SPEC MTG
		Permit # <u>18074</u>

01-15-16

✓ "Approved Pending" SSTS Design 4
✓ Soil Verification



V. Description of Request:

We are requesting a variance be granted to allow Bohn Well Drilling Co to install a septic system that has the absorption area of the mound system adhering to a 10-foot set back of an existing shed structure on this property. The ordinance requires the set back from a structure to be 20 feet at this property we are unable to meet that requirement. The factors include that the lot is oddly shaped, required sizing of the mound system, soils dictating placement and the existing structures on this property. There is only one location for the replacement septic system and it requires an encroachment of the designated variance requirement.

VIII. Practical Difficulty:

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

We will be deviating from the 20-foot setback of the existing shed structure on the property to allow room for the replacement septic system's rock bed area. The requirement for the set back is 20 feet and we are needing to be within 10 feet of the existing shed structure as this is the only place that the new system/rock bed can go due to the tightness of the lot, soil findings and mound sizing.

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

This lot is an oddly shaped and has poor soils for a septic replacement system to be installed. The only suitable spot for a new replacement septic system is where we have designed the system be placed (per the septic system design). There is an existing shed on the property where we will have to be within a 10-foot set back and not the required 20-foot set back for the rock bed area as required by ordinance.

3. **Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.** The homeowners are required to replace the septic system and are willing to do so; but there is an existing shed on the lot and due to the sizing requirements of the mound system we are unable to meet the required 20' setback. We are requesting to be 10 feet from the shed structure with the rock bed and not the set 20 feet by ordinance.

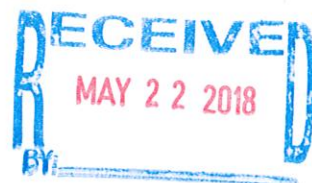
4. **How will the request maintain the essential character of the locality?**

By granting the variance we can install a new septic system, replacing the failing one that is currently serving this home and keep the existing structures on the property. The new system would be installed to code to accommodate the household and increase the property value but wouldn't take away the essential character of the lot or affect the neighboring homes.

5. **Does the alleged practical difficulty involve more than economic considerations?** Yes, it does involve more than economic considerations because if they are unable to receive the variance they will not be able to install a compliant septic system on their property. This leaves the home with a non-compliant system and a potential for an imminent public health threat in the future.

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

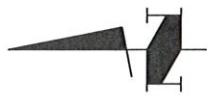
Yes, it is as we are replacing a septic system that is failing/not up to code per the MN Pollution Control Agency and protecting the current soils on the lot and not allowing contamination.



7. **Describe how the request is consistent with the Comprehensive Land Use Plan.**
This new replacement septic system will improve the current lot by protecting the soils/groundwater and installing the new septic system that will be up to code per the MN Department of Health codes and LeSueur county. This lot and the installation process will not disrupt any agricultural businesses in the area.
8. **Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.** The current system needs to be replaced. This variance is allowing us to install and new current compliant septic system per the MN Pollution Control Agency.



SITE PLAN / SURVEY



SCALE : 1" = 30'

Legal Description:

LOT 18
EASTWOOD ACRES,
LESUEUR COUNTY, MINNESOTA

- 1 - 1250 GAL. SEPTIC TANK (7FT X 9FT)
- 2 - 1000 GAL SEPTIC TANK (7FT X 9FT)
- 3 - 1000 GAL PUMP TANK (7FT X 9FT)

- ABSORPTION AREA 20' X 50'

- NO WELL ON PROPERTY / SHARED WELL WITH NEIGHBOR ACROSS STREET.

LEGEND

- 000.0 DENOTES EXISTING ELEVATION
- (000.0) DENOTES PROPOSED ELEVATION
- 000.0 DENOTES AS BUILT ELEVATION
- ← DENOTES DIRECTION OF SURFACE DRAINAGE
- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES WOOD HUB
- ⊙ DENOTES NAIL
- ⊠ DENOTES EXISTING UTILITY BOX
- DENOTES EXISTING POWER POLE
- ⊙ DENOTES EXISTING LIGHT POLE
- ⊙ DENOTES EXISTING STORM MANHOLE
- □ DENOTES EXISTING CATCH BASIN
- △ DENOTES EXISTING F.E.S.
- ⊙ DENOTES EXISTING HYDRANT
- ⊙ DENOTES EXISTING SERVICE OR CLEANOUT
- ⊙ DENOTES EXISTING SANITARY MANHOLE
- ⊙ DENOTES EXISTING CONSERVATION POST OR WET LAND BUFFER POST
- ⊙ DENOTES EXISTING TREE
- DENOTES EXISTING RETAINING WALL
- DENOTES PROPOSED RETAINING WALL
- DENOTES EXISTING TREELINE
- DENOTES EXISTING FENCE

- 1. No specific soils investigation has been performed on this lot by the surveyor. The suitability of the soils to support the specific house is not the responsibility of the surveyor.
- 2. No title information was provided for this survey. This survey does not purport to show all easements of record.
- 3. See architectural plans for final building dimensions.

PROBE ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS,
PLANNERS and LAND SURVEYORS
1000 EAST 146th ST., STE. 240, BURNSVILLE, MN 55337 PH (952)432-3000

I hereby certify that this is a true and correct representation of a tract as shown and described hereon. As 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.

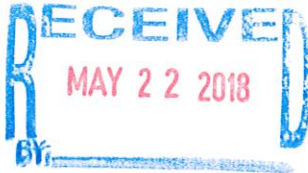
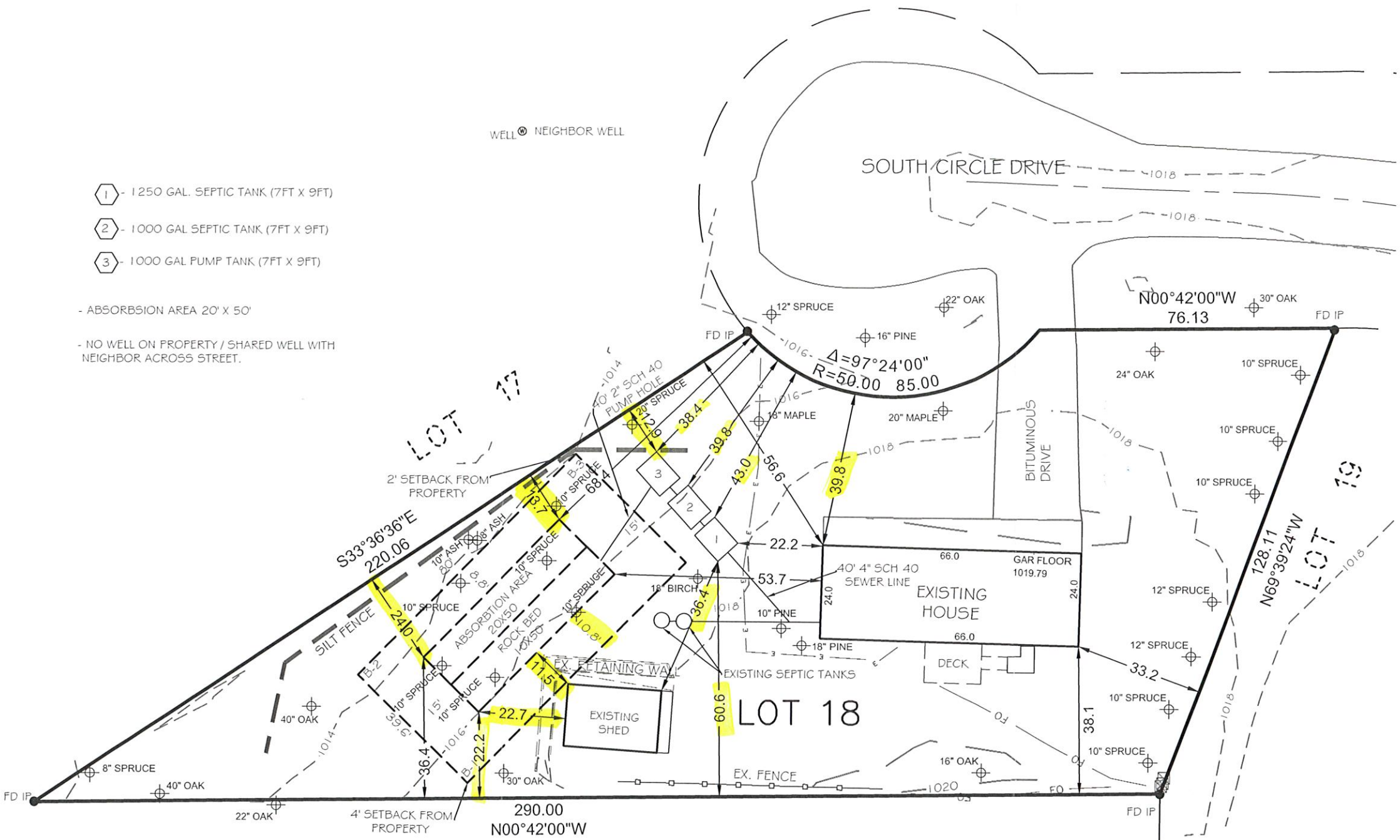
Russell P Damlo
RUSSELL P. DAMLO Minn. Reg. No. 19086

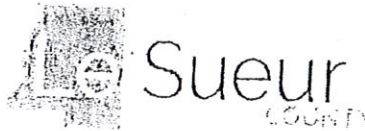
5-21-18
Date

PREPARED FOR:
HEIDI KNIGHT

PROJECT NO. 16559.00

ADDRESS:
13378 SOUTH CIRCLE DRIVE
NEW PRAGUE, MN





Le Sueur
COUNTY

Surveyor Certification

I. Applicant:
Name Bohn Well Drilling Co.

II. Landowner:
Name Herdi Knight
Property Address 13378 So. Circle Drive
City New Prague State MO Zip 64671

III. Parcel Information:
Parcel Number 075700170

- 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 5-2-18 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.

Marcus R. Skanton
Surveyor Signature

5-16-18
Date

19086
Lic #

OFFICE USE ONLY

5-2-18
Date Received

[Signature]
Planning & Zoning Department Signature

01-15-16



1

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

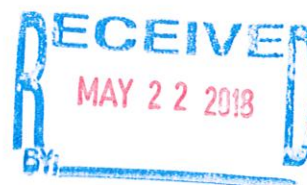
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Andrew + Heidi Knight PID: 07.570.0170
Mailing Address: 13370 Circle Drive South, New Prague mn 56071
Property Address: 13370 Circle Drive South, New Prague, mn 56071
Phone: (952) 292 9176 Mobile/Cell: (952) 292 9176

Responsible party for Implementation/Inspection: Bahn Well Drilling Co
Address: 18190 Dairy Lane, Jordan mn 55352
Phone: (952) 445-4809 Mobile/Cell: (952) 445-4809

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

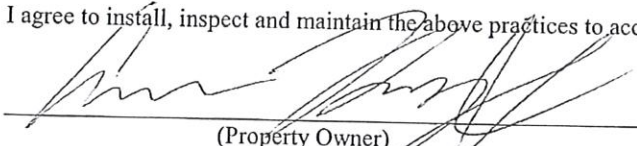
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the 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. *Attached - Survey*

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.

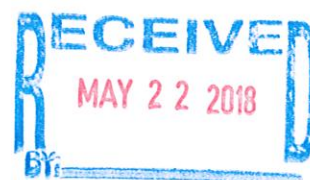

(Property Owner)

5/15/18
(Date)


(Person Responsible for Implementation)

5/15/18
(Date)

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



**WAIVER FOR COMPLIANCE INSPECTION OF AN EXISTING SEPTIC SYSTEM**

Mailing Address: 88 South Park Avenue • Le Center • MN • 56057

Physical Address: 515 South Maple Avenue • Le Center • MN • 56057

Direct Dial: 507-357-8538 • Fax: 507-357-8541 • Email: environmentalservices@co.le-sueur.mn.us

Landowner(s):

Name: <u>Andrew and Heidi Knight</u>		
Mailing Address: <u>13378 S Circle Dr</u>		
City: <u>New Prague</u>	State: <u>MN</u>	Zip: <u>56071</u>
Telephone Number: <u>507-273-1159</u>		

Parcel Information: (this information can be found on your tax statement, Beacon, or contact Environmental Services)

Parcel Number: <u>R 07.570.0170</u>		Township Name: <u>Lanesburg</u>
Section:	Township:	Range:
Property Address: <u>13378 Circle Dr S</u>		
City: <u>New Prague</u>	State: <u>MN</u>	Zip: <u>56071</u>

Per the Le Sueur County Zoning Ordinance – Section 17, a compliance inspection on an existing septic system or subsurface sewage treatment system (SSTS) shall be required when any of the following conditions occur:

- Prior to issuance of a zoning permit within Shoreland Zoning Districts.
- Prior to issuance of a zoning permit requested for all single-family dwellings or change in the principal structure for all non-shoreland Zoning districts.
- Upon receipt of a variance and/or conditional use permit application.
- When a construction permit is required to repair, modify, or upgrade an existing system.
- Any time there is a change in use of the property and/or expansion of the structure being served by an existing SSTS, which may impact the performance of the system.
- Prior to property sale or transfer.
- At any time as required by this Section or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

This waiver allows the landowner to forgo a compliance inspection and disclose any known information about the existing septic system servicing the above listed property.

As the landowner of the above listed property (please initial the following);

AK I understand that I am disclosing, without inspection, that the septic system does not meet MN Rules, Chapters 7080-7083 Requirements.

AK I understand that I am required to have a compliant septic system servicing the above listed property per regulations set forth in Section 17 of the Le Sueur County Zoning Ordinance.

This **NOTARIZED** waiver shall be submitted to:
Le Sueur County Environmental Services Department
88 South Park Avenue Le Center, MN 56057

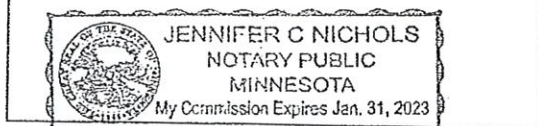
Email: environmentalservices@co.le-sueur.mn.us Fax: 507-357-8541

I understand that I will face legal penalties and will be turned over to the Le Sueur County Attorney and/or Minnesota Pollution Control Agency for enforcement if the work is not completed as agreed.

STATE OF MINNESOTA

COUNTY OF Ramsey ^{SS}Signed or attested before me on 5-4-18

Notarial stamp or seal (or other title or rank)

18-0654

Signature of Landowner(s)

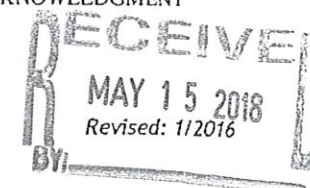
Date

Signature of Landowner(s)

Date

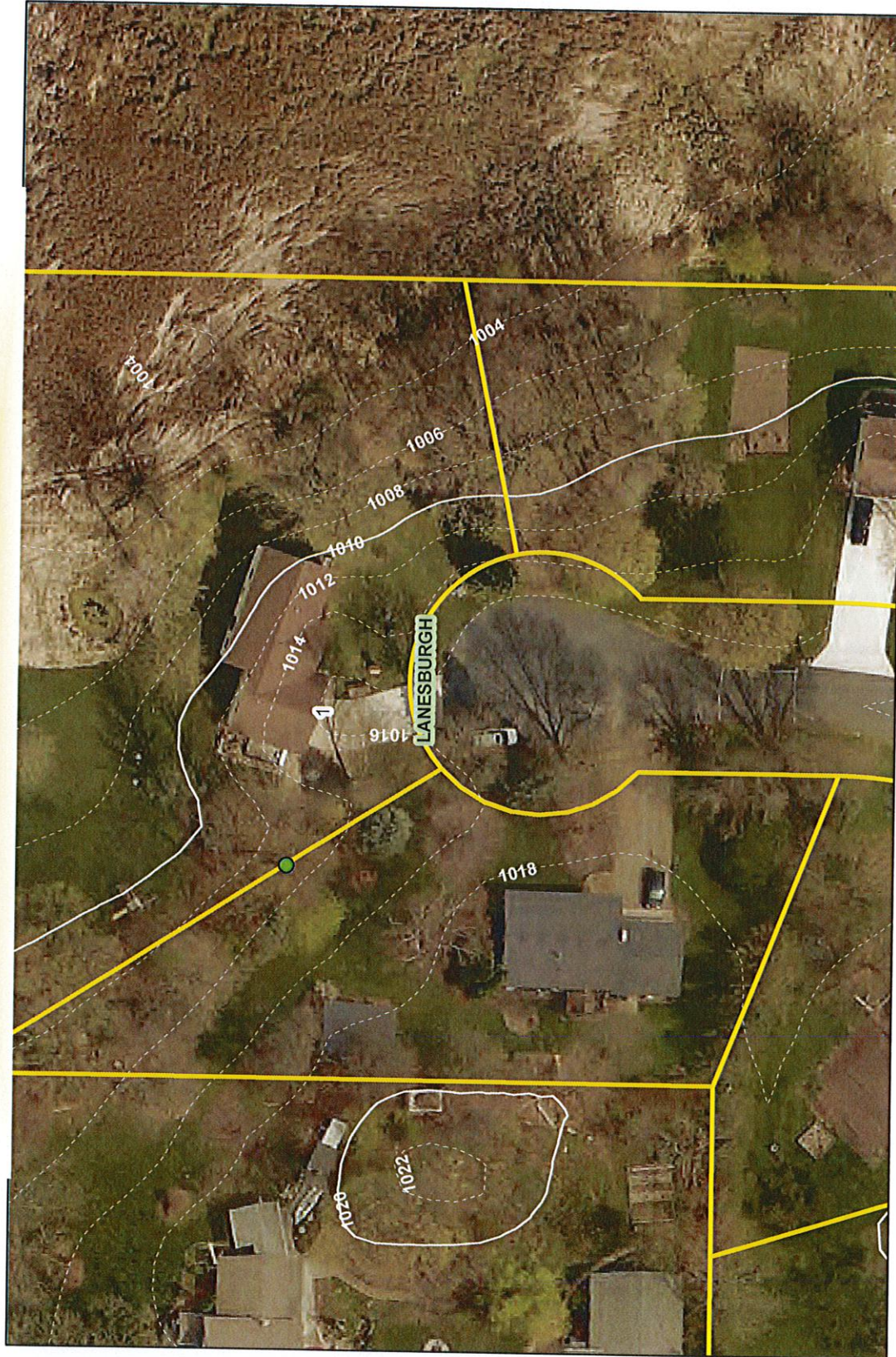
by _____

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Knight
 PID: 07.570.0170
 DATE: 06-12-18
 FIRM #: 27079C0092D
 F-Zone: X-outside
 RFPE: na
 District: Urban/Rural Res



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

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Le Sueur County, MN

Thursday, June 21, 2018

Regular Session

Item 6

Behr Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Milan Behr

911 ADDRESS: 22832 W Francis Lane, Elysian, MN

VARIANCE REQUEST: To install a septic tank and septic drainfield within the bluff and 64 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 18068

PARCEL NUMBER: 04.670.0020

SITE INFORMATION

LOCATION: Lot 2, Muellerleile Subdivision, Section 33, Elysian 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 protect groundwater and surface water.

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 resources areas.
Objective 1:	The County should continue its preservation of significant bluff areas and river valleys through its use of Conservancy Zone.
Action 3:	Amend the County's Zoning controls to require all structures to meet a 30' setback from the top of a bluff.
GOAL #3:	Improve water quality in Le Sueur County.
Objective 1:	The County will undertake actions to help protect groundwater as well as surface water features.
Action 2:	The County will take leadership in initiating a wastewater or septic replacement program.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off West Francis Lane

LAKE: Lake Francis, 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.

BACKGROUND INFORMATION

This property was part of the Frances, Rays, Sakatah, Tetonka septic inventory. The compliance inspection was completed on August 29, 2017 and found to be an Imminent Threat to Public Health, unable to locate a drainfield. The installation deadline for compliance is June 29, 2018. Proposal is to locate the tank and drainfield closer to OHWL & within the bluff. Bluff slope varies from 22% to 29%.

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. Septic tank to OHWL:	64 feet	75 feet	Section 17. Subdiv. 4. D. 5. b. 2.	17-9
b. Septic tank/drainfield to bluff:	within	30 feet***	Section 17. Subdiv. 4. D. 5. 9	17-9
Exemption		0 feet	Section 17. Subdiv. 4. D. 5. 9. a.	17-10
		***SSTS upgrade and/or replacement for an existing dwelling:		
		1. Shall be exempt from bluff setback.		
		2. May be located within the bluff impact zone.		
		3. Shall not be located within the bluff.		
2. Refer to DNR Guidance Letters:				
a. Administration, Compliance, and Enforcement				pg. 1
b. The Role of the Variances in Shoreland Management Ordinances				pg. 9
c. Bluffs and Steep Slopes				pg. 11
d. Non-conforming Lots of Record in Shoreland Areas				pg. 19
e. Structure Setback Requirements				pg. 21
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.				
4. A Variance may be granted <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. Will also require a Conditional Use Permit for grading, excavating and filling more than 0 cubic yards of material within the bluff.
- b. Property is part of the Francis, Rays, Sakatah & Tetonka septic inventory.
- c. Relocating proposed septic system outside of bluff.
- d. Exemption allows for system to be located within the bluff impact zone.

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: MILAN BEHR

Variance # 18068

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK AND SEPTIC DRAINFIELD WITHIN THE BLUFF & 64 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: 6/11/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Milan Behr

Property owner:
Milan Behr

Property:
04.670.0020

Description:

Variance request to install a septic tank and septic drainfield within the bluff and 64 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" district, on a Recreational Development "RD" lake, Lake Francis.

Recommendation:

It would be recommendation to deny the application because of the installment of a septic tank and drainfield within the bluff. By placing the drainfield in the bluff, this would greatly increase the hydraulic loading that occurs within the bluff. As a result, it would significantly elevate the chances of bank failure, and would deposit hazardous material contained within the septic system directly into Lake Francis. As an alternative, the landowners could place a holding tank on their property instead of installing a septic tank and drainfield.

The current application states that the original grade will remain once the septic system is installed, but the septic site plan does not reflect the same outcome. According to the septic site plan, additional fill would be placed in the project area in order to meet the required 18 inch cover over a septic system.

The current proposed work does not meet the bluff and OHWL setbacks. The variance requested defeats the purpose for the FRST Septic Inventory to provide protection to an impaired lake.

There are no conditions that would suffice to protect the bluff in the long term. If you choose to not take my recommendation of denial, the conditions are listed below.

Proposed Condition(s) if recommendation is not taken:

- 1) Plant a mix of Minnesota native vegetation designed for septic systems within the proposed project area (all located within bluff).
- 2) Plant deep rooted vegetation that is native to Minnesota in the remaining areas of the bluff where the septic system is not present.

Sincerely,

A handwritten signature in dark ink, appearing to read "Holly Kalbus", with a long, sweeping horizontal line extending to the right.

Holly Kalbus
Le Sueur County
Environmental Resources Specialist

Variance Application

I. Applicant:

Name Milan Behr
 Mailing Address 22832 W. Francis Lake
 City Elysian State MN Zip 56028
 Phone # 507-267-4701 Phone # _____

II. Landowner:

Name Same
 Property Address _____
 City _____ State _____ Zip _____
 Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 04.670.0020 Parcel Acreage _____
 Township Elysian Section 33
 Subdivision Muellerleile Lot 2 Block _____

Full Legal Description must be attached.

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

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

Install new septic for 4 bedroom house in Bluff
* 64' from lake

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 2/2/18
 (Township Name) (Date)

Board Member Kathy Rients 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.

See At

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

11

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

11

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

11

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

11

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

11

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

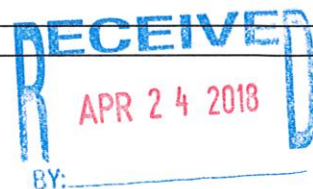
11

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

11

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

11



IX. Attachments shall include but not limited to:

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

- 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.

Bonnie Behr
Applicant signature

4-24-2018
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.

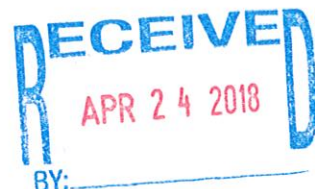
Bonnie Behr
Landowner signature

4-24-2018
Date

OFFICE USE ONLY

Date received <u>4-24-18</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>N</u>
Meeting date <u>4-21-17</u> <u>15 Day 5-14-18</u> <u>60 Day 7-16-18</u> <u>0 HWL 1023.5</u>	Lake Classification <u>RD</u>	Erosion Control Plan Y <u>N</u>
RFPE _____	Lake <u>Francis</u>	Water courses Y <u>N</u>
FEMA Panel # <u>27079C042SD</u>	Bluff <u>Y</u> <u>N</u>	
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input type="checkbox"/> Septic _____
<input type="checkbox"/> Floor plans/blue-prints	<input type="checkbox"/> Access approval	<u>3-26-18</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ <u>646</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R Mittles</u> Planning & Zoning Department Signature	<u>5-17-18</u> Date
		<u>18068</u> Permit #

01-15-16



Variance application: Milan Behr

Section V. Description of Request

The existing Lake Francis property is a 4 bedroom year around home. The existing 4 bedroom septic system does not meet current county code. The property has a bluff area. The septic tank and drain field will need to be placed in the bluff area because there isn't room for it anywhere else on the property. The new system will meet the house, road, well, garage and property line setbacks. The property needs a Lake setback from 75' to 67', so we can fit the system on the lot. The variance is needed given the lack of room on the lot.

VIII. Practical Difficulty

1. The request is reasonable given the size of the lot with no other option for the septic system placement. The bluff is the only area where the drain field can sit. All other setbacks can be met except the Lake setback.
2. The unique circumstances are the lot size that prevents the compliance of county code without a variance from the lake and bluff.
3. The unique circumstances that cause the practical difficulty are the lot size and the requirement to meet the lake set back to construct the required septic system to meet the current county code.
4. The proposed septic system will require excavation of existing fill. The excavated area will be replaced with the new septic system with new a cover of black dirt. The land slope will be returned to the original grade. It will be seeded with grass. Fiber blanket will be placed over the new septic system to prevent erosion.
5. The practical difficulty is more than economic considerations. The only spot for the required upgrade to meet all of the other setbacks stated above will require the lake setback.
6. The request to install the septic system is consistent with the statement of purposes, policies, goals and objectives in the Ordinance. It will bring the lot into current code. The lot elevations and bluff will not change. This will be consistent in taking a system that is an imminent health threat and upgrading it to meet the county code.
7. The variance is consistent with the Comprehensive Land Use Plan by the reasoning stated in #6.
8. The current septic system consists of a septic tank that is very old. The existing drain field was not able to be located and therefore is causing the system to be an imminent health threat. The lot is suitable for a new tank and drain field. The proposed new system will meet all required setbacks as stated previously other than the lake setback.
9. This request is the minimum variance amount to afford relief as it is the only area for the drain field given the property size.





Surveyor Certification

I. Applicant:
Name James BROTHERS

II. Landowner:
Name MILAN BEHR
Property Address 22832 WEST FRANCIS LANE
City ELYSIAN State MN Zip 56028

III. Parcel Information:
Parcel Number 04.670.0020

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

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

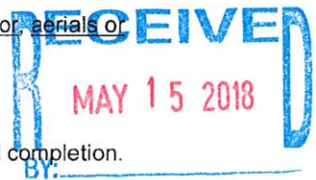
*Site shall be physically staked, then surveyed.

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

*Stakes must remain in place until construction commences.

V. Quantities and Submittal Formats:

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



VI. Signatures:

The proposed improvements have been physically staked onsite then surveyed on May 11, 2018, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Surveyor Signature 5/14/18 19789
Date Lic #

OFFICE USE ONLY

5-15-18 Michelle R. Smith
Date Received Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

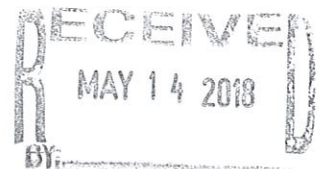
Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Milan Behr PID: 04.1610.0020
Mailing Address: 22832 Francis Lane W.
Property Address: Same.
Phone: (507) 267-4701 Mobile/Cell: ()
Responsible party for Implementation/Inspection: James Bros. / Milan Behr
Address: _____
Phone: (507) 267-4789 (James Bros) 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.

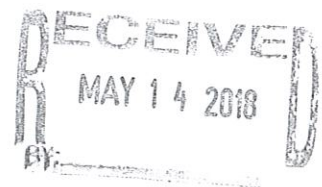
Bonnie Behr
(Property Owner)

4-24-18
(Date)

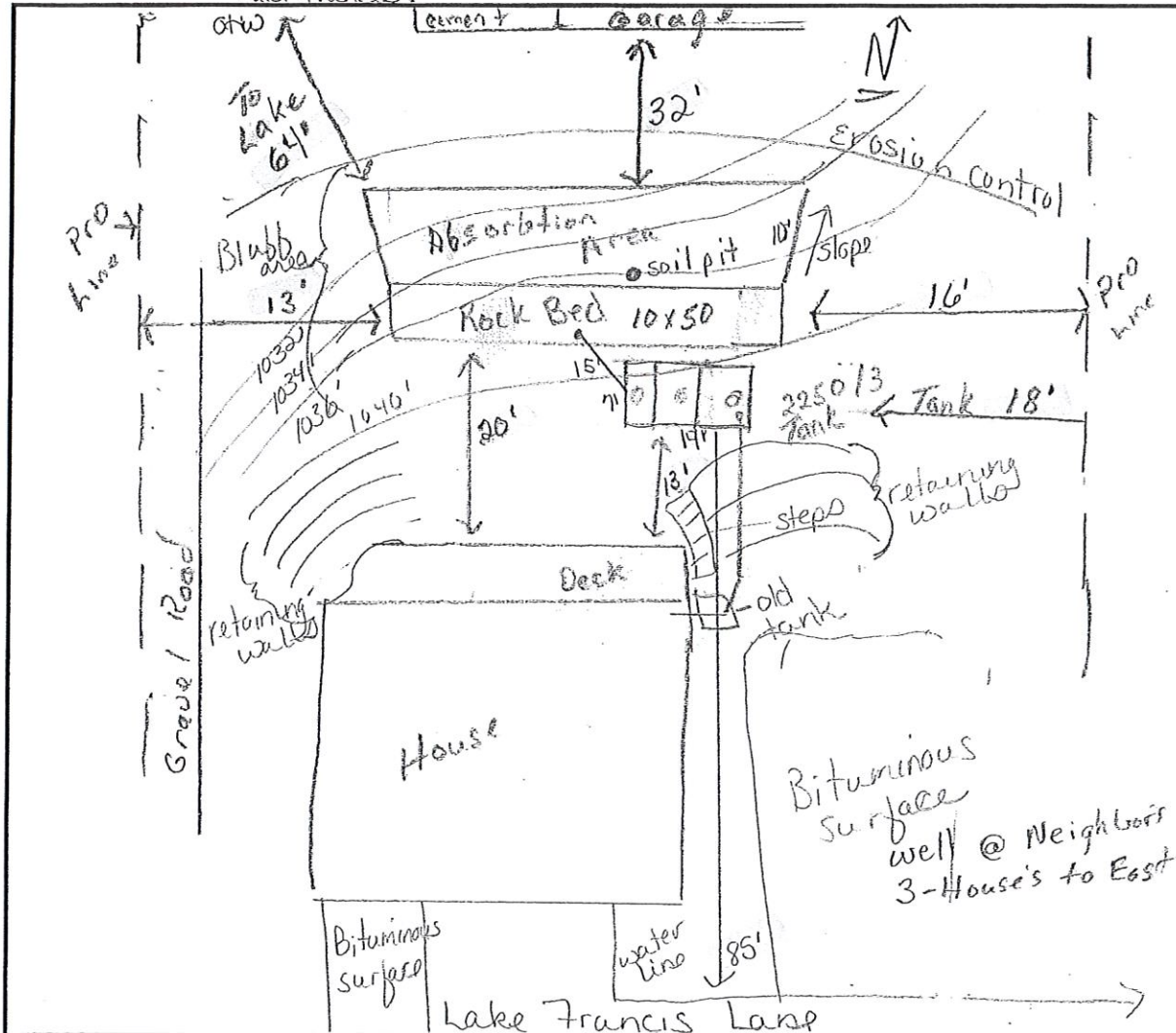
James Bros. Construction
(Person Responsible for Implementation)

4-24-18
(Date)

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



Property Owner: Milan Bahr
Property Address: 22832 Francis Lane W. Elysian 56028
Parcel Number: 041670.0020
Lake Francis.



Check box when put on drawing:

<input checked="" type="checkbox"/>	North Arrow	<input checked="" type="checkbox"/>	Erosion control
<input checked="" type="checkbox"/>	Location of all system components	<input checked="" type="checkbox"/>	Existing/proposed buildings/improvements
<input checked="" type="checkbox"/>	Size of all system components	<input checked="" type="checkbox"/>	Contour lines and slope direction
<input checked="" type="checkbox"/>	Type of all system components	<input checked="" type="checkbox"/>	Elevation
<input checked="" type="checkbox"/>	Soil boring locations	<input checked="" type="checkbox"/>	Bluff(s)
<input checked="" type="checkbox"/>	Soil treatment location and description	<input checked="" type="checkbox"/>	All actual setbacks
<input checked="" type="checkbox"/>	Well(s)	<input checked="" type="checkbox"/>	OHWL of lakes, streams, rivers, wetlands, other water
<input checked="" type="checkbox"/>	Buried water lines	<input type="checkbox"/>	Pools
<input checked="" type="checkbox"/>	Property lines	<input type="checkbox"/>	Easements on property
<input type="checkbox"/>	Secondary site, if applicable	<input checked="" type="checkbox"/>	Road Right of Way
<input type="checkbox"/>	Location of unsuitable area	<input checked="" type="checkbox"/>	Neighboring property setbacks (if applicable)
<input checked="" type="checkbox"/>	Existing/abandoned system location	<input checked="" type="checkbox"/>	Legible certified statement
<input checked="" type="checkbox"/>	All sewer lines and location	<input checked="" type="checkbox"/>	Signature, certification number, and date

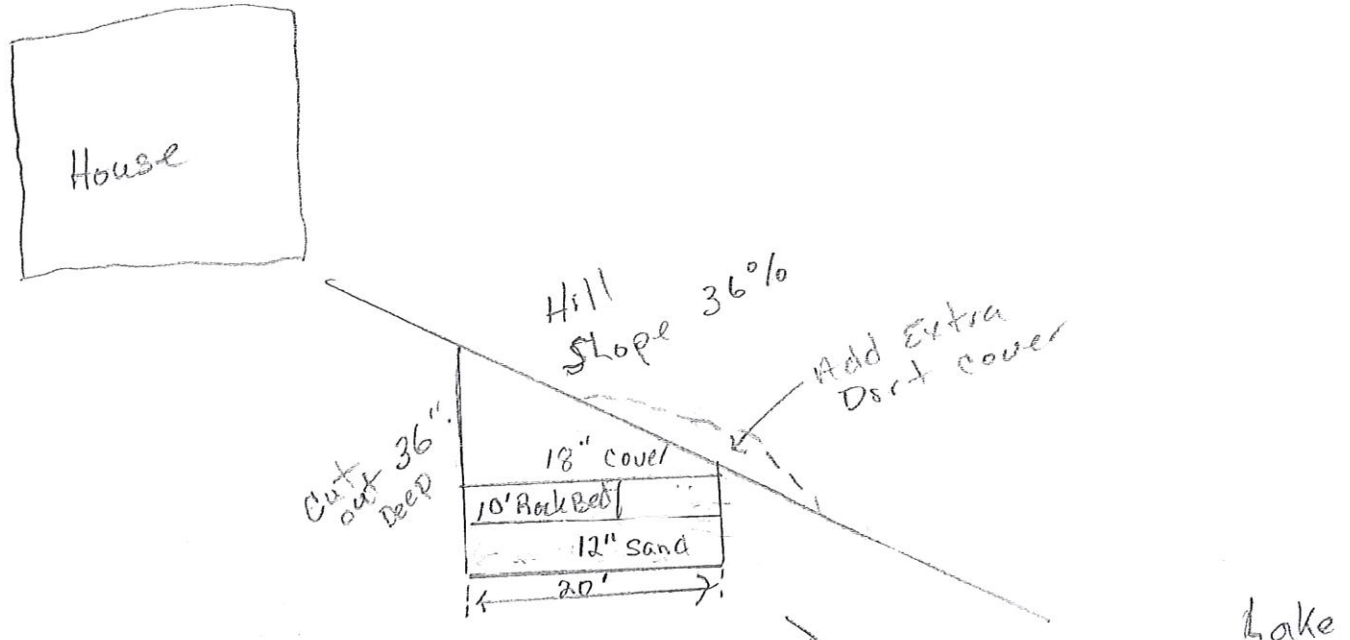
Mailing: 88 South Park Avenue
Le Center, MN 56057

Physical: 515 South Maple Avenue
Le Center MN 56057

RECEIVED
MAY 21 2018

Revised: 3/2018

Milan Behr
22832 Francis Lane W.
Elysian MN 56028



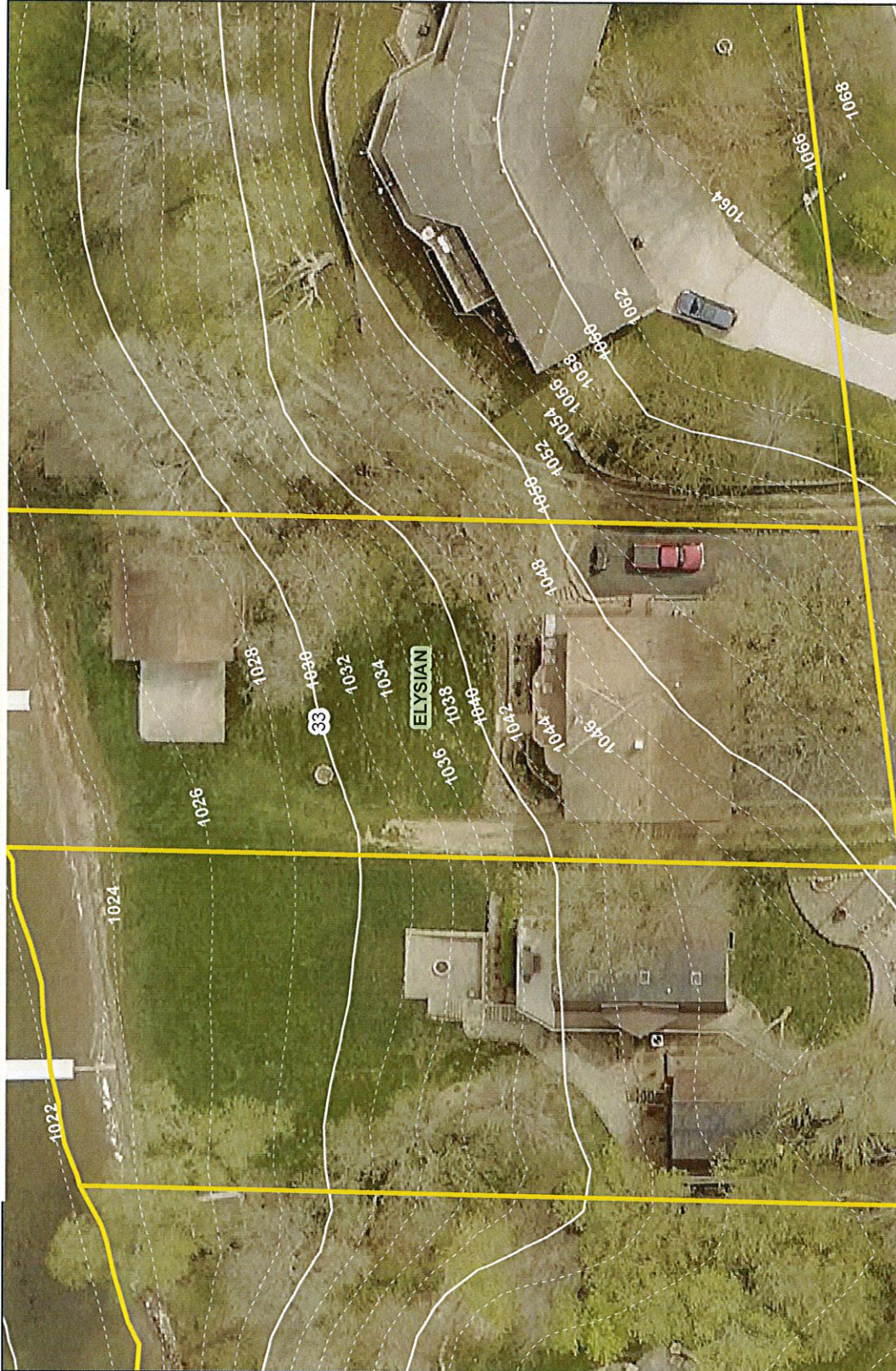
• Cutout Just for mound
Bed 10' on Bottom side for Absorption

50 yd washed sand
25 yd washed Rock
Cover with Fill That we Dig out
Haul out 20 yd's Extra Fill
Total to Dig out APX 110 yd



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Behr
 PID: 04-670.0020
 DATE: 06-12-18
 FIRM #: 27079C0425D
 F-Zone: X-outside
 RFPE: na
 District: Recreational Resic



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 SERVICES
 507-357-8538

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



Le Sueur County, MN

Thursday, June 21, 2018

Regular Session

Item 1

Approved June 21, 2018 Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

June 21, 2018

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

MEMBERS ABSENT: Jim Mladek

OTHERS PRESENT: Joshua Mankowski, Michelle Mettler

1. **Call to Order** at 3:00 by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: Two corrections to the agenda. Item #2 Kurt Lukes, Glenville, MN, variance request is for 54 feet from the road Right-Of-Way, not 55 feet. Item #3 David & Sarah Keller, Section 13 should read Section 17 and add "and enlarging a non-conforming structure" to the variance request. Motion to approve agenda by John Wolf. Seconded by Colin Harris. Motion approved. Motion carried.
3. **Meeting Minutes:** May 17, 2018 Jeanne Doheny stated that there needed to be one correction. On the fourth line under the discussion for Richard & Cynthia Cotes, it should state more invasive, not move invasive. Motion to approve minutes as amended by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.
4. **Applications**

ITEM #1: CAMP FO HO CHA, CLEVELAND, MN (APPLICANT); GRAND LODGE OF MN IOOF, WINDOM, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 54 feet from the Ordinary High Water Level (OHWL) & 5 feet from a cabin; construct a septic drainfield 69 feet from the West OHWL and 71 feet from the East OHWL in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 5 (Island), Section 5, Elysian Township. **VARIANCE IS FOR OHWL AND STRUCTURE SETBACK. PREVIOUS VARIANCE EXPIRED APRIL 20, 2017.**

Tony Nichols was present for application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding: Jeanne Doheny stated that a variance was issued and it expired. Then you applied for it again. Tony Nichols stated that, due to the weather they have been unable to finish construction. We have finished most of the construction but will not be able to complete the project until after the variance was set to expire. Jeanne Doheny then asked if they would plan to complete before this variance would expire. Tony Nichols stated that they would finish before the expiration.

Motion was made by Colin Harris to Approve application. Seconded by Fritz Cummins. Motion approved. Motion carried.

ITEM #2: KURT LUKES, GLENVILLE, MN, (APPLICANT); KURT & VALERIE LUKES, GLENVILLE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 54 feet from

the road Right-Of-Way (ROW) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, German Lake. Property is located at Lot 17, Glens Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

Kurt and Valerie Lukes were present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist recommending approval with conditions.

Discussion was held regarding: Kurt Lukes stated that the bump out on the house totaled eight square feet. We are lined up with the homes next door. We tried to say farther away from the lake. Only issue is the bump out and going closer to the road.

Public Comment: Charlotte Traxler asked if it was a new dwelling or if it was for work being done on the old house. Kurt Lukes stated that it was a new dwelling.

Motion was made by John Wolf to Approve the application. Conditions: Point downspouts away from German Lake to reduce stormwater flow as stated in Holly Kalbus' letter. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #3: DAVID & SARAH KELLER, MAPLETON, MN, (APPLICANT\OWNER):

Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow total impervious surface of 32.5 % and to enlarge a non-conforming structure in a Recreational Residential "RR" District, on a Recreation Development "RD" lake, Lake Washington. Property is located at Lot 2, Block 1, Auditor's Subdivision, Section 17, Washington Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

Dave and Sarah Keller were present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist recommending approval with conditions.

Discussion was held regarding: Dave Keller stated that they would like to move in year round soon. They would like to be able to enclose both vehicles and have some room for storage. Jeanne Doheny asked the applicant for some clarification about the application. In the application, the applicant started out listing items stating that each one would be removed and then it seems to continue to just list items. Jeanne Doheny then stated that she was then just assuming that these were all items to be removed. Is that the case? John Wolf then added that this included a small shed and a deck on the west side. Dave Keller responded yes. Jeanne Doheny state that she was just verifying.

Motion was made by Fritz Cummins to Approve the application with the conditions listed in Holly Kalbus' letter.

- 1) Plant vegetation that is native to Minnesota within the designated landscaping areas (shrubs, grasses, and/or forbs).
- 2) Replace any trees that have been or will be cut down due to disease, construction, etc.
- 3) Point downspouts away from Washington Lake to reduce stormwater flow.

Seconded by John Wolf. Motion approved. Motion carried.

ITEM #4: KEVIN & SHANNON BAKER, MADISON LAKE, MN, (APPLICANT\OWNER):

Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to create a new property line 15 feet from an existing shed in a Special Protection "SP" District, on an Unnamed Natural Environment "NE" lake. Property is located in the NW 1/4, Section 11, Washington Township. **VARIANCE IS FOR STRUCTURE SETBACK.**

Kevin and Shannon Baker were present for application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding: Kevin Baker stated that they are zoned Special Protection due to a pond that they enjoy. Their daughter would like to purchase the existing house. They plan to construct a retirement home on the new parcel. Fritz Cummins asked if they will have a driveway easement, is a new driveway going to be constructed or will the current one be shared? Kevin Baker stated that it will be shared with an easement. John Wolf stated that it was a little confusing when onsite, everything shown appears to be at a 90 degree from the road but the shed isn't. Kevin Baker state that yes, the shed is squared with the house and not the road. Jeanne Doheny asked the applicant about their timeframe. Kevin Baker stated that they also have to do a transfer so they will be coming back for that. Jeanne Doheny then clarified that the Transfer of Development Right will come before the Planning and Zoning Commission. Shannon Baker then stated that they already missed the deadline for the next meeting so that it will be tight for this year. Kevin Baker then said that the soonest we could get the permit would be the tail end of August which puts us at the end of the season.

Motion was made by John Wolf to Approve the application. Conditions: None. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #5: BOHN WELL DRILLING, JORDAN, MN, (APPLICANT); ANDREW & HEIDI KNIGHT, NEW PRAGUE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic system drainfield 11 feet from an existing accessory structure in an Urban/Rural Residential "R1" District. Property is located at Lot 18, Eastwood Acres Subdivision, Section 1, Lanesburgh Township. **VARIANCE IS FOR STRUCTURE SETBACK.**

Charlie Bohn was present for application. Township: None. DNR: none. Letters submitted: None.

Discussion was held regarding: John Wolf asked where the current drainfield was located. Charlie Bohn stated it was in the front. It is a pretty tight lot. It is about our only option the way we have it laid out now. Colin Harris stated that the site was very well staked and made it easier.

Motion was made by Fritz Cummins to Approve application. Conditions: None. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #6: MILAN BEHR, ELYSIAN, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank and septic drainfield within the bluff and 64 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 2, Muellerleile Subdivision, Section 33, Elysian Township. **VARIANCE IS FOR BLUFF AND OWHL SETBACKS.**

Wayne James and Milan Behr were present for application. Township: None. DNR: E-mail response.

Letters submitted:

Holly Kalbus, Environmental Resources Specialist recommending denial of the application due to the installation of a septic tank and drainfield within a bluff. Placement of the drainfield in the bluff would greatly increase the hydraulic loading and significantly elevate the chance of bank failure which would deposit hazardous material into Lake Francis. A holding tank could be used as an alternative. The application states that the original grade would remain once installation is complete, but according to the septic plan there would need to be fill placed in the project area to meet the required 18 inches of cover. The variance request does not meet the bluff and OHWL setbacks and defeats the purpose for the FRST Septic Inventory to provide protection to an impaired lake. There are no conditions that would suffice to protect the bluff in the long term. If her recommendation for denial is not taken, proposed conditions were listed. 1) Plant a mix of Minnesota native vegetation designed for septic systems within the proposed project area (all located within bluff). 2) Plant deep rooted vegetation that is native to Minnesota in the remaining areas of the bluff where the septic system is not present.

Garry Bennett, Area Hydrologist, Minnesota Department of Natural Resources recommended denial. The minimum statewide shoreland standards require a 30-foot setback from the top of the bluff and no structure placement is allowed within the bluff impact zone, defined as within the bluff as well as the land located within 20 feet of the top of the bluff. The standard was designed to protect shoreland areas from negative impacts caused by development in bluff areas. Consideration is given to bluff areas because of their vulnerability to erosion and subsequent water quality impacts. The bluff impact zone is considered to be the area most susceptible to degradation, and even small amounts of development can dramatically affect a previously stable slope. Variance to shoreland standards are an important tool for balancing property rights with the public's right to clean water and healthy habitats. However, variances to shoreland standards should be rare and only for exceptional situations. The DNR strongly recommends against any encroachment into the bluff impact zone and within the bluff and is opposed to allowing any structure to be built within the top of the bluff setback. If the variance is granted, we recommend a condition prohibiting additional building within the bluff impact zone and mitigation activities should be identified for addressing any disturbance in the bluff resulting from the construction of the septic tank/drain field.

Discussion was held regarding: Colin Harris stated that his gut says no, when you get into the bluff impact zone. The DNR and everyone recommends against this. There is an alternative and that alternative is a holding tank. It scares me to think about what that hillside that faces the lake would look like if the septic tank and drainfield were allowed in. Wayne James stated that the tank would need to be installed there either way. Fill in the bluff would be removed and would only see a hump. The absorption would be boxed in and go into the ground. The current system is in the bluff. We have received variances for less than 64 feet to the OHWL in the past. The system is designed for the maxed size that fits. There would only be more of a hump than what is currently there. The bluff will not sluff, this will be a gradual slope. We believe we have designed the best system to fit in this lot. It is not ideal to have a holding tank for a year-round residence. A holding tank could overflow and run into the lake. Jeanne Doheny stated that alternatives have not even been proposed and why they wouldn't work. There is concern about construction in the bluff. Wayne James stated that there wasn't anything else that could be done. Jeanne Doheny stated that they have heard that before but then you have come back with other options when needed. Wayne James thought that that comment was in reference to Ledvina's system. He stated that they keep going back and forth with the design and he wishes he had never taken that project. Jeanne Doheny reiterated that Wayne James has come back with alternatives before. Wayne James voiced that he believes that this is the best design for the lot. There are other alternatives, but this is the best for this lot. John Wolf replied that the issue is with the placement in the bluff, it increases the hydraulic pressure. Fritz Cummins asked the rest of the Board who approved all the variance applications for the German/Jefferson area, when it comes to the Waterville area we have to fight to get items approved. He had voted against some of those in the past but the Board always approved them. Now when we are down in my area and now we can't do that anymore. Jeanne Doheny stated that it has nothing to do with the area. Maybe we are just getting smarter over the years. Fritz Cummins stated that he is getting tired with what is being done to the Waterville area. John Wolf replied that this isn't the bluff impact zone, this is in the bluff. Fritz Cummins replied that we have approved them in the bluffs before, he voted against them and the board still approved them. John Wolf responded that the other approvals were in the bluff impact zone, not in the bluff. Jeanne Doheny asked Fritz Cummins if he thought there was a conspiracy against Waterville Township. Fritz Cummins responded that he really does, every time there is something going on in Waterville Township, we fight to get it approved. There is the same problem with the Planning and Zoning Board. Colin Harris stated that it is the principle of the request, not the location. It is the principals involved and the goals of Le Sueur County, if this were located anywhere else in the County, he would feel the same. We hear from the DNR and others to stay away from the bluff. There are other alternatives that may not be great. I don't disagree that you are trying to do a good job, I have issues with where you are trying to put it. Wayne James stated that he doesn't think there will be any issues with the bluff sluffing off because the work will be done in the toe of the bluff. Colin Harris replied that he would have less of an issue if the system was being put in closer to the house, as long as it was out of the bluff and that that would be more in line with what this board is trying to do. Wayne James stated that the house is in the bluff, the tank will be in the bluff, and the system will be in the bluff impact zone. This is a difficult lot and one of the reasons we placed it where we did was to try and put it into the landscape to limit the visual impact. There are other things we can

change, but at the end of the day it is still going to be in the impact zone. As far as sluffing off, with the nice slope that is on there already, it is not going to sluff off. The bluff isn't going to have the issue of being undercut by the lake. There is a 64-foot setback from the lake. Fritz Cummins inquired about moving the system to the East. Wayne James stated that moving it to the East would put it closer to the slope. Moving would also require changing the slope of the mound. Fritz Cummins stated that he thought moving it might get it farther away from the slope of the bluff. Some discussion about septic placement and design between Fritz Cummins and Wayne James. Joshua Mankowski stated that this isn't the place to discuss the septic design. The board is not qualified to offer septic system design comments; Wayne James is the designer, we are not. We are here to make a decision of the variance request. Milan Behr stated that they had lived at the location for 27 years and there had never been any washouts or any other issues with the bluff, even with the heavy rains. Wayne stated that the board had been onsite and that they saw how gradual the slope was. When we have talked about bluffs before, you're usually talking about a big drop. This design is in the impact zone, it is a nice gradual slope and that gradual slope will continue on after the system is built. The system will be 50 feet long and 10 foot wide. It will be pressurized and distributed out over the entire hillside instead of in one area. It will percolate down through the soil. There is good soil under the fill soil. When we cut that down, we won't have a great big hill. We will have the same hill we have now. We are not putting in a mound system 3-4 feet high, it will be cut down into the slope. Colin Harris suggested maybe tabling the decision. Joshua Mankowski asked for clarification on what type of addition information the board would like to see so they can make a decision. Jeanne Doheny requested to see some detail on possible alternatives and Wayne James should talk with the DNR to address their concerns and see if they have other alternatives. What we have here, what is in the ordinance and in the comp. plan is not consistent with what is being asked. John Wolf agreed and also stated that just because the bluff hasn't sluffed in the past doesn't mean it won't; we will be digging in it. Jeanne Doheny state that Wayne James needs to talk with the DNR, they have a lot of experience dealing with bluffs. Joshua Mankowski stated that in past conversations with the DNR, they are of the option that you stay away from bluffs. Jeanne Doheny said that they know that but maybe the applicant needs to hear it from the DNR. As it sits right now, she would not vote to approve the application. John Wolf agreed that he would not vote for it either. Wayne James then requested that the application be tabled. Jeanne Doheny then asked Joshua Mankowski if the board needed to go through findings in order to table the application. Joshua Mankowski stated no, you do not need findings to table. Jeanne Doheny made sure the applicant received a copy of the DNR's letter. Wayne James stated that they had and that it was very possible the individual from the DNR had never been out on site.

Motion was made by John Wolf to Table the application to allow the applicant and contractor to address concerns raised by this application. Seconded by Colin Harris. Motion approved. Motion carried.

Michelle Mettler clarified that, by tabling the application, it won't be able to be on the next meeting. The applicant would not have sufficient time to provide any information to the office to meet the requirement for the public notice. The applicant does not need to pay the fee again but it will not be on the next Board of Adjustment meeting.

5. Discussion Items: None

Fritz Cummins stated that Holly Kalbus gives a recommendation and he doesn't think it should be read at the meeting to the audience. Joshua Mankowski stated that it is public record. Fritz Cummins stated he feels like it is portraying to the public that the board does not know how to vote and she is telling them how to do so. You should read everything in her letter but the recommendation. Michelle Mettler stated that legal counsel advised that the recommendation is read into record. John Wolf said that because it is public record you have to read it. Staff replied yes. Jeanne Doheny stated that that applicant is provided with a copy. Fritz Cummins said that there isn't any point to them voting on it then because Holly recommended it.

6. **Warrants/Claims:** Sign warrants/claim sheets

7. **Adjourn:** Motion to adjourn meeting by John Wolf. Seconded by Colin Harris. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

Approved July 19, 2018

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