

# Le Sueur County, MN

Thursday, September 20, 2018 Regular Session

Item 2

**Behr Packet** 

Staff Contact: Joshua Mankowski or Michelle Mettler

# **VARIANCE STAFF REPORT**

#### **GENERAL INFORMATION**

APPLICANT/OWNER:

Milan Behr

911 ADDRESS:

22832 W Francis Lane, Elysian, MN

VARIANCE REQUEST:

To install a septic tank and septic tank within the bluff and septic drainfield 0 feet from the road

ROW and 9 feet from the dwelling.

VARIANCE NUMBER:

18068

PARCEL NUMBER:

04.670.0020

#### SITE INFORMATION

LOCATION:

Lot 2, Muellerleile Subdivision, Section 33, Elysian Township

ZONING & PURPOSE:

Recreational Residential

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

GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 makes reference to protection of bluffs,

groundwater, surface water, and water quality.

GOAL #2:

Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature

development of natural resources areas.

Objective 1:

The County should continue its preservation of significant bluff areas and river valleys through its use of

Conservancy Zone.

Action 3:

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

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 2:

The County will take leadership in initiating a wastewater or septic replacement program.

Page 1 of 3

GENERAL SITE DESCRIPTION:

Shoreland, residential

ACCESS:

Existing off West Francis Lane

LAKE:

Lake Francis, Recreational Development Lake

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

#### **BACKGROUND INFORMATION**

This property was part of the Frances, Rays, Sakatah, Tetonka septic inventory. The compliance inspection was completed on August 29, 2017 and found to be an Imminent Threat to Public Health, unable to locate a drainfield. The installation deadline for compliance is June 29, 2018. The new proposal is to locate the tank within the bluff and construct septic drainfield 0 feet to road ROW and 9 feet from dwelling. Bluff slope varies from 22% to 29%.

Application was tabled at the June 21, 2018 meeting in order to come back with a better proposal.

#### **ATTACHMENTS**

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Holly Kalbus letter, DNR letter, Operating Permit

#### STAFF FINDINGS

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

1.	Variance:		Request:	Required:	Ordinance:	Page:
		- I	0 feet	10 feet	Section 17. Subdiv. 4. D. 4.	17-9
		Septic drainfield to dwelling: Septic tank to bluff:	9 feet within	20 feet 30 feet***	Section 17. Subdiv. 4. D. 1. a. Section 17. Subdiv. 4. D. 5. 9	17-9 17-9
		***Exemption		0 feet***	Section 17. Subdiv. 4. D. 5. 9. a.	17-10
				***SSTS upgr	rade and/or replacement for an existing d	welling:

- 1. Shall be exempt from bluff setback.
- 2. May be located within the bluff impact zone.
- 3. Shall not be located within the bluff.

#### 2. Refer to DNR Guidance Letters:

a.	Administration, Compliance, and Enforcement	pg. 1
b.	The Role of the Variances in Shoreland Management Ordinances	pg. 9
c.	Bluffs and Steep Slopes	pg. 11
d.	Non-conforming Lots of Record in Shoreland Areas	pg. 19
e.	Structure Setback Requirements	pg. 21

- 3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- 4. A Variance may be granted only 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 practical difficulty exists upon the consideration of the findings of fact.

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#### CONSIDERATIONS

- The following shall be considered at the hearing:
  - There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - 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. Proposal will also require a Conditional Use Permit for grading, excavating and filling within the bluff.
- b. Exemption allows for system to be located within the bluff impact zone, however no digging in bluff.
- c. Property is part of the Francis, Rays, Sakatah & Tetonka septic inventory.
- d. Remove a portion of one of the three driveways for tank location.
- e. Relocate proposed tank in driveway (different tank specifications required).
- f. Lift in basement to pump out sewage to a tank that is not located within the bluff.

#### **CONDITIONS**

- 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.

Page 3 of 3

# PLANNING AND ZONING COMMISSION 88 SOUTH PARK AVE LE CENTER MN 56057

Date: 09/10/2018

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:

Milan Behr

Property owner:

Milan Behr

Property:

04.670.0020

#### **Description:**

Variance request to allow the applicant to install a septic tank within the bluff; and construct a septic drainfiled 0 feet from the road Right-Of-Way (ROW) and 9 feet from the dwelling in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Frances.

#### Recommendation:

It would be recommendation to deny the application because of the installment of a septic tank within the bluff. This would elevate the chances of bank failure which as a result would deposit hazardous material contained within the septic system directly into Lake Francis. As an alternative, the landowners could place a holding tank on their property or install the septic tank and drainfield outside of the bluff.

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

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

#### Condition(s):

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

Sincerely,

Holly Kalbus Le Sueur County

Environmental Resources Specialist





Division of Ecological and Water Resources 20596 Highway 7 Hutchinson, MN 55350

July 11, 2018

Le Sueur County Board of Adjustment 88 South Park Avenue Le Center, MN 56057

Dear Board of Adjustment:

RE: Variance Request; Parcel ID 04.670.0020; Lake Francis (40-57P); Le Sueur County

The Department of Natural Resources recommended denial of this variance request on June 21, 2018, due to special concerns for the fragile and sensitive nature of bluffs located within shoreland areas. Since then, it is our understanding the variance request has been tabled.

Please be aware that bluff erosion is a natural process, but even the smallest project can accelerate erosion and threaten slope stability. In siting a sewage treatment system within the bluff impact zone, any additional weight or saturated soils can put more pressure on the slope, which can lead to sudden slope failure. In addition, reshaping the slope to create level areas or terracing the slope can destabilize the delicate balance that undisturbed soil provides.

The bluff impact zone is considered to be the most susceptible to degradation, so there should be little if any shoreland alteration allowed. However, if the variance is approved, we recommend observing the following conditions, which are required by Minnesota Rules, Chapter 6120.3300, Subpart 4:

- Topographic alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- Mulches or similar materials must be used for temporary bare soil coverage, and permanent vegetation cover must be established as soon as possible;
- Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation district and the United States Natural Resources Conservation Service:
- Fill or excavated material must not be placed in a manner that creates an unstable slope;
- Plans to place fill or excavation material must be reviewed by qualified professionals (such as a licensed geotechnical engineer) to ensure continued slope stability and must not create finished slopes of 30 percent or greater;

Le Sueur County Board of Adjustment July11, 2018 Page 2

- Fill or excavated material must not be placed in bluff impact zones; and
- Topographic alterations must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties

We also encourage development of a stormwater management plan for this property. It is essential that the landowner, developer, and contractor plan for and manage runoff near the bluff. Allowing water to flow over the bluff can cause erosion problems. Designing the site so infiltration is promoted and runoff is directed away from the bluff is crucial to protecting the shoreland area. Restoration of failed bluffs is extremely expensive, and oftentimes the repaired hillside is not as stable so recurrent erosion becomes more likely.

The DNR appreciates the opportunity to comment on this matter. If you have any questions, please contact me at (320) 234-2550, ext. 230 or garry.bennett@state.mn.us.

Best regards,

A MALL TO BE

Garry Bennett

Area Hydrologist

Division of Ecological & Water Resources

Lang Bennett

ec: Skip Wright, DNR District Manager Robert Collett, DNR Regional Manager Ordinance.review.dnr@state.mn.us

## 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

		(00.) 00.	1 ax (001) c	07-0041		
APPLICATIO 60 DAY RULI APPLICANT: ADDRESS: CITY: STATE: PHONE:	NG DATE: 7/16/20	018 Extended	gived	R: 18068 FRANCIS LANE, E. R: MILAN BEHR 22832 W FRANC ELYSIAN MN 507-267-4701		
TOWNSHIP:	ELYSIAN	PARCEL	NO: 04.670.0020	)		
SEC:	33	SUBDIV:	MELLERLI	EILE SUBDIV		
TWP:	109	LOT:	2	ZONE:	RR	
RANGE:	24	BLOCK:		FEMA PAN	IEL # 27079C0425I	)
Q/Q:		ROAD:	PVT	FLOOD ZO	NE: X OUTSIDE	
following facts a	rsigned, owner(s) and norable Bodies to grant presented:  n for Requested	ant a variance, as l	e property describ nereinafter designa	ed herein, do hereby ated, and in support	respectfully thereof, the	
TO A	ALLOW THE APPLI BLUFF & 64 FEET	CANT TO INSTAL	LA SEPTIC TAN L. Septic di		to dwelling?	to read
2.) Reason	ns for Approva	or Denial of	Request as Li	sted in Finding	σs.	1200
3.) Specia	al Conditions of DRDED LEGAL DES ANCE OF ZONING	<i>Variance:</i> CRIPTION OF PR	OPERTY MUST F	BE SHBMITTED PR	TOR TO	-MRM 8-20-18
Low	ie Rehe APPLICANT/PRO	M. lin	Behr	5-21	- / S DATE	
- M	richelle G	PMITTE		5-2	1-18	
LE SUEUR COU	JNTY PLANNING	AND ZONING A	UTHORITY	1	DATE	_
		** FEES ARI	E NON-REFUNDAI	BLE**		
	ON-SITE	TOUR DATE:	6/21/	2018		
PUBLIC HE	EARING DATE:	9-2	2018 A	CTION: Te	bluel	
	AS WRITTEN	,		WITH CON	IDITIONS	
GAMMEN	Dohemy ard of Adjustm	ENT CHAIRMAN	1	6-21-18 DA	ATE	_

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: MILAN BEHR

Variance # 18068

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK AND SEPTIC DRAINFIELD WITHIN THE BLUFF & 64 FEET FROM THE OHWE. Septic drainfield 9' to siduelling + 0' to road Row.

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

	Υ	N	1.	Does the p	roper	y owner prop	ose to use the pro	perty in reasonal	ole manner?	<u>.</u>		
				Jim M		John W	Jeanne D	Colin H	F	ritz C	Majority	
				Explain _								
	Υ	N	2.	Is the alleg	ed pra	actical difficul	ty unique to the pr	operty?				
				Jim M	Ė	John W	Jeanne D	Colin H	Fi	ritz C	Majority	
				Explain					<u> </u>			
	Υ	N	3.	Were the ci	ircum: plicar	stances caus it / landowner	ing the practical di	fficulty created by	someone (	other		
				Jim M		John W	Jeanne D	Colin H	Fr	ritz C	Majority	
				Explain		•						
17	Y	N	4.	Will the issu	uance	of the Variar	nce maintain the e	ssential character	of the loca	lity?		
				Jim M		John W	Jeanne D	Colin H	Fr	itz C	Majority	
				Explain _		-						
•	Y	N	5.		leged	1	culty involve more	than economic c	onsideratio	ns?		
				Jim M		John W	Jeanne D	Colin H	Fr	itz C	Majority	
				Explain _								
F.	Vai	rian	ces	s shall only	be pe	rmitted whe	n they are in harr	nony with the ge	eneral purp	oses and	intent of the of	ficial controls
					nce co		and supported by					
				Jim M		John W	Jeanne D	Colin H	Fr	itz C	Majority	
				Explain _								
	Υ	N	7.	Is the Variar	nce co	onsistent with	the Comprehensi	ve Plan?				
				Jim M		John W	Jeanne D	Colin H	Fr	itz C	Majority	
				Explain _								
G. I	F	ΔΙΙ	Т	HE ANSWE	-RS	ARF " VES"	, THE CRITERIA	LOD CDANTI	NO THE V	ADIANO	E HAVE DEEN	
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E	Boa	rd o	f Ad	ljustment Cha	irman		-		Ē	Date		





Va	riance Application
l.	Applicant:
	Mailing Address 22832 W. Francis Lane
	City Ctysian State Mr Zip 56028
	Phone # <u>507 - 267 - 4701</u> Phone #
II.	Landowner:
	Name S.Ame
	Property Address State Zip Phone #
	City State Zip
	City       State Zip         Phone #       Phone #
III.	Parcel Information:
	Parcel Number 04, 670, 00 30 Parcel Acreage
	Township Elysian Section 33
	Township Elysian Section 33 Subdivision Muellerleile Lot 2 Block
	Full Legal Description must be attached.  (Full legal description can be found on deed, not abbreviated legal description from tax statement).
IV.	Variance Request: List requested alternative to development standard(s).  Install a suffic system that does not meet he such setbacks
V.	Description of Request:
	a. A <u>full written description</u> of the proposed variance request with detailed information must be attached.  Township Notification:  Set 1. Tenk in Blue Septic Prom to 110 9 from
VI.	Township Notification: Sette Tenk in Blut, septic Droin foils 9 from House, o feet from Row,
	Township must be notified prior to application. (County Commissioners are not the Township Board.)
	ElySlan Township notified on Jale (Date)
	(Date)
	Board Member Kathy Klunts regarding the proposed request.
۷II.	Site Plan - Shall be a Certificate of Survey to include, but not limited to:
	North point     Lakes     Well     Access
	<ul> <li>Setbacks</li> <li>Property lines</li> <li>Wetlands</li> <li>Proposed Structures</li> <li>Easements</li> <li>Easements</li> </ul>
	<ul> <li>Property lines</li> <li>Road Right-Of-Way</li> <li>Streams</li> <li>Proposed Structures</li> <li>Existing structures - Within and adjacent to project area.</li> </ul>
	• Lot Dimensions • Ponds • Location of trees to be removed - Shoreland Districts.
	<ul> <li>Impervious Surface         <ul> <li>Required for Shoreland, Business, &amp; Industrial Districts.</li> <li>Itemized current &amp; proposed impervious surfaces to include total percentages.</li> <li>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.</li> </ul> </li> </ul>

<sup>\*</sup>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:

•	<ol> <li>Describe how the Variance request is reasonable compared to the ordinance requirement being varied from.</li> </ol>
-	se At
2	2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
-	† î
3	. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
_	11
4.	How will the request maintain the essential character of the locality?
_	11
	Does the alleged practical difficulty involve more than economic considerations?
	Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
_	[[
	Describe how the request is consistent with the Comprehensive Land Use Plan.
_	† f
8.	Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
_	<i>[1]</i>
9.	Explain why this request is the minimum variance amount to afford relief.
	2 APR 2 4 2018

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

∐ a. Site Plan <i>-survey</i>	e. Floor plans and/or blue prints (For structures)
	f. Septic System Compliance Inspection
☐-c. Access approval	☑/g. Erosion control plan
☑ d. Full legal description	☐ h. Description of request
The Department may request additio	nal 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. <u>Appointment is necessary</u>.
  - 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 <u>at the time of application</u>, or the application will not be accepted.
  - d. Fees will not be accepted by mail and must be paid at the time of application.
  - Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
  - 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.
- I. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

#### XIII. Signatures:

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

Bonnie L		1-24-2018
Applicant signature	Date	
I hereby certify with true and correct to to	my signature that all data contained he he best of my knowledge.	
<u>Bonnie</u> Landowner signatur	Behr 5	1-28-2018
	Date	
	OFFICE USE ONLY	
Date received 4-2448	Present Zoning Classification	Feedlot within 500' 1000' N
Meeting date U-ZI-17	Lake Classification	Erosion Control Plan Y N
Meeting date U - 21-17 15-10 w 5-14-18 60 Day 7-16-18	Lake Francis	Water courses Y N
RFPE	FEMA Panel # 270790 425D	Bluff Y N
Site Plan -survey	Flood Zone X-outside	Other
Surveyor Certificate	Full legal description	□ Septic COC
□-Floor plans/blue-prints	□-Access-approval-	3-212-18 NONC/Waiver Design
Description of Request	⊟-Blue-Prints—	☐ Fee \$ ATF / SPEC MTG
	Nichelle R Mattles  ing & Zoning Department Signature	5-17-18 <u>180 08</u> Permit #
Revised 8-2	018	
01-15-16	-	RECEIVED
	4	APR 2 4 2018

5-14-18

Variance application: Milan Behr

#### Section V. Description of Request

The existing Lake Francis property is a 4 bedroom year around home. The existing 4 bedroom septic system does not meet current county code. The property has a bluff area. The septic tank will need to be placed in the bluff area because there isn't room for it anywhere else on the property. The new septic tank will meet the house, road, well, garage, lake and property line setbacks. The drain field will be placed on the south side of the house, out of the bluff area. We will need to size it for 3 bedrooms and time dose it, based on 4 bedrooms. The drain field will need a house, and road setback. The variance is needed given the lack of room on the lot.

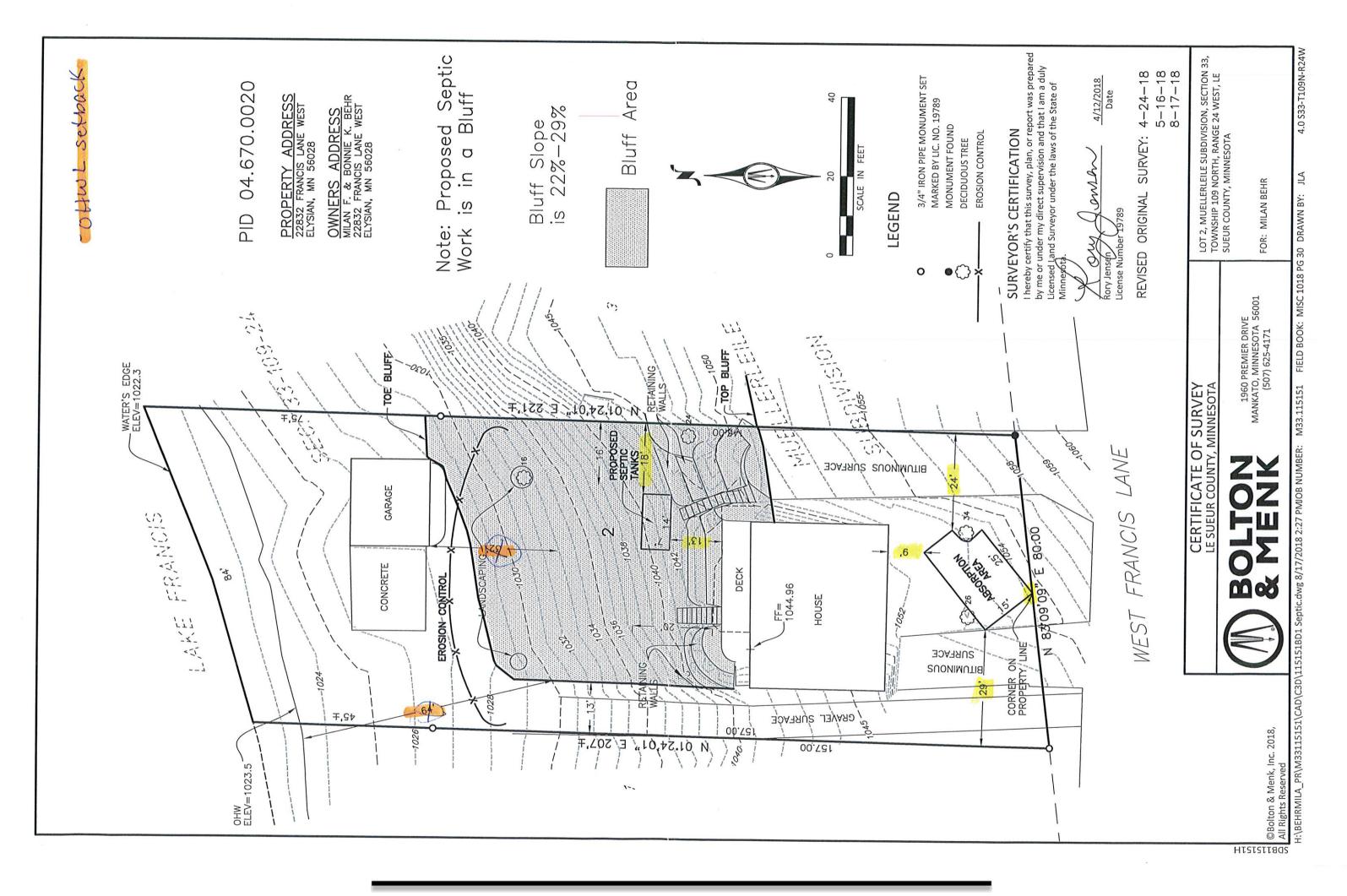
#### VIII. Practical Difficulty

- 1. The request is reasonable given the size of the lot. There is no other place for the septic tank to go. We will install the drain field on the south side of the house, putting the drain field in the bluff is not recommended.
- 2. The unique circumstances are the lot size that prevents the compliance of county code without a variance from the house, and road for the drain field and the bluff for the septic tank.
- 3. The unique circumstances that cause the practical difficulty are the lot size and the requirement to meet the lake, house, and road set back to construct the required septic system to meet the current county code.
- 4. The proposed septic system will require a 2' retaining wall to be built to support the drain field so it can fit in the proposed area. The road side will be cut into so the bed will sit flat. It will be seeded with grass. Fiber blanket will be placed over the new septic system to prevent erosion.
- 5. The practical difficulty is more than economic considerations. The proposed spot for the required upgrade will keep it out of the bluff area. The system needs road and house setbacks, but will meet the property line setbacks.
- 6. The request to install the septic system is consistent with the statement of purposes, policies, goals and objectives in the Ordinance. It will bring the lot into current code. The lot elevations and bluff will not change. This will be consistent in taking a system that is an imminent health threat and upgrading it to meet the county code.
- 7. The variance is consistent with the Comprehensive Land Us Plan by the reasoning stated in #6.
- 8. The current septic system consists of a septic tank that is very old. The existing drain field was not able to be located and therefore is causing the system to be an imminent health threat. The lot is suitable for a new tank and drain field. The proposed new system will meet all required setbacks as stated previously other than the house, bluff, and road setback.



9. This request is the minimum variance amount to afford relief as it is the best areas for the drain field and septic tank given the property size.







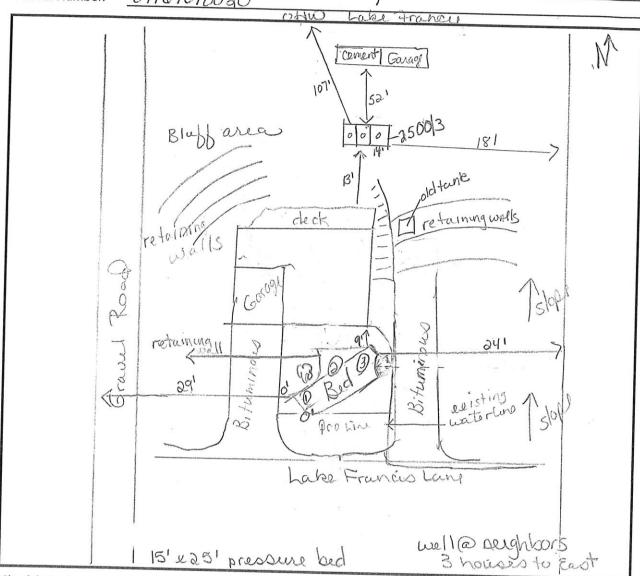
I.		pplicant: Name Jumes BroTHERS
II.		Andowner:  Name
III.	Pa	Parcel Number 0 4,670,002 o
IV.		te Plan - Shall be a Certificate of Survey to include, but not limited to:  North point Setbacks Property lines Road Right-Of-Way Lot Dimensions  Certificate of Survey to include, but not limited to:  Well Access Septic System Easements Proposed Structures Existing structures - Within and adjacent to project area. Location of trees to be removed - Shoreland Districts
		<ul> <li>Impervious Surface</li> <li>Required for Shoreland, Business, &amp; Industrial Districts.</li> <li>Itemized current &amp; proposed impervious surfaces to include total percentages.</li> <li>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.</li> </ul>
	*St	te shall be physically staked, <i>then</i> surveyed. akes shall be in place at the time of onsite visit/meeting, or the application will be tabled. akes must remain in place until construction commences.
V.	Qu a.	cantities and Submittal Formats:  One (1) reproducible copy of the request and all other supporting documents.
	b.	Ten (10) copies must be submitted for documents <u>larger than 11 x 17</u> , documents in <u>color period</u> <u>Color photographs</u> .
	C.	Electronic version of any supporting documents if available. MAY 1 5 2018
		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. <b>Appointment is necessary</b> .
	f.	All required information must be correct and submitted at the time of application, or the application will not be accepted.
VI.	The to re	natures: proposed improvements have been physically staked onsite <u>then</u> surveyed on <u>May 11, Zole</u> , effect an accurate account of current and proposed conditions of the property identified above.
	l he. corr	reby certify with my signature that all data contained herein as well as all supporting data are true and eect to the best of my knowledge.
	Surv	veyor Signature $\frac{5/15/16}{\text{Date}}$ $\frac{19789}{\text{Lic }\#}$
Witness rand		OFFICE USE ONLY
	Date	S-15-18  Received  Planning & Zoning Department Signature
01-15-	16	a Louis Sopartifier digitature

Direct Dial: 507-357-8538

Fax: 507-357-8541

Email: environmentalservices@co.le-sueur.mn.us

Property Owner: Milan Rehr
Property Address: 22832 W. Hanis Land Elysan 50028
Parcel Number: 04,670,0020



Check box when put on drawing:

/	North Arrow				
_	Location of all system components				
-	Size of all system components				
	Type of all system components				
	Soil boring locations				
	Soil treatment location and description				
	Well(s)				
	Buried water lines				
	Property lines				
-	Secondary site, if applicable				
	Location of unsuitable area				
	Existing/abandoned system location				
~	All sewer lines and location				

Erosion control
Existing/proposed buildings/improvements
Contour lines and slope direction
Elevation
Bluff(s)
All actual setbacks
OHWL of lakes, streams, rivers, wetlands, other water
Pools
Easements on property
Road Right of Way
Neighboring property setbacks (if applicable)
Legible certified statement

Signature, certification number, and date

Mailing: 88 South Park Avenue Le Center, MN 56057

Physical: 515 South Maple Avenue Le Center MN 56057

Revised: 3/2018



#### ENVIRONMENTAL SERVICES 88 SOUTH PARK AVENUE LE CENTER, MINNESOTA 56057

DIRECT DIAL: 507-357-8538 FAX: 507-357-8541

Type III Operating Permit

Operating Permit Number: 2018-OP-04.670.0020

#### **Facility Information**

Landowner Name: MILAN & BONNIE	Telephone Number:					
Mailing Address: 22832 WEST FRANCIS LN						
Mailing City: ELYSIAN Mailing State: MN Mailing Zip: 56028						
Property Address: 22832 WEST FRANCIS LN						
Property City: ELYSIAN Property State: MN Property Zip: 56028						
Parcel Number: 04.670.0020						

Le Sueur County authorizes the Landowner to operate a wastewater treatment and dispersal system at the property address named above in accordance with the requirements of this operating permit. The attached Management Plan is hereby incorporated as part of the requirements of this operating permit.

Expiration Date:
Treatment Level: C
Residential/Commercial: RESIDENTIAL
NT SEPTIC AND PUMP COMBINATION TANK WITH A

#### Monitoring Requirements

Parameter	Effluent Limits	Frequency	Location
Design Flow (gpd)	450 GPD		
Average Flow (gpd)	300 GPD		
Ponding/Surfacing in Soil Treatment	NO PONDING/SURFACING	EVERY 6 MONTHS	DRAINFIELD

Monitoring Requirements Comments Field

AT NO TIME DURING THE USE OF THIS REDUCED SIZE SEEPAGE BED SEPTIC SYSTEM, CAN THERE BE THE INSTALLATION OF DRAIN TILE BETWEEN THE SEEPAGE BED AND THE HOUSE.

#### Maintenance Requirements

Maintenance requirements shall be performed as specified in the Management Plan as prepared by the system's Designer, Intermediate Designer, or Advanced Designer.

System Component	Maintenance	Frequency
Septic Tank/Trash Tank	PUMP AS NEEDED AND BEFORE FAMILY GATHERINGS OR PARTIES	PER MONITORING AND MITIGATION PLAN

Le Sueur County Environmental Services Type III SSTS Operating Permit

Revision Date: 1/2016

Page 1 of 4



<u>*</u>	<u>yur</u>	veyor Cer	rtifica	tion			
i.		Applicant:					
		Name	MIL	AN BA	EHR		
11		Landowner:					
		Name	MILA	N BE	HR		
		Property A	adress	22837	FRANCIS LAN	UF WEST	
		City ELY	SIAN		St	ate MN Zi	56028
Ш		Parcel Inforr	nation.				7000
	. ,	Parcel Num	iber	64-6	70,0020		
IV	, ,						
1 V		• North point	nali be a	Certificate	of Survey to inclu	de, but not limite	d to:
		Setbacks		<ul><li>Lakes</li><li>Rivers</li></ul>	• vveii	<ul><li>Access</li></ul>	
		<ul> <li>Property line</li> </ul>	s	<ul> <li>Wetlands</li> </ul>	<ul><li>Septic System</li><li>Proposed Structure</li></ul>	Easements	•
		Road Right-	Of-Way	<ul> <li>Streams</li> </ul>	<ul> <li>Existing structures</li> </ul>	- Within and adiacont to	project area
		<ul> <li>Lot Dimension</li> </ul>	ons	<ul><li>Ponds</li></ul>	<ul> <li>Location of trees to</li> </ul>	be removed - Shorelar	nd Districts
		• Impervious S	Surface				
		- Required	for Shorel	and, Business	6, & Industrial Districts.		
		1 CITIZOU	Culletti & f	mncad imp	muollo ourfeere ! !	le total percentages.	
					ed to: roottops, sidewalk avel roads, or tightly con		ways, parking lots, storage
	*8	ite shall be p	hysically	staked the	on cumunad		
		takes shall b	e in plac	e at the time	of ancita viaitlmant	ing or the applicati	on will be table t
	*8	takes must r	emain in	place until	construction comme	nces.	on will be tabled.
V.		uantities an					
	a.	One (1) repro	ducible co	by of the regu	is: est and all other support	:	
	b.	Top (40)		r, o. a.o.loqu	ost and all other support	ing documents.	
	IJ.	photographs.	es must be	submitted for	documents larger than	11 x 17, documents in	color, aerials or
	C.	Electronic ver	sion of any	supporting de	ocuments if available.		
	d.	Pre-application Appointment	n meeting is necess	is recommend ary.	led prior to making applic	cation to ensure submi	ttal completion.
	e.	Application mudeadline. App	ust be mad pointment	e in person by is necessary	the applicant and/or lar	ndowner prior to 12 P.M	1. on the date of application
	f.	All required inf	ormation n	nust be correc	t and submitted at the		the application will not be
		accepted.			t and submitted <u>at the ti</u>	<i>lme of application</i> , or	the application will not be
VI.		natures:					/ .
	The	proposed imp	orovemen	its have been	physically staked on	site than current a	8/7/10
	to re	eflect an accui	rate acco	unt of curren	t and proposed condit	ions of the property	identified above
	l he	rehy certify wi	th my oia			and property	dentined above.
	corr	ect to the bes	t of my kn	nature that a owledge.	ll data contained here.	in as well as all supp	oorting data are true and
		tony	Loure	~		8/17/10	(200
	Surv	eyor Signatur	e			Data	
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	ESSA III		/EB			Me la M	
	Date	Received	The Bosses	Planning	& Zoning Department Signa	ature	
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# LE SUEUR COUNTY ENVIRONMENTAL SERVICES 88 SOUTH PARK AVE.

#### LE CENTER, MINNESOTA 56057-1620

(507) 357-2251 FAX (507) 357-8541

#### Erosion and Sediment Control Plan

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

Property Owner: Milan Beho	PID: 64,670,0020
Mailing Address: 22832 Francis L	are w.
Property Address: Same,	
	obile/Cell:( )
Responsible party for Implementation/Inspection:	
Phone: (507) De7-4789 (James Bios) Mi	obile/Cell:()_

#### **Erosion & Sediment Control Measures**

- 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.
- 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.
- 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 Wood or Straw Mulch blanket with net on one side

4:1 slopes or steeper Flat areas

Straw Mulch w/disc anchoring

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

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

#### Inspection and Maintenance

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

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

(Property Owner)

Dros, (onstru

Person Responsible for Implementation)

4-24-18

4-24-1

(Date)

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



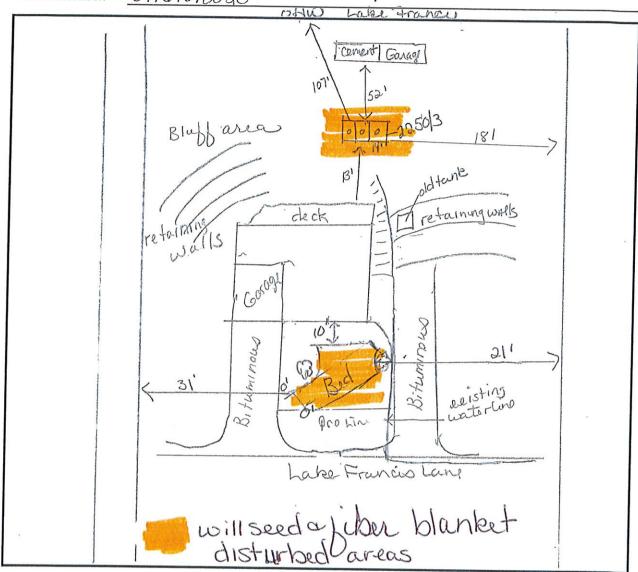
Direct Dial: 507-357-8538

Fax: 507-357-8541

Email: environmentalservices@co.le-sueur.mn.us

Property Owner: Property Address:

Parcel Number:



Check box when put on drawing:	
North Arrow	Eros
Location of all system components	Exis
Size of all system components	Con
Type of all system components	Elev
Soil boring locations	Bluff
Soil treatment location and description	All ac
Well(s)	ОНИ
Buried water lines	Pool
Property lines	Ease
Secondary site, if applicable	Road
Location of unsuitable area	Neigh
Existing/abandoned system location	Legib
All sewer lines and location	Signa

Mailing: 88 South Park Avenue Le Center, MN 56057

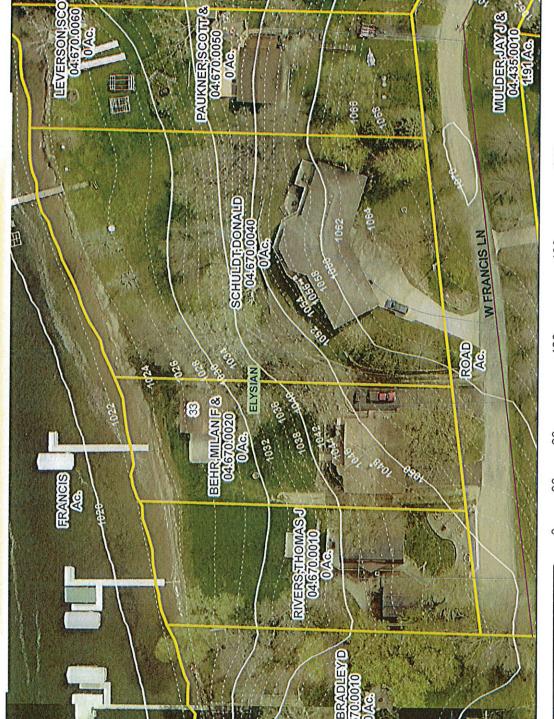
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Erosion control
Existing/proposed buildings/improvements
Contour lines and slope direction
Elevation
Bluff(s)
All actual setbacks
OHWL of lakes, streams, rivers, wetlands, other water
Pools
Easements on property
Road Right of Way
Neighboring property setbacks (if applicable)
Legible certified statement
Signature, certification number, and date

Physical: 515 South Maple Avenue Le Center MN 56057

Revised: 3/2018

Residential





accurately interpret the source data used in their preparation. However, a degree of error is inherent in all maps, Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps 240 Feet hese maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, 180 120 9 30 Map Disclaimer

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development methodology, interpretation of source data, and other circumstances. The maps are date specific and are intended for use only at the published scale.

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# Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2017

Created By: MRM

LE SUEUR COUNTY ENVIRONMENTAL SERVICES