



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: AUGUST 16, 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 Hartz Packet

ITEM #4 Griep Packet

ITEM #5 Hirn Packet

ITEM #6 Approved August 16, 2018 Minutes

INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT
APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT August 16, 2018.



Le Sueur County, MN

Thursday, August 16, 2018

Regular Session

Item 1

Board of Adjustment Notice of Public Hearing

Staff Contact: Joshua Mankowski or Michelle Mettler

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

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

DATE: AUGUST 16, 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 **AUGUST 7, 2018**.

ITEM #1: ROBERT & ANN HARTZ, DES MOINES, IA, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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. Property is located at Lot 4, Grays Unrecorded Plat, Section 20, Waterville Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, & SEPTIC SETBACKS AND IMPERVIOUS SURFACE.**

ITEM #2: STEVE GRIEP, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a dwelling addition 7 feet from the east property line, 46 feet from the Ordinary High Water Level (OHWL), 24 feet & 28 feet from the road ROW; create impervious surface within the shore impact zone; and driveway width of 9 feet in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 23 & 24 French Addition and Lot 22 Auditor's Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR PROPERTY LINE, OHWL, & ROAD ROW SETBACKS AND IMPERVIOUS SURFACE.**

ITEM #3: CHARLIE & MARY HIRN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 10 x 50 deck 55 feet & 68 feet from the Ordinary High Water Level (OHWL), 8 feet, 22 feet, & 28 feet from the bluff and within the bluff impact zone, 6 feet from the south property line, and an After-The-Fact Variance for the dwelling 9 feet from the south property line and 78 feet from the OHWL; total impervious surface of 31.9% in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 22, Cape Horn Subdivision, Section 1, Cleveland Township. **ATF VARIANCE IS FOR OHWL, BLUFF, & PROPERTY LINE SETBACKS; WITHIN THE BLUFF IMPACT ZONE; AND IMPERVIOUS SURFACE.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT AUGUST 16, 2018.

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



Le Sueur County, MN

Thursday, August 16, 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: August 16, 2018
Time: 3:00 pm
Place: Le Sueur County Environmental Services Building
515 South Maple Ave, Le Center, MN

Onsite Date: August 16, 2018
Onsite Time: 12:30 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: July 19, 2018 Additions/Corrections/Approval
4. Applications

ITEM #1: ROBERT & ANN HARTZ, DES MOINES, IA, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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. Property is located at Lot 4, Grays Unrecorded Plat, Section 20, Waterville Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, & SEPTIC SETBACKS AND IMPERVIOUS SURFACE.**

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5. Discussion Items:
6. Warrants/Claims
7. Adjourn

Board of Adjustment Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed to the board, not the applicant. After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



Le Sueur County, MN

Thursday, 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. 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. 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 practical difficulty .				
5. It is the responsibility of the <u>applicant</u> and/or landowner to prove evidence that a practical difficulty exists.				
6. A determination that a <u>practical difficulty exists</u> upon the consideration of the findings of fact .				

CONSIDERATIONS

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

- b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **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.

CONDITIONS

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

VARIANCE

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
RANGE: 23	BLOCK:
Q/Q:	ROAD: PVT
	ZONE: X-OUTS <i>R1CF</i>
	FEMA PANEL # 27079C0430D
	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:

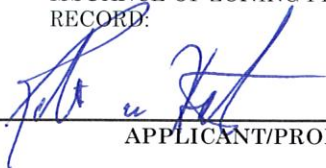
1.) Reason for Requested Variance:

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

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

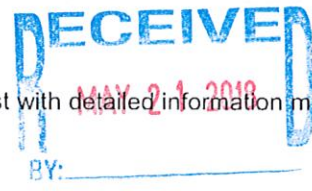
II. **Landowner:**
 Name Robert and Ann Hartz
 Property Address 17181 Dickenson Lane
 City Waterville State MN Zip 56096
 Phone # 515-326-1468 Phone # 515-707-0884

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.

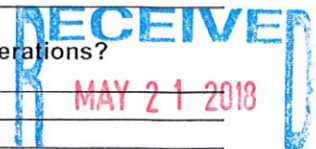
See attached

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:

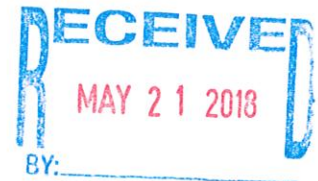
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested 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"/> Surveyor Certificate	<input checked="" type="checkbox"/> Septic <u>9-28-17</u> <u>(COC)</u>
<input checked="" type="checkbox"/> Site Plan -survey	<input checked="" type="checkbox"/> Full legal description	<u>(NONC/Waiver Design)</u>
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<input checked="" type="checkbox"/> Fee \$ <u>640</u> <u>(ATF 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 Rmitts</u> Planning & Zoning Department Signature	Date _____ Permit # _____

01-15-16

Some flood zone AE on property

4

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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.

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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.**

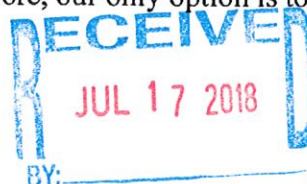
Waterville Township is a rural community that "Twenty seven percent of the Township's housing stock was built prior to 1940." The home that we are wanting to update was built prior to 1940. The addition of a garage with two bedrooms to it, is in keeping with updating the property and adding to the housing 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

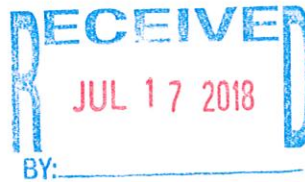


added bedrooms/office and building the attached garage over the existing driveway.

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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

1015.2 SQ FT
 1692.7 SQ FT
 1000.0 SQ FT
 2692.7 SQ FT

26.5%

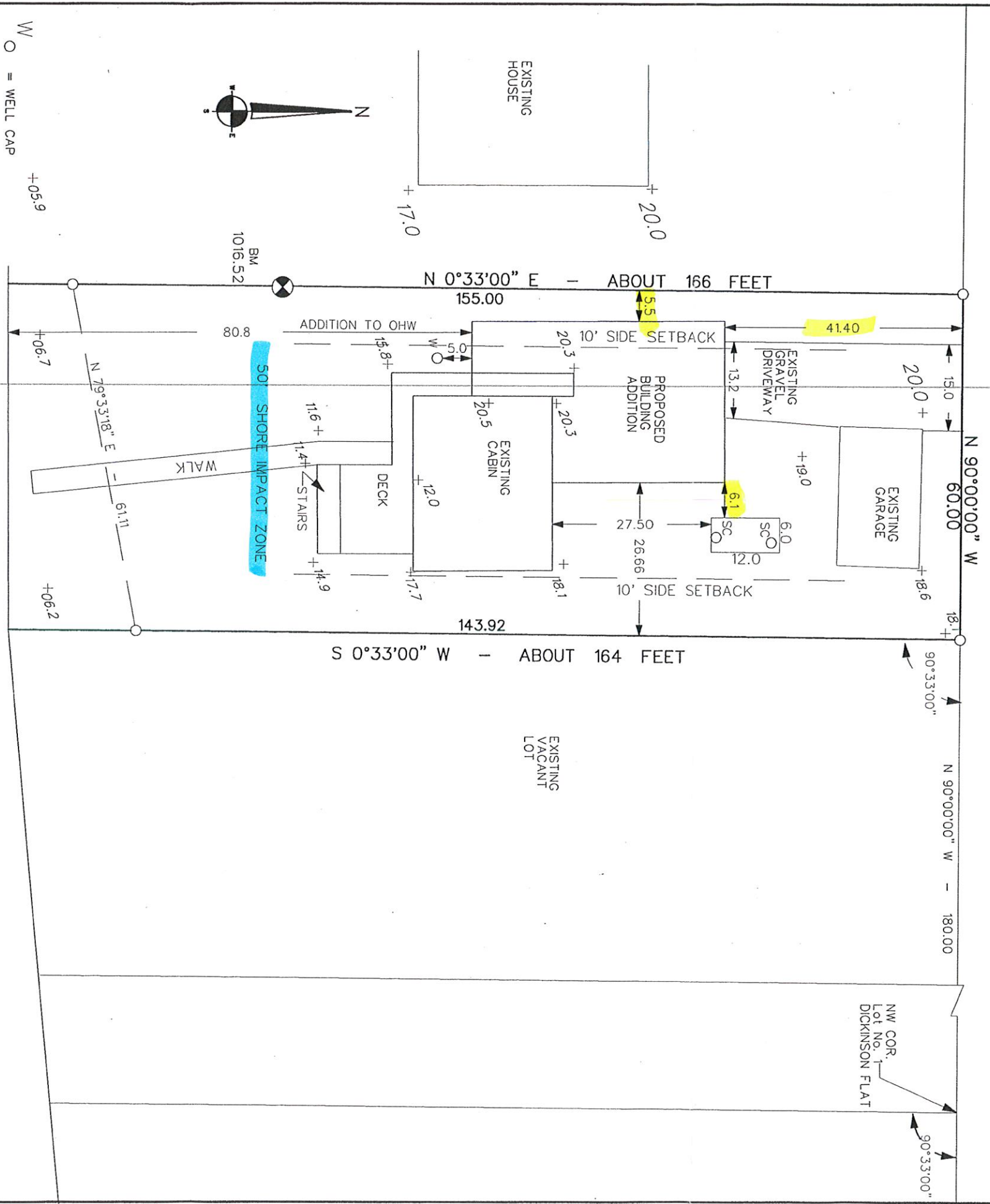
HARTZ LOT
 HOUSE, DECK & GARAGE
 BUILDING ADDITION
 DRIVEWAY & WALK
 IMPERVIOUS SURFACE
 IMPERVIOUS SURFACE RATE

1015.2 SQFT
 1618.7 SQFT
 10318 SQFT
 700.0 SQFT
 3350.5 SQFT

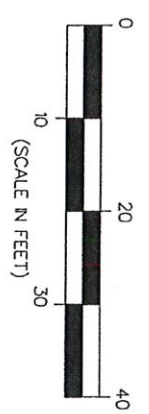
33.1%

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



W ○ = WELL CAP
 SC ○ = SEPTIC TANK
 CLEANOUTS
 ● = IRON PIPE MONUMENT SET
 ○ = IRON PIPE MONUMENT FOUND



TETONKA LAKE
 WATER ELEVATION = 1000.3
 MARCH 10, 2016



herby certify that this description, plat, 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

Surveyor Certification

I. Applicant: Name Robert & Ann Hartz

II. Landowner: Name same Property Address 17197 Dickenson Trail City Waterville State MN Zip 56096

III. Parcel Information: Parcel Number 14,550,0049

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

- North point, Setbacks, Property lines, Road Right-Of-Way, Lot Dimensions, Lakes, Rivers, Wetlands, Streams, Ponds, Well, Septic System, Proposed Structures, Existing structures, Location of trees to be removed, Access, Easements.

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

- *Site shall be physically staked, then surveyed. *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled. *Stakes must remain in place until construction commences.

V. Quantities and Submittal Formats:

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

VI. Signatures:

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

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

Surveyor Signature Charles [Signature] Date 5/22/2018 Lic # 22660

OFFICE USE ONLY

Date Received 5-22-18 Planning & Zoning Department Signature MKM

01-15-16



PROVIDE ATTIC VENTILATION EQUAL TO 1/150TH ATTIC AREA. IF 50% OR MORE IS PROVIDED IN UPPER PORTION OF ROOF AND REMAINDER IS PROVIDED IN SOFFIT VENTS, IT MAY BE REDUCED TO 1/300TH ATTIC AREA.

ROOF
PARALLEL CHORD TRUSSES, 24" O.C.
1/2" SHEATHING
FELT PAPER
METAL ROOFING
VENTILATION BAFFLES, 6" O.C., MAX
"D" STYLE ROOF EDGE

T.I. ROOF
1" AIRSPACE
6" INSUL R19
6" INSUL R19
2" STYROFOAM R10
= R48

"WINTERGUARD" OR SIMILAR
TO A POINT 2" INSIDE OF
WALL LINE OF HOUSE ENVELOPE

2'-0" CONT. WIND WASH
ON ALL EAVES
PER CODE

1'-6" 1'-1" TO BE
VERIFIED

2X6 SUBFASCIA
6" ALUM. FASCIA
ALUM. SOFFIT
7" TRIM

T&G SUBFLOOR
16" FLOOR TRUSSES, 4" O.C.
INSUL. RIM TO A R19
SEE TRUSS PLANS FOR DRAFTSTOP LOCATION

CEILING
6 MIL. POLY VAPOR BARRIER
5/8" FIRECODED SHEETROCK

EXTERIOR WALLS
SMART SIDING W/ CEDAR TEXTURE
HOUSE WRAP - SEE R703.2 IN NOTES
7/16" SHEATHING
2X6 STUDS, 16" O.C.
R-19 FIBERGLAS INSUL
6 MIL. POLY
1/2" SHEETROCK

4" POURED CONC. FLR
GRAVEL FILL

2X6 TREATED PLATE
1/2" ANCHOR BOLTS @ 72" O.C. & 12"
FROM EA CORNER @ SPICES
ANCHOR BOLTS EMBEDDED 7" MIN & SHALL
HAVE 2" DIAM X 1/2" THICK WASHER
TIGHTENED @ COUNTERSUNK 1/4" INTO
TOP OF SILL PLATE
SILL SEAL
1 COURSE 6" CONC. BLK
5 COURSES 8" CONC. BLK
CORE FILL TOP COURSE SOLID
& AT CHANGE IN BLOCK WIDTH
16XB CONC. FTG
2 - 1/2" RE-RODS CONT.

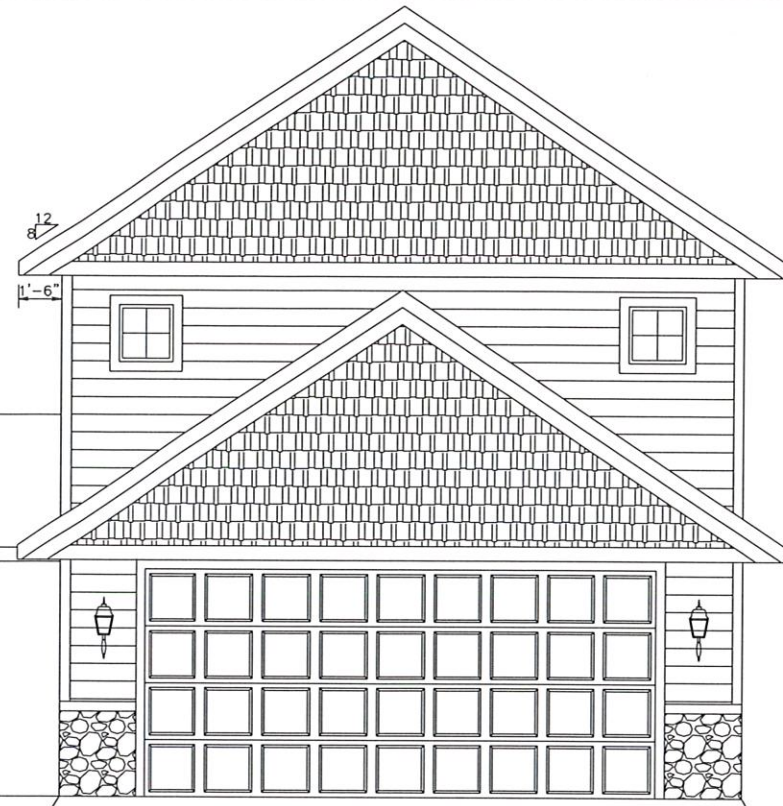
"A" Wall Section
EXISTING OH'S 24" & 12"??

2ND. FLR. CLG.

2ND. FLR. ---
GARAGE CLG.
MAIN HOUSE CLG.

HOUSE FLR.
GARAGE FLR.

South Elevation



North 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

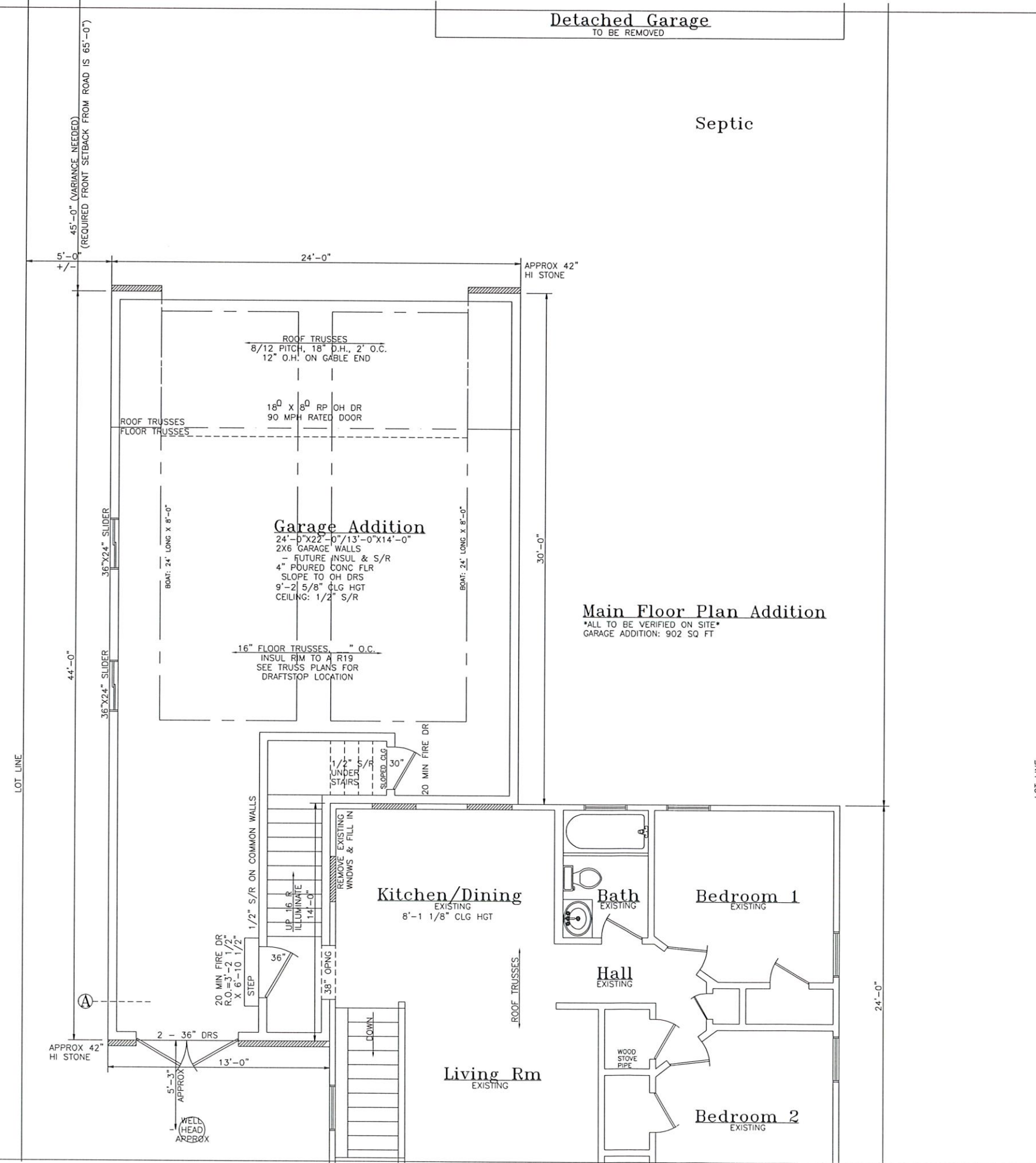
Project Name and Address
Robert & Ann Hartz
1208 E Laconia Ave
Des Moines, IA 50315
1-515-326-1468

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



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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HYATT HOMES

CUSTOM DRAFTING AND DESIGN

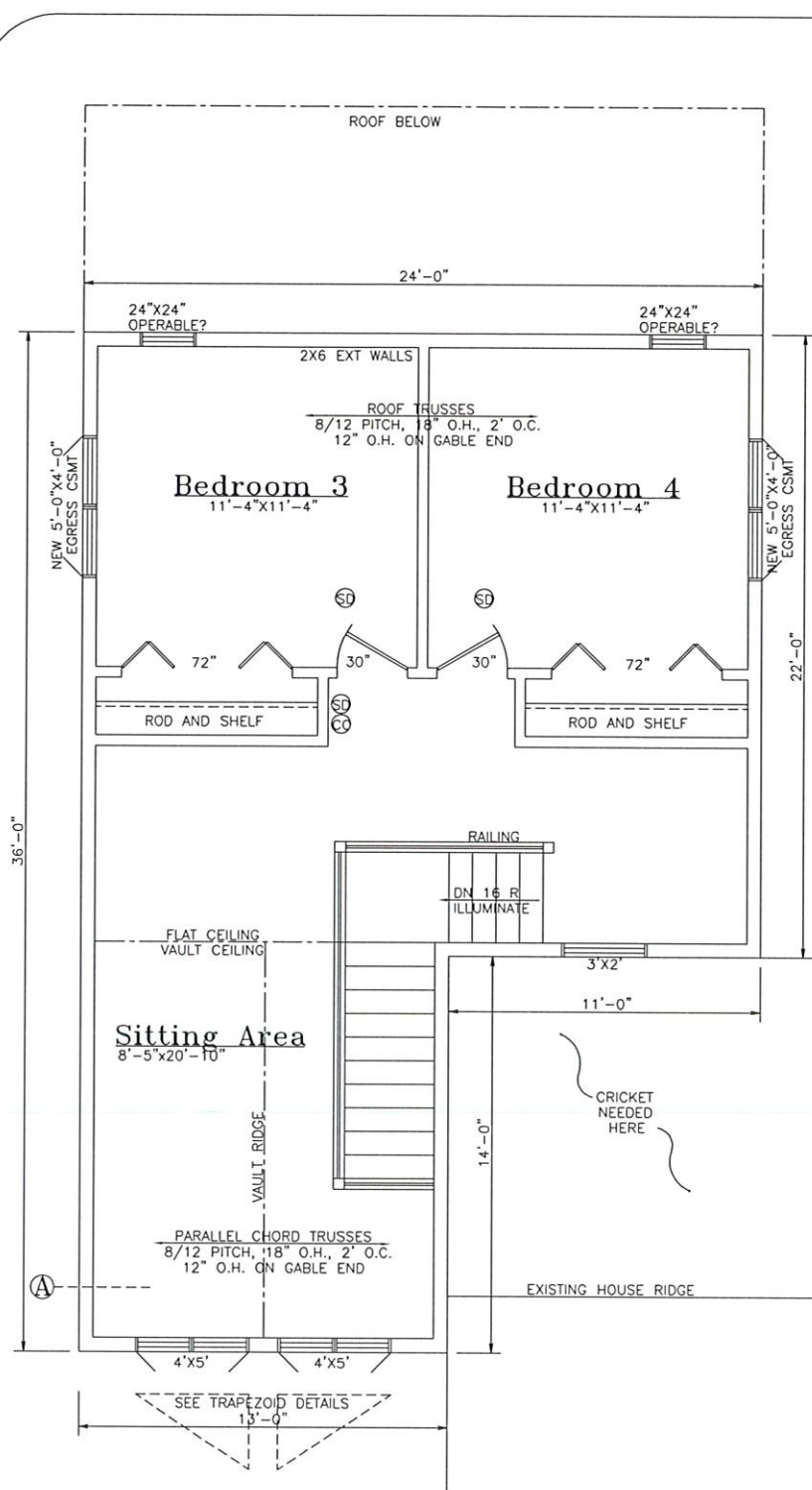
Michelle Hyatt
9903 NW 16th St
Waseca, MN 56093
Ph. (507)835-8121
E-mail: hyatthomes@yahoo.com

Project Address:
17181 Dickenson Lane
Waterville MN

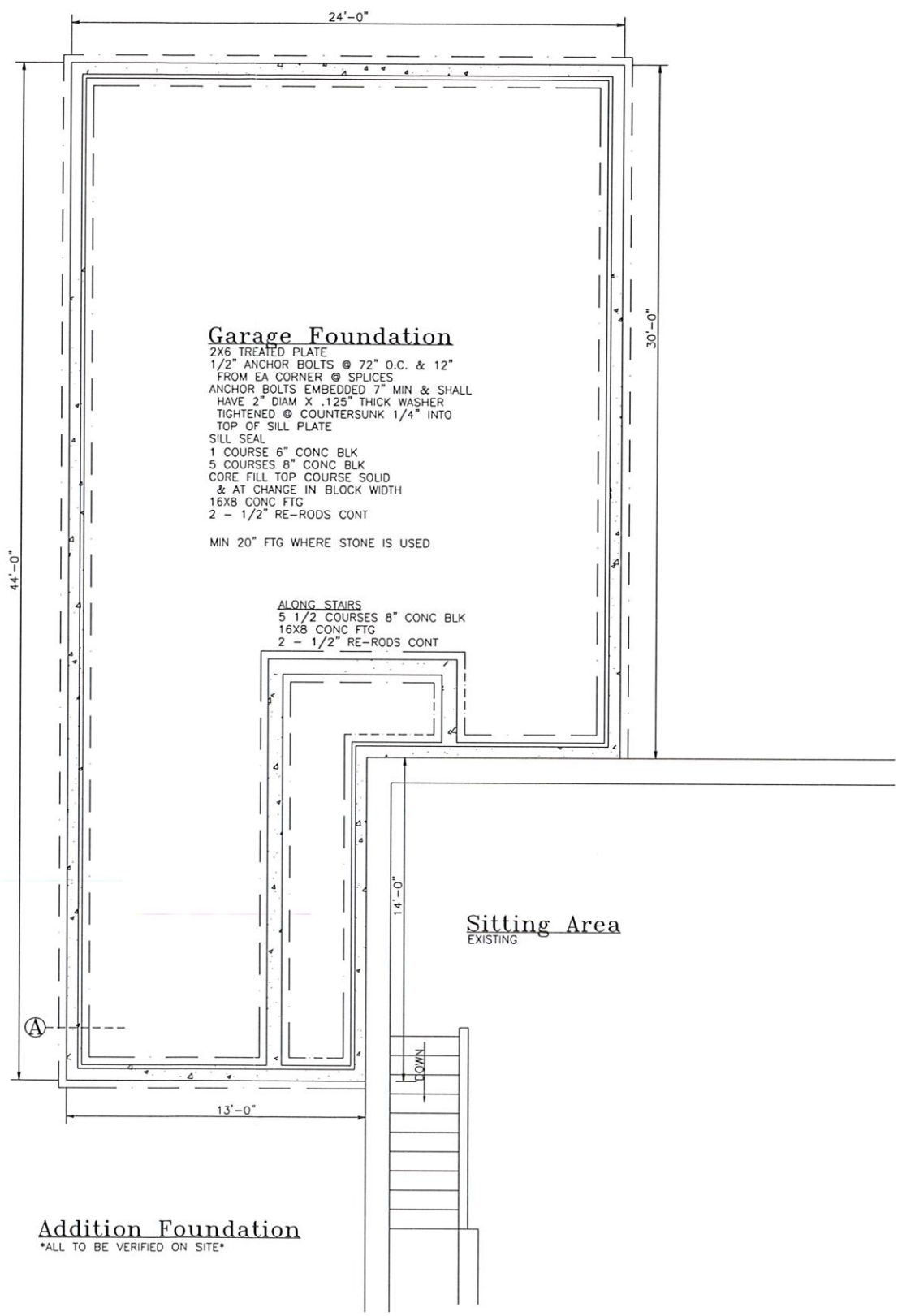
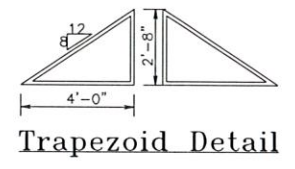
Project Name and Address
Robert & Ann Hartz
1208 E Laconia Ave
Des Moines, IA 50315
1-515-326-1468

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

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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



Addition Foundation
ALL TO BE VERIFIED ON SITE

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. 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

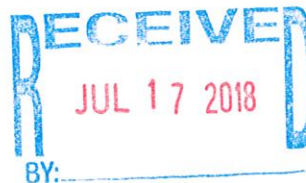
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

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 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

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

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

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

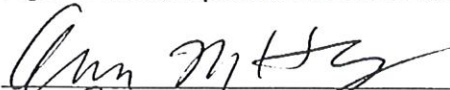
Inspection and Maintenance

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

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

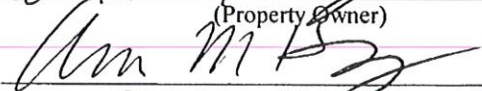
18. Clean out sediment basins on a regular basis to maintain capacity.

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



(Property Owner)

7-16-18
(Date)



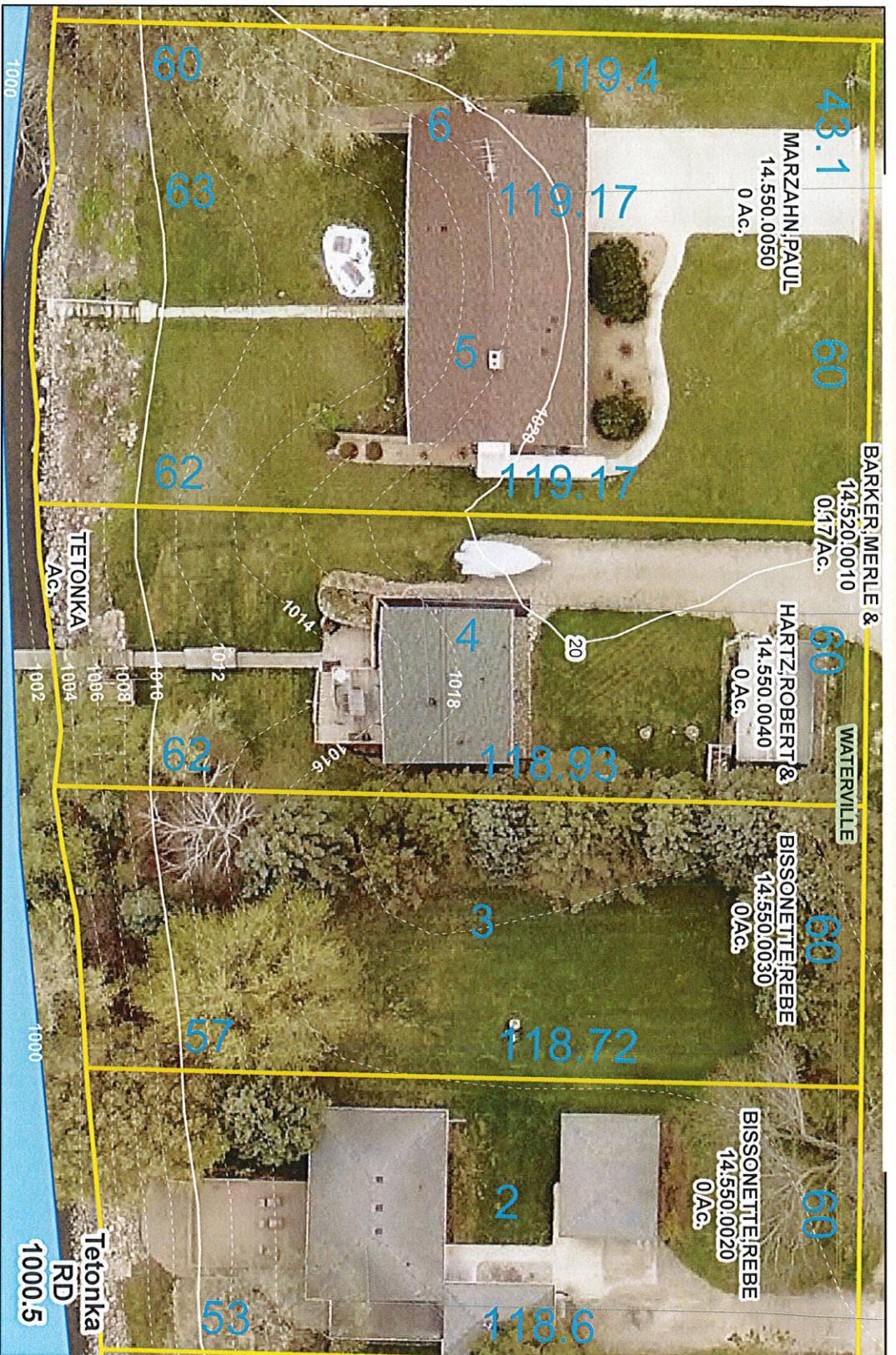
(Person Responsible for Implementation)

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
RFP#: 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.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet
Photo dated: April/May 2017
Created By: MRM



Le Sueur County, MN

Thursday, August 16, 2018

Regular Session

Item 2

Griep Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Steven Griep

911 ADDRESS: 24835 French Drive, Cleveland, MN

VARIANCE REQUEST: To construct a dwelling addition 7 feet from the east property line, 46 feet from the Ordinary High Water Level (OHWL), 24 feet & 28 feet from the road ROW; create impervious surface within the shore impact zone; and driveway width of 9 feet.

VARIANCE NUMBER: 18143

PARCEL NUMBER: 04.510.0170

SITE INFORMATION

LOCATION: Lot 22 & 23, French Addition, and Lot 24 Auditor's Subdiv, Section 6, Elysian 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: <ul style="list-style-type: none"> 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, clustered residential development

ACCESS: Existing off French Drive to cabin, New off French drive to proposed detached garage on lot across the road.

LAKE: Lake Jefferson, Recreational Development Lake

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

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

BACKGROUND INFORMATION

Property is on both sides of French Drive. Proposed detached garage on the north side of the road and cabin on south side of the road. Proposal is a new detached garage with a 9-foot wide driveway to reduce imperious surface. Proposed detached garage meets all setbacks. Cabin addition will include removing the existing detached garage on the south side of the road. Proposed dwelling addition extends into the shore impact zone.

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. Driveway width:	9 feet	14 feet	Section 13.2, Subdiv. 7. B. 1.	13-49
b. Dwelling to property line:	7 feet	10 feet	Section 13.2, Subdiv. 5. D. C. 2.	13-44
c. Dwelling to OHWL:	46 feet	50 feet	Section 13.2 Subdiv. 5. A.	13-43
d. Dwelling to road ROW:	24 & 28 feet	37.1 feet	Section 13.2 Subdiv. 5.A.	13-43
e. Impervious surface:	within SIZ	prohibited	Section 13.2, Subdiv. 5.A. 1. f.	13-43
f. Impervious surface:	within SIZ	prohibited	Section 13, Subdiv. 5. A. 10. d.	13-16
 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. Limiting Impervious Surface				pg. 15

- e. Non-conforming Lots of Record in Shoreland Areas pg. 19
- f. 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:
 - 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 front, side or rear yard without variance if the addition is no closer than the existing structure and at least ½ required the setback and is not located within the shore impact zone.

CONDITIONS

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

VARIANCE

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:	8/9/2018	PERMIT NUMBER:	18143	FEE:	\$646.00
60 DAY RULING DATE:	9/15/2018	911:	24/835 FRENCH DR, CLEVELAND		
APPLICANT:	STEVEN GRIEP	LAND OWNER:	STEVEN GRIEP		
ADDRESS:	24835 FRENCH DR	ADDRESS:	24835 FRENCH DR		
CITY:	CLEVELAND	CITY:	CLEVELAND		
STATE:	MN	STATE:	MN	ZIP:	56017
PHONE:	612-968-2215	PHONE:	612-968-2215		

TOWNSHIP:	ELYSIAN	PARCEL NO:	04.510.0170		
SEC:	6	SUBDIV:	FRENCH ADDN & AUD		
TWP:	109	LOT:	22, 23, 24	ZONE:	RR. FF
RANGE:	24	BLOCK:	FEMA PANEL # 27079C0270D		
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:


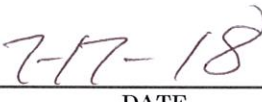
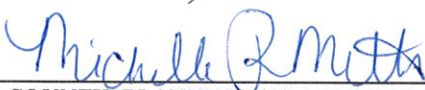
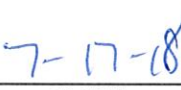
1.) Reason for Requested Variance:

TO ALLOW THE APPLICANT TO CONSTRUCT A DWELLING ADDITION 7' TO THE E PROP LINE, 46' TO THE OHWL, 24' & 28' FROM THE ROAD ROW; CREATE IMPERVIOUS SURFACE W/IN SIZ, DRIVEWAY WIDTH 9 FEET.

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	DATE
	
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	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: STEVEN GRIEP

Variance # 18143

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A DWELLING ADDITION 7' TO THE E PROP LINE, 46' TO THE OHWL, 24' & 28' FROM THE ROAD ROW; CREATE IMPERVIOUS SURFACE W/IN SIZ, DRIVEWAY WIDTH 9 FEET.

- 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

Applicant:

Steve Griep

Property owner:

Steve Griep

Property:

04.510.0170

Description:

Variance request to allow the applicant to construct a dwelling addition 7 feet from the east property line, 46 feet from the Ordinary High Water Level (OHWL), 24 feet & 28 feet from the road Right-Of-Way (ROW); create impervious surface within the shore impact zone; and driveway width of 9 feet in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Developmental "RD" lake.

Recommendation:

My recommendation is to approve the application with the condition listed below. Both lots are below the 25% allocated impervious surfaces. The new additions that are proposed will utilize the locations of the existing structures within the shore impact zone. The proposed square footage of structure that is located within the shore impact zone is reduced from the current existing conditions.

Condition(s):

Install a 100 square foot rain garden on the property located north of the road near the shed. Plant vegetation that is native to Minnesota within the rain garden. The rain garden should assist with erosion and runoff issues from the adjacent agricultural field and prevent additional runoff and erosion continuing across the road.

Sincerely,



Holly Kalbus
Le Sueur County
Environmental Resources Specialist

Variance Application

I. Applicant:
 Name Steven Griep
 Mailing Address 24835 French Drive
 City Cleveland State MN Zip 56017
 Phone # 612-968-2215 Phone # _____

II. Landowner:
 Name Steven Griep
 Property Address 24835 French Drive
 City Cleveland State MN Zip 56017
 Phone # 612-968-2215 Phone # _____

III. Parcel Information:
 Parcel Number 04.510.0170 Parcel Acreage .359
 Township 109 Section 6
 Subdivision _____ Lot 22, 23, 24 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)
Driveway addition: 7ft to east property line, 24ft x 28 ft to road ROW. 40ft x 10ft. 0ft w/ Create impervious surface with in SIZ, 9ft driveway to proposed detach garage.

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

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

Elysian Township notified on 7-13-18
 (Township Name) (Date)

Board Member Douglas Swedberg regarding the proposed request.
 (Name)

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

*Site shall be physically staked, then surveyed.
 *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
 *Stakes must remain in place until construction commences.

VIII. Practical Difficulty:

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

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

See Attachment!

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

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

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

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

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

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

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

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

IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

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

XI. Fees:

Variance: \$ 600
Filing Fee: \$ 46

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

Additional Fees:

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

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

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

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

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

XIII. Signatures:

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

Applicant signature [Signature] Date 7-17-18

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

Landowner signature [Signature] Date 7-17-18

OFFICE USE ONLY

Date received <u>7-17-18</u>	Present Zoning Classification <u>RR/H</u>	Feedlot within 500' 1000' <input type="radio"/> Y <input checked="" type="radio"/> N
Meeting date <u>8-16-18</u>	Lake Classification <u>RD</u>	Erosion Control Plan <input checked="" type="radio"/> Y <input type="radio"/> N
60 Day <u>8-15-18</u>	Lake <u>Jefferson</u>	Water courses <input type="radio"/> Y <input checked="" type="radio"/> N
RFPE <u>1022.86</u>	FEMA Panel # <u>2707AC 0270D</u>	Bluff <input type="radio"/> Y <input checked="" type="radio"/> N
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X- outside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	COC - <u>Cluster</u> NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue-Prints	<input checked="" type="checkbox"/> Fee \$ <u>640</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R Mitts</u> Planning & Zoning Department Signature	ATF / SPEC MTG
		Date <u>7-17-18</u> Permit # <u>18143</u>

01-15-16 Flood Zone A on lot also.
150 day PL 8-16-18
4

V. Description of Request

Our goal is to make a 1 bedroom ½ bath cabin into a 2 bedroom full bath home. Old bedroom and bathroom will be removed to make room for new bedrooms and bathroom. Old garage will be torn down, due to it is built on a floating slab. It will become the new living room and new garage will be built on rear lot to save on impervious surface. The cabin was built in the 50's and the garage in the 70's before there was much regulation on building in a rural/lake area, to keep the addition architecturally square it is not possible without 6 variances. 1) East wall addition will not be within 10 ft. setback it will be 7 ft. at north corner. 2) South wall addition will be 3 feet into the shore impact zone but we are creating more impervious surface with in the shore impact zone with the removal of pavers 2 and the deck. 3).New living room will be 24' from road ROW, but new living room was shortened to create more setback for ROW. 4) New bedrooms and bathroom will be 28' from road ROW. 5). Addition is 46' to OHWL. 6) Rear garage driveway width will be 9 ft. not 14 ft. do not want to remove a mature maple tree.

The majority of the new addition is being built on current impervious surface. Environmentally the removal of pavers 2 and the deck and reseeding it with grass will improve storm water runoff and increase impervious surface within shore impact zone. A second story was not considered due to the vicinity of mature trees next to the home. The open lot next to the current home was not considered due to the amount of mature trees on the lot and the area that was selected was due to the amount of current impervious surface that could be utilized and there are no trees to remove.



Variance Application

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

As you read through the answers I ask that you keep one thing in mind "Dealing with a home that was built in the 50's and a garage built in the 70's before there was much regulation on building in a rural/lake area".

East wall addition will be within 7 feet of property line. Hoping to keep the home looking architecturally square. Road Right of Way no matter what work I would be doing on the house/new addition I would have to ask for a variance. New garage is being built on back lot to save on impervious surface and the width of the driveway will be 9ft. hoping not to have to remove a mature Maple tree. South wall will be 3 feet into the shore impact zone, but the impervious surface will be increased in the shore impact zone with the removal of pavers 2 and the deck and architecturally I am trying to keep the home looking square.

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

As previously stated "Dealing with a home that was built in the 50's and a garage in the 70's before there was much regulation on building in a rural/lake area". I hope not to have to remove or alter any mature trees.

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

The home was built in the 50's and garage in the 70's before there was much regulation on building in a rural/lake area. The garage has to be torn down due to it is built on a floating slab not a foundation. Road was ran through middle of property instead of behind property.

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

Environmentally there are no mature trees being removed. That is why a second story was not considered. With the removal of pavers 2 and the deck, the area that is in the shore impact zone will all be reseeded with grass helping protect the lake with storm water runoff and increase impervious surface. There will be an area in the back lot where a rain garden will be established.



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

The overall beauty of the whole lot is what sold me the first time I looked at it. That is why a second story was out of question and the use of the open lot was not chosen, because I hope to not have to remove trees to build. I believe the plans I have will improve the lot environmentally. By building in the area we have chosen we are using current impervious surface and do not have to remove any trees.

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

Dealing with a property that was built before building and zoning ordinances were enforced does make it challenging to meet the zoning and ordinances that are enforced today. The new addition we are hoping to build will comply and meet all the current ordinances while adding more protection and impervious surface to the shore impact zone.

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

With the removal of pavers 2 and the deck, the area that is in the shore impact zone will all be reseeded with grass helping protect the lake from storm water runoff and increasing the impervious surface in the shore impact zone. A rain garden will be established in back lot next to garage to help with storm water runoff. The location of the addition was chosen because of the amount of current impervious surface that can be utilized and no trees have to be removed.

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

Waste system is part of the French Cluster S.S.T.S, design flow 300 gallons per day, holding tank size 1000/500. One well supports 3 homes/cabins located at Rod and Lee Traxlers property 24813 French Drive. Well ID# 502722 drilled 05/22/1989.

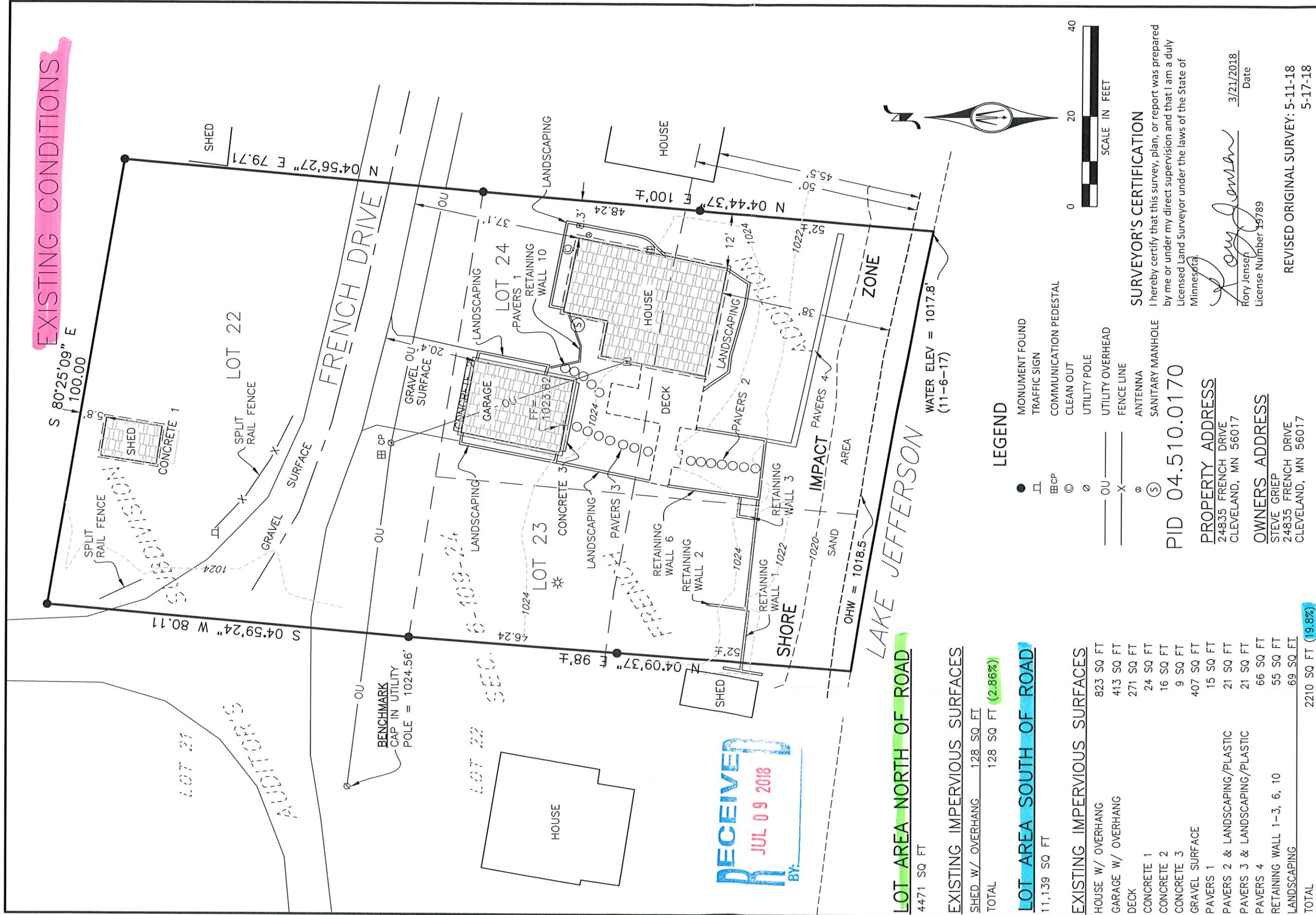
D.9 Explain why this request is the minimum variance amount to afford relief.

Our goal is to convert a 1 bedroom cabin with ½ bath to year around home that is 2 bedroom and full bath with garage built on back lot. I believe with our plan there will be minimum impact to the environment around the home /new addition and new garage in rear lot. And we are



helping protect the environment by improving the shore impact zone and establishing a rain garden in the rear lot. And we are utilizing current impervious surface for the new addition.

RECEIVED
JUL 17 2018
BY: _____



SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789
3/21/2018
Date

REVISED ORIGINAL SURVEY: 5-11-18
5-17-18

PID 04.510.0170

PROPERTY ADDRESS
24835 FRENCH DRIVE
CLEVELAND, MN 56017

OWNERS ADDRESS
STEVE GRIEP
24835 FRENCH DRIVE
CLEVELAND, MN 56017

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

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

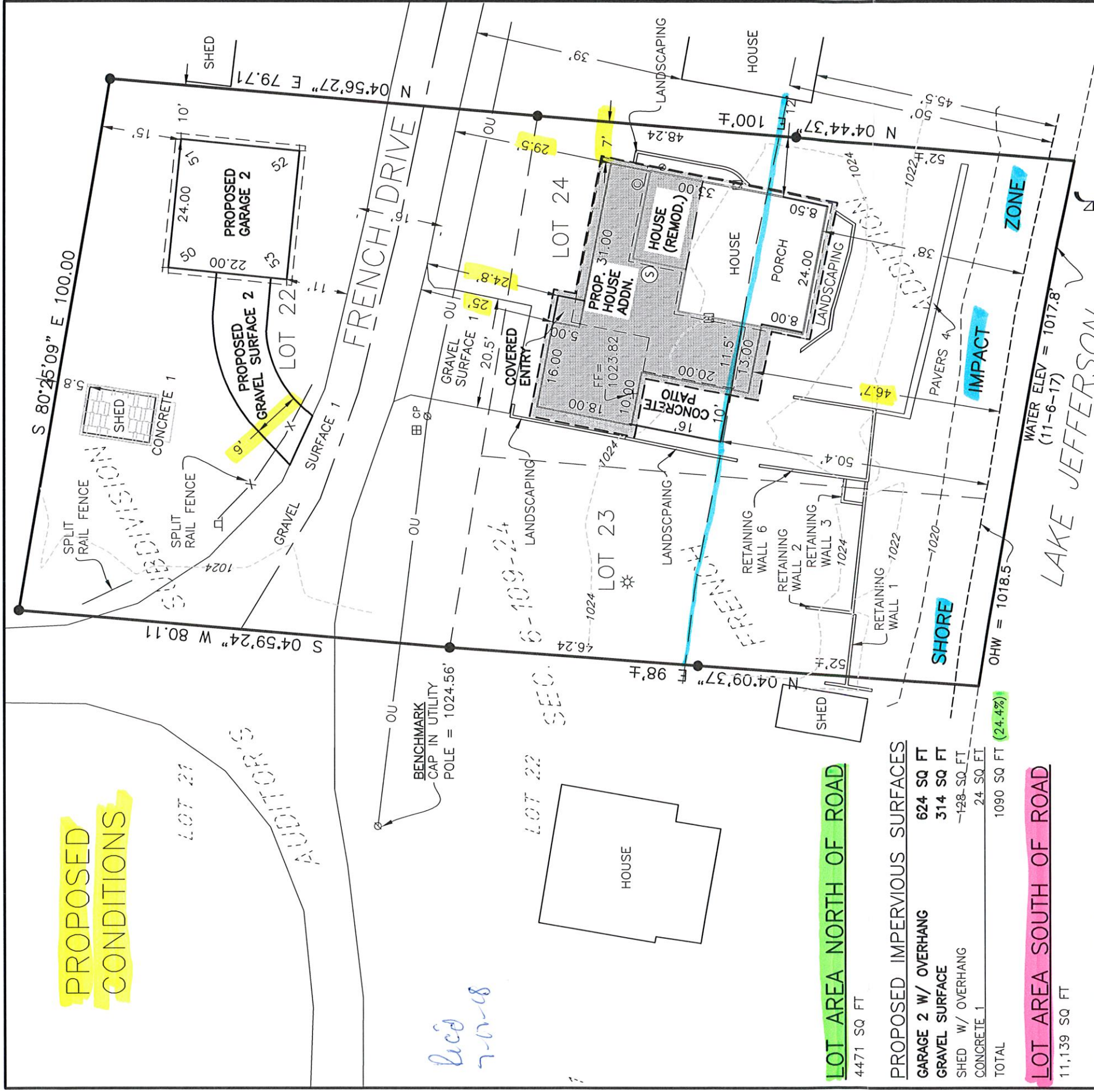
BOLTON & MENK

LOTS 23 & 24 FRENCH ADDITION & LOT 22
AUDITORS SUBDIVISION OF BIG JEFFERSON,
SECTION 6, TOWNSHIP 109 NORTH, RANGE 24
WEST, LE SUEUR COUNTY, MINNESOTA

FOR: STEVE GRIEP

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**PROPOSED
CONDITIONS**



*lec
7-11-18*

LOT AREA NORTH OF ROAD

4471 SQ FT

PROPOSED IMPERVIOUS SURFACES

GARAGE 2 W/ OVERHANG	624 SQ FT
GRAVEL SURFACE	314 SQ FT
SHED W/ OVERHANG	-128-SQ-FT
CONCRETE 1	24-SQ-FT
TOTAL	1090 SQ FT (24.4%)

LOT AREA SOUTH OF ROAD

11,139 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE & PORCH W/ OH	608 SQ FT
HOUSE ADDITION W/ OH	1136 SQ FT
HOUSE (REMOD.)	166 SQ FT
CONCRETE PATIO	137 SQ FT
GRAVEL SURFACE 1	407 SQ FT
PAVERS 4	66 SQ FT
RETAINING WALL 1, 2, 3, & 6	50 SQ FT
LANDSCAPING	46-SQ-FT
TOTAL	2616 SQ FT (23.4%)

REMOVED IMPERVIOUS SURFACES

DECK	271 SQ FT
GARAGE W/ OVERHANG	413 SQ FT
HOUSE OVERHANG	33 SQ FT
CONCRETE 3	9 SQ FT
PAVERS 1	15 SQ FT
PAVERS 2	21 SQ FT
PAVERS 3	21 SQ FT
RETAINING WALL 10	5 SQ FT
CONCRETE 2	16 SQ FT
LANDSCAPING	8-SQ-FT
TOTAL	812 SQ FT (7.3%)

LEGEND

- MONUMENT FOUND
- ⊔ TRAFFIC SIGN
- ⊕ CP COMMUNICATION PEDESTAL
- ⊙ CLEAN OUT
- ⊘ UTILITY POLE
- OU — UTILITY OVERHEAD
- X — FENCE LINE
- Ⓢ SANITARY MANHOLE
- ⊙ ANTENNA

PID 04.510.0170

PROPERTY ADDRESS
24835 FRENCH DRIVE
CLEVELAND, MN 56017

OWNERS ADDRESS
STEVE GRIEP
24835 FRENCH DRIVE
CLEVELAND, MN 56017

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789
3/30/2018
Date

REVISED ORIGINAL SURVEY: 5-11-18
5-17-18
7-17-18

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



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

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LOTS 23 & 24 FRENCH ADDITION & LOT 22
AUDITORS SUBDIVISION OF BIG JEFFERSON,
SECTION 6, TOWNSHIP 109 NORTH, RANGE 24
WEST, LE SUEUR COUNTY, MINNESOTA

FOR: STEVE GRIEP

SB115641H

Surveyor Certification

I. Applicant: Name STEVE GRIEP

II. Landowner: Name STEVE GRIEP, Property Address 24835 FRENCH DRIVE, City CLEVELAND, State MN, Zip 56017

III. Parcel Information: Parcel Number 04.510.0170

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

*Site shall be physically staked, then surveyed. *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled. *Stakes must remain in place until construction commences.

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



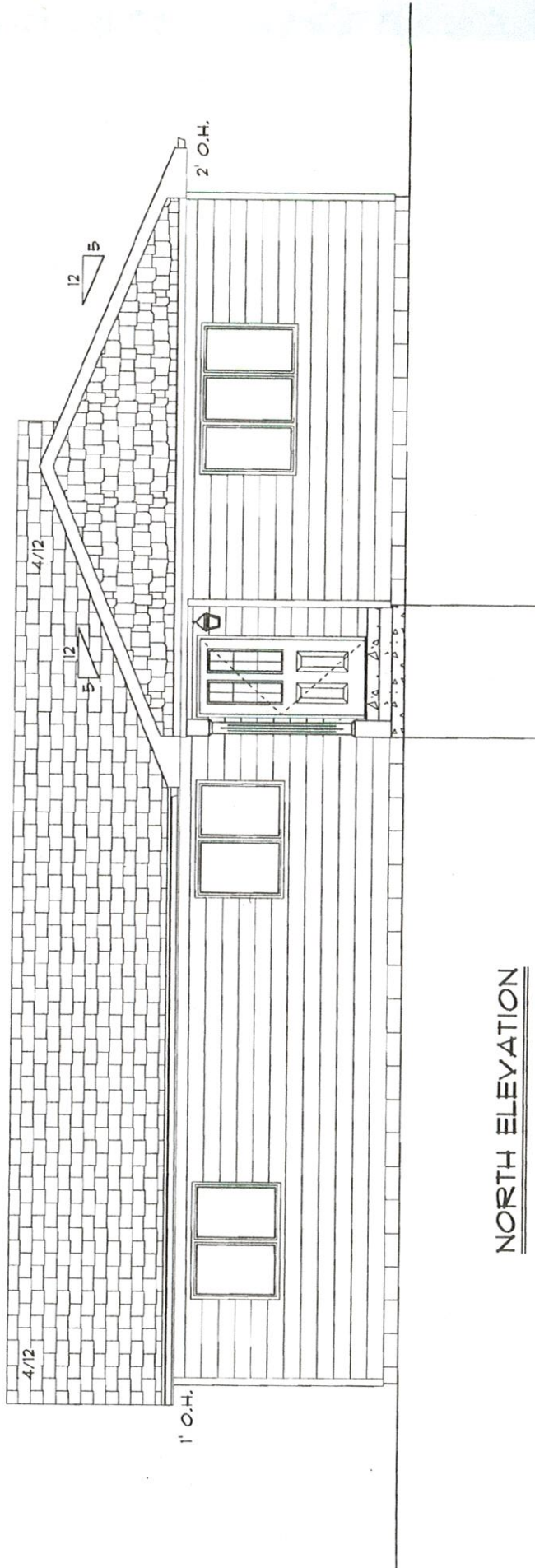
VI. Signatures: The proposed improvements have been physically staked onsite then surveyed on 6/18/18 to reflect an accurate account of current and proposed conditions of the property identified above.

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

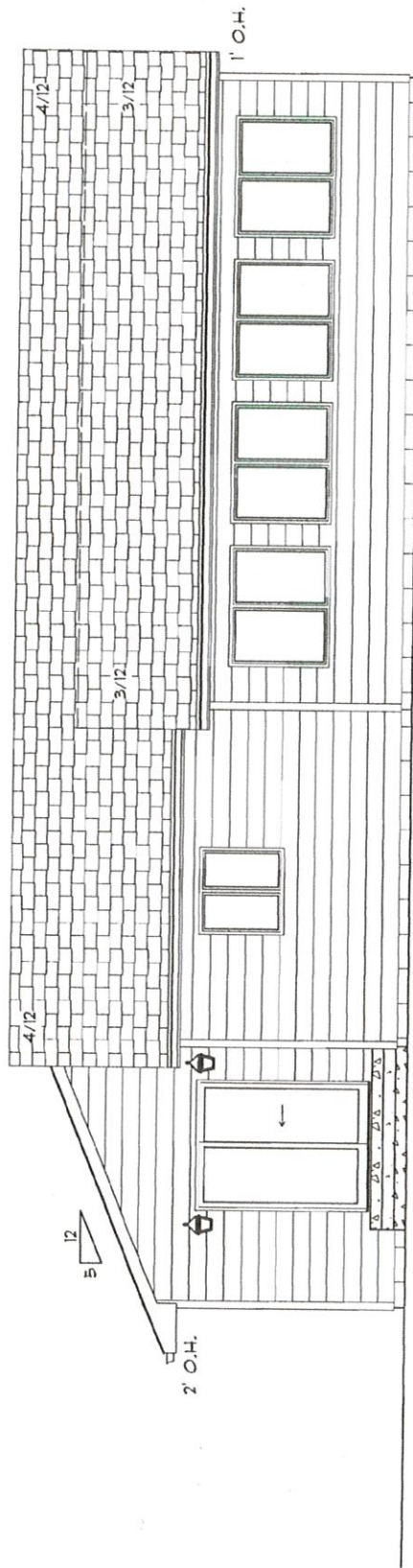
Surveyor Signature Roy Jensen, Date 7/16/18, Lic # 19789

OFFICE USE ONLY: Date Received 7-9-18, Planning & Zoning Department Signature [Signature]

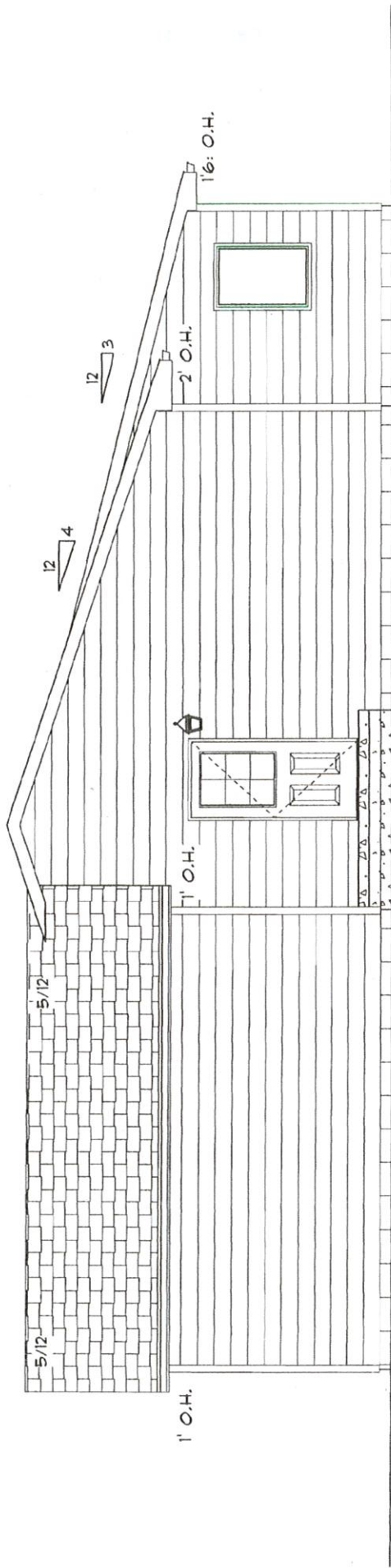
MR. & MRS.
STEVE GRIEP
LAKE HOME REMODEL
JULY 16, 2018



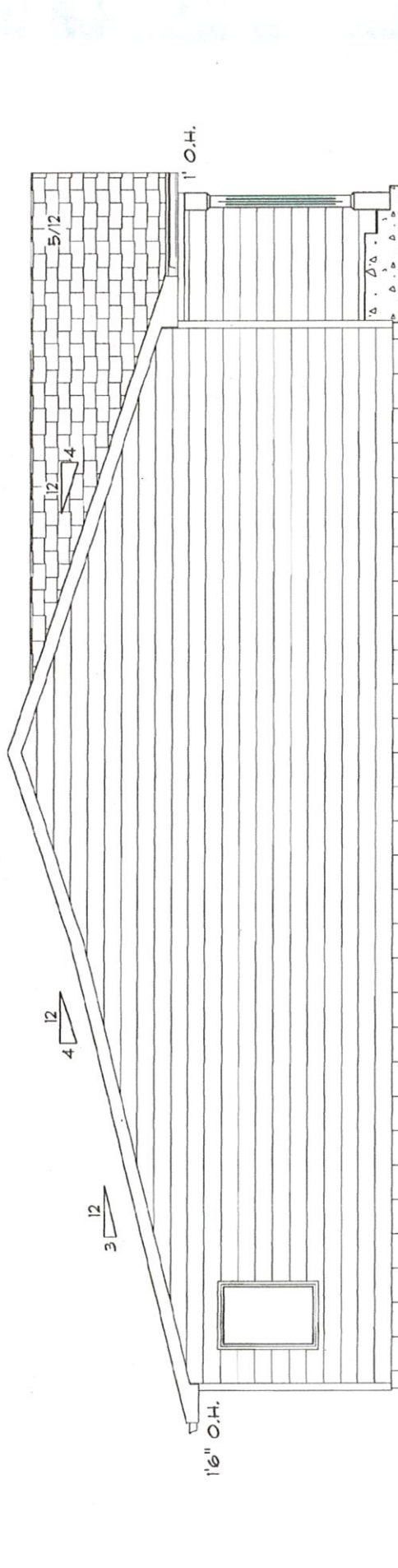
NORTH ELEVATION



SOUTH ELEVATION

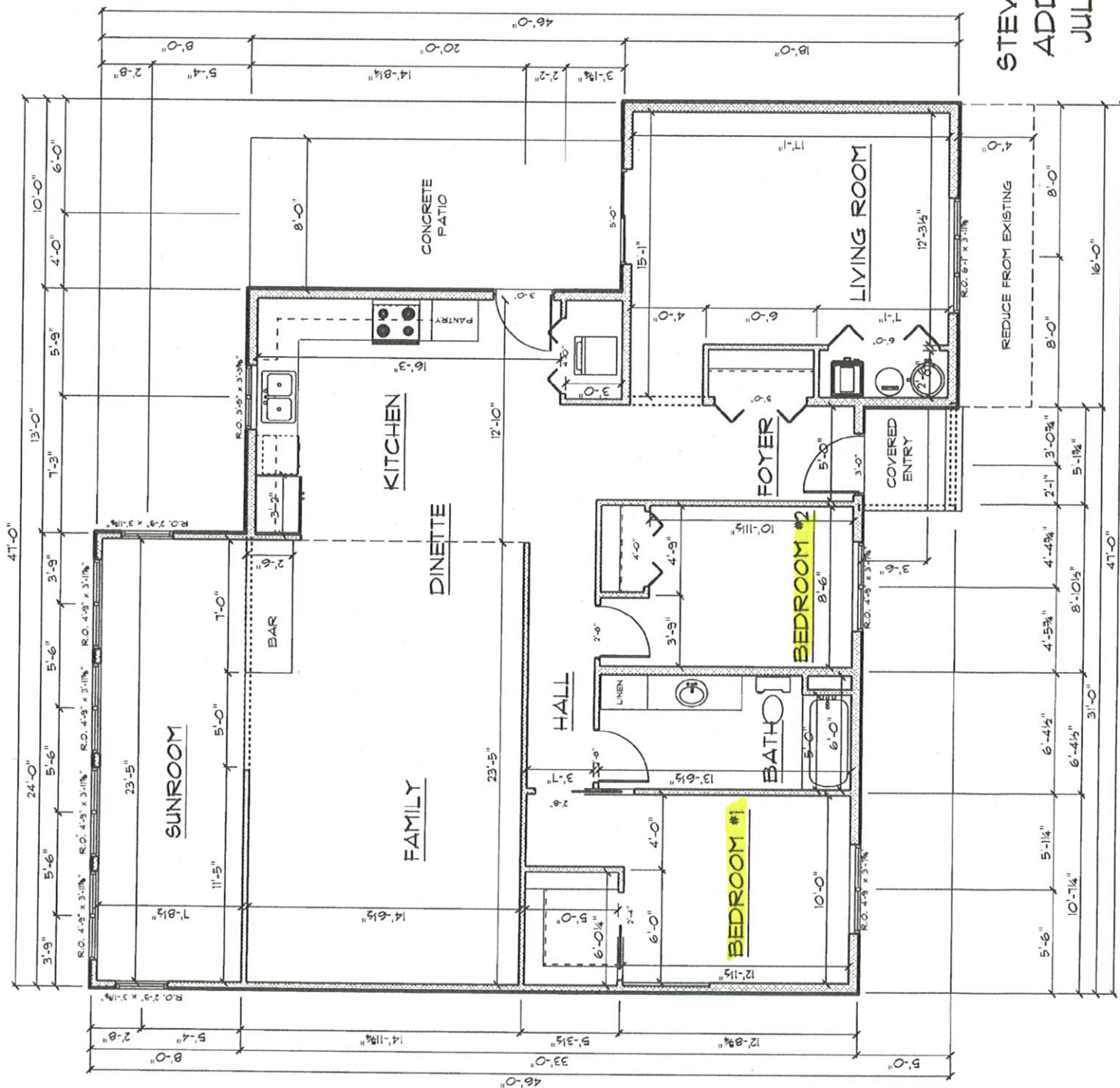


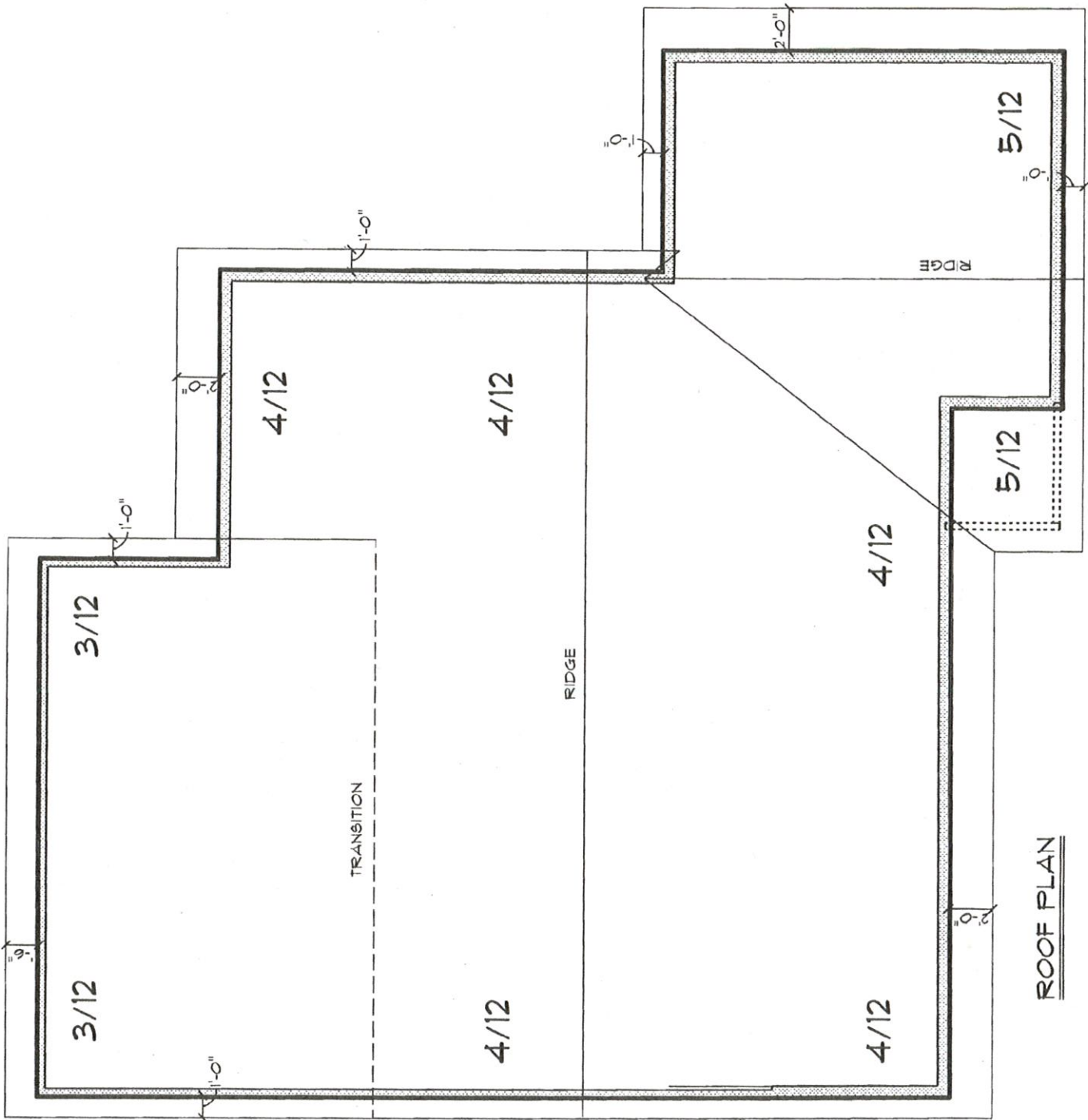
WEST ELEVATION



EAST ELEVATION

STEVE GRIEP
 ADDITION
 JULY 16, 2018

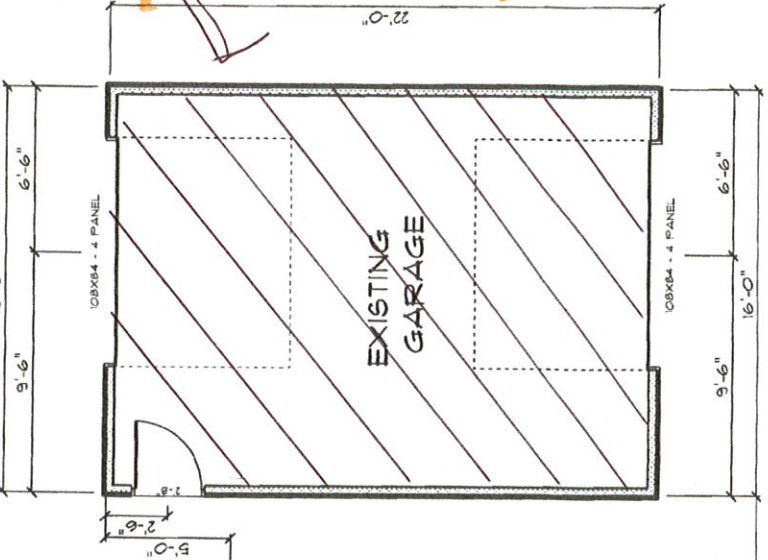
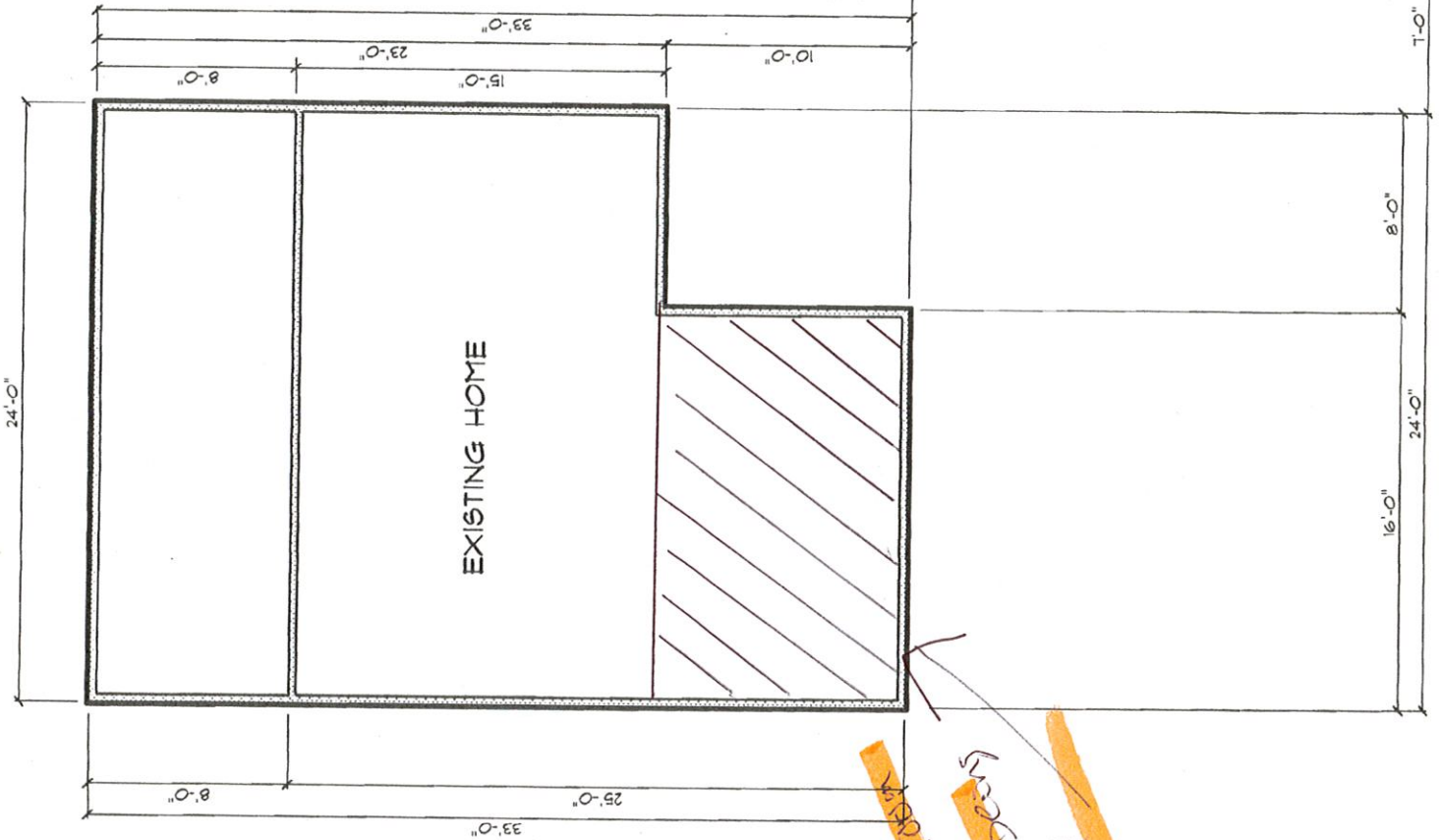




ROOF PLAN

RECEIVED
 JUL 17 2018
 BY:

STEVE GRIEP
 EXISTING HOME
 JULY 10, 2018



Garage being
 removed
 built on
 floating
 slab
 New living
 Room

Remove
 Old Bedroom
 In Bedroom

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: Steven Garp PID: _____
Mailing Address: 24835 French Drive Cleveland MN
Property Address: 24835 French Drive Cleveland MN
Phone: (____) _____ **Mobile/Cell:** (612) 968 2215

Responsible party for Implementation/Inspection: Steven Garp
Address: 24835 French Drive Cleveland MN
Phone: (____) _____ **Mobile/Cell:** (612) 968 2215

Erosion & Sediment Control Measures

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

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

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


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


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

Inspection and Maintenance

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

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



 (Property Owner)


 (Person Responsible for Implementation)

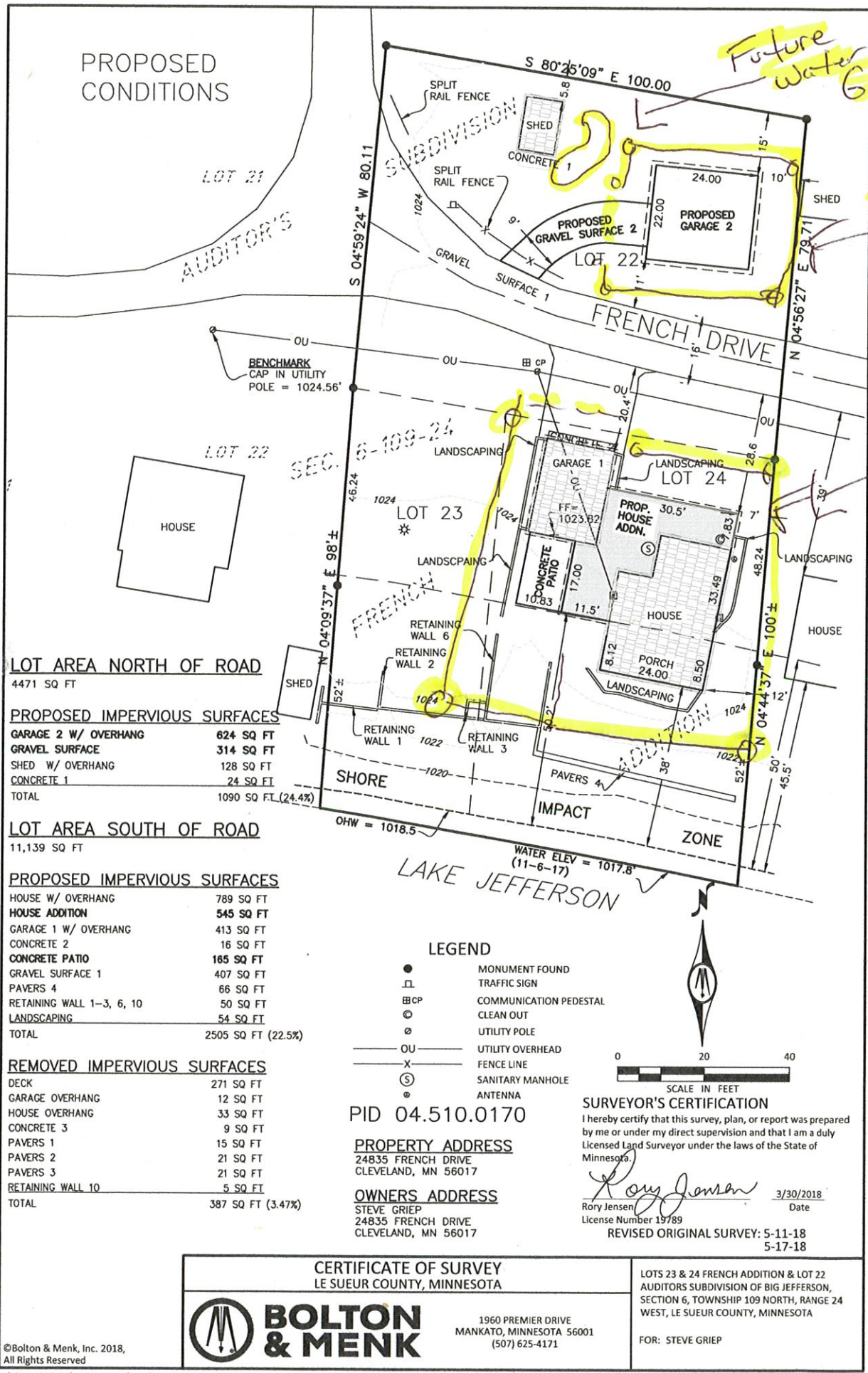
7-17-18

 (Date)
 7-17-18

 (Date)

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

PROPOSED
CONDITIONS



LOT AREA NORTH OF ROAD

4471 SQ FT

PROPOSED IMPERVIOUS SURFACES

GARAGE 2 W/ OVERHANG	624 SQ FT
GRAVEL SURFACE	314 SQ FT
SHED W/ OVERHANG	128 SQ FT
CONCRETE 1	24 SQ FT
TOTAL	1090 SQ FT (24.4%)

LOT AREA SOUTH OF ROAD

11,139 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	789 SQ FT
HOUSE ADDITION	545 SQ FT
GARAGE 1 W/ OVERHANG	413 SQ FT
CONCRETE 2	16 SQ FT
CONCRETE PATIO	165 SQ FT
GRAVEL SURFACE 1	407 SQ FT
PAVERS 4	66 SQ FT
RETAINING WALL 1-3, 6, 10	50 SQ FT
LANDSCAPING	54 SQ FT
TOTAL	2505 SQ FT (22.5%)

REMOVED IMPERVIOUS SURFACES

DECK	271 SQ FT
GARAGE OVERHANG	12 SQ FT
HOUSE OVERHANG	33 SQ FT
CONCRETE 3	9 SQ FT
PAVERS 1	15 SQ FT
PAVERS 2	21 SQ FT
PAVERS 3	21 SQ FT
RETAINING WALL 10	5 SQ FT
TOTAL	387 SQ FT (3.47%)

LEGEND

- MONUMENT FOUND
- TRAFFIC SIGN
- ⊕ CP COMMUNICATION PEDESTAL
- CLEAN OUT
- UTILITY POLE
- OU — UTILITY OVERHEAD
- X- FENCE LINE
- ⊙ SANITARY MANHOLE
- ⊙ ANTENNA

PID 04.510.0170

PROPERTY ADDRESS
24835 FRENCH DRIVE
CLEVELAND, MN 56017

OWNERS ADDRESS
STEVE GRIEP
24835 FRENCH DRIVE
CLEVELAND, MN 56017

SURVEYOR'S CERTIFICATION
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789
Date 3/30/2018

REVISED ORIGINAL SURVEY: 5-11-18
5-17-18

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK

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

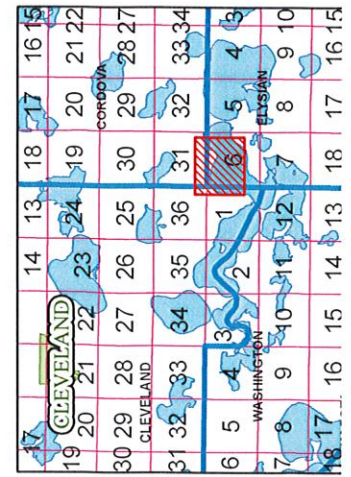
LOTS 23 & 24 FRENCH ADDITION & LOT 22
AUDITORS SUBDIVISION OF BIG JEFFERSON,
SECTION 6, TOWNSHIP 109 NORTH, RANGE 24
WEST, LE SUEUR COUNTY, MINNESOTA

FOR: STEVE GRIEP

SDB115641H ©Bolton & Menk, Inc. 2018, All Rights Reserved H:\GRIEPSTE_PR\M33115641\CAD\C3D\115641_V_PROP_N1-PROPOSED.dwg 5/11/2018 2:20 PM JOB NUMBER M33.115641 FIELD BOOK:90A-1 PG 37 DRAWN BY: JLA 4.0 S6-T109N-R24W

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Grieb
 PID: 04.510.0170
 DATE: 08-01-18
 FIRM #: 27079C0270D
 F-Zone: X-outside
 RFPPE: 1022.86
 District: Recreational/Residential



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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet
 Photo dated April/May 2017
 Created By: MRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICE
 507-357-8538



Le Sueur County, MN

Thursday, August 16, 2018

Regular Session

Item 3

Hirn Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

ATF VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Charles & Mary Hirn

911 ADDRESS: 46529 Cape Horn Road, Cleveland, MN

ATF VARIANCE REQUEST: After-The-Fact Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 10 x 50 deck 55 feet & 68 feet from the Ordinary High Water Level (OHWL), 8 feet, 22 feet, & 28 feet from the bluff and within the bluff impact zone, 6 feet from the south property line, and an After-The-Fact Variance for the dwelling 9 feet from the south property line and 78 feet from the OHWL; total impervious surface of 31.9%.

ATF VARIANCE NUMBER: 18141

PARCEL NUMBER: 01.500.0200

SITE INFORMATION

LOCATION: Lot 22, Cape Horn Subdivision, Section 1, Cleveland Township

ZONING & PURPOSE: Recreational Residential

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to shoreland development, water quality, stormwater and bluff preservation.

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.

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, existing non-conforming lot.

ACCESS: Existing off Cape Horn Rd

LAKE: Lake Jefferson, 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: 1022.86 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Property is an existing non-conforming lot. A variance was granted April 21, 2016 to allow the applicant to construct a dwelling and attached garage 37 feet from the road ROW and 80 feet from the OHWL. The proposed house met the 30-foot setback to the bluff and the 10-foot setback to property lines. As part of the proposal a deck was not included however a pervious patio was indicated and pervious paver driveway to keep the total impervious surface of the lot below 25%. The applicant recently constructed a deck without a zoning permit. The ATF deck does not meet the setbacks to the bluff, OHWL, side yard, is located within the bluff impact zone and impervious surface of the lot is 31.9%. The survey submitted indicates that the dwelling does not meet the approved variance granted in 2016 which allowed the dwelling to be 80 feet from OHWL, but was constructed 78 feet from the OHWL. The existing dwelling also does not meet the 10-foot side yard setback.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Holly Kalbus letter, photos, 2016 Variance

STAFF FINDINGS

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

<u>1. ATF Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Deck to bluff:	8 (22 & 28) feet	30 feet	Section 13.2, Subdiv. 5. F. 1. c. Section 18, Subdiv. 2. B. 1. c.	13-46 18-2
b. Deck to OHWL:	55 (& 68) feet	80 feet	Variance #16032	
c. Deck to property line:	6 feet	10 feet	Section 13.2, Subdiv. 5. C. 2.	13-44
d. Dwelling to OHWL:	78 feet	80 feet	Variance # 16032	
e. Dwelling to property line:	9 feet	10 feet	Section 13.2, Subdiv. 5. C. 2.	13-44
f. Impervious surface:	31.9 %	25%	Section 13.2, Subdiv. 5. J. 3. Section 13, Subdiv. 5. A. 10. a.	13-48 13-15
g. Bluff Impact Zone:	Within	Prohibited	Section 13.2, Subdiv. 5. F. 4. Section 18, Subdiv. 2. A. 2. Section 18, Subdiv. 2. B. 4.	13-46 18-2 18-2
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. Limiting Impervious Surface				pg. 15
e. Non-conforming Lots of Record in Shoreland Areas				pg. 19
f. 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:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Deny ATF deck and table the application construct one set of stairs to access main level and reduce impervious surface.
 - b. Table application, reduce the size of the ATF deck, with one set of stairs and reduce impervious surface.
 - c. An ATF Conditional Use Permit is required for the grading, excavating, and filling that was done in the bluff impact zone and the bluff without a permit.

CONDITIONS

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

VARIANCE

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: 18141	FEE: \$2,746.00
60 DAY RULING DATE: 9/15/2018	911: 46529 CAPE HORN RD, CLEVELAND, MN	
APPLICANT: CHARLES & MARY HIRN	LAND OWNER: CHARLES & MARY HIRN	
ADDRESS: 46529 CAPE HORN RD	ADDRESS: 46529 CAPE HORN RD	
CITY: CLEVELAND	CITY: CLEVELAND	
STATE: MN	STATE: MN	ZIP: 56017
PHONE: 651-402-8067	PHONE: 651-402-8067	

TOWNSHIP: CLEVELAND	PARCEL NO: 01.500.0200	
SEC: 1	SUBDIV: CAPE HORN	
TWP: 109	LOT: 22	ZONE: RR
RANGE: 25	BLOCK:	FEMA PANEL # 27079C0270D
Q/Q:	ROAD: TWP	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 GRANT AN ATF VAR TO ALLOW THE APPLICANT TO CONSTRUCT A 10 X 50 DECK 55' & 68' TO OHWL; 8', 22' & 28' TO BLUFF AND W/IN THE BLUFF IMPACT ZONE; 6 FT TO S PL; ATF VAR FOR DWELLING 9' TO S PROPERTY LINE & 78 FT TO OHWL. & CREATE A TOTAL OF 31.9 % IMP SURF/

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

7-07-18

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.

ATF VARIANCE FINDINGS OF FACT

Name of Applicant: CHARLES & MARY HIRN

Variance # 18141

- 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?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	2. Is the alleged practical difficulty unique to the property?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	4. Will the issuance of the Variance maintain the essential character of the locality?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	5. Does the alleged practical difficulty involve more than economic considerations?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	6. Did the applicant/owner act in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	7. Did the applicant/owner attempt to comply with the Ordinance by obtaining the proper permits prior to commencing work?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y	N	8. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	N	9. Is the Variance consistent with the Comprehensive plan?	JM	JW	JD	CH	FC
		Explain _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. **IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.**

APPROVED () DENIED ()

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

Applicant:

Charlie & Mary Hirn

Property owner:

Charlie & Mary Hirn

Property:

01.500.0200

Description:

After-The-Fact Variance request to allow the applicant to construct a 10 x 50 deck 55 feet & 68 feet from the Ordinary High Water Level (OHWL), 8 feet, 22 feet, & 28 feet from the bluff and within the bluff impact zone, 6 feet from the south property line, and an After-The-Fact Variance for the dwelling 9 feet from the south property line and 78 feet from the OHWL; total impervious surface of 31.9% in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake.

Recommendation:

It would be my recommendation to approve the application with the conditions listed below. The conditions that are listed will address stormwater, specifically preventing runoff and erosion from occurring. This will help protect and provide stability for the bluff.

Condition(s):

- 1) Install rain barrels under all of the downspouts directed towards the bluff.
- 2) Planted vegetation that is native to Minnesota along the north side of the house by the boulder wall where there is steep grade. Since a downspout and the steep grade are located in the same area, the potential for runoff and erosion increases; native vegetation should help prevent this.
- 3) Remove part of the stairs that is used to access the deck. This would help reduce the impervious surface which is currently at 31.9%.

Sincerely,



Holly Kalbus
Le Sueur County
Environmental Resources Specialist

After-The-Fact Variance Application

I. **Applicant:**
 Name Charles & Mary HIRN
 Mailing Address 46529 Cape Horn Rd
 City Cleveland State MN Zip 56017
 Phone # 651 402 8067 Phone # 651-491-9733

II. **Land Owner:**
 Name Same
 Property Address _____
 City _____ State _____ Zip _____
 Phone # _____ Phone # _____

III. **Parcel Information:**
 Parcel Number 01500 0200 Parcel Acreage .328
 Township Cleveland Section 1
 Subdivision Cape Horn Lot 22 Block _____

Full Legal Description must be attached.

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

IV. **Variance Request:** List requested alternative to development standard(s).
see Attached document

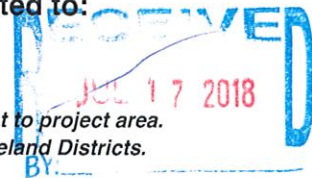
V. **Description of Request:**
 a. A full written description of the proposed variance request with detailed information must be attached.

VI. **Township Notification:**
Township must be notified prior to application. (County Commissioners are not the Township Board.)
Susan Ely Township notified on 7-16-18
 (Township Name) (Date)

Board Member Susan Ely 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 ATF Variance request is reasonable compared to the ordinance requirements being varied from.

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

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

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

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

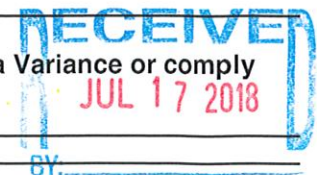
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

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

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

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

10. Explain how the applicant/landowner acted in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?



11. Describe how the applicant/landowner attempted to comply with the Ordinance by obtaining the proper permits prior to commencing work?

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

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

7-17-18
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

7-17-18
Date

OFFICE USE ONLY

Date received <u>7-17-18</u>	Present Zoning Classification <u>RR</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>Jefferson</u>	Water courses <u>Y</u> <u>N</u>
RFPE <u>102280</u>	FEMA Panel # <u>27079C0270D</u>	Bluff <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>Xoutside</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic _____
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>COC</u>
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<u>NONC/Waiver</u>
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Mitta</u>	<u>Design</u>
	Planning & Zoning Department Signature	<u>ATF/SPEC MTG</u>
		<u>2746.00</u>
		<u>7-17-18</u>
		<u>18</u>
		Permit #

01-15-16

15 Day 8-6-18

ATF \$1200
Penalty \$1500
Filing fee \$44
2746
BY: _____

RECEIVED
JUL 17 2018

10%
Finished Value \$15,000
4

After-The-Fact Variance Application

IV. Variance Request:



1. Requesting a variance to build deck on the Bluff Impact Zone
2. Requesting a variance for an additional 31.9% nonpervious surface.
3. Requesting a 9"8" setback from south property line for south side of house.
4. Requesting a 6' setback from my south property line for the south end of deck, deck stairways and stairway landing area.
5. Requesting a variance of a Bluff set back of 8' measured from the stairway landing.
6. Requesting a variance of a Shore line set back of 55'. This set back is measured from the deck stair way landing to shore line.
7. Requesting a variance of a bluff setback of 28'. This setback is measured from the north end of deck.
8. Requesting a variance of a shoreline set back of 68'. This setback is measured from the north end of deck.

V. Description of request

The request for the ATF variance is for additional non-pervious surface and setbacks for the construction of deck to existing single dwelling home. Requesting 31.9% non- pervious surface.

The set backs are:

1. 9'.8" setback for south side of house from the south property line
2. 6' Setback of south side of deck, deck stairway and stairway landing from south property line.
3. 8' bluff set back of stairway landing
4. 55' shoreline setback of stairway landing.
5. 28' bluff setback of north end of deck.
6. 68'shoreline setback of north end of deck

VIII. Practical Difficulty:

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

We feel the ATF request is reasonable because the added structure (deck) in my opinion allows for permeability and all precipitation, except a slight film of moisture that stays on the deck surface, permeates right through the deck. Also, the contour of the ground below the deck is flat and is or will be covered with a shade tolerant grass or a permeable patio, allowing for the rain water to soak in, thus reducing the potential for erosion and run off, preserving the bluff impact zone. In regard to property line set back, there remains six feet of set back from property line which is reasonable for this non-conforming lot.

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

The unique circumstances of this property which prevent compliance with the Zoning Ordinance that will result in practical difficulty is that our lot is a nonconforming lot of record, small lot size (total square footage). We have the bluff impact zone to contend with on a lot that already limits where we can construct this deck. Plus we are limited to where we are able to construct the stairs because any other placement would put them in front of entry ways or block views of the lake.

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

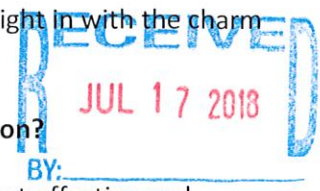
Per the current Ordinance, our lot being nonconforming and having a bluff impact zone, leaves us with a unique circumstance to deal with, thus limiting where we can construct the deck. These circumstances were all naturally created and in place as per the ordinances, hence, created by someone other than us.

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

Our deck will be compatible and consistent with the current development. Every comparable dwelling on this bluff, have decks which create beautiful views of the lake. This deck fits right in with the charm and character of the neighborhood.

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

The most important consideration in this case is to utilize our property in the most effective and environmentally useful way by building a deck that is architecturally, aesthetically and environmentally pleasing, and promotes and maintains the current character and environment. Other non- economic consideration is the placement of the stairways if placed anywhere else would block entryways and views of the lake.



6. is the request consistent with and supported by the statement of purpose, policies, goals and objectives in the ordinance?

Our request is consistent with, the statement of purpose, goals and objectives of the ordinance. In my opinion the deck is pervious; precipitation runs right through to the erosion control surface below, avoiding large volume run off and erosion. There was minimal impact during construction process to the BIZ. Only 8 post footings for a total of 4.9 Sq. Ft of surface was disturbed. Also this small surface area causes minimal if any potential for run off or erosion.

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

1. We are preserving the bluff area (Goal #2) by using a plan that will use all the standard and acceptable building practices to prevent erosion and run-off. Create minimal impact during the construction process (8 post footings/4.9 sq. ft. of surface). The permeability of the deck to rain water and the surface below which is flat and

covered with shade tolerant grass, thus significantly reducing the potential for erosion or run off onto the BIZ. Rain gutters with directional downspouts, along with rain barrels, will prevent erosion and run-off onto the BIZ.

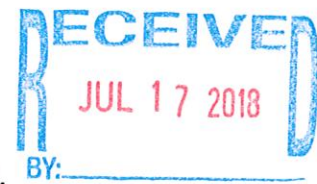
2. We are not affecting the shoreline thus preserving the current one. We are protecting the current agricultural reserves by not affecting them (Goal # 1).

3. We currently have a compliant waste water treatment system (holding tank) (Goal #3).

4. Complied, and in some instances went above and beyond uniform building code (Goal #8)

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

We currently share a well with Cape Horn Well Association. Our on-site sewage treatment is a compliant 15/2 holding tank.



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

The proposed deck structure utilizes the property and its current contours, as well as maintaining the current environment. A ten foot wide deck was the minimal width, anything less creates a narrow deck, thus creating a small and non-functioning surface. Placement and the configuration of the steps 6 feet from the south property line was the only placement that did not create a blockage of entry ways and view of the lake from the basement walkout level. Infringement is minimal on the bluff zone setbacks, and erecting a deck that we felt is consistent with several adjacent properties to our north and south on Cape Horn Road.

10. Explain how the applicant/landowner acted in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?

I did not realize that I need a variance and thought I was complying with applicable requirements and thus ultimately did not act in good faith. It was our mistake in assuming so.

11. Describe how the applicant/landowner attempted to comply with the Ordinance by obtaining the proper permits prior to commencing work?

I was not aware of the ordinance and that I need a permit and thus ultimately did not act in good faith. It was our mistake in assuming so.

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

1. Requesting a variance for an additional 4.93% non-pervious surface above the 25% allowed/lot for construction of deck, deck stairways, and stairway landing.
2. Requesting a variance to build deck on the Shore Impact Zone and Bluff Impact Zone
3. Requesting a variance of a Bluff set back of ____ feet and a Shore line set back of ____ feet.
4. Requesting a 6 foot set-back from my south property line for the south end of deck, deck stairways and stairway landing area.

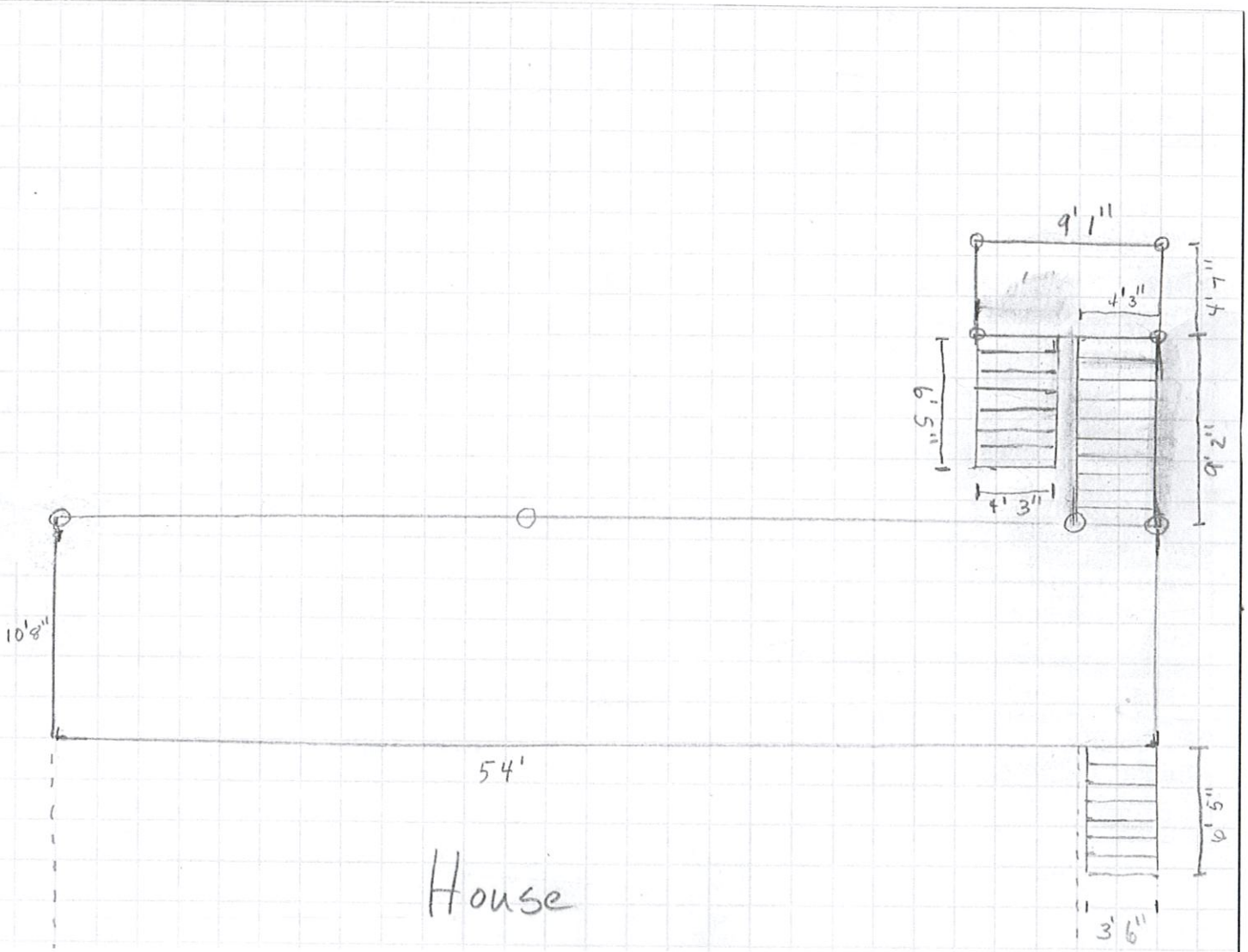
V. Description of request:

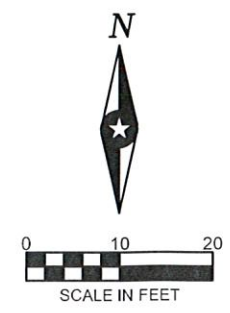
After-the-Fact variance for constructed deck, stairways and stair way landing area. The deck is attached to the east side of single family dwelling, dimension of deck-10'8"x54', three sets of stairways, dimension of stairways-4'3"x9'2", 4'3"x6'5", and 3'6"x6'5", and one stairway landing area, dimensions of stairway landing area-4'7"x9'1". There are four 12" diameter post hole footings and four 9" post hole footings.

or

1. Request additional 4.93% non-permeable surface above the 25% of lot area for construction of a deck, deck stairways and deck stairway landing.
2. A request for a 6 foot set-back from south property line for the south end of deck, deck stairways and stairway landing.
3. Request to build on the Shore Impact Zone and Bluff Impact Zone which would consist of four 12 inch diameter and four 9 inch diameter post whole footings, for a total of 4.9 sq. ft. of construction on SIZ and BIZ.
4. Request a 6 ft. set-back from bluff and a 38 ft. set-back from shore line. This set back is measured from the deck stair way landing to top of bluff and to shore line

RECEIVED
JUL 17 2018
BY: _____





I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Daniel L. Stueber
DL Stueber
DATE 07/17/2018 LIC. NO. 43110

THIS DOCUMENT IS THE PROPERTY OF I & S GROUP, INC. AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

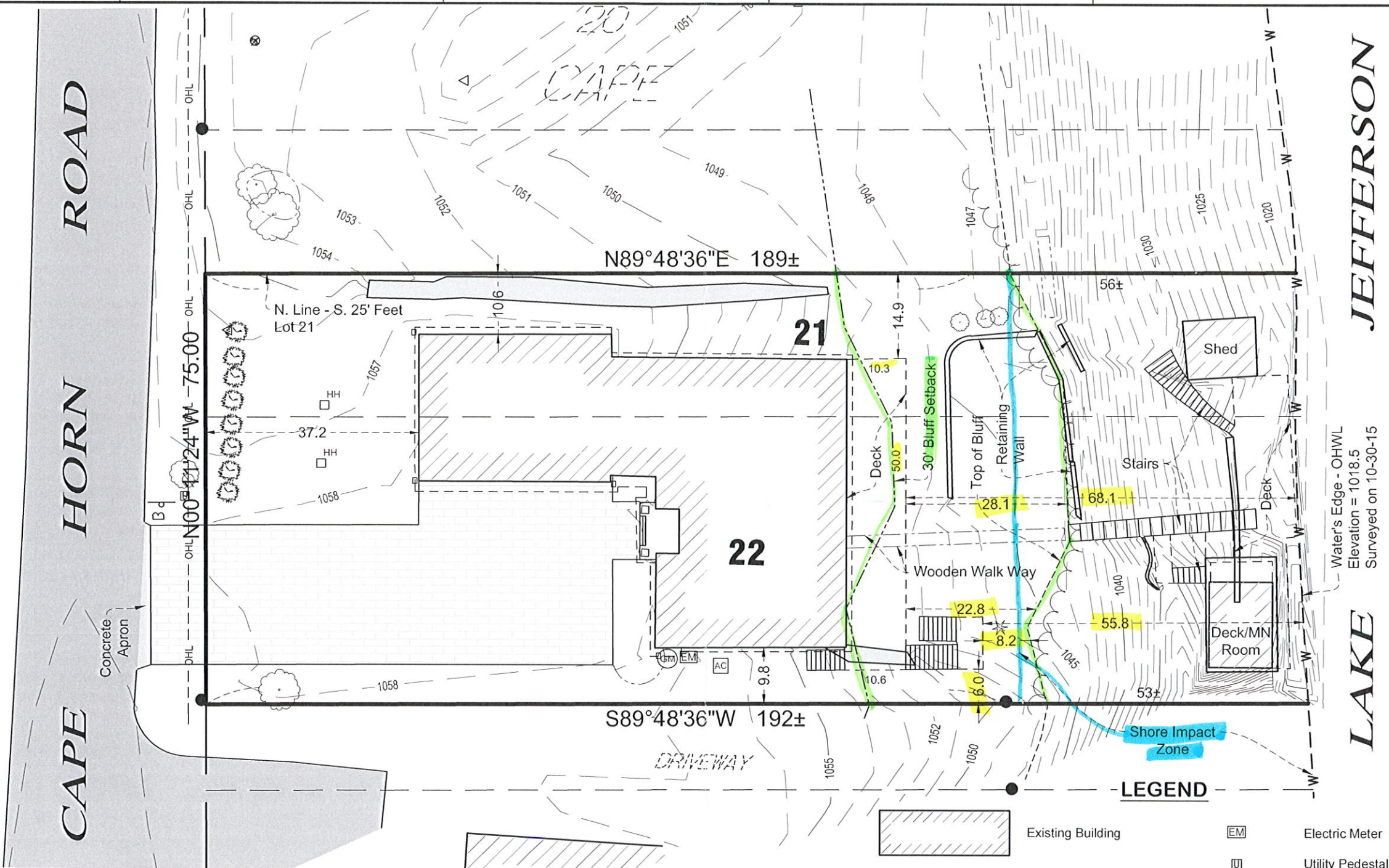
PROJECT
CHARLIE HIRN PROPERTY
Lot 22 and the South 25 feet of Lot 21, Cape Horn, Part of Gov't Lots 2 and 3, Section 1-109-25, Le Sueur County, Minnesota

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	15-18488
CAD FILE NAME	18488 ASBUILT
DRAWN BY	JW
DESIGNED BY	-
REVIEWED BY	-
ORIGINAL ISSUE DATE	-/-
CLIENT PROJECT NO.	-

TITLE:
AS-BUILT SURVEY

SHEET
1 OF 1



	Existing Building		Electric Meter
	Existing Bituminous Surface		Utility Pedestal
	Existing Paver Surface		Air Conditioner
	Retaining Wall		Gas Meter
	Overhead Utility Line		Utility Pole
	Existing Contour		Mailbox
	Water Edge		Sign
	Tree Line		Septic
	Landscape Edge		Deciduous Tree
	Iron Monument Found		Bush
			Roof Drain
			Curb Stop

AS-BUILT HARDCOVER CALCULATIONS:

House (New)	2,999 sq. ft.
Deck/Stairs (New)	640 sq. ft.
Wooden Walk Way (New)	59 sq. ft.
Retaining Walls (New)	308 sq. ft.
Shed	126 sq. ft.
MN Room	243 sq. ft.
Stairs/Retaining Walls	200 sq. ft.
Total	4,575 sq. ft.

Lot Total 14,338 sq. ft.
Impervious Surface 31.9%

LEGAL DESCRIPTION:
(Per Document No. 284911)

Lot Twenty-two (22) and the South 25 feet of Lot Twenty-one (21), CAPE HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North, Range Numbered Twenty-five (25) West, in Le Sueur County, Minnesota.

BEARING NOTE:
The orientation of this bearing system is based on the plat of THE LANDING at JEFFERSON LAKES.

BENCHMARK:
MnDot Monument CLEVELAND SE
Elevation = 1060.79 (NAVD88)

SETBACK:
Front = No closer to the OHWL than the existing structure on adjacent or at least 1/2 setback whichever is greater
Side = 10 feet
Rear = No closer to the OHWL than the existing structure on adjacent or at least 1/2 setback whichever is greater
Bluff = 30 feet

NOTES:

- This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
- Site is served by water well located offsite.
- Bluff line for this property is shown hereon.
- Shore impact zone is shown as 50 from the ordinary high water line.
- Ordinary high water line is noted as elevations 1018.5.
- The field work was completed on July 11, 2018.

Surveyor Certification

I. **Applicant:**
 Name CHARLIE HIRN

II. **Landowner:**
 Name CHARLIE HIRN
 Property Address 46529 CAPE HORN RD
 City CLEVELAND State MN Zip 56017

III. **Parcel Information:**
 Parcel Number 01,500,0200

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

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

- *Site shall be physically staked, then surveyed.
- *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
- *Stakes must remain in place until construction commences.

V. **Quantities and Submittal Formats:**

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aeriels 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 07/11/2018 to reflect an accurate account of current and proposed conditions of the property identified above.

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



Surveyor Signature

07/16/2018
Date

4310
Lic #

RECEIVED
 Date Received JUL 17 2018
 01-15-16
 BY: _____

OFFICE USE ONLY

 Planning & Zoning Department Signature

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

Erosion and Sediment Control Plan

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

Property Owner: Charles HIRN PID: _____
Mailing Address: 46529 Cape Horn Rd
Property Address: Same
Phone: (651) 402 8067 Mobile/Cell: (651) 491 9733

Responsible party for Implementation/Inspection: Charles HIRN
Address: 46529 Cape Horn Rd
Phone: (651) 402 8067 Mobile/Cell: () _____

Erosion & Sediment Control Measures

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



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

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

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

13. Apply fertilizer according to soil test recommendations.

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

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

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

Inspection and Maintenance

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

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

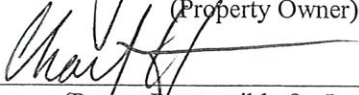
18. Clean out sediment basins on a regular basis to maintain capacity.

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



(Property Owner)

7-17-18
(Date)

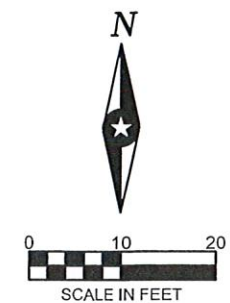
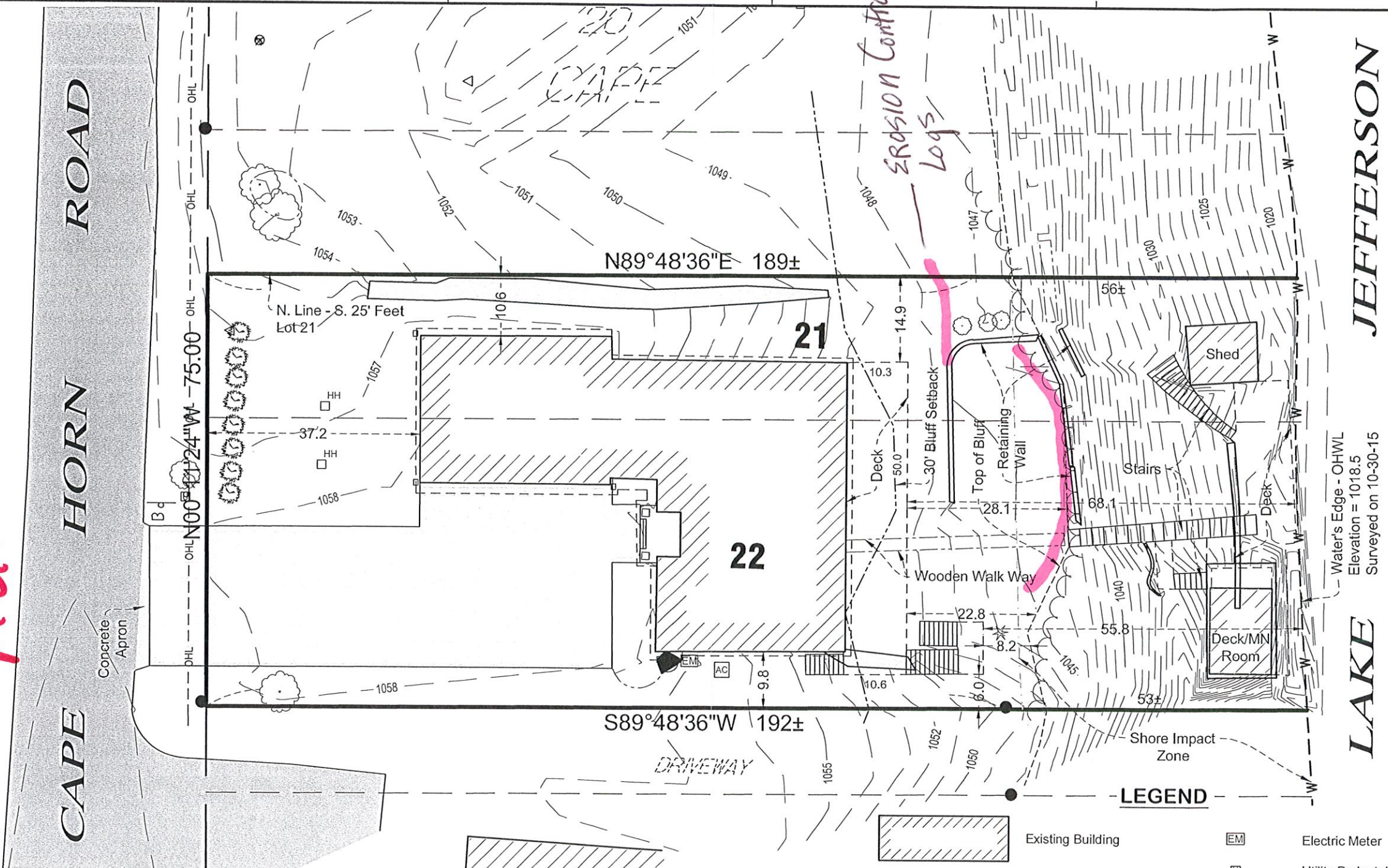


(Person Responsible for Implementation)

7-17-18
(Date)

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

EROSION CONTROL PLAN



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Daniel L. Stueber

DATE 07/17/2018 LIC. NO. 43110

THIS DOCUMENT IS THE PROPERTY OF I & S GROUP, INC. AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT

PROJECT
CHARLIE HIRN PROPERTY
Lot 22 and the South 25 feet of Lot 21, Cape Horn, Part of Gov't Lots 2 and 3, Section 1-109-25, Le Sueur County, Minnesota

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	15-18488
CAD FILE NAME	18488 ASBUILT
DRAWN BY	JW
DESIGNED BY	-
REVIEWED BY	-
ORIGINAL ISSUE DATE	-/-
CLIENT PROJECT NO.	-

TITLE:
AS-BUILT SURVEY

SHEET
1 OF 1

LEGAL DESCRIPTION:
(Per Document No. 284911)

Lot Twenty-two (22) and the South 25 feet of Lot Twenty-one (21), CAPE HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North, Range Numbered Twenty-five (25) West, in Le Sueur County, Minnesota.

BEARING NOTE:
The orientation of this bearing system is based on the plat of THE LANDING at JEFFERSON LAKES.

BENCHMARK:
MnDot Monument CLEVELAND SE
Elevation = 1060.79 (NAVD88)

SETBACK:
Front = No closer to the OHWL than the existing structure on adjacent or at least 1/2 setback whichever is greater
Side = 10 feet
Rear = No closer to the OHWL than the existing structure on adjacent or at least 1/2 setback whichever is greater
Bluff = 30 feet

- NOTES:**
- This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
 - Site is served by water well located offsite.
 - Bluff line for this property is shown hereon.
 - Shore impact zone is shown as 50 from the ordinary high water line.
 - Ordinary high water line is noted as elevations 1018.5.
 - The field work was completed on July 11, 2018.

AS-BUILT HARDCOVER CALCULATIONS:

House (New)	2,999 sq. ft.
Deck/Stairs (New)	640 sq. ft.
Wooden Walk Way (New)	59 sq. ft.
Retaining Walls (New)	308 sq. ft.
Shed	126 sq. ft.
MN Room	243 sq. ft.
Stairs/Retaining Walls	200 sq. ft.
Total	4,575 sq. ft.

Lot Total 14,338 sq. ft.

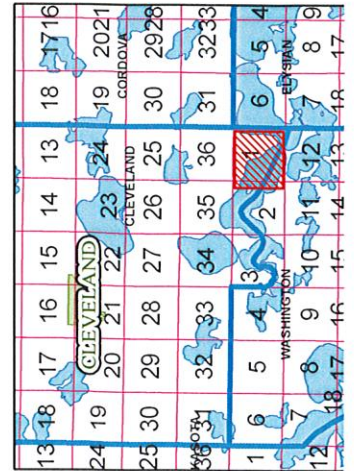
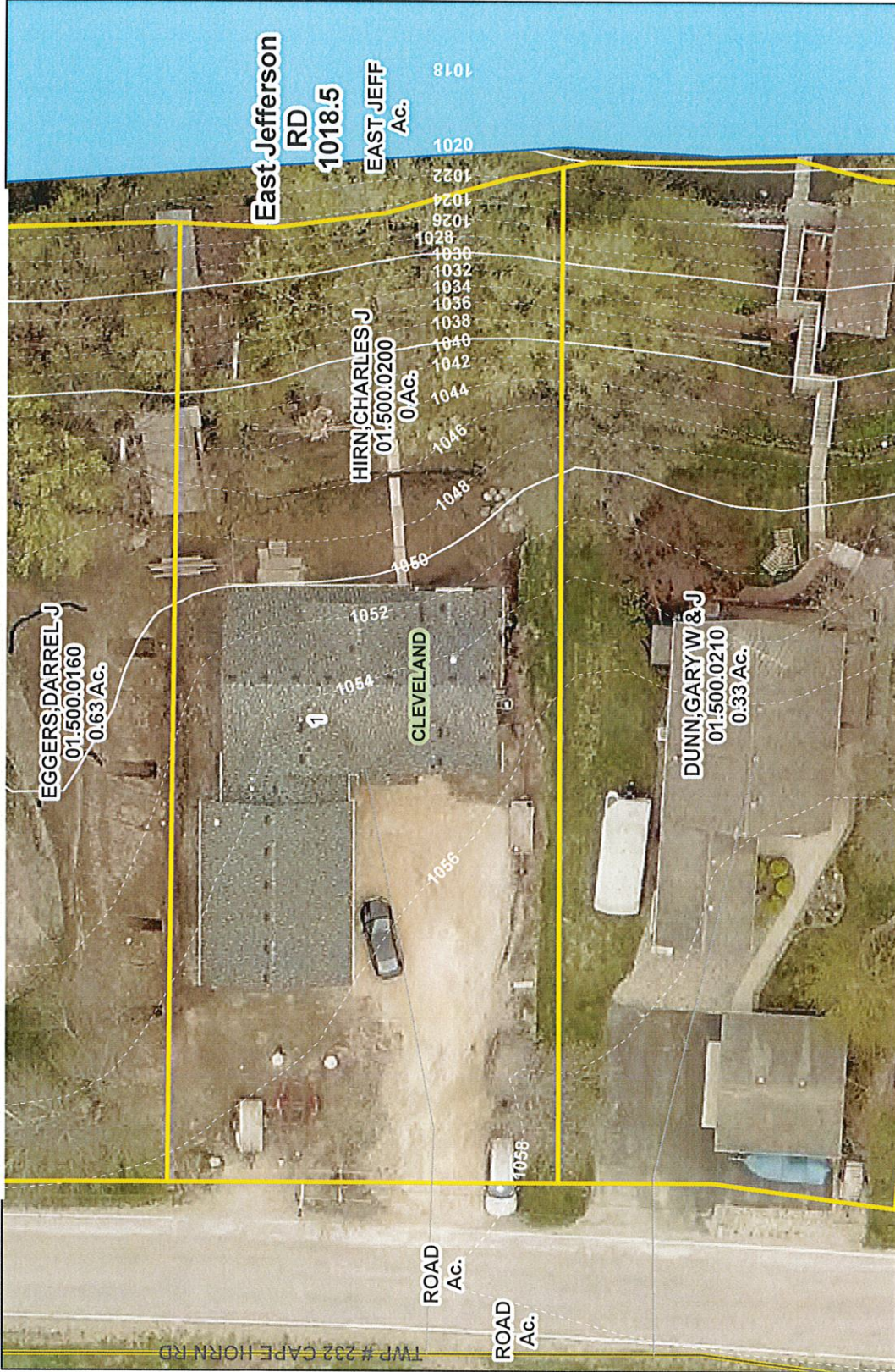
Impervious Surface 31,9% 2018

RECEIVED
JUL 17 2018
BY: _____

	Existing Building		Electric Meter
	Existing Bituminous Surface		Utility Pedestal
	Existing Paver Surface		Air Conditioner
	Retaining Wall		Gas Meter
	Overhead Utility Line		Utility Pole
	Existing Contour		Mailbox
	Water Edge		Sign
	Tree Line		Septic
	Landscape Edge		Deciduous Tree
	Iron Monument Found		Bush
			Roof Drain
			Curb Stop

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Him
PID: 01.500.0200
DATE: 08-01-18
FIRM #: 27079C0270D
F-Zone: X-outside
RFPE: 1022.86
District: Recreational Residential



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



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2017

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICE
 507-357-8538



Le Sueur County, MN

Thursday, August 16, 2018

Regular Session

Item 1

Approved August 16, 2018 Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

August 16, 2018

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

MEMBERS ABSENT: Colin Harris

OTHERS PRESENT: Joshua Mankowski

1. **Call to Order** at 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda:** Corrections- ITEM #1 should state 9 feet from the septic tank, not 6 feet. Motion to approve corrected agenda by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.
3. **Meeting Minutes:** July 19, 2018 Additions/Corrections None. Motion to approve minutes by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.
4. **Applications**

ITEM #1: ROBERT & ANN HARTZ, DES MOINES, IA, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance 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 9 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. Property is located at Lot 4, Grays Unrecorded Plat, Section 20, Waterville Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, & SEPTIC SETBACKS AND IMPERVIOUS SURFACE.**

Robert and Ann Hartz were present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist recommending approval with the condition that the applicant 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.

Discussion was held regarding: Ann Hartz wanted to add that, to address the impervious surface, they would be willing to remove the detached garage. Jeanne Doheny asked if we knew how much that would reduce. Ann Hartz stated that they did say they would be willing to remove the detached garage on the application. Jeanne Doheny asked about the timeline to do so. Ann Hartz stated they would need to keep the garage up until they completed construction. Jeanne Doheny inquired if it would be within a year. Ann Hartz stated yes. Jim Soulek asked for the definition of impervious surface. Joshua Mankowski stated that impervious surface is any surface that doesn't allow water to move through it such as concrete or a gravel driveway. Jim Soulek asked how the Ordinary High Water Mark is determined. Joshua Mankowski replied that it is an elevation determined between the County and the Department of Natural Resources. Charlie Hirn stated that impervious surface, to his understanding, the reason we have restrictions is to prevent erosion and runoff. Joshua Mankowski stated that, normally water would fall on a surface and infiltrate at that location, people's actions prevent the water from infiltrating and causes it to sheet off of the surface. Jim Soulek asked if the percentage shown was the percentage of the lot. Joshua Mankowski replied yes, determined by the surveyor. Fritz Cummins asked if there was a

height restriction on the structure. Jeanne Doheny agreed with the question, how high is the peak on the garage? Ann Hartz replied that it should be on the plan. Jeanne Doheny said it looks like it will be taller than adjacent properties. Ann Hartz responded yes, but she wasn't sure what it was. Fritz Cummins said the structure is 20 feet and then you need to add the peak and he thought that was already over the limit. Joshua Mankowski stated he would grab a copy of the Ordinance. Jeanne Doheny asked about the planned timeline. Ann Hartz responded that they hoped to start this fall but they needed to get approval before they started. Joshua Mankowski stated that the max peak height is 35 feet. Jeanne Doheny stated that the structure would be within the limits. Fritz Cummins said he thought that that was a farm building. Joshua Mankowski responded that is the limit for a house in the RR District. Fritz Cummins implied that we changed the rules. John Wolf said it would be about 27 ½-28 feet tall. Jeanne Doheny reiterated that it would be within the limits, but inconsistent with the surroundings. Jeanne Doheny asked if Joshua Mankowski had determined the difference in impervious surface with the detached garage removed. Joshua Mankowski replied no. Ann Hartz responded that the 31.1% impervious surface in the application is including the detached garage. Fritz Cummins asked what would keep the snow coming off the roof and landing on the neighbor's property. Robert Hartz stated that snow would be coming from the north and the snow will blow south. There is a line of trees that should help protect from the snow. Jeanne Doheny asked how far the neighbor's house was from the property line. Robert Hartz thought it was about 10 feet. Jeanne Doheny asked Fritz Cummins if he was more concerned about the snow landing on the neighbor's property. Fritz Cummins stated that the exhaust from the furnace comes out on that side of the house. Jeanne Doheny asked if Ann and Robert Hartz had talked with the neighbor about this potential issue. Robert state yes, the neighbors to the west, the Marzahns. Jeanne Doheny asked if this specific issue was discussed. Robert Hartz responded no. Jim Mladek asked Paul Marzahn if he was the neighbor and if he has any issues with the proposal. At this time public comment was heard. Paul Marzahn replied that he was the neighbor and his sister has concerns. Paul Marzahn stated that he didn't know enough about the property to know about the snow building up on the side of the house. Jim Mladek asked if Ann and Robert Hartz had looked into other design options for the house. Robert Hartz responded not really, not at this point. Jeanne Doheny stated that they didn't meet all the criteria so they could deny or table the application. Jeanne Doheny asked Joshua Mankowski if they could approve. Joshua Mankowski responded that you could approve the application but the issue is that one of the findings was no, so the Board should not approve the application. Jim Mladek stated they could table it. Joshua Mankowski stated that they could table application with the direction to address the concerns that were raised during the meeting.

Motion was made by John Wolf to Table the application to address the concerns that the proposed height, though allowed, does not fit in with the neighborhood and the issue caused by snowfall coming off the roof and falling along the neighbor's house due to the proposed side yard setback. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #2: STEVE GRIEP, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a dwelling addition 7 feet from the east property line, 46 feet from the Ordinary High Water Level (OHWL), 24 feet & 28 feet from the road ROW; create impervious surface within the shore impact zone; and driveway width of 9 feet in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 23 & 24 French Addition and Lot 22 Auditor's Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR PROPERTY LINE, OHWL, & ROAD ROW SETBACKS AND IMPERVIOUS SURFACE.**

Steve Griep was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist recommending approval with the condition that the applicant install a 100 square foot rain garden on the property located north of the road near the shed. Plant vegetation that is native to Minnesota within the rain garden. The rain garden should assist with erosion and runoff issues from the adjacent agricultural field and prevent additional runoff and erosion continuing across the road.

Discussion was held regarding: Steve Griep stated that his is what he needs to in order to do the addition. Jeanne Doheny asked if he saw the recommendations from Holly Kalbus. Steve Griep

said he had. Jeanne Doheny asked if he any issues with the recommended conditions. Steve Griep responded no. Public comment was taken. Jim Soulek asked if the addition was on the lake side of the house. Steve Griep replied no, the garage will be built on the back lot. The current garage will be torn down and the addition will come around and be located where the current garage sits. So, part of it will be on lake side, but on the west north side of the house. It won't be closer than the current garage. Joshua Mankowski stated it would be 28 feet from the request. Steve Griep said it would be 25 feet from the road. Jeanne Doheny said the application says 24 feet and 28 feet. Joshua Mankowski stated he apologized for only stating 28 feet. Jim Soulek stated the septic tank is currently located behind the house. Steve Griep stated it is located where it states lot 24 on the survey. Jeanne Doheny asked Jim Soulek if that answered his question. Some clarification on the location of the tank was given. Jim Soulek wanted to ensure there was adequate setback between the addition and the septic tank. Steve Griep stated yes. John Wolf asked Joshua Mankowski if the total impervious surface was going to be 24.4% and clarified that that was for the lot across from the road. Jeanne Doheny responded that they are both under 25%.

Motion was made by Fritz Cummins to Approve the application. Condition: Install a 100 square foot rain garden on the property located north of the road near the shed. Plant vegetation that is native to Minnesota within the rain garden. The rain garden should assist with erosion and runoff issues from the adjacent agricultural field and prevent additional runoff and erosion continuing across the road. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #3: CHARLIE & MARY HIRN, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant an After-The-Fact Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 10 x 50 deck 55 feet & 68 feet from the Ordinary High Water Level (OHWL), 8 feet, 22 feet, & 28 feet from the bluff and within the bluff impact zone, 6 feet from the south property line, and an After-The-Fact Variance for the dwelling 9 feet from the south property line and 78 feet from the OHWL; total impervious surface of 31.9% in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 22, Cape Horn Subdivision, Section 1, Cleveland Township. **ATF VARIANCE IS FOR OHWL, BLUFF, & PROPERTY LINE SETBACKS; WITHIN THE BLUFF IMPACT ZONE; AND IMPERVIOUS SURFACE.**

Charlie Hirn was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist recommending to approve the application with the conditions listed below. The conditions that are listed will address stormwater, specifically preventing runoff and erosion from occurring. This will help protect and provide stability for the bluff. 1) Install rain barrels under all of the downspouts directed towards the bluff. 2) Plant vegetation that is native to Minnesota along the north side of the house by the boulder wall where there is steep grade. Since a downspout and the steep grade are located in the same area, the potential for runoff and erosion increases; native vegetation should help prevent this. 3) Remove part of the stairs that is used to access the deck. This would help reduce the impervious surface which is currently at 31.9%.

Discussion was held regarding: Charlie Hirn stated that he has lived on the property for a long time. It has been very important to him to maintain the property and reduce the potential for runoff and soil erosion. He plans to live there for another 20+ years, and that he has been a good steward of the land. When it rains, water passes through the deck and the surface under the deck is very flat so the water doesn't shed off. The temporary retaining walls and path are there so he doesn't need to go through the mud, the path will be removed. Jeanne Doheny stated that removal of the path was not part of the proposal. Charlie Hirn then stated originally he had plywood down and once he received the order to stop, he placed the wood path so he wouldn't need to walk through the mud. Jeanne Doheny then asked Joshua Mankowski if the path was included in the impervious surface calculation. Joshua Mankowski responded that it is included in the impervious surface. Jeanne Doheny stated that, even though it is your opinion that the water runs through the openings in between the boards of the deck, according to our Ordinance, the deck is impervious surface. Charlie Hirn then questioned the reason for having a control for impervious surface in the Ordinance. Jim Mladek stated it was to control runoff and erosion. Charlie Hirn stated roof, driveways, large bodies of water, runoff; you don't want that. That

doesn't happen with a deck, I understand it is part of the Ordinance. Jeanne Doheny responded that we are not going to recalculate the impervious surface based on your opinion. Charlie Hirn replied that in the spirit of the Ordinance, we don't want runoff and erosion into the lake. That won't happen with a deck, it will reduce. Webster's Dictionary defines of an impervious surface is anything that doesn't allow water or sunlight to penetrate through and the deck does. Jeanne Doheny then asked Charlie Hirn about his previous variance in 2016 to build the house, you didn't comply with that variance. Charlie Hirn responded that if you look at the other survey, it did show 80 feet, I don't know how it changed. It is 9.8 feet, that is 2 inches off on the west property line. We didn't change anything from the plans. Jeanne Doheny stated that yes you did change something. The deck was not part of the variance, you said you wouldn't put the deck on because of the impervious surface and you put the deck on. It is in the minutes from that meeting. Jim Mladek stated that you didn't follow the last variance and now you're not compliant. We have a hard time dealing with a person we can't trust to do what they say they are going to do and now are asking for another variance when you haven't fulfilled the first one. Jeanne Doheny followed with this is an after-the-fact so you have already done work and you had to know there was a variance required after your previous variance application. That is a big concern. Joshua Mankowski read Holly Kalbus' letter into the record. Jeanne Doheny asked Joshua Mankowski if we know how much of a change removing part of the deck would make. Fritz Cummins asked what part of the deck Holly Kalbus was recommending being removed. Jeanne Doheny stated that there is the deck in the back and stairways going up to the deck on both sides going up to the deck. It is in the picture. Charlie Hirn added, as for removing the stairway, part of the reason it is there is because there is quite an incline. Traffic would cause compaction and the grass to die which could increase erosion. There is also a greater risk of people falling because of the slope. I do things because I think things through. What is best for my piece of property. I realize you have Ordinances and I think you should have them but each individual property owners' property is unique. One size does not fit everybody. Jeanne Doheny stated that you didn't explore what those options were with the County. Charlie Hirn stated that it never even occurred to him, he knows what is best for his property. I look at things and say this is what is going to work the best, this is going to be the best for the environment, this is what is going to be the best as a steward of that piece of property so it is maintained for me and the next generation. Jim Mladek stated that the experts are not agreeing with you, the people that have knowledge of this and deal with it all the time. Charlie Hirn questioned who these people are. Jim Mladek mentioned Holly Kalbus. Charlie Hirn responded with do you know what I do for a living. Jim Mladek replied that we don't know what your background is but we have people serving our County that do this for a living. Charlie Hirn retorted that she made a recommendation and didn't take some consideration in reference to that particular piece of property. She didn't consider redirecting the traffic that way. Jeanne Doheny stated that if he had come in like he should have, he could have been privy to that knowledge and experience and you could have shared your knowledge and experience. That did not happen. Charlie Hirn stated that he thinks a lot of people don't do that because they think some of the restrictions are overbearing and go too far and if they weren't maybe more people would come in. Jim Mladek responded that there would be more erosion and lake problems if we didn't do it. Charlie Hirn replied maybe. Jim Mladek continued that we have seen some situations where we have seen when people do things on their own thinking they are making improvements, but they aren't. We deal with this every month. What do you think of Holly Kalbus' recommendations? Charlie Hirn responded that he had already planted native red fescue grass on the north side and under the deck. It is a native species and is shade tolerant. The recommendation for changing the stairway, I could eliminate it. I don't like the fact that traffic is redirected on the steep incline. Jim Mladek asked why the stairs couldn't be redirected back under the deck. Charlie Hirn stated the other reason he placed the steps there was to not impede the view of the lake. Removing it would be better than relocating it in the other spots. I am fine with rain barrels and the other suggestions. Jeanne Doheny stated the deck isn't essential to living on the property, it is nice to have. If you wanted to keep that deck, you would do as much as possible to comply with what Holly Kalbus is recommending. Charlie Hirn stated he is trying to get use to the thought that he might need to remove those steps.

Motion was made by Jim Mladek to DENY the application. Reasons for denial: 1) The circumstances causing the practical difficulty were created by the applicant/landowner. 2) The applicant/owner did not act in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work. 3) The applicant/owner did not attempt to comply with the Ordinance by obtaining the proper permits prior to commencing work. 4) The proposed

Variance is not consistent with and supported by the statements of purposes, policies, goals and objectives in the Ordinance. 5) The proposed Variance is not consistent with the Comprehensive plan. Seconded by John Wolf. Motion approved. Motion carried.

5. **Discussion Items:** Update on Davis v. Le Sueur County appeal.

Discussion: Jim Mladek asked if we are looking into addressing the concerns that have been raised with decks being considered impervious surface in the County Planning and Zoning Ordinance. Joshua Mankowski responded with not at this time but it is on the list. We have been working on a number of other Ordinance revisions that have been more pressing but that is something that should be discussed. Fritz Cummins had some follow up discussions about the allowed peak height. Joshua Mankowski stated that the allowed peak height is different between an accessory structure and the house. Fritz Cummins doesn't think it makes sense that, just because the garage is attached to the house, it can be so much higher than a detached structure. Joshua Mankowski agrees that this is something that should be discussed. General discussion on side yard setbacks.

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

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

Respectfully submitted,

Joshua Mankowski

Approved September 20, 2018

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