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# Le Sueur County, MN

Thursday, August 16, 2018

Regular Session

## Item 1

### Hartz Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Robert & Ann Hartz

**911 ADDRESS:** 17181 Dickenson LN, Waterville MN

**VARIANCE REQUEST:** To construct a dwelling addition 41 feet from the road Right-Of-Way (ROW), 5 feet from the west property line, and 6 feet from the septic tank; total impervious surface of 33.1%.

**VARIANCE NUMBER:** 18140

**PARCEL NUMBER:** 14.550.0040

## SITE INFORMATION

**LOCATION:** Lot 4, Gray's Unrecorded Plat, Part of Government Lot 1, Section 20, Waterville Township.

**ZONING & PURPOSE:** Recreational Residential and 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.

**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 makes reference to shoreland development 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.

**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.

**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 development, farmland.

**ACCESS:**

Existing off Dickenson Lane

**LAKE:**

Tetonka

**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: 1006.1 Lowest floor must be at or above RFPE.

**BACKGROUND INFORMATION**

The parcel is a non-conforming shoreland lot located in an RR district on Lake Tetonka. The proposed addition is not located within the floodplain. An existing detached garage and cabin are located on the property. The proposal is to add attached garage and living space. Proposal is to keep existing cabin and deck and construct addition to the existing structure. Existing cabin has basement, proposed addition will not have basement. Current impervious surface is 26.5 %. Proposed impervious surface is 33.1 %.

**ATTACHMENTS**

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

**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. Dwelling to property line:	5 feet	10 feet	Section 13.2, Subdiv. 5. C. 2.	13-44
b. Dwelling to road ROW:	41 feet	65 feet	Section 13.2 Subdiv. 5. B. 3.	13-43
c. Dwelling to septic tank:	6 feet	10 feet	Section 17, Subdiv. 4. D. 4. b.	17-9
d. Impervious Surface:	33.1%	25%	Section 13.2, Subdiv. 5. J. 3.	13-48
 2. <b>Refer to DNR Guidance Letters:</b>				
a. Administration, Compliance, and Enforcement				pg. 1
b. The Role of the Variances in Shoreland Management Ordinances				pg. 9
c. Limiting Impervious Surface				pg. 15
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 <b>practical difficulty</b> .				
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 <b>findings of fact</b> .				

**CONSIDERATIONS**

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.



- b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
  - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **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. Property is in a floodplain district however the proposed addition is not located within the floodplain.
  - b. Side yard setback in RR is 15 feet. Exemption allows non-conforming lots to be 10 feet from property line.
  - c. Exemption allows additions to existing structures to be closer to property line without variance is the addition is no closer than the existing structure and at least ½ required the setback.

<b>CONDITIONS</b>
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- 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

## 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: 7/17/2018	PERMIT NUMBER: 18140	FEE: \$646.00
60 DAY RULING DATE: 9/15/2018	911: 17181 DICKENSON LN, WATERVILLE,	
APPLICANT: ROBERT & ANN HARTZ	LAND OWNER: ROBERT & ANN HARTZ	
ADDRESS: 1208 E LACONA AVE	ADDRESS: 17181 DICKENSON LN	
CITY: DES MOINES	CITY: WATERVILLE	
STATE: IA	STATE: MN	ZIP: 56096
PHONE: 515-326-1468	ZIP: 50315	PHONE: 515-707-0884

TOWNSHIP: WATERVILLE	PARCEL NO: 14.550.0040	
SEC: 20	SUBDIV: GRAYS UNREC PLAT	
TWP: 109	LOT: 4	ZONE: <del>X-OUTS</del> R1CF
RANGE: 23	BLOCK:	FEMA PANEL # 27079C0430D
Q/Q:	ROAD: PVT	FLOOD ZONE: X OUTSIDE

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:

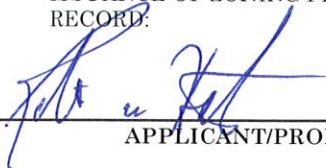
**1.) Reason for Requested Variance:**

TO ALLOW THE APPLICANT TO CONSTRUCT A DWELLING ADDITION 41 FT FROM ROAD ROW, 5 FT FROM WEST PROPERTY LINE, 6 FT FROM SEPTIC TANK, AND CREATE TOTAL IMPERVIOUS SURFACE OF 33.1%.

**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

7-17-18

DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

7-17-18

DATE

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

ON-SITE TOUR DATE: 8/9/2018	
PUBLIC HEARING DATE: 8/9/2018	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:** ROBERT & ANN HARTZ

**Variance #** 18140

**Variance Request:** TO ALLOW THE APPLICANT TO CONSTRUCT A DWELLING ADDITION 41 FT FROM ROAD ROW, 5 FT FROM WEST PROPERTY LINE, 6 FT FROM SEPTIC TANK, AND CREATE TOTAL IMPERVIOUS SURFACE OF 33.1%.

- 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

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: 08/07/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

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**Applicant:**

Robert & Ann Hartz

**Property owner:**

Robert & Ann Hartz

**Property:**

14.550.0040

**Description:**

Variance request to allow the applicant to construct a dwelling addition 41 feet from the road Right-Of-Way (ROW), 5 feet from the west property line, and 6 feet from the septic tank; total impervious surface of 33.1% in a Recreational Residential "RR" District, on Lake Tetonka, a Recreational Development "RD" lake.

**Recommendation:**

It would be my recommendation to approve the application with the condition listed below. The additions to the lot will be constructed outside of the shore impact zone, and thus should reduce the impact to Lake Tetonka.

**Condition(s):**

Install a 100 square foot rain garden located just off of the southwest corner of the deck and existing cabin. Plant vegetation that is native to Minnesota within the rain garden. This specific location was chosen in order to capture as much stormwater runoff as possible from the proposed building addition, existing cabin, driveway, and deck.

Sincerely,



Holly Kalbus  
Le Sueur County  
Environmental Resources Specialist



Variance Application

I. **Applicant:**  
 Name Robert and Ann Hartz  
 Mailing Address 1208 E Lagoon Ave  
 City Des Moines State IA Zip 50315  
 Phone # 515-326-1468 Phone # 515-707-0884

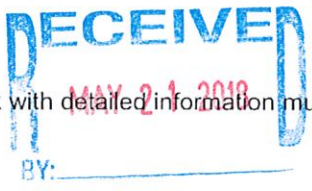
II. **Landowner:**  
 Name Robert and Ann Hartz  
 Property Address 17181 Dickenson Lane  
 City Waterville State MN Zip 56096  
 Phone # 515-326-1468 Phone # 515-707-0884

III. **Parcel Information:**  
 Parcel Number 14.550.0040 Parcel Acreage N/A  
 Township Waterville Section Greys Unrec Plat (Tetonka)  
 Subdivision Dickenson Flat Lot 004 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).  
Construct a dwelling addition 5' feet from west property line and 41' feet from the road right of way. 15 percentage 33.1%  
AND 6' FROM HOLDING TANK

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.)  
Waterville Township notified on 12-14-17  
 (Township Name) (Date)

Board Member Al Gehrke 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.

*See attached*

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

*See attached*

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

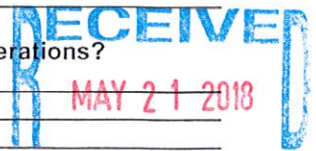
*See attached*

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

*See attached.*

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

*See attached*



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

*See attached*

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

*See attached.*

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

*See attached*

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

*See attached*



**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:**

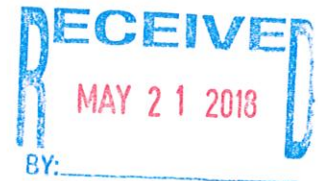
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested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

[Signature]  
Applicant signature

5-21-18  
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

5-21-18  
Date

**OFFICE USE ONLY**

Date received <u>5-21-18</u>	Present Zoning Classification <u>RR/FF</u>	Feedlot within 500' <u>1000'</u> <u>(N)</u>
Meeting date <u>8-16-18</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>(Y)</u> <u>(N)</u>
60 Day <u>9-15-18</u>	Lake <u>Tetonka</u>	Water courses <u>(Y)</u> <u>(N)</u>
BFE <u>1005.1</u>	FEMA Panel # <u>2079C0430</u>	Bluff <u>(Y)</u> <u>(N)</u>
RFPE <u>1006.1</u>	Flood Zone <u>X-outside</u>	Other _____
<u>OHWL 1000.5</u>	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>9-28-17</u> <u>(COC)</u>
<input checked="" type="checkbox"/> Site Plan -survey	<input checked="" type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> NONC/Waiver Design
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input checked="" type="checkbox"/> Fee \$ <u>640</u> ATF <u>(SPEC/MTG)</u>
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<u>7-17-18</u> <u>18140</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle Rmitt</u> Planning & Zoning Department Signature	Date _____ Permit # _____

01-15-16

Some flood zone AE on property

4

**RECEIVED**  
**MAY 21 2018**  
BY: \_\_\_\_\_

Existing cabin has basement. Addn will be on slab.

# Variance Application

## V. Description of Request:

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

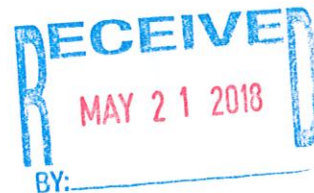
A variance is requested to build an attached garage with two bedrooms above the garage to our property at 17181 Dickenson Lane, Waterville, MN 56096.

We purchased this property in September of 2010. We could look for another property that suites our needs. However, the lot is a perfect lot because it is high enough to not be in a flood plain, but low enough to not have a ton of steps to walk down to the water. We have owned the property for almost eight years and we love our neighbors. We spend every weekend at this property from April until November each year. We are planning on retiring to this property. However, it is currently a seasonal cabin and in order to make this a permanent residence we need an attached garage and the additional bedrooms. Once we sell our residence in Des Moines, we will no longer have a place to store our boats, therefore, we need to have a place to keep them in Minnesota.

We need the additional bedrooms for when family visits. Ann has a business in Des Moines and for a transition period will need to work from Minnesota for a few years, therefore, she will need an office to work out of.

The variance is necessary to accommodate the double car width to fit a vehicle and boat that will need to be stored through the harsh Minnesota winters. We are not able to go any further South due to the well and we can't go any further East because of the holding tank.

Due to the above listed reasons this variance application is requested for a variance to the west side of the property line a set-back of 5' rather than the required 10'. In addition, we are requesting a variance for the front set-back to be 41' from the road rather than the 65' required front set-back in order for the garage to be large enough to accommodate the vehicle and boat.



We plan on implementing a water garden and/or a French drain to decrease any water run off into the lake and the nearby farmland. There will be minimal increase to the impervious surface, therefore, the run-off would be reduced to a minimum.

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



## VIII. Practical Difficulty

- 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 property sits on a non-conforming lot which provides for less than 20 feet currently between the structure to the west of the property. We are requesting a variance for the going beyond the 10' set-back to the West and for the road set-back because the addition cannot go any further South due to the existing well. This structure is primarily going to be built over the current driveway, therefore the impervious surface will only increase a minimal amount. However, we are willing to remove the existing garage if necessary.

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

The lot is a nonconforming lot for a "seasonal" home. We want to convert it to a permanent home. The unique circumstances is due to the placement of the well that is at the SW corner of the house and the holding tank that is in the NE corner of the property.

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

The structure was platted for "seasonal use" on a non-conforming lot, therefore, it has both a well and a holding tank that obstructs the ability to increase the living space as well as the storage area without getting a variance.

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

The impervious surface will only be minimally increased because the addition is being built over the existing gravel driveway. We plan to implement a water garden and/or French drain for the water run-off. We also believe it will enhance the property values and beautify the neighborhood to have the property updated.



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

The alleged practical difficulty involves our long-term plans to retire to this home and living to an old age. Having our vehicles, boats, mowers, etc. easily accessible, as well as everything in the home on one level.

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

This property has agricultural land to the North and Lake Tetonka to the South. We plan on implementing a water garden and/or a French drain to encourage less water run off into the lake and the nearby farmland. We plan to remove the existing single car garage in order to not increase the existing impervious surface. By doing so it will minimize any water run-off.

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

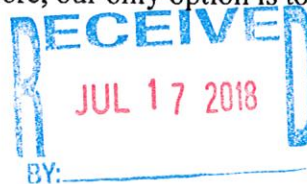
Waterville Township is a rural community that "Twenty seven percent of the Township's housing stock was built prior to 1940." The home that we are wanting to update was built prior to 1940. The addition of a garage with two bedrooms to it, is in keeping with updating the property and adding to the housing values of the community. In addition, rather than being an Iowa resident with a seasonal home in Minnesota, we would be a permanent resident of the Waterville Community and increase the economics of the area by purchasing from locally owned establishments, such as the local lumber yard for this project.

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

The property has a holding tank and there is an onsite well. There are no proposed changes to either of these.

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

The lot on this property is a nonconforming seasonal lot that does not have room for expansion due to the restrictions of the well and the holding tank. Therefore, our only option is to build up for the



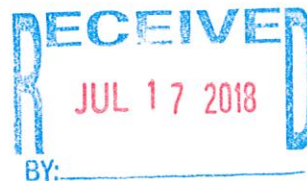
added bedrooms/office and building the attached garage over the existing driveway.

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JUL 17 2018  
BY: \_\_\_\_\_



g. Erosion control plan

Please find attached the signed Erosion and Sediment Control Plan. Ann and Bob Hartz have signed the form as responsible parties. Once we have a contract signed with a builder/excavator we will replace this with their signature. As of this date we have discussed our needs with James Brothers Construction out of Elysian, Minnesota.



BENCH MARK:  
 1016.52 = TOP OF 6" CAST VALVE COVER, CONTROL POINT  
 #477 NEAR WEST PROPERTY LINE OF HARTZ  
 FACEL  
 ELEVATION = 1016.52 FEET (SEA LEVEL DATUM)  
 +20.7 = EXISTING GROUND SPOT ELEVATIONS (FOR SEA  
 LEVEL DATUM ADD 1000.00 FEET)

HARTZ LOT  
 HOUSE, DECK & GARAGE  
 DRIVEWAY & WALK  
 IMPERVIOUS  
 SURFACE  
 IMPERVIOUS SURFACE RATE

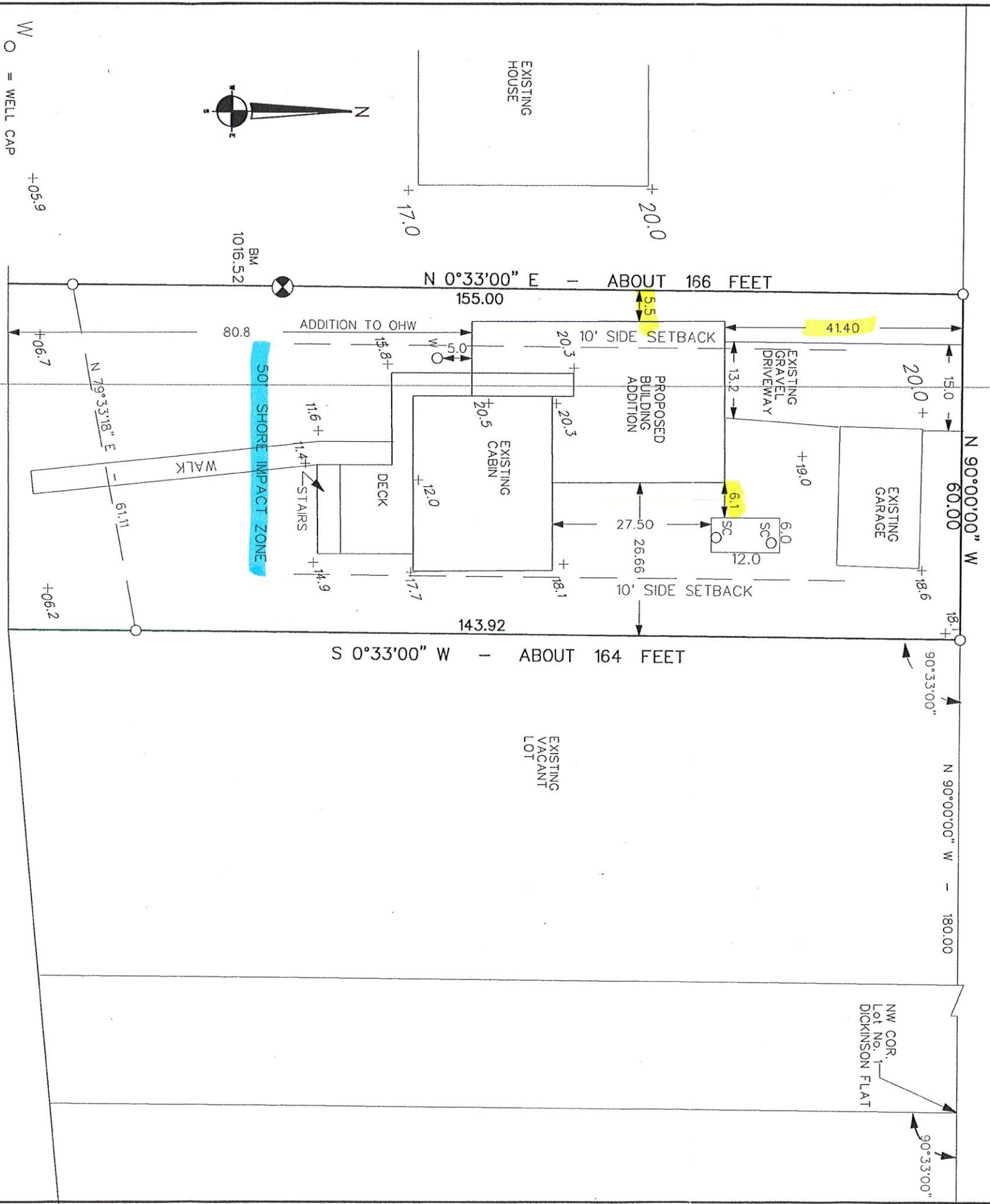
26.5%

HARTZ LOT  
 HOUSE, DECK & GARAGE  
 BUILDING ADDITION  
 DRIVEWAY & WALK  
 IMPERVIOUS  
 SURFACE  
 IMPERVIOUS SURFACE RATE

33.1%

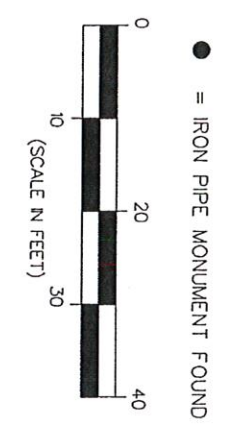
1000.5 = ORDINARY HIGH WATER ELEVATION  
 1005.1 = 100 YEAR FLOOD ELEVATION  
 1006.1 = LE SUEUR COUNTY REGULATORY FLOOD  
 PROTECTION ELEVATION  
 1012.0 = LOWEST FLOOR ELEVATION (BASEMENT  
 WALKOUT)  
 1020.5 = NEXT HIGHEST FLOOR  
 1011.5 = LAG (LOWEST ADJACENT GRADE)  
 1011.4 = LAG ● DECK  
 1020.3 = HAG (HIGHEST ADJACENT GRADE)

DICKENSON LANE



TETONKA LAKE

WATER ELEVATION = 1000.3  
 MARCH 10, 2016



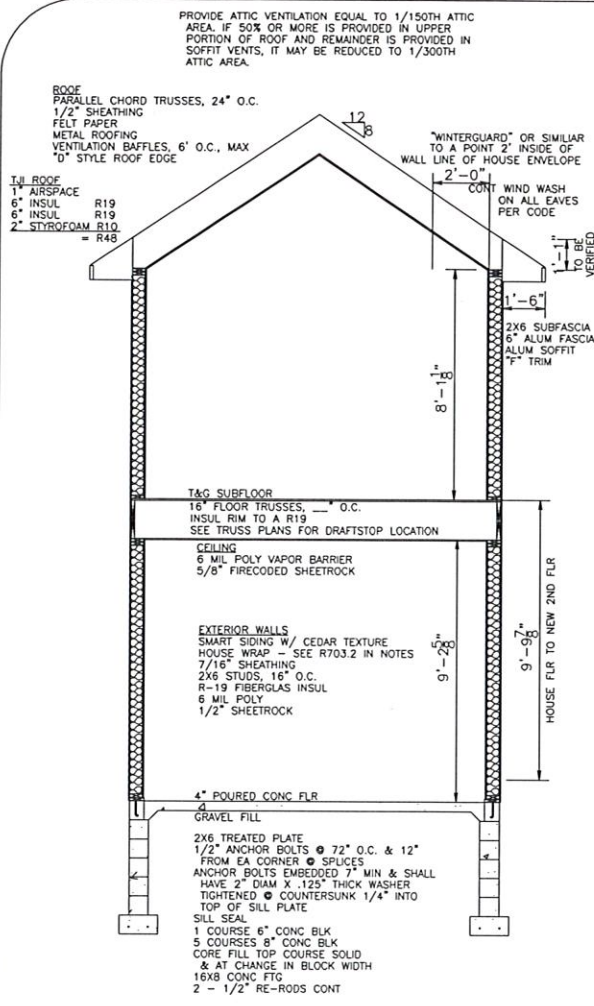
herby certify that this description, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Professional Land Surveyor for the State of Minnesota.  
 CHARLES R. ALLEN  
 Date: 07-25-2018 License Number 22660

CERTIFICATE OF SURVEY  
 ROBERT & ANN HARTZ PROPERTY  
 PART OF GOVT LOT 1, SEC. 20-109-23  
 LE SUEUR COUNTY, MINNESOTA  
 SCALE: 1" = 20'  
 PROJECT #: 975-009  
 DATE: JULY 25, 2018

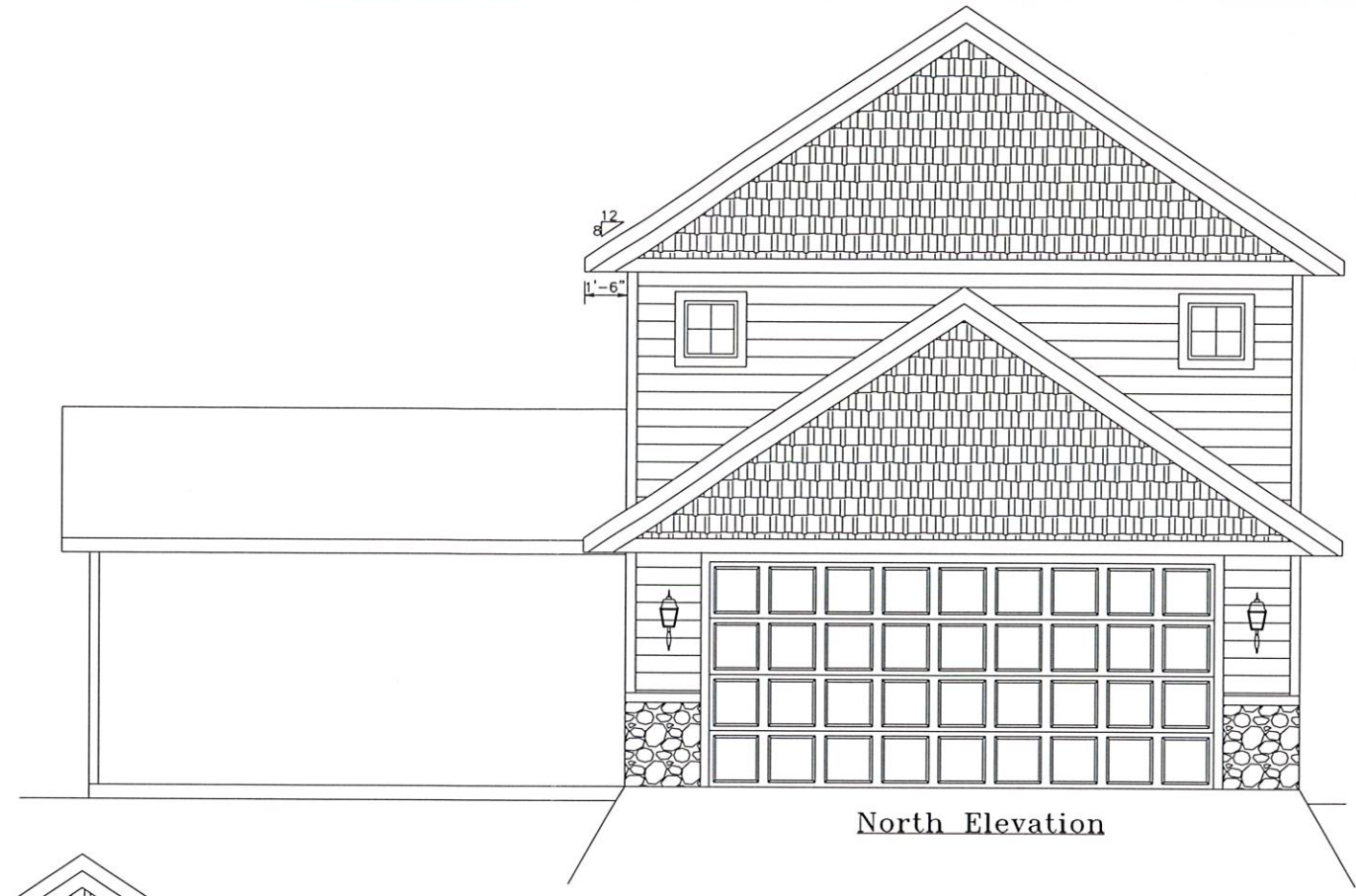
LAKE COUNTRY  
 LAND PROFESSIONALS  
 3701 A HIGHWAY 60 WEST  
 FORTBOUR, MN 55021  
 507-332-7449  
 REGISTERED LAND SURVEYORS



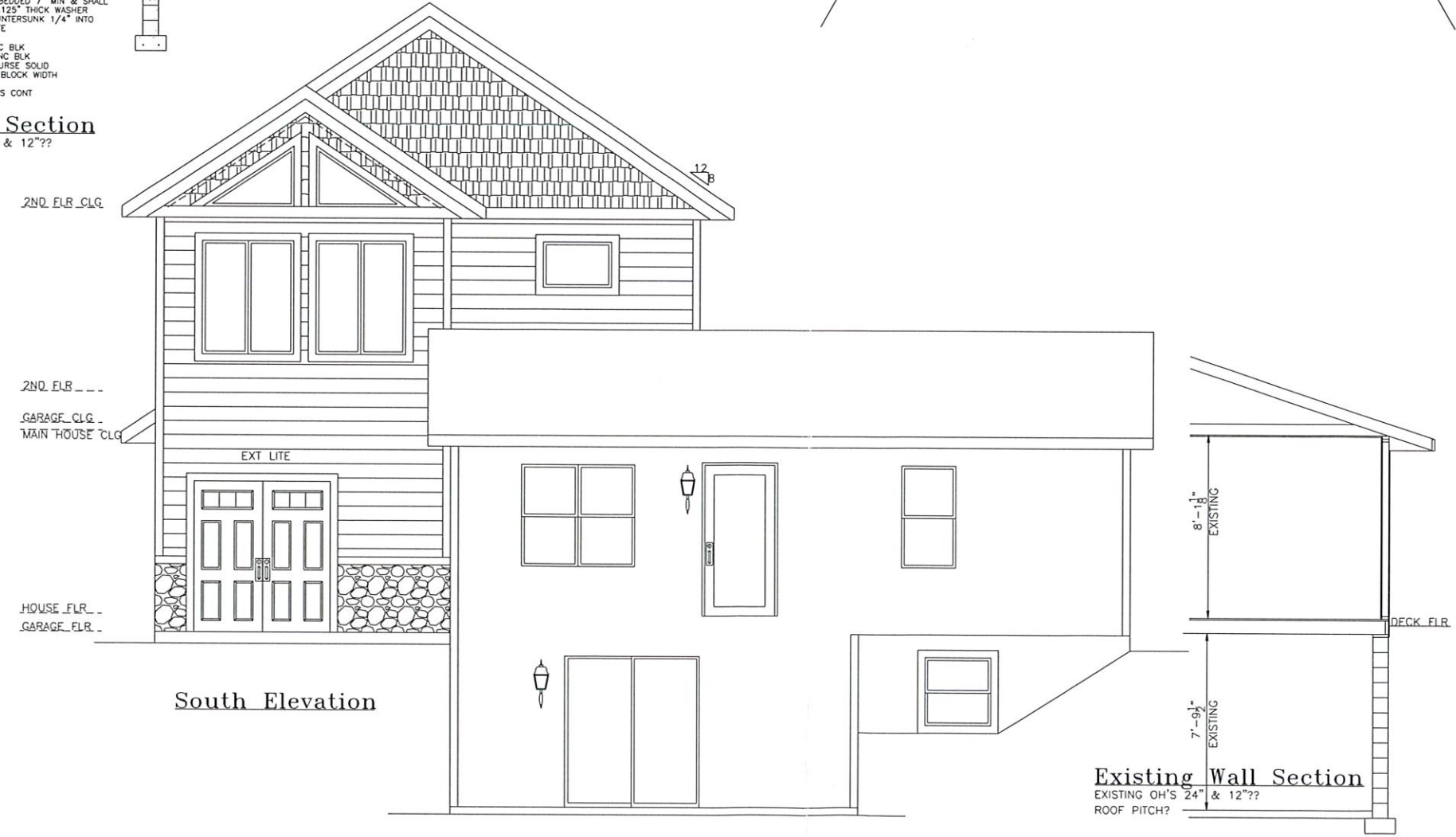




"A" Wall Section  
EXISTING OH'S 24" & 12"??



North Elevation



South Elevation

Existing Wall Section  
EXISTING OH'S 24" & 12"??  
ROOF PITCH?

Revision/Issue	
3-12-18	
3-16-18	

These plans are intended as a guide for builders who are knowledgeable about standard building construction practices and building codes. We will revise the plans to correct any errors discovered before start of construction but assume no responsibility for any errors or improper construction thereafter.

**HYATT HOMES**

CUSTOM DRAFTING AND DESIGN

Michelle Hyatt  
9903 NW 16th St  
Waseca, MN 56093  
Ph. (507)835-8121  
E-mail: hyathomes@yahoo.com

Project Address:  
17181 Dickenson Lane  
Waterville MN

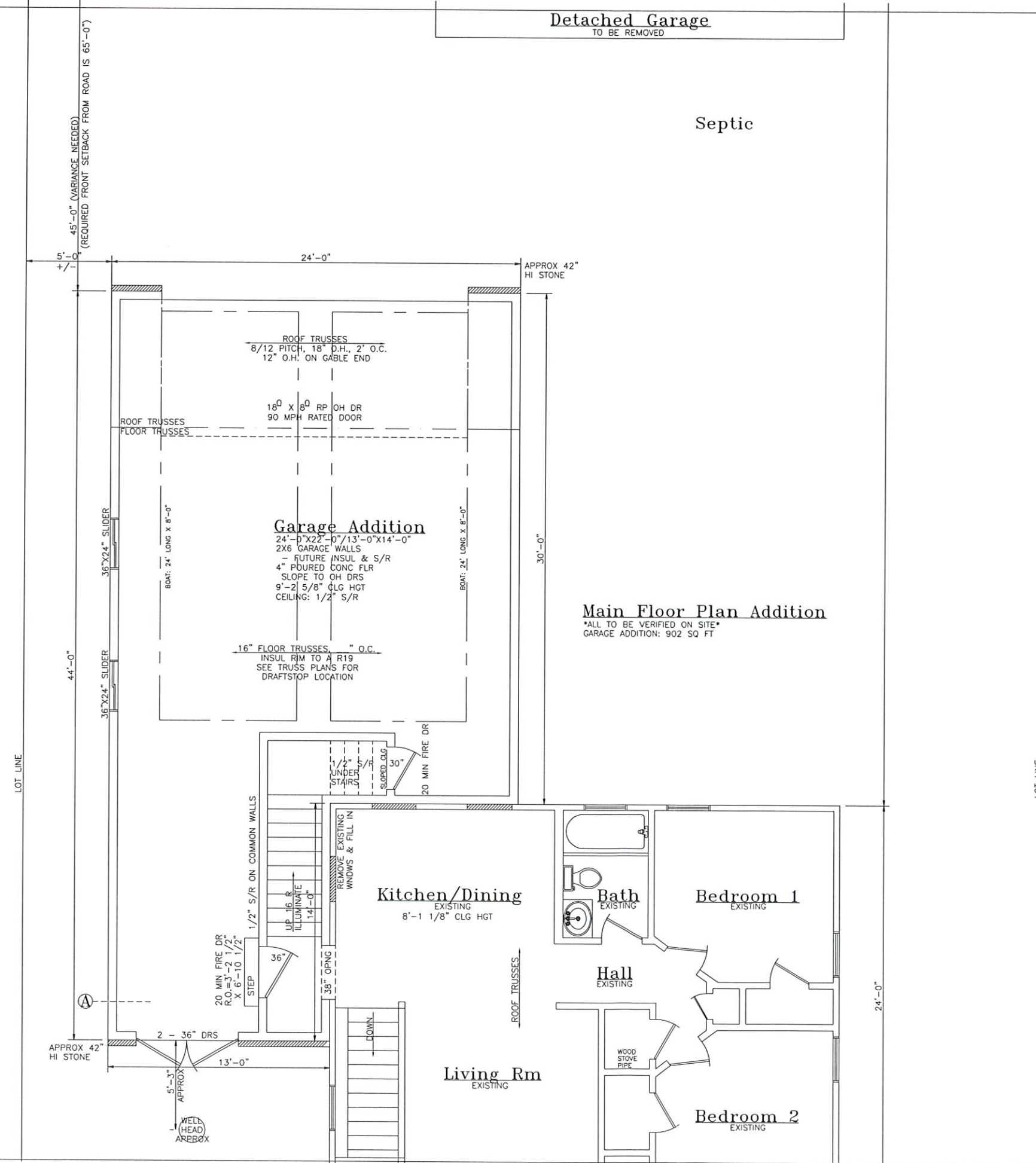
Project Name and Address  
Robert & Ann Hartz  
1208 E Laconia Ave  
Des Moines, IA 50315  
1-515-326-1468

Project HARTZ	Sheet
Date 8-29-17	Addition Elevations
Scale 1/4"=1'	

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

Detached Garage  
TO BE REMOVED

Septic



**Main Floor Plan Addition**  
\*ALL TO BE VERIFIED ON SITE\*  
GARAGE ADDITION: 902 SQ FT

Revision/Issue	
3-12-18	
3-16-18	

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CUSTOM DRAFTING AND DESIGN

Michelle Hyatt  
9903 NW 16th St  
Waseca, MN 56093  
Ph. (507)835-8121  
E-mail: hyatthomes@yahoo.com

Project Address:  
17181 Dickenson Lane  
Waterville MN

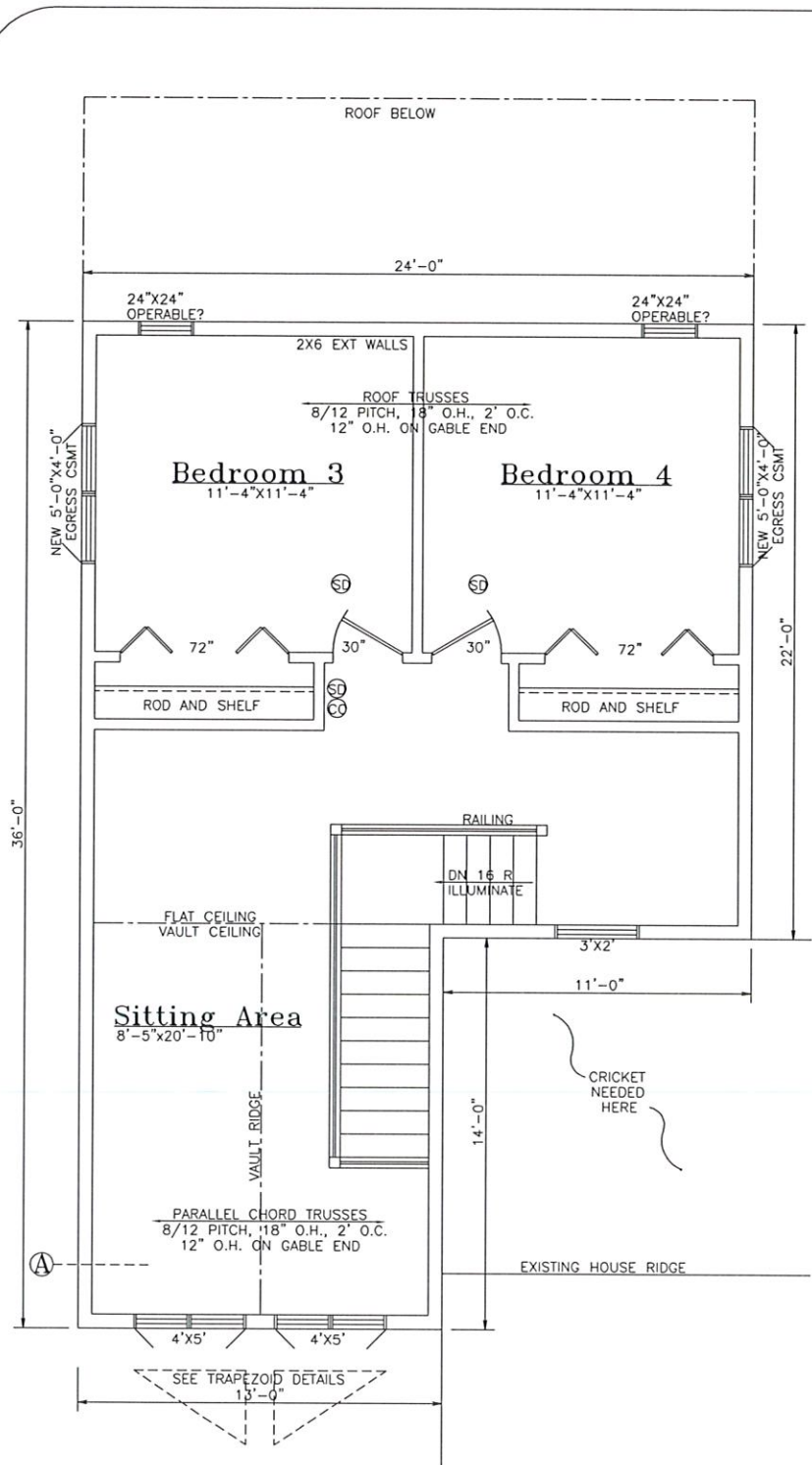
Project Name and Address  
Robert & Ann Hartz  
1208 E Laconia Ave  
Des Moines, IA 50315  
1-515-326-1468

Project	HARTZ	Sheet	
Date	8-29-17	Addition	Main Flr
Scale	1/4"=1'	Plan	

**RECEIVED**  
MAY 21 2018

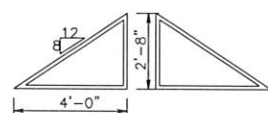
BY: \_\_\_\_\_



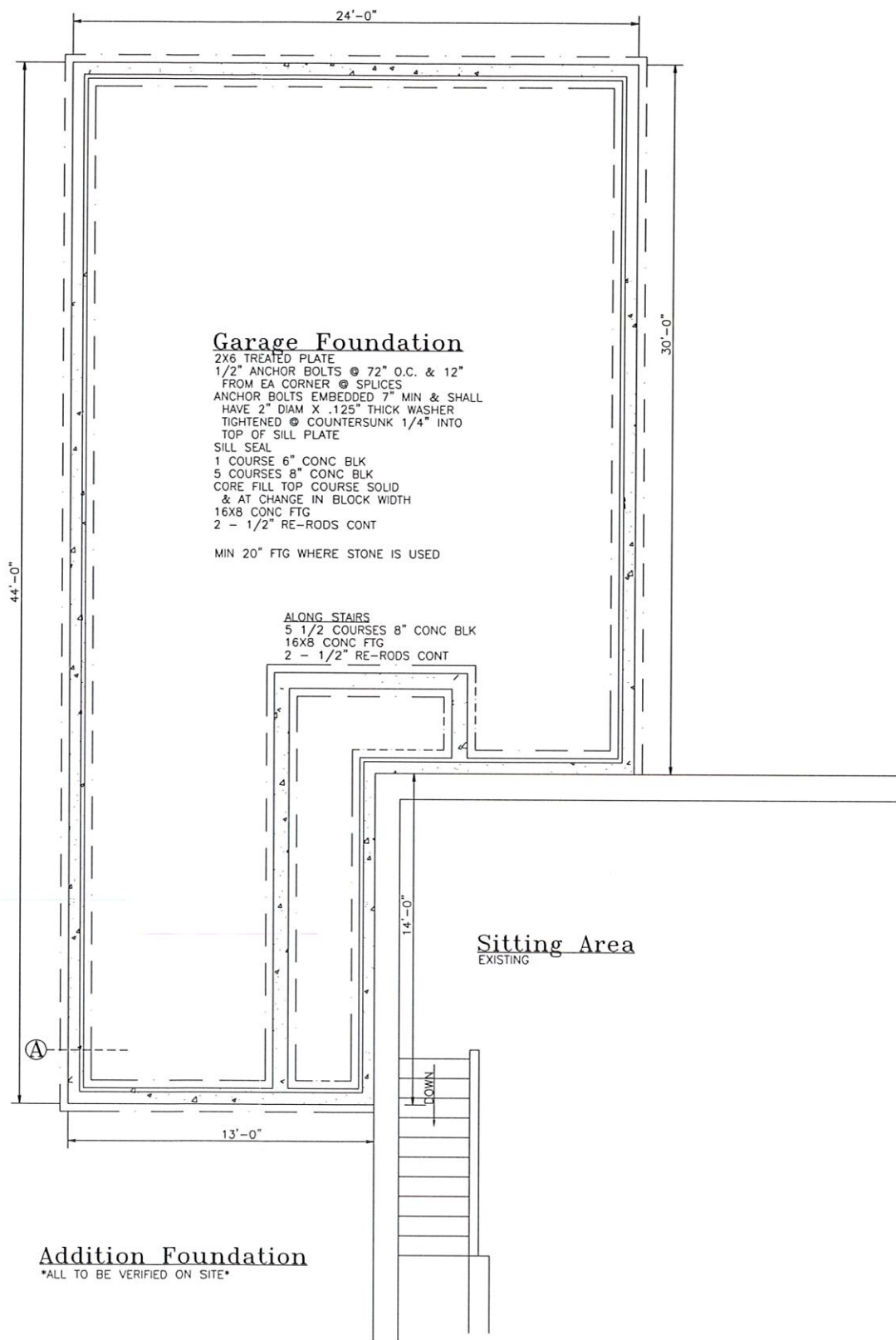


**New Second Flr Plan**

8'-1 1/8" CLG HGT  
\*ALL TO BE VERIFIED ON SITE\*  
ADDITION: APPROX 710 SQ FT  
WNDWS MORE THAN 6' OFF GROUND TO HAVE SAFETY HARDWARE



**Trapezoid Detail**



**Addition Foundation**

\*ALL TO BE VERIFIED ON SITE\*

Revision/Issue	
3-12-18	
3-16-18	

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**HYATT HOMES**

CUSTOM DRAFTING AND DESIGN

Michelle Hyatt  
9903 NW 16th St  
Waseca, MN 56093  
Ph. (507)835-8121  
E-mail. hyatthomes@yahoo.com

Project Address:  
17181 Dickenson Lane  
Waterville MN

Project Name and Address  
Robert & Ann Hartz  
1208 E Laconia Ave  
Des Moines, IA 50315  
1-515-326-1468

Project HARTZ	Sheet Addition 2nd Flr & Fndtn
Date 8-29-17	
Scale 1/4"=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**

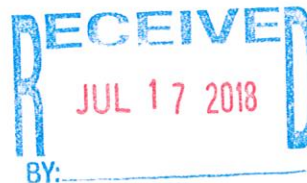
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Ann + Bob Hartz PID: 14,550.0040  
Mailing Address: 1208 E. Laconia Ave, Des Moines, IA 50315  
Property Address: 17181 Dickenson Lane, Waterville, MN 56096  
Phone: (515) 259-7779 Mobile/Cell: (515) 326-1468

Responsible party for Implementation/Inspection: Ann + Bob Hartz  
Address: 17181 Dickenson Lane, Waterville, MN 56096  
Phone: (515) 259-7779 Mobile/Cell: (515) 326-1468

**Erosion & Sediment Control Measures**

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



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

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

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

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

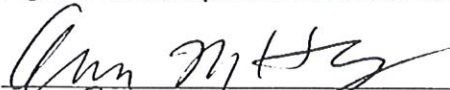
**Inspection and Maintenance**

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

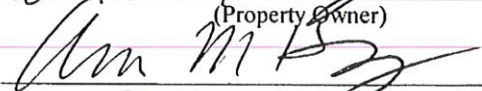
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

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

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

7-16-18  
(Date)

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

7-16-18  
(Date)

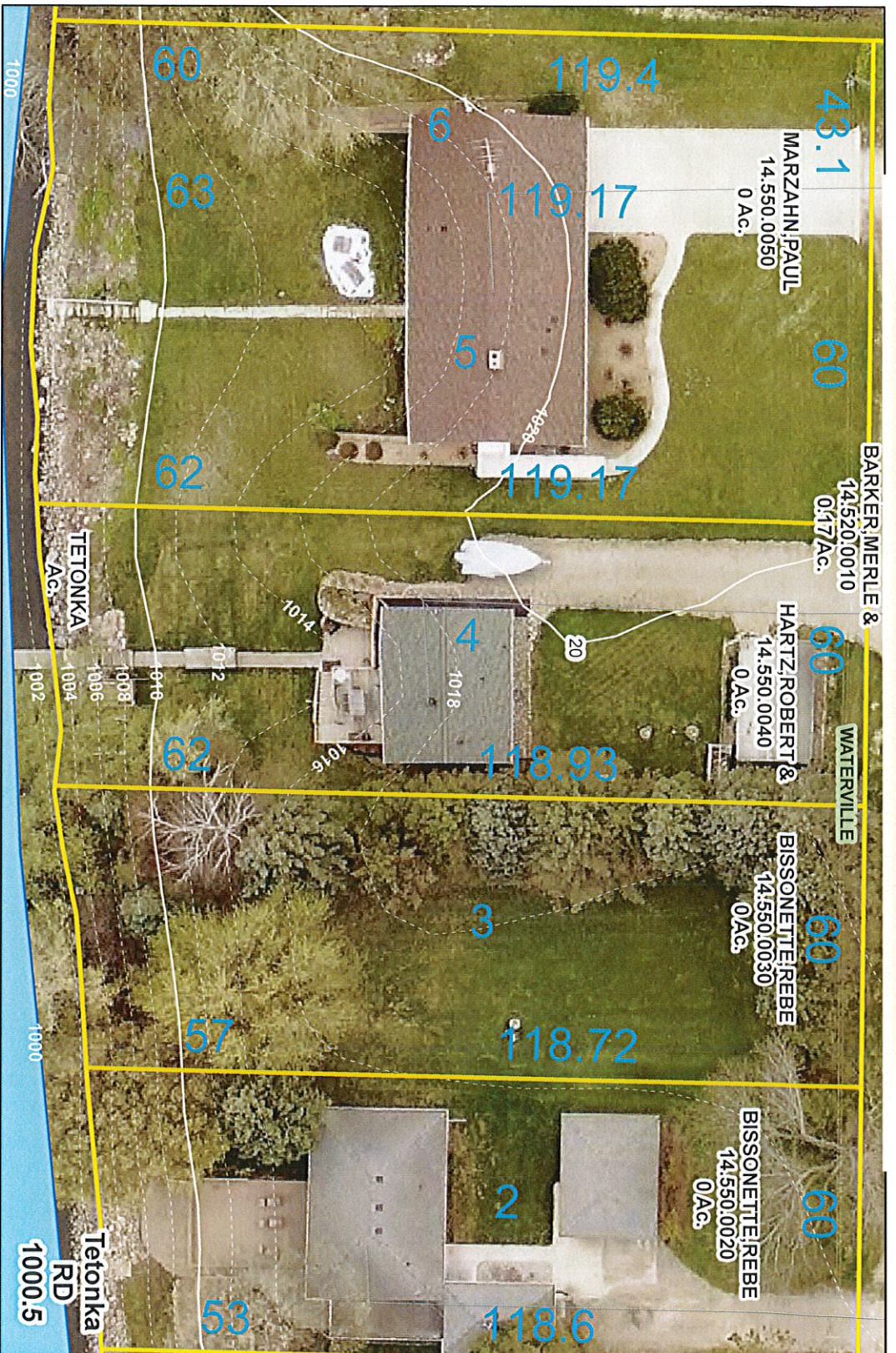
If you have any questions, please contact Environmental Services, at 507-357-8538.





# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Hartz  
**PID:** 14,550,0040  
**DATE:** 08-01-18  
**FIRM #:** 27079C0430D  
**F-Zone:** X-outside  
**RFPE:** 1006.1  
**District:** Recreational Residential



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



**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.  
 \*These maps should not be used for navigational, engineering, legal, or any other site-specific use.



LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538