



**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: JULY 19, 2018**

**TIME: 3:00 PM**

**PLACE: ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER, MN**

**PURPOSE:** To hear testimony from interested parties and consider Variance Applications as provided by the Zoning Ordinance of Le Sueur County as described below:

**ITEM #1 Board of Adjustment Notice of Public Hearing**

**ITEM #2 Board of Adjustment Agenda**

**ITEM #3 Williams Packet**

**ITEM #4 Approved July 19, 2018 Meeting Minutes**

***INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT***  
APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.  
**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT July 19, 2018.**

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



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# **Le Sueur County, MN**

**Thursday, July 19, 2018**

**Regular Session**

## **Item 1**

### **Board of Adjustment Notice of Public Hearing**

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING  
BOARD OF ADJUSTMENT  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057  
(507) 357-8538  
[www.co.le-sueur.mn.us](http://www.co.le-sueur.mn.us)

TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

**DATE:** JULY 19, 2018

**TIME:** 3:00 PM

**PLACE:** Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

**PURPOSE:** To hear testimony from interested parties and consider Variance and Appeal Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **JULY 10, 2018**.

**ITEM #1: JAMES & JANE WILLIAMS, ST PETER, MN, (APPLICANT\OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to repair an existing boat house located within the bluff and 4 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on Lake Washington, a Recreational Development "RD" lake. Property is located at Lots 21 & 22, Damar Estates, Section 7, Washington Township. **VARIANCE IS FOR BLUFF & OHWL 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 JULY 10, 2018.**

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



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# **Le Sueur County, MN**

**Thursday, July 19, 2018**

**Regular Session**

## **Item 1**

### **Board of Adjustment Agenda**

Staff Contact: Joshua Mankowski or Michelle Mettler



# LE SUEUR COUNTY BOARD OF ADJUSTMENT

## MEETING AGENDA

**Meeting Date:** July 19, 2018  
**Time:** 3:00 pm  
**Place:** Le Sueur County Environmental Services Building  
515 South Maple Ave, Le Center, MN

**Onsite Date:** July 19, 2018  
**Onsite Time:** 2:00 pm

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

1. Call to Order
2. Agenda: Additions/Corrections/Approval
3. Meeting Minutes: June 21, 2018 Additions/Corrections/Approval
4. Applications

**ITEM #1: JAMES & JANE WILLIAMS, ST PETER, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to repair an existing boat house located within the bluff and 4 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential “RR” District, on Lake Washington, a Recreational Development “RD” lake. Property is located at Lots 21 & 22, Damar Estates, Section 7, Washington Township. **VARIANCE IS FOR BLUFF & OHWL 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.



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# **Le Sueur County, MN**

**Thursday, July 19, 2018**

**Regular Session**

## **Item 1**

### **Williams Packet**

Staff Contact: Joshua Mankowski or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** James & Jane Williams

**911 ADDRESS:** 7022 Damar Estates, St Peter, MN

**VARIANCE REQUEST:** To allow the applicant to repair an existing boat house located within the bluff and 4 feet from the Ordinary High Water Level (OHWL).

**VARIANCE NUMBER:** 18115

**PARCEL NUMBER:** 13.470.0230

## SITE INFORMATION

**LOCATION:** Lots 21 & 22, Damar Estates, Section 7, Washington Township

**ZONING & PURPOSE:** Recreational Residential & Flood Fringe Flood Plain

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 bluff preservation and shoreland development.

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

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

**Objective 2:** Utilize shorelands on Recreational Development Lakes (RD) 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.

**Action 2:** Adopt the water quality protections standards and design standards specified under goal #3, actions #1 & #2 to protect lake water quality.

**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 1:** The County will adopt and implement the goals, objectives and actions of the County's Local Water Management Plan.

## GENERAL SITE DESCRIPTION:

Shoreland, residential, bluff, floodplain

## ACCESS:

Existing off Damar Estates

## LAKE:

Lake Washington, 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.

**RFPE:** Regulatory Flood Protection Elevation: 985.8 Lowest floor must be at or above RFPE.

**FLOOD ZONE:** Zone A (located within 100-year flood zone)

### BACKGROUND INFORMATION

The landowners recently purchased the property. This is an existing parcel in platted residential subdivision on Lake Washington. There is an existing boat house that is located within the bluff and is setback 4 feet from the OHWL. The rear wall of the boat house is failing. The landowners would like to repair the rear wall of the boat house and roof. Each lot is allowed to have one water-oriented accessory structure. The roof of the boat house can be flat with the roof being utilized as a deck. The boat house maximum size allowed is 450 square fee

### ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, photo of boat house, 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. Boat house to OHWL:  | 4 feet          | 10 feet          | Section 13.2 Subdiv. 5. E. 4.      | 13-45        |
| b. Boat house to Bluff: | Within          | 30 feet          | Section 13.2 Subdiv. 5. F. 1. & 4. | 13-46        |
2. **Refer to DNR Guidance Letters:**
- |   |        |
|---|--------|
| a. Administration, Compliance, and Enforcement                  | pg. 1  |
| b. The Role of the Variances in Shoreland Management Ordinances | pg. 9  |
| c. Bluffs and Steep Slopes                                      | pg. 11 |
| d. Non-conforming Lots of Record in Shoreland Areas             | pg. 19 |
| e. Structure Setback Requirements                               | pg. 21 |
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

### CONSIDERATIONS

1. The following shall be considered at the hearing:
- 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:
- a. 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.
  - b. Variances shall only be issued by the County upon the following:
    - 1. A showing of good and sufficient cause.
    - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
    - 3. 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.
  - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. **Additional Considerations:**
- a. Each lot is allowed to have one water-oriented accessory structure.
  - b. Boat house maximum size limit is 450 square feet, 10-foot height restriction, 20-foot maximum width parallel to the lake.
  - c. The roof of the boat house is allowed to be a flat roof to accommodate a deck with a railing. There can be not enclosed space on the roof of the boat house.
  - d. Existing boat house meets property line setbacks as well as elevation requirements. RFPE minimum elevation is 985.8 for Lake Washington. Existing structure meets the RFPE.
  - e. Conditional Use Permit is required for digging in the bluff.

#### **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: 07/10/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

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**Applicant:**

James and Jane Williams

**Property owner:**

James and Jane Williams

**Property:**

13.470.0230

**Description:**

Variance request to allow the applicant to repair an existing boat house located within the bluff and 4 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" district on a Recreational Development "RD" lake, Lake Washington.

**Recommendation:**

It is my recommendation that you approve this application with the condition listed below. This project plans to repair the existing boathouse thus would minimize the amount of disturbance that would occur within the bluff and shore impact zone. By utilizing the same location, there should be minimal material movement on the lot.

**Condition(s):**

The shoreline appears to be eroding away, and could potentially be a problem in the future. In order to help provide protection and stability of the bluff and shoreline, it would be my recommendation to plant vegetation that is native to Minnesota along the shoreline. Native plantings should occur within the entire width of the boat house.

Sincerely,



Holly Kalbus  
Le Sueur County  
Environmental Resources Specialist

# VARIANCE

## LE SUEUR COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT 88 SOUTH PARK AVENUE LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 6/19/2018 PERMIT NUMBER: 18115 FEE: \$646.00  
60 DAY RULING DATE: 8/18/2018 911: 7022 DAMAR ESTATE, ST PETER MN  
APPLICANT: JAMES & JANE WILLIAMS LAND OWNER: JAMES & JANE WILLIAMS  
ADDRESS: 7022 DAMAR ESTATE ADDRESS: 7022 DAMAR ESTATES  
CITY: ST PETER CITY: ST PETER  
STATE: MN ZIP: 56082 STATE: MN ZIP: 56082  
PHONE: 612-978-0578 PHONE: 612-978-0578

TOWNSHIP: WASHINGTON PARCEL NO: 13.470.0230  
SEC: 7 SUBDIV: DAMAR ESTATES  
TWP: 109 LOT: 21+22 ZONE: RR/FF  
RANGE: 25 BLOCK: FEMA PANEL # 27079C0245D  
Q/Q: ROAD: TWP FLOOD ZONE: A

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

**1.) Reason for Requested Variance:**

TO ALLOW THE APPLICANT TO REPAIR AN EXISTING BOAT HOUSE LOCATED WITHIN THE BLUFF. + 4' to OHWL

**2.) Reasons for Approval or Denial of Request as Listed in Findings.**

**3.) Special Conditions of Variance:**

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:

  
APPLICANT/PROPERTY OWNER

6-19-18  
DATE

  
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

6-19-18  
DATE

**\*\* FEES ARE NON-REFUNDABLE \*\***

ON-SITE TOUR DATE: 7/19/2018	
PUBLIC HEARING DATE: 7/19/2018	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING  
OR THE APPLICATION WILL BE TABLED.



# VARIANCE FINDINGS OF FACT

**Name of Applicant:** JAMES & JANE WILLIAMS

**Variance #** 18115

**Variance Request:** TO ALLOW THE APPLICANT TO REPAIR AN EXISTING BOAT HOUSE LOCATED WITHIN THE BLUFF.

*+ 4' to 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	<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 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"/>
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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"/>
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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"/>
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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 James + Jane Williams  
 Mailing Address 7022 Damar Estates  
 City St. Peter State MN Zip 56082  
 Phone # 612-978-0578 Phone # 612-978-0581

**II. Landowner:**  
 Name James + Jane Williams  
 Property Address 7022 Damar Estates  
 City St. Peter State MN Zip 56082  
 Phone # 612-978-0578 Phone # 612-978-0581

**III. Parcel Information:**  
 Parcel Number R13,470.0230 Parcel Acreage 1.30  
 Township Washington Section 7  
 Subdivision Damar Estates Lot 22+ Block Part of Lot 21

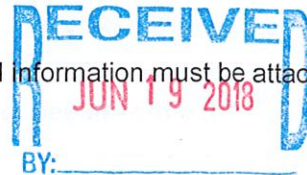
Full Legal Description must be attached.

(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 repair boat house that is structurally failing in the bluff 4' to OHWL - mrm

**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 6-19-18  
 (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
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts.*
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

\*Site shall be physically staked, then surveyed.

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

\*Stakes must remain in place until construction commences.

### VIII. Practical Difficulty:

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

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

*It is reasonable because the building (Boat House) is already there and the back cement block wall is buckling.*

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

*Building is built into a bluff and on the shore line impact zone*

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

*It was built in the 1970s and the boat lift system pulled the wall block out.*

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

*It will ensure the building will not collapse*

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

*yes, safety to the landowners and their guests.*

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

*yes*

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

*It is consistent with the land use goals & policies outlined in the Le Sueur County land use plan document*

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

*No current or proposed sewage or water capabilities.*

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

*This request is to make the current structure structurally sound and safe to enter for storage use.*



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

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

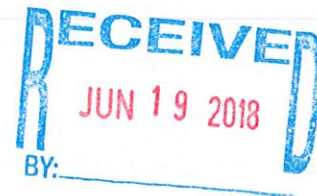
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested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

Jane Williams  
Applicant signature

6-19-18  
Date

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

Jane Williams  
Landowner signature

6-19-18  
Date

#### OFFICE USE ONLY

Date received <u>6/19/18</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>7-21-18</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>(Y)</u> N
60 Day <u>8-18-18</u>	Lake <u>Washington</u>	Water courses Y <u>(N)</u>
RFPE <u>985.8</u>	FEMA Panel # <u>27079C0245D</u>	Bluff <u>(Y)</u> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>A-100 yr FP</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>LK WASD</u>
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	COC NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>646</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mott</u> Planning & Zoning Department Signature	ATF / SPEC MTG <u>18115</u>
		Date <u>6/19/18</u> Permit # _____

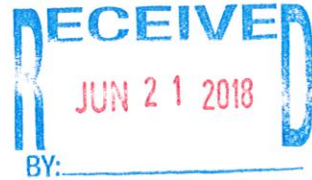
01-15-16

4





Le Sueur County Variance Application  
Description of Request  
Dated: June 19, 2018



In December 2016, we purchased our home on Lake Washington "as is" according to the purchase agreement. We elected to have an inspection done by Prokore Property Resources in North Mankato on December 7<sup>th</sup> who noted major issues with the accessory structure on the property commonly known as the "boat house."

In their summary report under structure, foundations, condition:  
"lateral movement."

*"A large amount of lateral movement and inward bowing was observed in the center of the front foundation wall for the boat house at the rear exterior of the home (lot). Large amounts of lateral movement and bowing can cause an increased chance for further movement and a weakened wall structure. As such the foundation wall should be further evaluated and repaired or replaced as necessary by a qualified foundation specialist or structural engineer."*

Also noted was the masonry stairway leading to and around the boat house labeled, condition:  
"unsafe."

*"The masonry stairway at the lower rear exterior of the home near the boat house contained a large amount of settling and masonry deterioration and cracking. Stairs which have experienced large amounts of movement and deterioration can cause an increased chance for tripping and falling hazards and as such the affected stairs should be repaired or replaced."*

Finally, the third area of concern in the inspection report is the roof of the boat house, condition:  
"cracking and leaking."

*"A good amount of cracking and water intrusion was identified in the roof for the boat house at the rear of the home. Cracking and continued leakage can cause an increased chance for accelerated degradation of the roof and water damage to surrounding and underlying building materials. As such the roof should be further evaluated and repaired or replaced as necessary by a qualified concrete contractor."*

Another 18 months have passed and we have witnessed the accelerated degradation of the boat house structure.

It is now a visible safety concern for our family and guests as well as an eye sore from the lake. Our intended use of the boat house is primarily storage of items used down by the water and yard maintenance equipment. It has an electricity supply but no sewage waste system or running water.

Our request for a variance is due to the boat house location four feet from the ordinary high water level. The required setback is ten feet. It is built into a bluff and is on a shore impact zone.

James & Jane Williams 7022 Da Mar Estates St. Peter, MN 56082 612-978-0578

To repair the three issues mentioned above: the failing foundation, the shifting masonry steps, and the leaking roof we propose to complete the following ten items:

1. Excavate around the back wall and remove sunken cement steps/landings
2. Rebuild the cement block back wall
3. Water proof the cement block back wall
4. Replace the excavated dirt
5. Partially remove the deteriorated wood built steps away from the boat house and reconstruct wood (no cement) steps to a more central location in the yard coming down from the top of the bluff.
6. Remove and replace the cracked cement roof
7. Construct a new railing that meets current code requirements
8. Replace two double hung windows with new windows
9. Replace the single stall garage door with a new garage door
10. Finish with a fresh coat of paint

Thank you in advance for your time and consideration. We look forward to creating a safer structure for our family and guests to enjoy as well as a more visually appealing structure to look at for Lake Washington boaters.



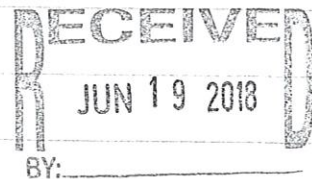
James & Jane Williams 7022 Da Mar Estates St. Peter, MN 56082 612-978-0578

Veith Construction LLC  
23342 589<sup>th</sup> Ave  
Mankato MN 56001

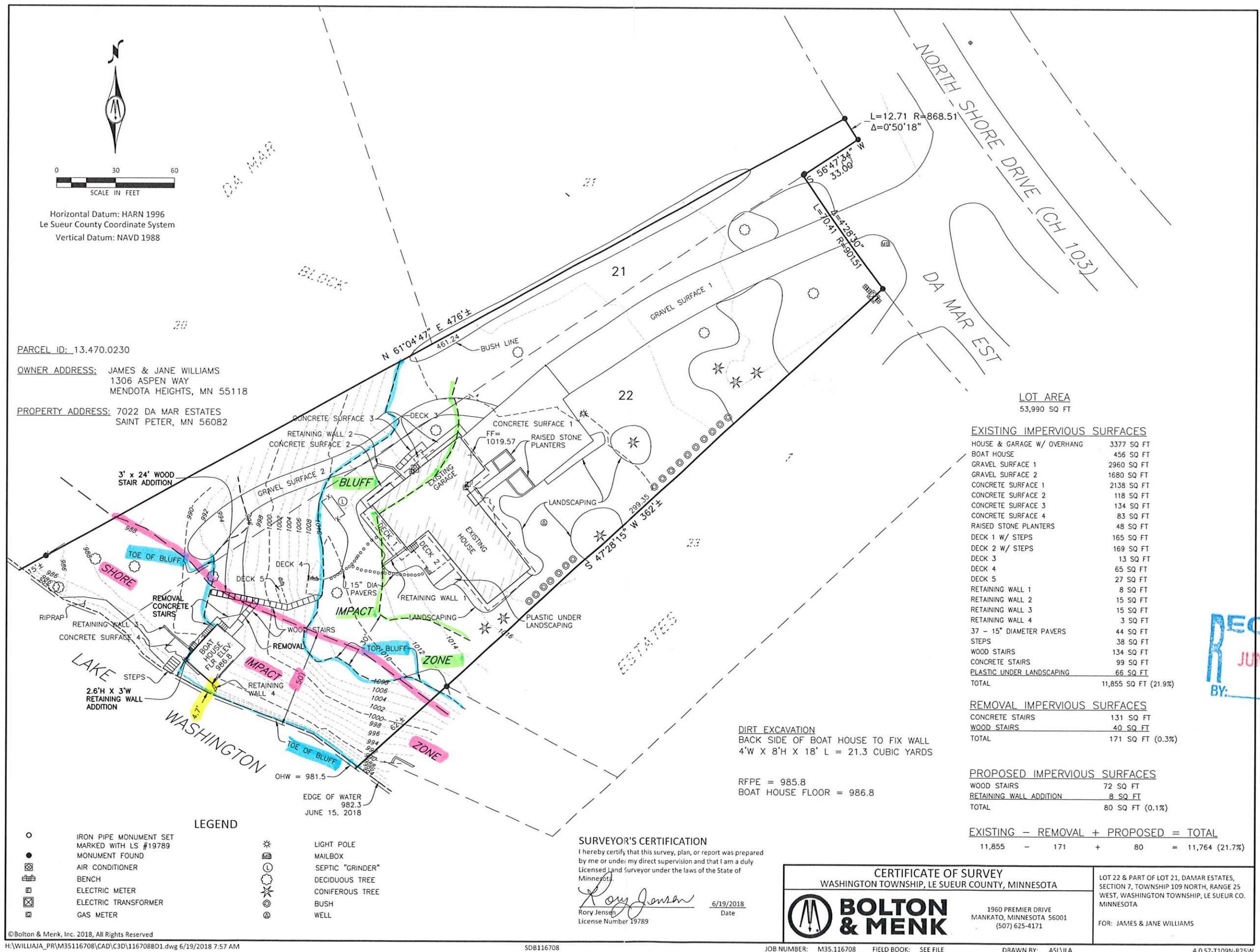
507 351-2195 \$3650.

Chad McCabe Block work

- 1) Excavate back wall & cement landings & steps
- 2) Take down old wall (back) Rebuild block wall/waterproof
- 3) Repair cement roof or replace with rubber roof.
- 4) Replace (2) windows
- 5) Replace garage door
- 6) Rebuild <sup>wood</sup> steps away from bathhouse









**Surveyor Certification**

I. **Applicant:**  
Name Jane & James Williams

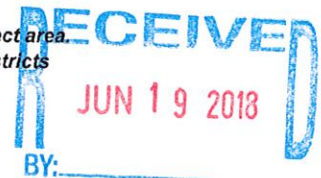
II. **Landowner:**  
Name Jane & James Williams  
Property Address 7022 DAMAR ESTATES  
City St. Peter State MN Zip 56082

III. **Parcel Information:**  
Parcel Number 13.470.0230

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 - <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.

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 June 15, 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.*

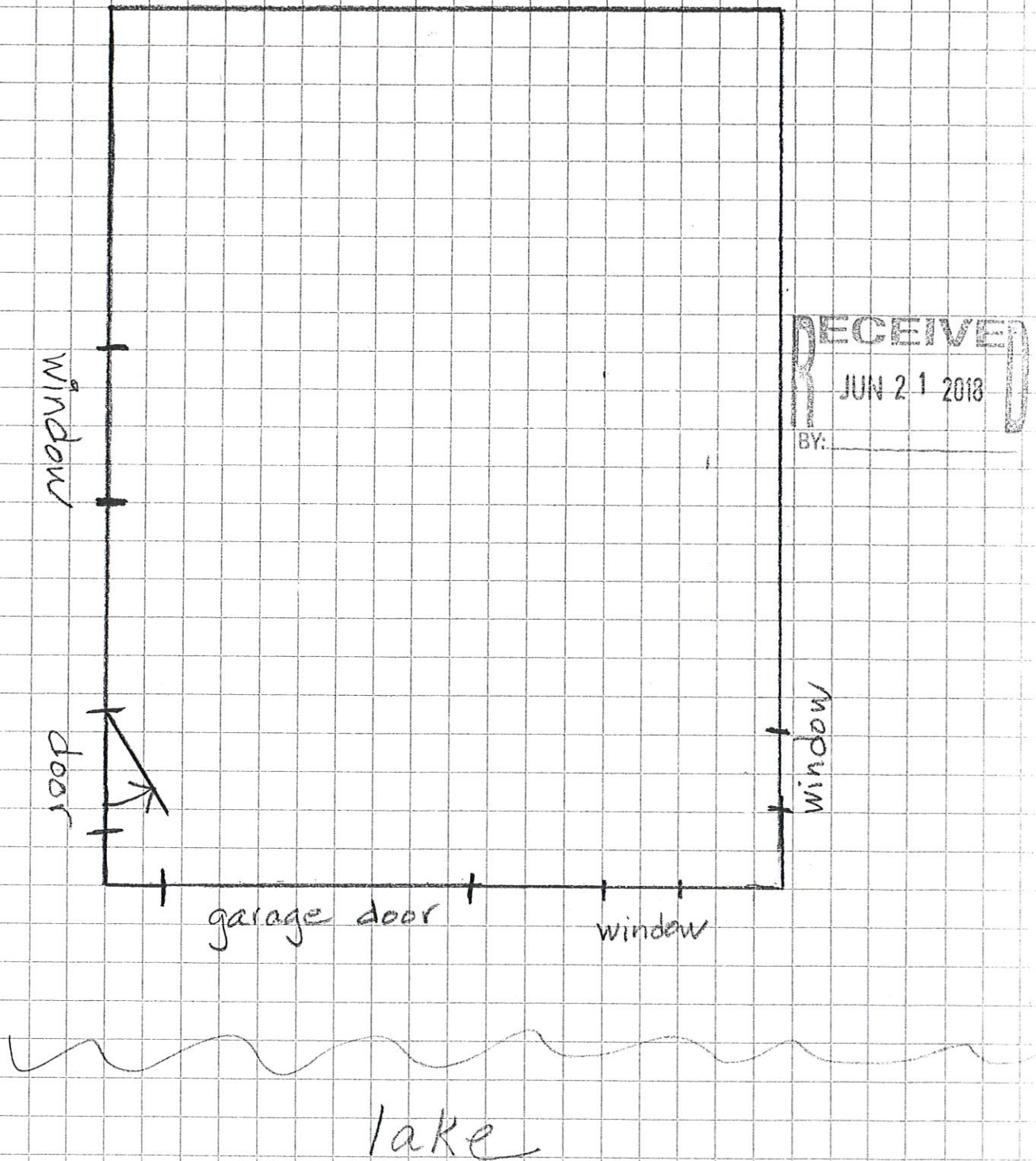
Roy Jensen June 19, 2018 19709  
Surveyor Signature Date Lic #

**OFFICE USE ONLY**

6-19-18 MJM  
Date Received Planning & Zoning Department Signature

# Floor Plan

## Williams' Boat House







RECEIVED  
JUN 21 2018  
BY: \_\_\_\_\_

# McCabe Masonry, LLC

Cell: 507-317-7791

P.O. Box 11 Cleveland MN, 56017

To:

**James Williams**

7022 Da Mar Estates

St. Peter, MN 56082

**Da**

**Est**

**Project: Removal and replacement of block on boathous**

Qty:

Removal and replacement of block (32Ft.x12 Courses) 300

Tear out and haul away block

**Corefill:** 32ftx 12 Courses of grout and 1/2" rebar in every core

**Pump truck:** for placment of concrete

This is only a estimate prices are subject to change, winter fees apply

**Projcet total:**

Excludes the following: utility locations, all earthwork, vapor barrier, cold weather provisions, any materials ne sealers, caulk, anchor bolts, unforeseen conditions, grouting, winter conditions, wet cure, imbeds, testing.

No extra work will be preformed unless approved in writing.

**Approval:**

Thank you fc

Please note that concrete cracks and pops on the surface. It will also spall on the suface from salt and de-icer



# McCabe Masonry, LLC

Cell: 507-317-7791

P.O. Box 11 Cleveland MN, 56017

To:

**James Williams**

7022 Da Mar Estates

St. Peter, MN 56082

Project: **Removal & Replacement of Concrete**

concrete cap-- 18'8"x24'6"x2"1/4"

457sqft.

pump truck rental for concrete placement

3/8" rebar 2' on center

removal of concrete and labor

install of banister

This is only a estimate prices are subject to change, winter prices a

**Projcet total:**

Excludes the following: utility locations, all earthwork, vapor barrier, cold weather provisions, any material sealers, caulk, anchor bolts, unforeseen conditions, grouting, winter conditions, wet cure, imbeds, testing.

No extra work will be preformed unless approved in writing.

**Approval:**

Thank you

Please note that concrete cracks and pops on the surface. It will also spall on the suface from salt and de-ic

**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**

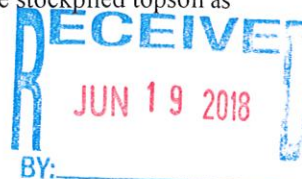
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: James & Jane Williams PID: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Property Address: 7022 Da Mar Estates  
Phone: (612) 978-0581 Mobile/Cell: (612) 978-0578

Responsible party for Implementation/Inspection: Self  
Address: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Mobile/Cell: (\_\_\_\_) \_\_\_\_\_

**Erosion & Sediment Control Measures**

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.



11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.
13. Apply fertilizer according to soil test recommendations.
14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

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

#### Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

James Williams  
(Property Owner)

James F. Williams  
(Person Responsible for Implementation)

6-19-18  
(Date)

6-19-18  
(Date)

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

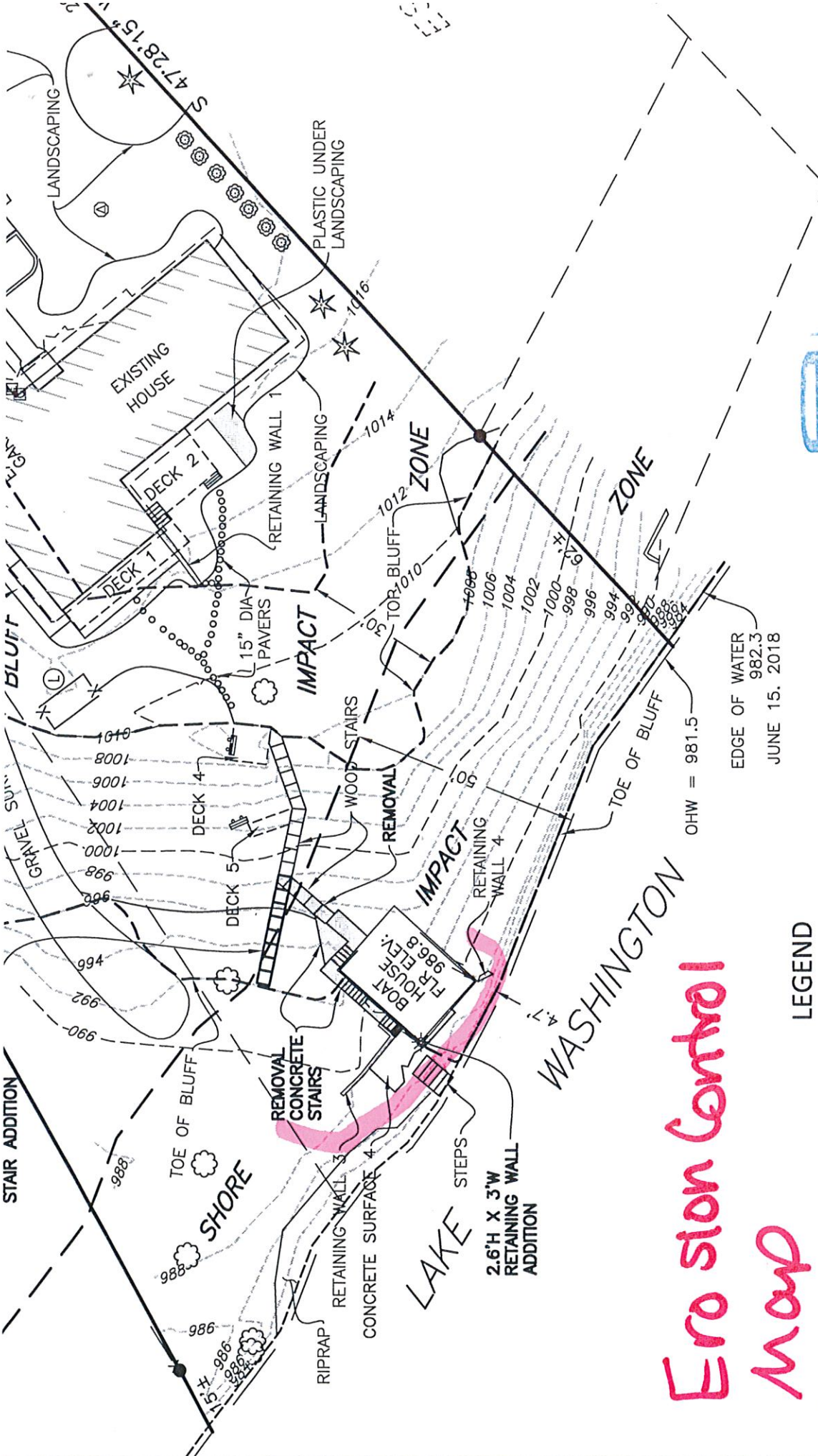




## Erosion Control Plan

1. Minimize disruption of soil around boat house to what is absolutely necessary.
2. Divert storm water away from disrupted soil area
3. Use silt fences to protect lake shore from runoff.
4. Keep weather forecasts in consideration when scheduling the work/digging.
5. Revise the plan as needed.





# Erosion Control Map

## LEGEND

- IRON PIPE MONUMENT SET MARKED WITH LS #19789
- MONUMENT FOUND
- ☒ AIR CONDITIONER
- ☒ BENCH
- ☒ ELECTRIC METER
- ☒ ELECTRIC TRANSFORMER
- ☒ GAS METER

- ★ LIGHT POLE
- ☒ MAILBOX
- ☒ SEPTIC "GRINDER"
- ☒ DECIDUOUS TREE
- ☒ CONIFEROUS TREE
- ☒ BUSH
- ☒ WELL

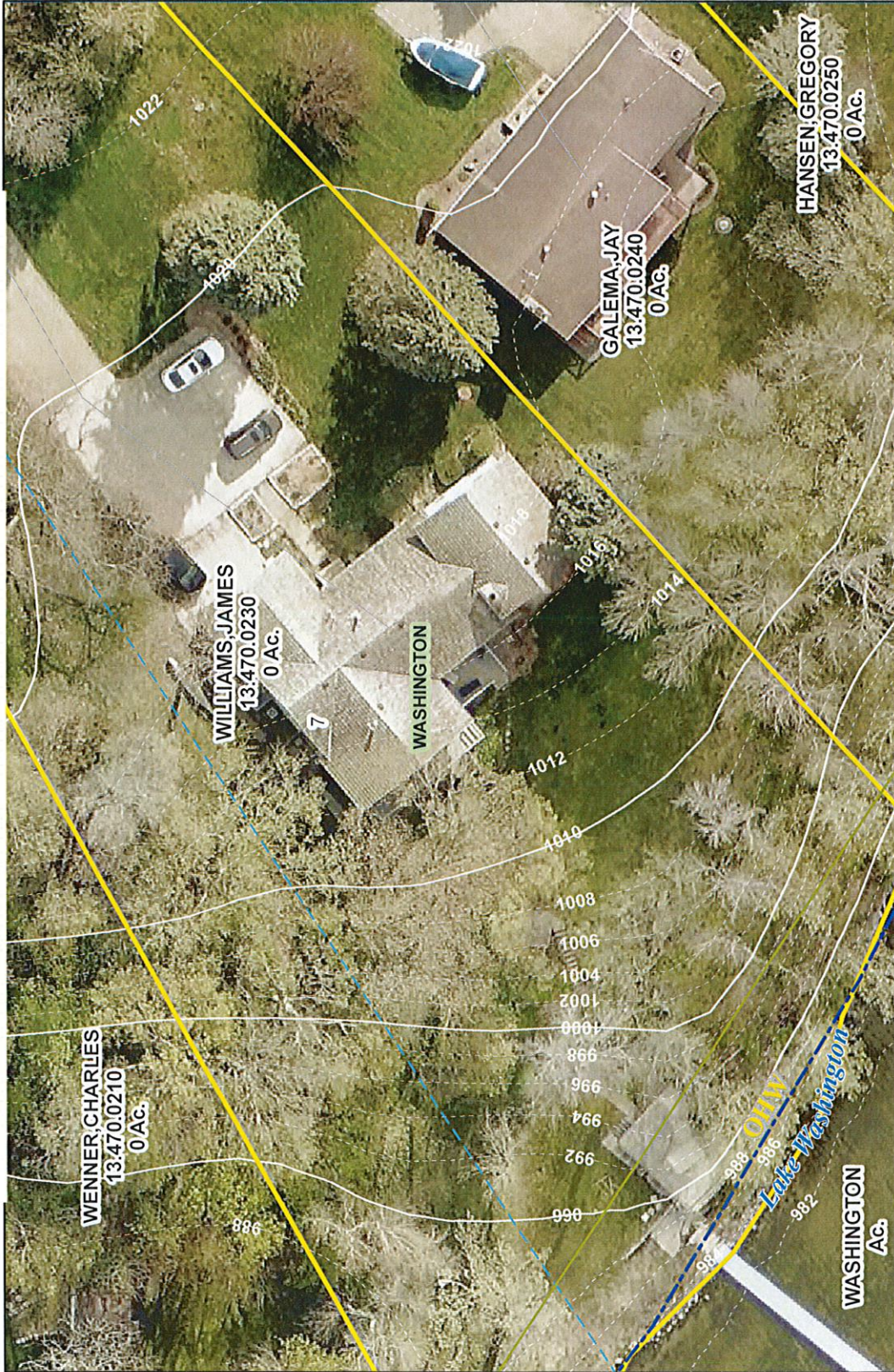
RECEIVED  
JUN 19 2018  
BY:

SURVEYOR  
I hereby certify that I am a  
by me or under my supervision  
Licensed Land Surveyor  
Minnesota  
Rory Jensen  
License Number: 116708



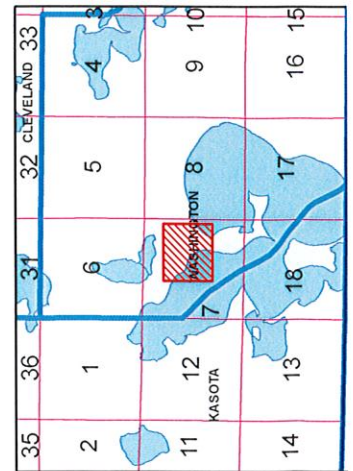
# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Williams  
**PID:** 13.470.0230  
**DATE:** 06-27-18  
**FIRM #:** 27079C0245D  
**F-Zone:** A-100 yr flood plain  
**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





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# **Le Sueur County, MN**

**Thursday, July 19, 2018**

**Regular Session**

## **Item 1**

**Approved July 19, 2018 Meeting Minutes**

Staff Contact: Joshua Mankowski or Michelle Mettler

# LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

**July 19, 2018**

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Joshua Mankowski

1. **Call to Order** at 3:00 by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections None. Motion to approve agenda by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.
3. **Meeting Minutes:** June 21, 2018 Additions/Corrections None. Motion to approve minutes by Colin Harris. Seconded by John Wolf. Motion approved. Motion carried.
4. **Applications**

**ITEM #1: JAMES & JANE WILLIAMS, ST PETER, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to repair an existing boat house located within the bluff and 4 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on Lake Washington, a Recreational Development "RD" lake. Property is located at Lots 21 & 22, Damar Estates, Section 7, Washington Township. **VARIANCE IS FOR BLUFF & OHWL SETBACKS.**

James Williams was present for application. Township: E-mail from Bob Kavney, Washington Township Supervisor stating that the township has no issues with the proposal to repair the existing boathouse. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist giving her recommendation of approval with the following condition; The shoreline appears to be eroding away, and could potentially be a problem in the future. In order to help provide protection and stability of the bluff and shoreline, it would be my recommendation to plant vegetation that is native to Minnesota along the shoreline. Native plantings should occur within the entire width of the boat house.

Discussion was held regarding: James Williams informed the board that they had purchased the house one and half years ago. The previous landowners let the property fall apart. This was known when they purchased the property. They didn't plan on repairing the boathouse at this time, but it is getting worse. Collin Harris inquired about the plan to replace the steps. James Williams replied that they will replace the steps and then run them straight down, instead of turning where the boat house is located. Jim Mladek asked if the steps along the boathouse will be replaced as well. James Williams replied no. Jenny Doheny stated that she assumes that the project will be done in a way that limits the amount of soil movement. James Williams answered that the equipment is going to be used to dig out the backside of the boathouse. They will prop up the boathouse while they are doing the work. The damage to the wall was caused by the force of pulling the boat up into the boathouse over the years. The house has only had two owners over the years; Damar was the original owners and they sold it to the people who owned it before them. Jeanne Doheny asked James Williams if they had seen Holly Kalbus' letter. James Williams responded yes. Jeanne Doheny asked the applicant what they would do if the

application was not approved. James Williams replied that he didn't know, once everything caved in, the material would need to be hauled away.

Motion was made by Jim Mladek to Approve the application with the condition listed in Holly Kalbus' letter. Conditions: In order to help provide protection and stability of the bluff and shoreline, it would be my recommendation to plant vegetation that is native to Minnesota along the shoreline. Native plantings should occur within the entire width of the boat house. Seconded by John Wolf. Motion approved. Motion carried.

5. **Discussion Items:** Davis has again appealed the decision to deny the variance for setback from the OHWL for a proposed pool and pool house. Some discussion was had about the logistics of the appeal.
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 August 16, 2018***

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