

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 21, 2014

TIME: 3:00 PM

PLACE: LE SUEUR COUNTY 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 Le Sueur County Board of Adjustment Public Hearing

ITEM #2 Board of Adjustment Meeting

ITEM #3 Approved 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 21, 2014.

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

Le Sueur County, MN

Thursday, August 21, 2014

Regular Session

Item General1

Le Sueur County Board of Adjustment Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

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 21, 2014

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.

Any information to be submitted to the Board of Adjustment for review prior to the public hearing, please submit to the Environmental Services Department on or before **AUGUST 12, 2014**.

ITEM #1: JUSTIN JACKSON, MANKATO, MN, (APPLICANT)/OWNER: Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 24 x 36 detached garage 23 feet & 31 feet from the Ordinary High Water Level (OHWL) and create impervious surface in the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at lots 2, 3, & 4, Ulmen's Subdivision, Section 13, Kasota Township. **VARIANCE IS FOR OHWL SETBACK AND CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE. APPLICATION WAS TABLED AT THE JULY 17, 2014 MEETING.**

ITEM #2: ANDY MANSKE, MANKATO, MN, (APPLICANT)/OWNER: Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 20 x 20 screened porch 25 feet from the road Right-Of-Way (ROW) and create 30.7 % impervious surface in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 11, Loeffler Subdivision #1, Section 17, Washington Township. **VARIANCE IS FOR ROAD ROW SETBACK & IMPERVIOUS SURFACE.**

ITEM #3: ERIC LOMEN, ST PAUL MN, (APPLICANT)/OWNER: Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a story & ½ detached 2-car garage with a 29-foot peak height to also include a basement tuck-under garage in a Recreational Residential "RR" District on a Recreational Development lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township. **VARIANCE IS FOR ACCESSORY STRUCTURE HEIGHT.**

ITEM #4: RANDY & PATTY APPEL, N MANKATO, MN, (APPLICANT)/(OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 30 x 40 detached 3-car garage in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Frances. Property is located in Lot 1, Block 1, Han's Hideaway, Section 28, Elysian Township. **VARIANCE IS FOR OHWL SETBACK.**

ITEM #5: DEL'S CONSTRUCTION, LE SUEUR, MN, (APPLICANT); HENRY ENDRES, LE SUEUR, MN, (OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 60 x 40 addition to an existing structure 38 feet from the road Right-Of-Way (ROW) in an Industrial "I" District. Property is located in Government Lot 1, Section 11, Ottawa Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

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 21, 2014

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

Le Sueur County, MN

Thursday, August 21, 2014

Regular Session

Item General2

Board of Adjustment Meeting

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

MEETING AGENDA

Meeting Date: August 21, 2014

Meeting Time: 3:00 pm

Onsite Date: August 21, 2014

Onsite Time: 10:30 am

ITEM #1: Justin Jackson

ITEM #2: Andy Manske

ITEM #3: Eric Lomen

ITEM #4: Randy & Patty Appel

ITEM #5: Del's Construction

Discussion Items: Minutes

DNR Shoreland & Flood Plain Guidance Series

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.

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Justin Jackson
911 ADDRESS: 2140 Limberdink Road, Kasota MN
VARIANCE REQUEST: To allow the applicant to construct a 24 x 36 detached garage 23 feet & 31 feet from the OHWL, create impervious surface within the SIZ.
VARIANCE NUMBER: 14106
PARCEL NUMBER: 05.760.0020

SITE INFORMATION

LOCATION: Lots 2, 3, 4 Ulmen's Subdivision, Section 13, Kasota 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.

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing off Limberdink road
LAKE: Lake Washington, Recreational Development

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

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Lauren Klement letter, citizen letter, previous site plan, previous findings

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. Structure to OHWL: | 23 ft & 31 ft | 100 feet | Section 13.2 Subdiv. 5.E.1. | 13-45 |
| b. Create impervious surface w/in SIZ: | | | Section 13.2 Subdiv.5.A.10.d. | 13-15 |
| 2. A boathouse (water-oriented accessory structure) is allowed up to 400 square feet, 10 feet from the OHWL <u>without a Variance.</u> (Section 13, Subdivision 5.A.5., page 13-12). | | | | |
| 3. Impervious surface shall not be allowed in the shore impact zone, except for stairways, lifts, lands, paths and water-oriented accessory structures. | | | | |
| 4. Refer to DNR Guidance Letters: | | | | |
| a. The Role of the Variances in Shoreland Management Ordinances | | | | pg. 9 |
| b. Limiting Impervious Surface | | | | pg. 15 |
| c. Non-conforming Lots of Record in Shoreland Areas | | | | pg. 19 |

Page 1 of 2

- 5. 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.
- 6. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
- 7. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
- 8. 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:**
 - b. Proposed structure is 24 x 36=864 square feet, with 2-foot overhangs 28 x 40=1120 sq ft impervious surface.
 - c. Previous proposed structure was 24 x 40=960 square feet, with 2-foot overhangs 28 x 44=1232 sq ft impervious surface.
 - d. Existing cabin is 795 sq ft impervious surface with overhangs.

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, a Conditional Use Permit will be required for flood-proofing.**
- 4. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
- 5. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
- 6. **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: 6/24/2014 PERMIT NUMBER 14106 FEE: \$646.00
60 DAY RULING DATE: 8/23/2014

APPLICANT: JUSTIN JACKSON PROPERTY OWNER: JUSTIN JACKSON
ADDRESS: 3231 MEADOWVIEW LN ADDRESS: 2140 LIMBERDINK RD
CITY: MANKATO CITY: KASOTA
STATE: MN ZIP: 56001 STATE: MN ZIP: 56050
PHONE: 507-340-3330 PHONE: 507-340-3330

PARCEL NO: 05.760.0020 TOWNSHIP: KASOTA 911: 2140 LIMBERDINK RD KASOTA MN
SEC: 13 SUBDIV: ULMENS SUBDIV
TWP: 109 LOT: 2, 3, 4 ZONE: RR
RANGE: 26 BLOCK: FEMA PANE 27079C0245D
Q/Q: ROAD: PVT RD FLOOD ZON

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 24 X ³⁰~~40~~ DETACHED GARAGE 23 FEET & ³¹~~28~~ FEET FROM THE OHWL & CREATE IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE.

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

3.) Special Conditions of Variance:

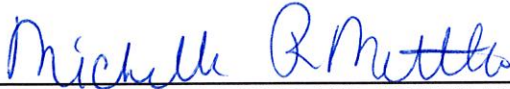
RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:



APPLICANT/PROPERTY OWNER

6-24-14

DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

6-24-14

DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE:	7/17/2014	ACTION:	tabled
PUBLIC HEARING DATE:	7/17/2014 8-14-14		
<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: JUSTIN JACKSON

Variance # 14106

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 24 X 36 DETACHED GARAGE 23 FEET & 31 FEET FROM THE OHWL & CREATE IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE.

- 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?

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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?

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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 _____

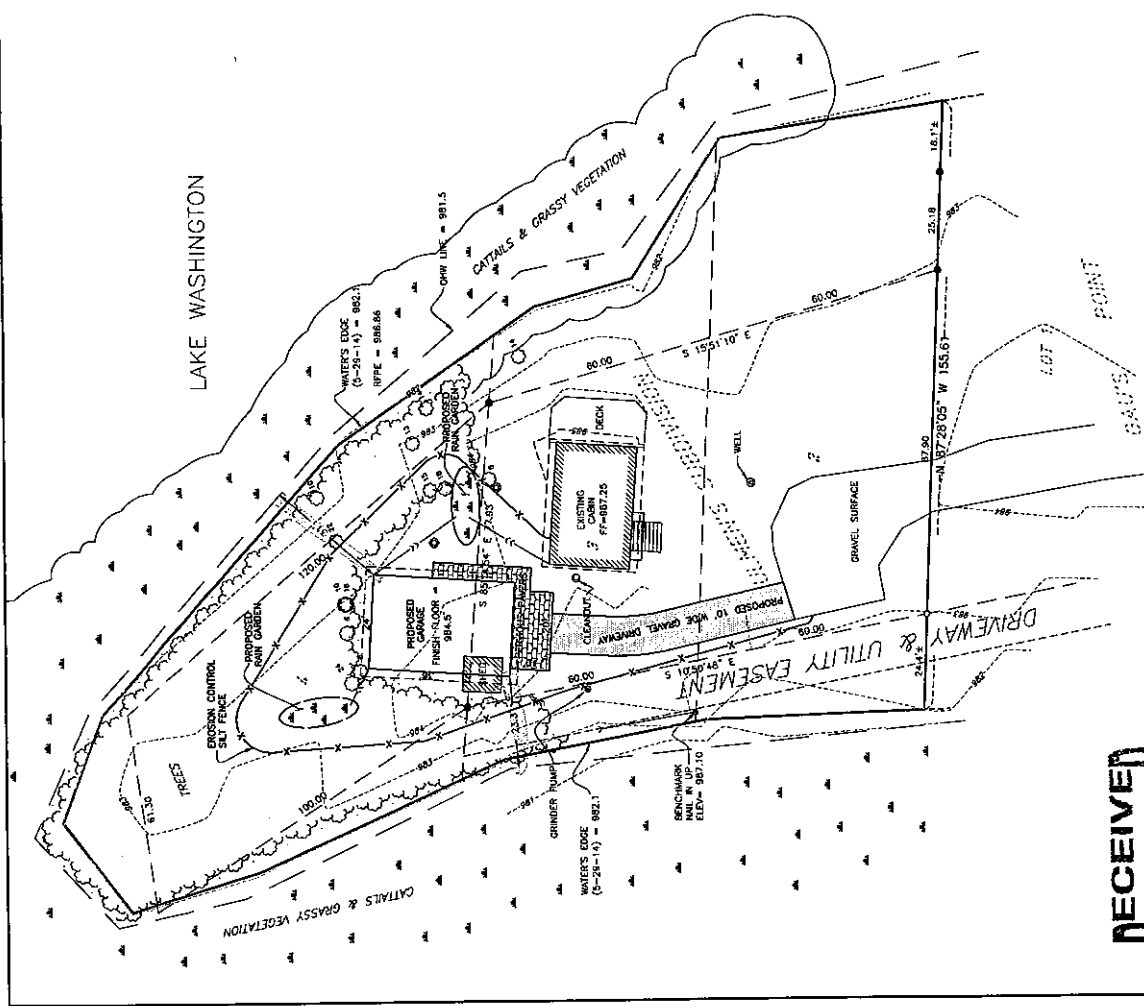
TOTAL LOT AREA
27026 SQ FT

EXISTING IMPERVIOUS SURFACE
CARN W/ OVERHANG 1709 SQ FT
STEPS 35 SQ FT
SEED 280 SQ FT
TOTAL 2265 SQ FT (8.4%)

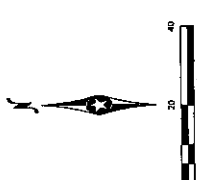
PROPOSED IMPERVIOUS SURFACE
GARAGE W/ OVERHANG 1120 SQ FT
GRAVEL DRIVEWAY 611 SQ FT
TOTAL 1736 SQ FT (6.4%)

TOTAL OF EXISTING & PROPOSED IMPERVIOUS SURFACE
ENHANCED 4101 SQ FT
TOTAL 3636 SQ FT (14.5%)

NOTE: GUTTERS & DRAIN GROUITS TO BE INSTALLED ON EXISTING CARN & PROPOSED GARAGE TO BE DIRECTED TO THE RAIN GARDENS



LEGEND
 ● MONUMENT FOUND
 ○ CLEAN OUT
 ○ AND/OR
 ○ UTILITY POLE
 ○ WELL
 ○ UTILITY OVERHEAD
 ○ RECORDS TREE



SURVEYOR'S CERTIFICATION
 I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed and authorized surveyor under the laws of the State of Minnesota.
 Roy J. Jensen
 License Number 18789
 Date 7-25-14

Horizontal Datum: 1986 Le Sueur County Coordinate System
 CERTIFICATE OF SURVEY
 LESUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 1800 PLYMOUTH DRIVE
 MINNEAPOLIS, MN 55425
 FOR: AUSTIN JACKSON
 JOB NUMBER: M33.100339 FIELD BOOK: 82-7 P. 44 DRAWN BY: J.A.
 4.0143-1100-006

RECEIVED
 JUL 25 2014
 BY: *MJM*

Bolton & Menk, Inc. 2014. All Rights Reserved
 15.PIN_SURVEY\M33100339\CAD\100339B01.DWG 07-25-2014 11:15 AM

Le Sueur County

Variance Application

I. Applicant:

Name Justin Jackson
Mailing Address 3231 Meadowview Ln.
City Mankato State MN Zip 56001
Phone # 507-340-3330 Phone # _____

II. Land Owner (s), if different from above:

Name Same
Property Address 2140 Limberdink Rd.
City Kasota State MN Zip 56050
Phone # 507-340-3330 Phone # _____

III. Parcel Information:

Parcel Number 05.760.020 Parcel Acreage 27026 sq ft
Legal Description-Full legal description must be attached (not from tax statement)

See Attached

IV. Variance Request:

mlm →
To remove a small shed and replace with a garage.
24x30' 3'1" x 23' from OHW
Create impervious surface in shore impact zone

V. Township Notification: Township must be notified of proposed request prior to application.

Kasota Township notified on 6-20-14
(Township Name) (Date)

Board Member Joe Kienler regarding the proposed request.
(Name)

VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
- All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- Applications will not be accepted by mail.**

VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

- a. Site Plan-*survey*
- b. Full legal description
- c. Access approval
- g. Surveyor Certification
- d. Floor plans and/or blue prints *(For structures)*
- e. Septic System Compliance Inspection
Lake Wash. Sewer district
- f. Erosion control plan
- g. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 **After-The-Fact meeting fees are doubled.**
Filing Fee: \$ 46
Additional Fees:
Special Meeting: \$1,200
After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. 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.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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 variance is needed due to the lot size and proximity to the OHW line

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

its a small unusual shape lot that sits at a low elevation.

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

The existing cabin was placed on the center of three lots rather than on the far north lot. no garage was ever constructed

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

The character will be improved by not having this siting out side becoming an eye sore.

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

Yes, Set back from OHW

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

Yes, This garage will not conflict with the goals. The garage will conform with the other homes with garages in the neighborhood

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

We put together a plan that minimizes the impact on natural resources and meets the end users needs

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

Laurel Washington Sewer district

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

This is the smallest size garage that will accommodate our non house hold items & lake recreation items

XII. 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.

J. Johnson
Applicant signature

6-22-14
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.

J. Johnson
Land Owner signature

6-22-14
Date

OFFICE USE ONLY

Date received 6-24-14 Present Zoning Classification RR Feedlot within 500' 1000' (N)
Meeting date 6-17-14 Lake Classification RO Erosion Control Plan (Y) (N)
60 Day 8-23-14 Lake Washington Water courses (Y) (N)
FEMA Panel # 27079C0245D Flood Zone AE Bluff (Y) (N)

Surveyor Certificate Ordinance Septic Lake WA SD- CI / DESIGN
 Site Plan -survey Access approval Fee \$ 646 ATF / SPEC MTG
 Full legal Blue Prints Other _____
 Application complete Written Detail of Var

Michelle R. Muth
Planning & Zoning Department Signature

6-24-14
Date

14106
Permit #

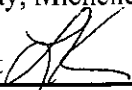
04-15-13



Lauren Klement
Le Sueur County Environmental Services
88 South Park Avenue
Le Center MN 56057-1600

August 6, 2014

To: Le Sueur County Board of Adjustment; Kathy Brockway, Michelle Mettler

From: Lauren Klement, Environmental Resources Specialist 

Re: Justin Jackson

Property: Lots 2,3, 4; Ulmen's Subdivision, Section 13, Kasota Twp

Request: Creating impervious surface in the shore impact zone and OHWL setbacks

Discussion: This project has a shed that will create impervious surface in the shoreland impact zone. There is also reduced setback to the Ordinary High Water Level. I questioned the length of the shed in the July application. The approval of many sheds in this area has resulted in a cumulative effect of impervious surface in shoreland.

I did meet with Mr. Jackson during the first application process. He was very pleasant to work with. I do want to thank Mr. Jackson for addressing runoff on his parcel in the application. He will install two rain gardens and pervious pavers installed as the apron to the shed.

Since the July meeting, I have spoken with Mr. Jackson on the phone regarding his application. We discussed the size of the pontoon boat. He reduced his shed length by 4 feet. We discussed vegetative screening. Mr. Jackson brought up that there is a cattail screen viewed from the water. Cattails are below the ordinary high water level which is DNR jurisdiction and that the county's jurisdiction is above the OHWL with trees and shrubs. No trees will have to be removed with the reduction in length in the revised plan but no more vegetation will be added.

Two questions/concerns remain the same:

1. Low land, does a large shed fit this area's topography?
2. Could a shoreland accessory structure fit his needs and store the pontoon in a fee-based storage unit or apply shrink wrap and store the boat outside?

Mettler, Michelle

From: george.mulligan@comcast.net
Sent: Wednesday, July 30, 2014 8:37 AM
To: Mettler, Michelle
Subject: Variance for 2140 Limberdink Road

Good morning!

I am writing on behalf of Justin Jackson who has applied for a variance to erect a new structure on the subject property. My wife Judy and I live at 2138 Limberdink, next door to Justin. Justin has explained what he is proposing to do and we fully support it. The size is adequate for his needs and the location he has chosen is ideal. It's tucked back in the corner of the property amongst mature trees minimizing the view from the lake and as he plans for it to match the home in style and color it will be pleasing to look at from the road. We have no objection whatsoever.

Thank you.

Sent from Xfinity Connect Mobile App

6-22-14

Le Sueur County Board of Adjustment

Narrative statement for variance application

We are proposing to remove the existing small, metal dilapidated storage shed and replace it with a garage that matches the existing house. The use of the garage will be for securing and storing non house hold items; lawn mower, wheel barrow, rakes, shovels, snow blower, etc... along with lake recreation items; Pontoon and trailer, PWC and trailer, kayaks, tubes, children's flotation toys, boat lift canopy, etc...

We considered a water accessory building but the square foot limitation was not large enough to get everything inside. By keeping the architectural esthetics in mind, we do not want the above listed items sitting around the yard and to reduce the chance of theft and vandalism.

I met and worked with county staff to revise the plan from the original concept. We reduced the height and footprint to a more reasonable structure that will be copasetic with the existing home on the site, other homes and accessory structures in the neighborhood.

Staff also made positive suggestions to reduce our impact on the lake by adding gutters and downspouts and implementing rain gardens into the project.

We will also be adding gutters and downspouts to the existing house and plan to work with staff on a pervious walkway and patio through a land alteration plan.

The majority of homes on Limberdink Rd. have detached accessory buildings. The variance is needed due to the fact we are unable to meet the OHWL setbacks. We currently have a low percentage of impervious coverage and plan on managing the water generated from the new impervious surface responsibly.

Sincerely,

Justin Jackson



7-29-14 = No trees to be removed. Per Justin Jackson
-mkm

Le Sueur County

Surveyor Certification

- I. Applicant:
Name JUSTIN JACKSON
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 05,760 0020
- IV. Quantities and Submittal Formats:
a. One reproducible 8.5" x 11" copy of the request and all other supporting documents.
b. If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
c. Electronic version of any supporting documents, if available.
d. Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
e. All required information must be correct and submitted at the time of application, or the application will not be accepted.

V. Site Plan-must be a survey:

BUILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED.

Site plan shall include but not limited to:

- North point
- setbacks
- property lines
- road right-of-way
- easements
- current & proposed impervious surface-Itemized with percentages (if in shoreland)
- landscape, screening and buffering (if applicable)
- location of significant trees to be removed (if applicable)
- note how disturbed areas will be restored (if applicable)
- lakes
- rivers
- wetlands, ponds
- streams
- well
- existing structures (within and adjacent to project area)
- proposed structures
- lot dimensions
- septic system
- access

- VI. The proposed improvements have been physically staked onsite then surveyed on 7/24/14 to reflect an accurate account of current and proposed conditions of the property identified above.

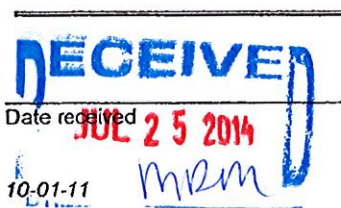
VII. Signatures:

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.

Roy Juma
Surveyor's signature

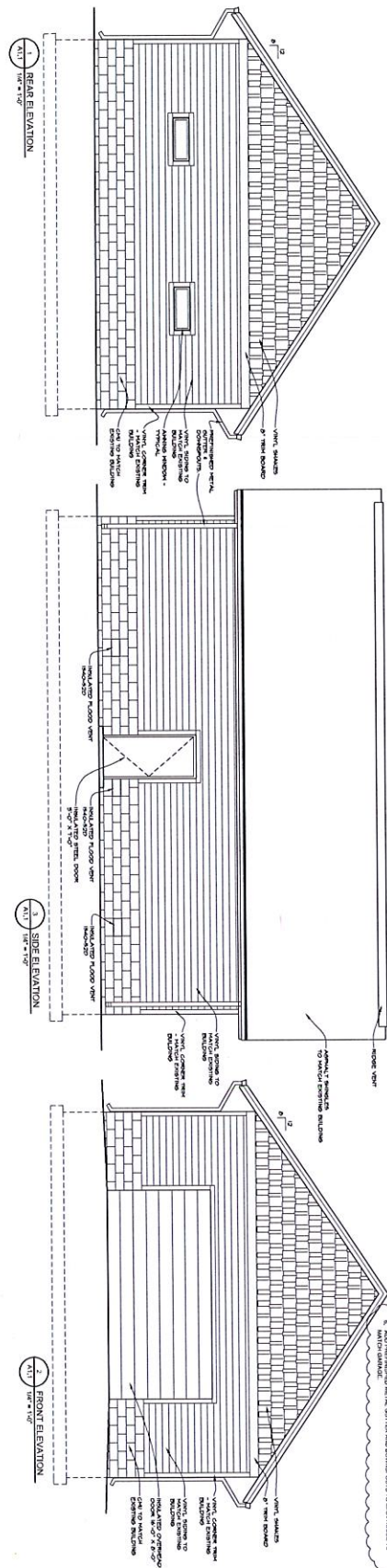
7/25/14
Date

19789
Lic #



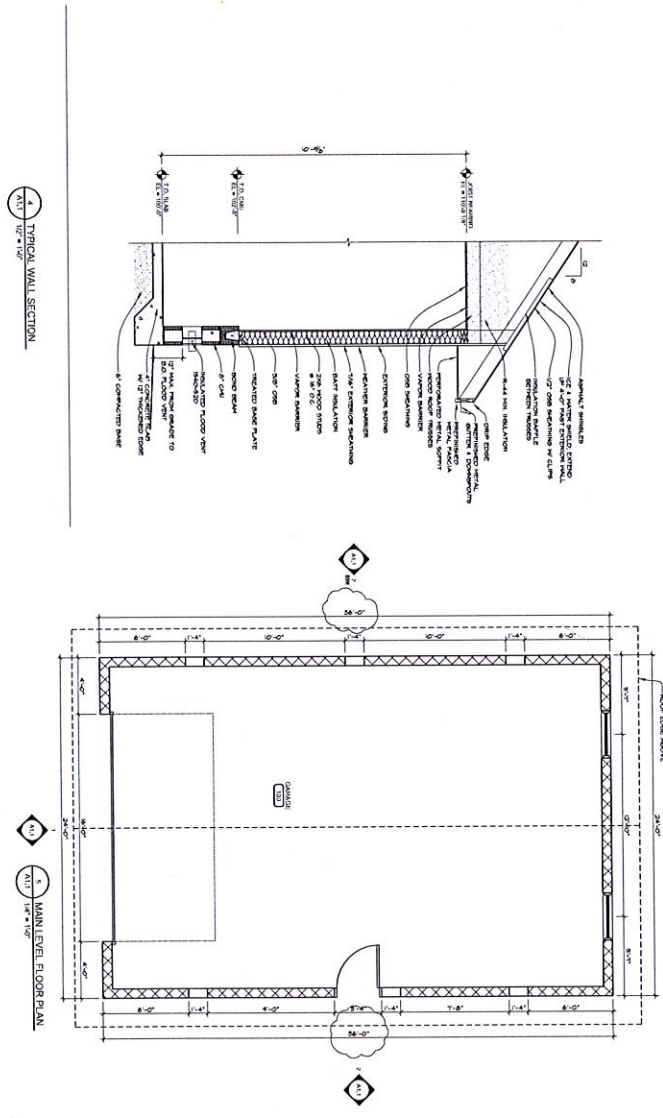
OFFICE USE ONLY
MRM
Planning & Zoning Authority signature

RECEIVED
 JUL 29 2014
 BY: *mfm*



GENERAL NOTES

1. CONSULTING SHALL VERIFY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATORY AGENCIES AND OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCEMENT OF WORK.
2. CONTRACTOR SHALL VERIFY ALL MATERIALS AND METHODS OF CONSTRUCTION WITH THE ARCHITECT AND OBTAIN ALL NECESSARY APPROVALS PRIOR TO COMMENCEMENT OF WORK.
3. CONTRACTOR SHALL VERIFY ALL MATERIALS AND METHODS OF CONSTRUCTION WITH THE ARCHITECT AND OBTAIN ALL NECESSARY APPROVALS PRIOR TO COMMENCEMENT OF WORK.
4. CONTRACTOR SHALL VERIFY ALL MATERIALS AND METHODS OF CONSTRUCTION WITH THE ARCHITECT AND OBTAIN ALL NECESSARY APPROVALS PRIOR TO COMMENCEMENT OF WORK.
5. CONTRACTOR SHALL VERIFY ALL MATERIALS AND METHODS OF CONSTRUCTION WITH THE ARCHITECT AND OBTAIN ALL NECESSARY APPROVALS PRIOR TO COMMENCEMENT OF WORK.



ARCHITECT OF RECORD:
OLESON + HOBBIE ARCHITECTS
 O L E S O N + H O B B I E A R C H I T E C T S, P C
 1701 Stadium Road, Suite 202, Mankato, MN 56001
 507.252.1150

PROJECT NAME:
LAKE WASHINGTON GARAGE ADDITION

PROJECT #: 144114W
 DATE: 07/28/2014
 DRAWN BY: EDS
 CHECKED BY: FDS

SHEET TITLE:
FLOOR PLAN & ELEVATIONS

SHEET:
A1.1

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: Justin Jackson PID: 05.760.0020
Mailing Address: 3231 Meadowview Ln. Monticello, MN 56001
Property Address: 2140 Limberdenk Rd. Vasco, MN
Phone: () Mobile/Cell: ()

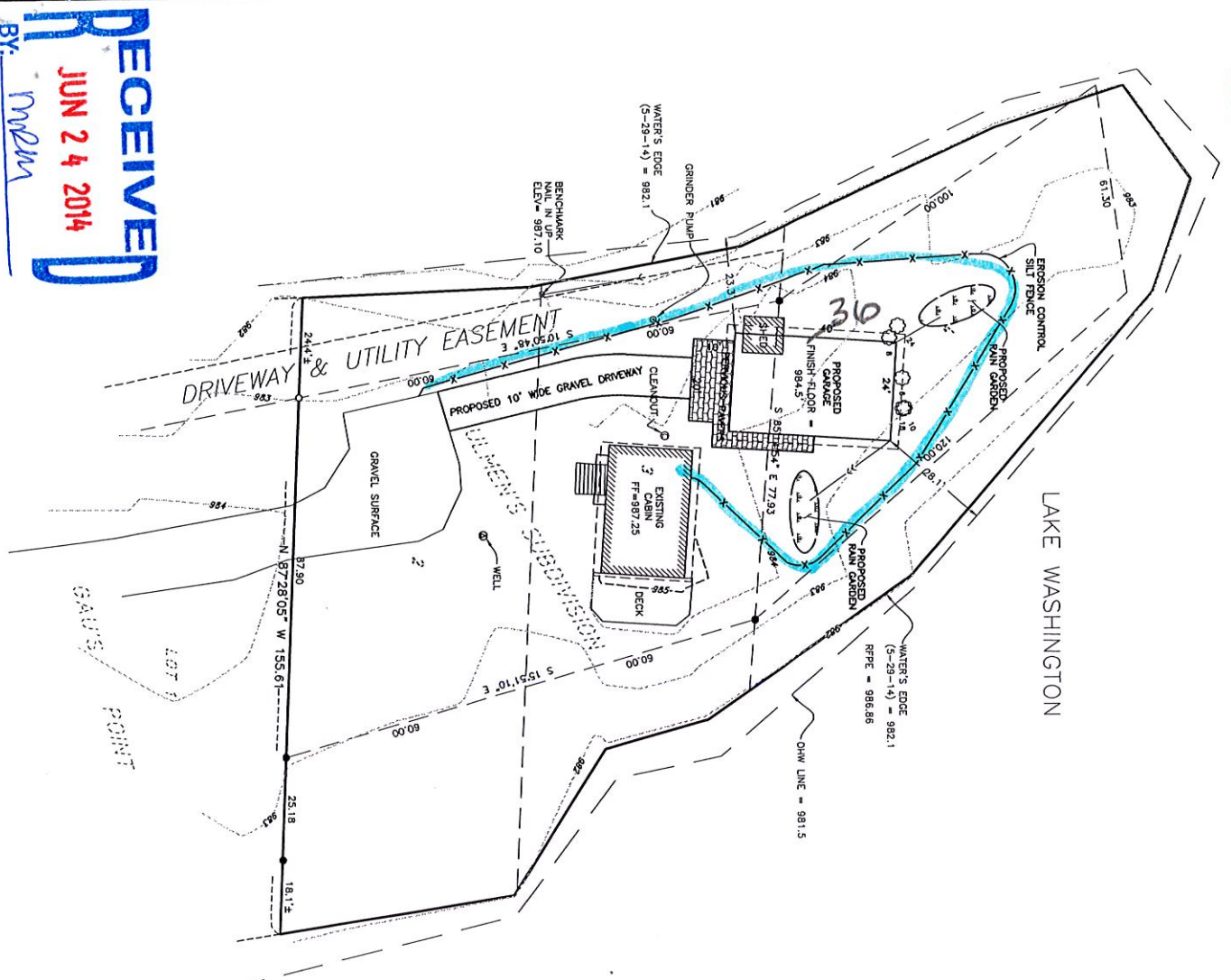
Responsible party for Implementation/Inspection: _____
Address: _____
Phone: () Mobile/Cell: (507) 340-3330

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.



EROSION CONTROL MAP



RECEIVED
JUN 24 2014
 BY: *MJM*

BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 1850 PEACHERS DRIVE
 MANWATOWIC, MINNESOTA 55001
 (612) 825-4171

OWNER
 JUSTIN JACKSON
 3231 WEDGWOOD LANE
 WILSON, MINNESOTA 55001
 507-340-3330

LEGEND

- MONUMENT FOUND
- CLEAN OUT
- ANCHOR
- UTILITY POLE
- WELL
- UTILITY OVERHEAD
- DECIDUOUS TREE

SURVEYOR'S CERTIFICATION
 I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Justin Jackson
 License Number: 19789
 Date: 6-24-14

Horizontal Datum: 1996 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY
 LE SUEUR COUNTY, MINNESOTA

LOT 3, 3 & 4 OF ULUEN'S SUBDIVISION, SECTION 13, TOWNSHIP 109 NORTH, RANGE 28 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: JUSTIN JACKSON

TOTAL LOT AREA
 27026 SQ FT

EXISTING IMPERVIOUS SURFACE

CABIN W/ OVERHANG	FT
DRIVEWAY SURFACE	1109 SQ FT
STEPS	35 SQ FT
SHED	87 SQ FT
DECK	28 SQ FT
TOTAL	2255 SQ FT (8.4%)

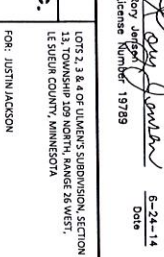
PROPOSED IMPERVIOUS SURFACE

GARAGE W/ OVERHANG	1232 SQ FT
DRIVEWAY SURFACE	1816 SQ FT (6.8%)
TOTAL	1950 SQ FT (7.2%)

TOTAL OF EXISTING & PROPOSED IMPERVIOUS SURFACE

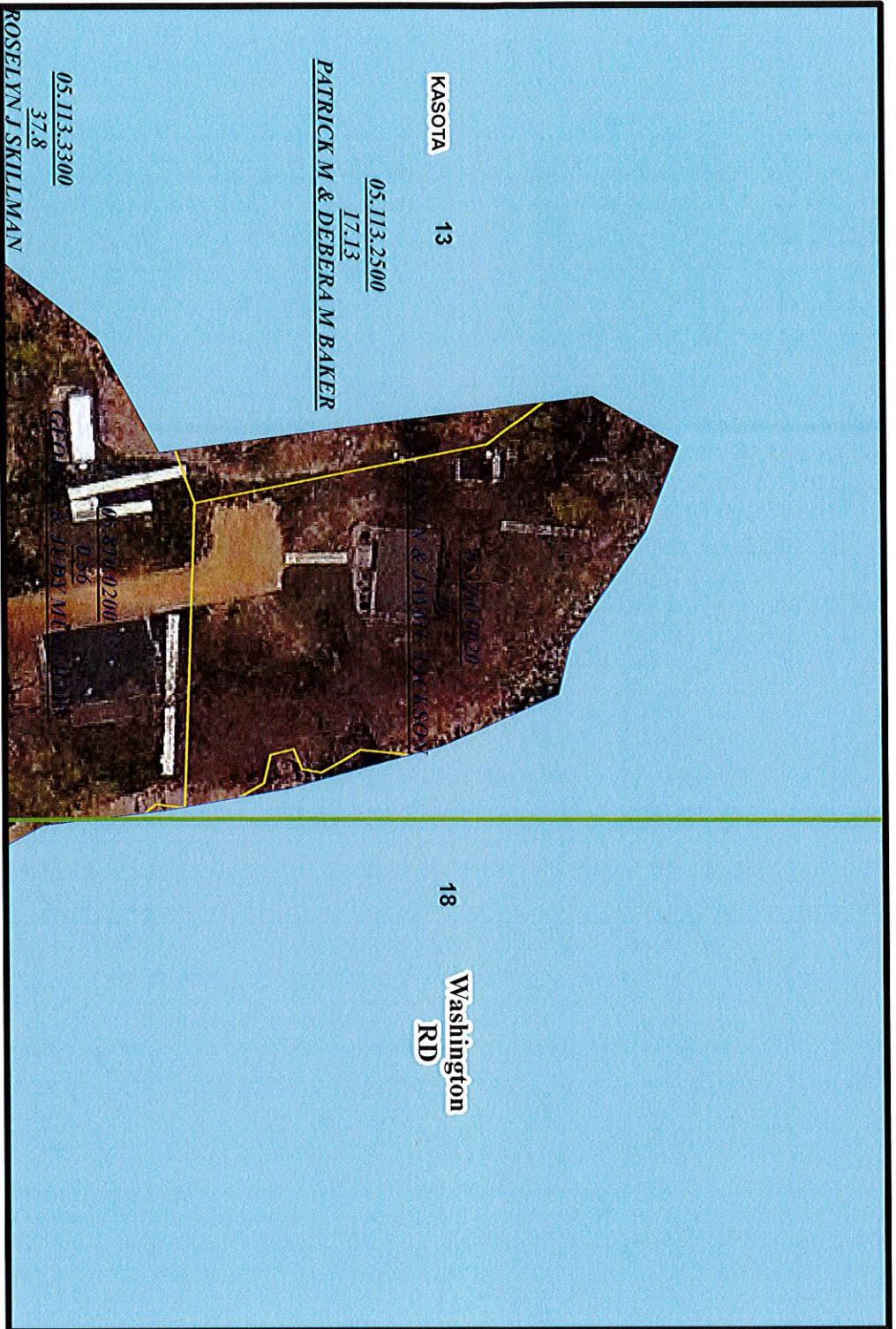
EXISTING	2198 SQ FT
PROPOSED	1816 SQ FT (6.8%)
TOTAL	4014 SQ FT (14.9%)

NOTE: PROPOSED GARAGE ROOF DRAINS TO RUN TO RAIN GARDENS



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Jackson
PID: 05.760.0020
DATE: 7-8-14
FIRM #: 27079C0245D
F-Zone:
RFPE: 986.86
District: Recreational Residential

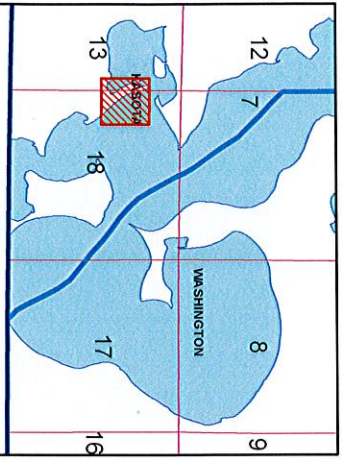
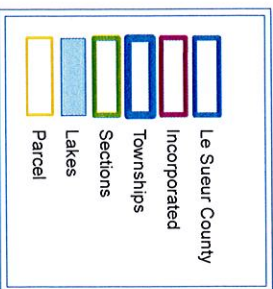


Map Disclaimer
 *Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution,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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM



VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Andy Manske
911 ADDRESS: 4434 Washington Blvd, Madison Lake MN
VARIANCE REQUEST: To allow the applicant to construct a 20 x 20 screen porch 25 feet from the road ROW & create 30.7 % impervious surface.
VARIANCE NUMBER: 14130
PARCEL NUMBER: 13.521.0075

SITE INFORMATION

LOCATION: Lot 11, Loefflers Subdivision #1, Section 17, Washington 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.

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing off Washington Boulevard
LAKE: Lake Washington, Recreational Development Lake

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

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Lauren Klement letter, building plans

STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to road ROW:	25 feet	65 feet	Section 13.2 Subdiv. 5.B.3.	13-32
b. Impervious Surface	30.7 %	25 %	Section 13.2 Subdiv. 5.J.3.	13-48
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Limiting Impervious Surface				pg. 15
c. Non-conforming Lots of Record in Shoreland Areas				pg. 19

3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - 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. Reducing impervious surface area.

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: 7/18/2014 PERMIT NUMBER 14130 FEE: \$646.00
60 DAY RULING DATE: 8/16/2014

APPLICANT: ANDY MANSKE PROPERTY OWNER: ANDY MANSKE
ADDRESS: 241 PINEHURST DR ADDRESS: 4434 WASHINGTON BLVD
CITY: MANKATO CITY: MADISON LAKE
STATE: MN ZIP: 56001 STATE: MN ZIP: 56063
PHONE: 507-236-9458 PHONE: 507-345-3252

PARCEL NO: 13.521.0075 TOWNSHIP: WASHINGTON 911: 4434 WASHINGTON BLVD MADISON L
SEC: 17 SUBDIV: LOEFFLER SUBDIV #1
TWP: 109 LOT: 11 ZONE: RR
RANGE: 25 BLOCK: FEMA PANE 27079C0380D
Q/Q: ROAD: PVT FLOOD ZON 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 20 X 20 SCREEN PORCH 25 FEET FROM THE ROAD ROW & CREATE 30.7 % IMPERVIOUS SURFACE.

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

7-18-14

DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

7-18-14

DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE:	8/21/2014	
PUBLIC HEARING DATE:	8/21/2014	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: ANDY MANSKE

Variance # 14130

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 20 X 20 SCREEN PORCH 25 FEET FROM THE ROAD ROW & CREATE 30.7 % IMPERVIOUS SURFACE.

- 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?

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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?

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Lauren Klement
Le Sueur County Environmental Services
88 South Park Avenue
Le Center MN 56057-1600

August 13, 2014

To: Le Sueur County Board of Adjustment; Kathy Brockway, Michelle Mettler

From: Lauren Klement, Environmental Resources Specialist



Re: Andy Manske

Property: Lot 11, Loeffler Subdivision #1, Section 17, Washington Twp

Request: Creating impervious surface in shoreland

Discussion: Variance for impervious surface and Road ROW setback

This parcel has a high percentage of impervious surfaces. I have not met with Mr. Manske about addressing runoff on his parcel or options for reducing the percentage of impervious surface.

Variations offer the opportunity to improve excess impervious surface. I feel that this should be addressed before the application is approved.

Le Sueur County

Variance Application

I. Applicant:

Name ANDY MANSKE
Mailing Address 241 PINEHURST DRIVE
City MANKATO State MN Zip 56001
Phone # 507-236-9458 Phone # 507-345-3252

II. Land Owner (s), if different from above:

Name ANDY MANSKE
Property Address 4434 WASHINGTON BLVD
City MADISON LAKE State MN Zip 56063
Phone # 507-236-9458 Phone # 507-345-3252

III. Parcel Information:

Parcel Number 13.521.0075 Parcel Acreage .218
Legal Description-Full legal description must be attached (*not from tax statement*)

IV. Variance Request:

ADD A 20X20 SCREENED IN PORCH TO THE LAKE SIDE OF THE CABIN. 25' to Rd Row
CREATE 30.7% IMP. SURFACE.

V. Township Notification: Township must be notified of proposed request prior to application.

WAS TWP (1303) Township notified on 07/20/2014
(Township Name) (Date)

Board Member BOB ~~KUENEY~~ Kaveny regarding the proposed request.
(Name)

VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size,
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
- All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- Applications **will not** be accepted by mail.

1



VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages (If in Shoreland)
- Location of significant trees to be removed (If in Shoreland)
- Note how disturbed areas will be restored (If in Shoreland)
- Landscape, screening and buffering (If applicable)
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures (within and adjacent to project area)
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

- a. Site Plan-survey
- b. Full legal description
- c. Access approval
- g. Surveyor Certification
- d. Floor plans and/or blue prints (For structures)
- e. Septic System Compliance Inspection - LK WASD
- f. Erosion control plan - No exposed soil.
- g. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 **After-The-Fact meeting fees are doubled.**
Filing Fee: \$ 46

Additional Fees:

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

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. 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.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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 NEW PORCH IS FURTHER FROM THE STREET THAN THE EXISTING CABIN WHICH IS ALREADY IN THE RIGHT OF WAY.

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

THE CABIN IS IN THE RIGHT OF WAY ALREADY.

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

THE CABIN WAS IN THE RIGHT OF WAY WHEN IT WAS PURCHASED. THE PORCH WILL BE FURTHER FROM THE ROAD THAN THE CABIN.

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

THE PORCH WILL COVER THE AREA THAT IS ALREADY A PATIO.

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

NO. THE DIFFICULTY IS BECAUSE OF EXISTING CONDITIONS THAT CAN NOT BE CHANGED.

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

YES. IN PARTICULAR THE FACT THAT THE ROOF STORM WATER WILL BE GUTTERED INTO RAIN BARRELS INSTEAD OF THE GROUND.

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

IT IS CONSISTENT IN THE FACT THAT WE ARE DEALING WITH THE STORM WATER AND ARE NOT CHANGING OR AFFECTING THE SHORELINE AT ALL.

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

THE PROPERTY IS HOOKED UP TO THE EXISTING LAKE WASHINGTON SEWER SYSTEM.

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

THE REQUEST IS ONLY FOR THE AREA TO BE COVERED BY THE PORCH.



XII. 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

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]
Land Owner signature

7/16/14
Date

OFFICE USE ONLY

Date received <u><i>7-18-14</i></u>	Present Zoning Classification <u><i>RR</i></u>	Feedlot within 500'	1000'	<u><i>N</i></u>
Meeting date <u><i>8-21-14</i></u>	Lake Classification <u><i>RD</i></u>	Erosion Control Plan	Y	<u><i>N</i></u> - <i>NA</i>
60 Day <u><i>9-16-14</i></u>	Lake <u><i>Wash</i></u>	Water courses	Y	<u><i>N</i></u>
FEMA Panel # <u><i>27090000</i></u>	Flood Zone <u><i>X-outside</i></u>	Bluff	Y	<u><i>N</i></u>
<input type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Septic <u><i>NA</i></u>	CI / DESIGN LK WA SD:SI.	
<input checked="" type="checkbox"/> Site Plan -survey	<input type="checkbox"/> Access approval	<input checked="" type="checkbox"/> Fee \$ <u><i>1000.00</i></u>	ATF / SPEC MTG	
<input checked="" type="checkbox"/> Full legal	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> Other _____		
<input type="checkbox"/> Application complete	<input checked="" type="checkbox"/> Written Detail of Var			

Michelle R. Mitts
Planning & Zoning Department Signature

7-18-14
Date

14130
Permit #

04-15-13





A&E Construction Supply, Inc.
54090 Loren Drive
Mankato, MN 56001
(507) 345-3252

July 16, 2014

We are requesting a variance for a new 20x20 porch attached to the existing cabin. The new porch, although in the current road right of way, will be attached on the lake side of the existing cabin and will be further from the road than the existing cabin. Also requested in the variance would be to allow the existing impervious surface to remain at 3009 square feet. We believe this should be acceptable because we currently have gutters on the existing cabin and are catching the water at the downspouts. We also intend to catch the water from the porch roof. By doing this we greatly reduce the water runoff from both roofs which should easily get us within the acceptable level for imperious surfaces.

TOTAL LOT AREA
9777 SQ FT

EXISTING IMPERVIOUS SURFACE
CABIN W/ OVERHANG 892 SQ FT
CONCRETE DRIVE & PATIO 1886 SQ FT
CONCRETE PAVERS 197 SQ FT
TOTAL 2975 SQ FT (30.4%)

PROPOSED IMPERVIOUS SURFACE INCREASE
PORCH & OVERHANG 34 SQ FT
TOTAL 34 SQ FT

TOTAL OF EXISTING & PROPOSED IMPERVIOUS SURFACE
EXISTING 2975 SQ FT
PROPOSED 34 SQ FT
TOTAL 3009 SQ FT (30.7%)

OWNER
ANDREW MANSKE
241 PINEHURST DR
MANKATO, MN 56001

SITE ADDRESS
4433 WASHINGTON BLVD
MADISON LAKE, MN 56063

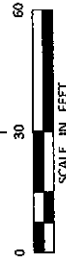
RECEIVED
JUN 23 2014
BY: *hjm*

SURVEYOR'S CERTIFICATION
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
6-13-14
Date
License Number 19789

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- MONUMENT FOUND
- ✕ CHISELED "X"



Horizontal Datum: 1996 Le Sueur County Coordinate System

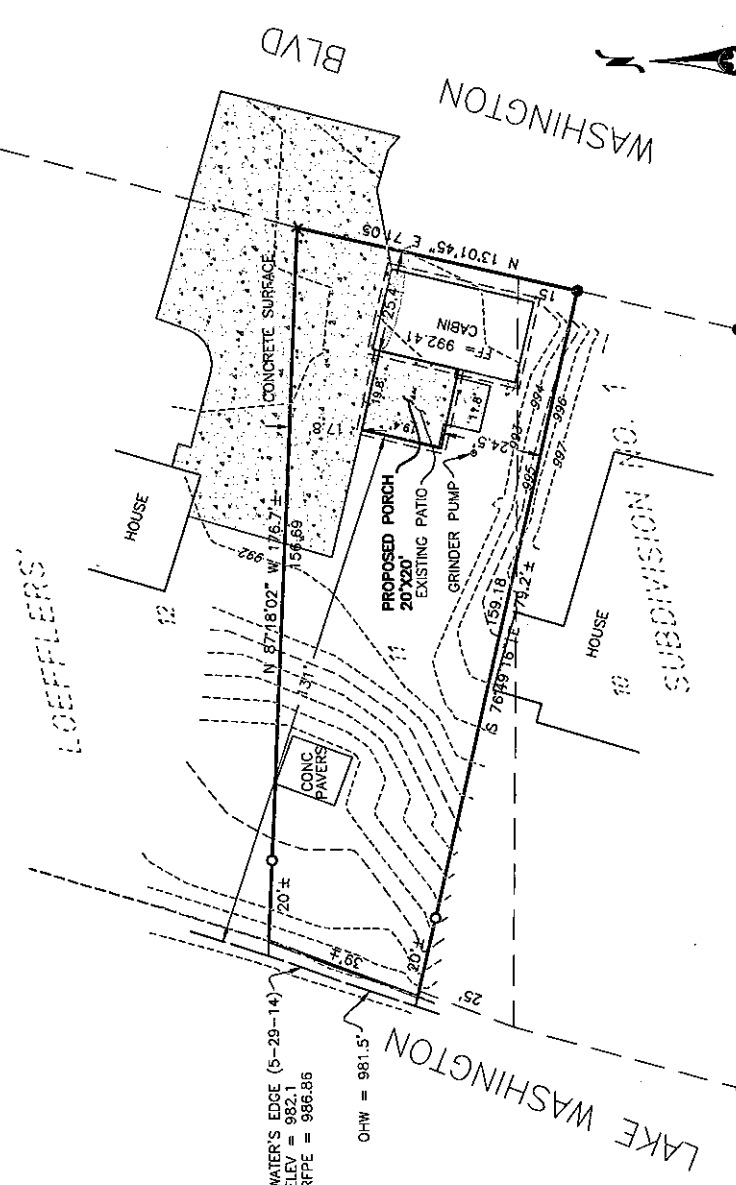
DESCRIPTION PROVIDED
That part of Lot 10 of Loefflers' Subdivision No. 1 of Government Lot 4 of section 17-109-25, circumscribed as follows, to-wit: Commencing at the northeast corner of said Lot 10; thence running southwesterly along the easterly line of said Lot 10, a distance of 15 feet; thence northwesterly at an inside angle of 89 degrees 46' a distance of 72 feet to the northerly line of said Lot 10; thence easterly along the said northerly line of said Lot 10, a distance of 72.3 feet to the place of beginning. Also, Lot 11, except that part of Lot 11 of Loefflers' Subdivision No. 1 of Government Lot 4 of Section 17-109-25, circumscribed as follows, to-wit: Commencing at the southwest corner of said Lot 11; thence running northeasterly along the westerly line of said Lot 11, a distance of 25 feet; thence southeasterly at an angle of 82 degrees 06' a distance of 105.7 feet to the southerly line of said Lot 11; thence westerly along the said southerly line of said Lot 11, 113 feet to the point of beginning.

VARIANCE SKETCH
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

FOR: HOFFMAN BUILDING SOLUTIONS LLC

© Bolton & Menk, Inc. 2014. All Rights Reserved
H:\PRIV_SURVE\M33108397\CAD\CAD108397901.DWG 06-13-2014 3:55p.m. SDB108397H
JOB NUMBER: M33-108397 FIELD BOOK: 83-2 PG 45 DRAWN BY: JLA 4.0 S17-T109-H25



Le Sueur County

Surveyor Certification

- I. Applicant:
Name ANDREW MANSKE / FM Hoffeman
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 13.521.0075
- IV. Quantities and Submittal Formats:
a. One reproducible 8.5" x 11" copy of the request and all other supporting documents.
b. If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
c. Electronic version of any supporting documents, if available.
d. Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
e. All required information must be correct and submitted at the time of application, or the application will not be accepted.

V. Site Plan-must be a survey:

BUILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED.

Site plan shall include but not limited to:

- North point
- setbacks
- property lines
- road right-of-way
- easements
- current & proposed impervious surface-Itemized with percentages (if in shoreland)
- landscape, screening and buffering (if applicable)
- location of significant trees to be removed (if applicable)
- note how disturbed areas will be restored (if applicable)
- lakes
- rivers
- wetlands, ponds
- streams
- well
- existing structures (within and adjacent to project area)
- proposed structures
- lot dimensions
- septic system
- access

- VI. The proposed improvements have been physically staked onsite then surveyed on 5/29/2014 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. Signatures:

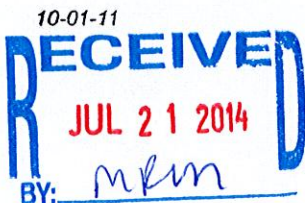
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Kory Jensen _____ 7/21/14 _____ 19789
Surveyor's signature Date Lic #

OFFICE USE ONLY

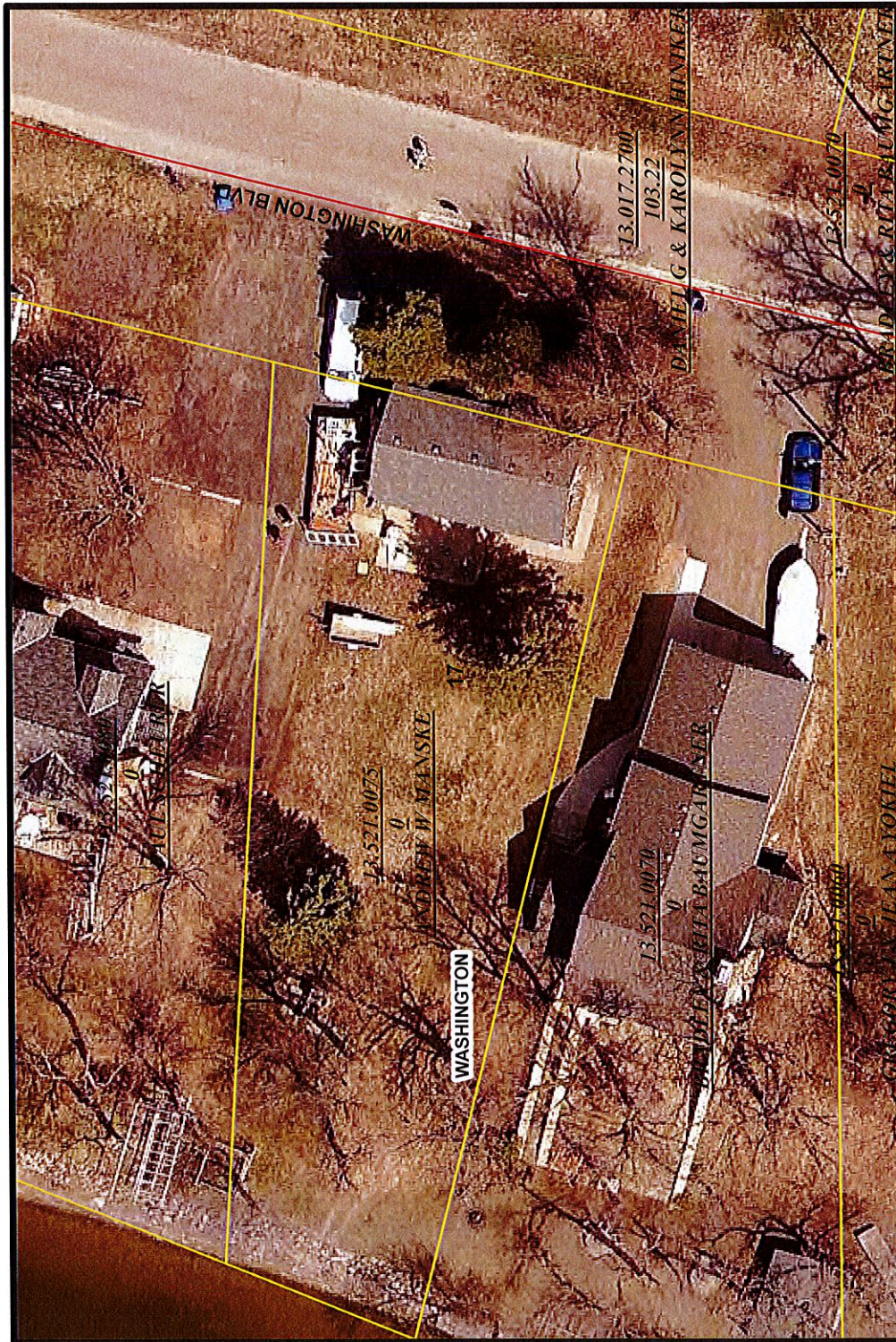
6-21-14
Date received

Michelle R. Miller
Planning & Zoning Authority signature



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Manske
PID: 13.521.0075
DATE: 08-11-14
FIRM #: 27079C0380D
F-Zone: X-Outside
RFPE: 986.86
District: Recreational
Residential



Roads	Road Code
US Highway	[Red line]
MN Highway	[Blue line]
CSAH	[Black line]
County Road	[Grey line]
Township Road	[Red line]
Municipal Street	[Black line]
Unspecified	[Blue line]
Le Sueur County	[Blue box]
Incorporated	[Pink box]
Townships	[Blue box]
Sections	[Green box]
Parcel	[Yellow box]



Map Disclaimer

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



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

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

GENERAL PLAN NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL FOUNDATION WORK SHALL BE COMPLETED PRIOR TO THE START OF SUPERSTRUCTURE CONSTRUCTION.
8. THE CONTRACTOR SHALL MAINTAIN PROPER DRAINAGE AND EROSION CONTROL MEASURES.
9. ALL EXTERIOR FINISHES SHALL BE COMPLETED PRIOR TO THE START OF INTERIOR FINISHES.
10. THE CONTRACTOR SHALL MAINTAIN A CLEAN WORK SITE AT ALL TIMES.
11. ALL WASTE MATERIALS SHALL BE PROPERLY DISPOSED OF AT THE END OF EACH WORK DAY.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
13. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
14. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
15. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
16. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES ON THE WORK SITE.
17. ALL CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
19. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
20. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.

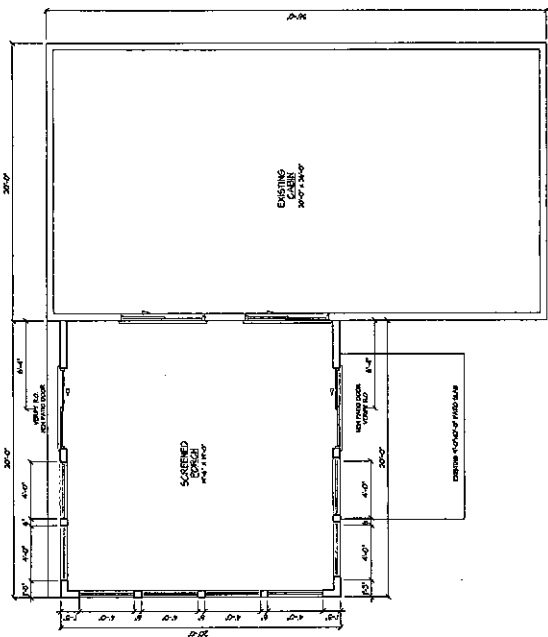
PROJECT BY:
 IN ASSOCIATION WITH:

Project Name:
 Project Address:
 Project City/State/Zip:
 Project Start Date:
 Project End Date:

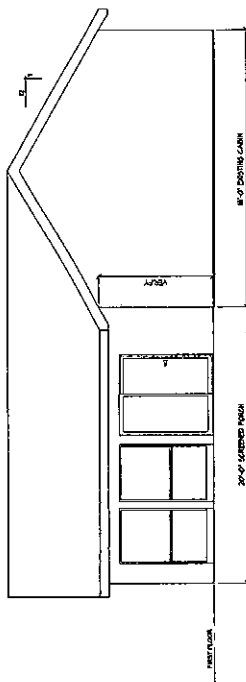
PROJECT NO. 1000000000
 PROJECT NAME: Screened Porch Addition
 PROJECT ADDRESS: 1000000000
 PROJECT CITY/STATE/ZIP: 1000000000
 PROJECT START DATE: 1000000000
 PROJECT END DATE: 1000000000

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE
SHEET	INDEX
7	

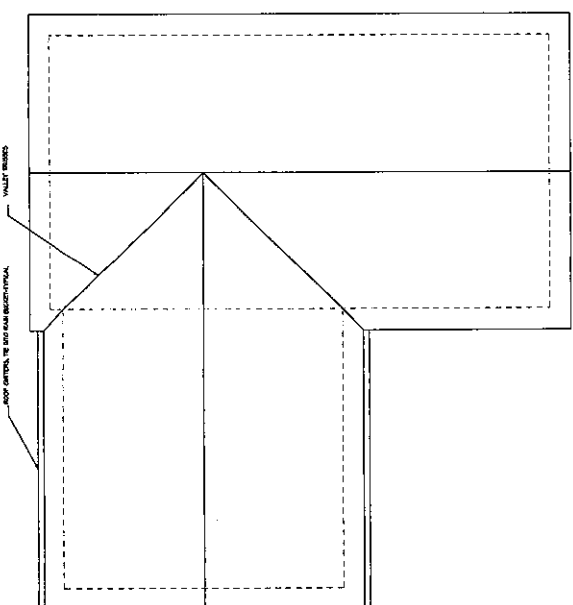
BID DOCUMENTS - NOT FOR CONSTRUCTION



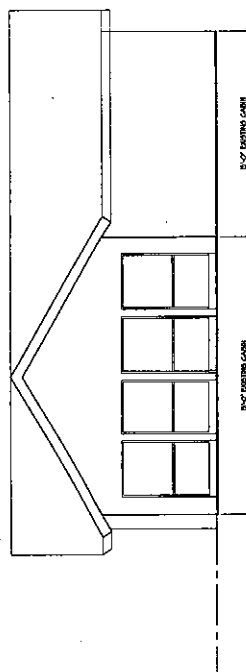
FLOOR PLAN
 SCALE: 1/4" = 1'-0"



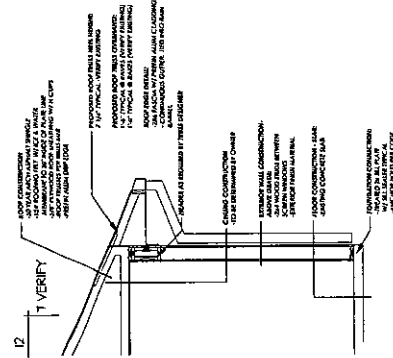
PORCH SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



ROOF PLAN
 SCALE: 1/4" = 1'-0"



PORCH FRONT ELEVATION - LAKE SIDE
 SCALE: 1/4" = 1'-0"



TYPICAL WALL SECTION
 SCALE: 1/2" = 1'-0"

RECEIVED
 JUL 18 2014
 BY: MCM

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Eric & Diana Lomen
911 ADDRESS: 50452 Sunset LN, Waterville
VARIANCE REQUEST: To allow the applicant construct a story & ½ detached 2-garage with a 29 foot peak height to include a basement tuck-under garage.
VARIANCE NUMBER: 14145
PARCEL NUMBER: 14.028.2600

SITE INFORMATION

LOCATION: Government Lot 2, Section 28, Waterville 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.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing driveway off the new Sunset Lane. (Old access was off Blue Bay Lane).

LAKE: Tetonka

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Lauren Klement letter

STAFF FINDINGS

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

- | <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|----------------------|-----------------|------------------|----------------------------|--------------|
| a. Structure height: | 29 feet | 20 feet | Section 13.2 Subdiv.4.A.1. | 13-41 |
2. **STRUCTURE, ACCESSORY** - A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure. An accessory structure shall not contain living space.
3. Refer to DNR Guidance Letters:
- | | |
|---|--------|
| a. The Role of the Variances in Shoreland Management Ordinances | pg. 9 |
| b. Non-conforming Lots of Record in Shoreland Areas | pg. 19 |
4. 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.

5. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
6. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
7. 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. Accessory structure height reduced during ordinance revisions.

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: 7/29/2014 PERMIT NUMBER 14145 FEE: \$646.00
60 DAY RULING DATE: 9/27/2014

APPLICANT: ERIC & DIANA LOMEN PROPERTY OWNER: ERICK & DIANA LOMEN
ADDRESS: 1216 SCHEFFER AVE ADDRESS: 50452 SUNSET LN
CITY: ST PAUL CITY: WATERVILLE
STATE: MN ZIP: 55116 STATE: MN ZIP: 56096
PHONE: 651-698-5280 PHONE: 612-280-3517

PARCEL NO: 14.028.2600 TOWNSHIP: WATERVILLE 911: 50452 SUNSET LN, WATERVILLE
SEC: 28 SUBDIV: NA
TWP: 109 LOT: NA ZONE: RR
RANGE: 23 BLOCK: NA FEMA PANE 27079C0430D
Q/Q: PT GOV ROAD: PVT FLOOD ZON 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 STORY & 1/2 DETACHED 2-CAR GARAGE WITH A 29 FT PEAK HGT TO ALSO INCLUDE A BASEMENT TUCK-UNDER GARAGE.

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 29 14

DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

7-29-14

DATE

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

ON-SITE TOUR DATE:	8/21/2014	
PUBLIC HEARING DATE:	8/21/2014	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: ERIC & DIANA LOMEN

Variance # 14145

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A STORY & 1/2 DETACHED 2-CAR GARAGE WITH A 29 FT PEAK HGT TO ALSO INCLUDE A BASEMENT TUCK-UNDER GARAGE.

- 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?

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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?

Explain _____ JM JW JD CH FC

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

Explain _____ JM JW JD CH FC

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

() APPROVED () DENIED

CONDITIONS: _____

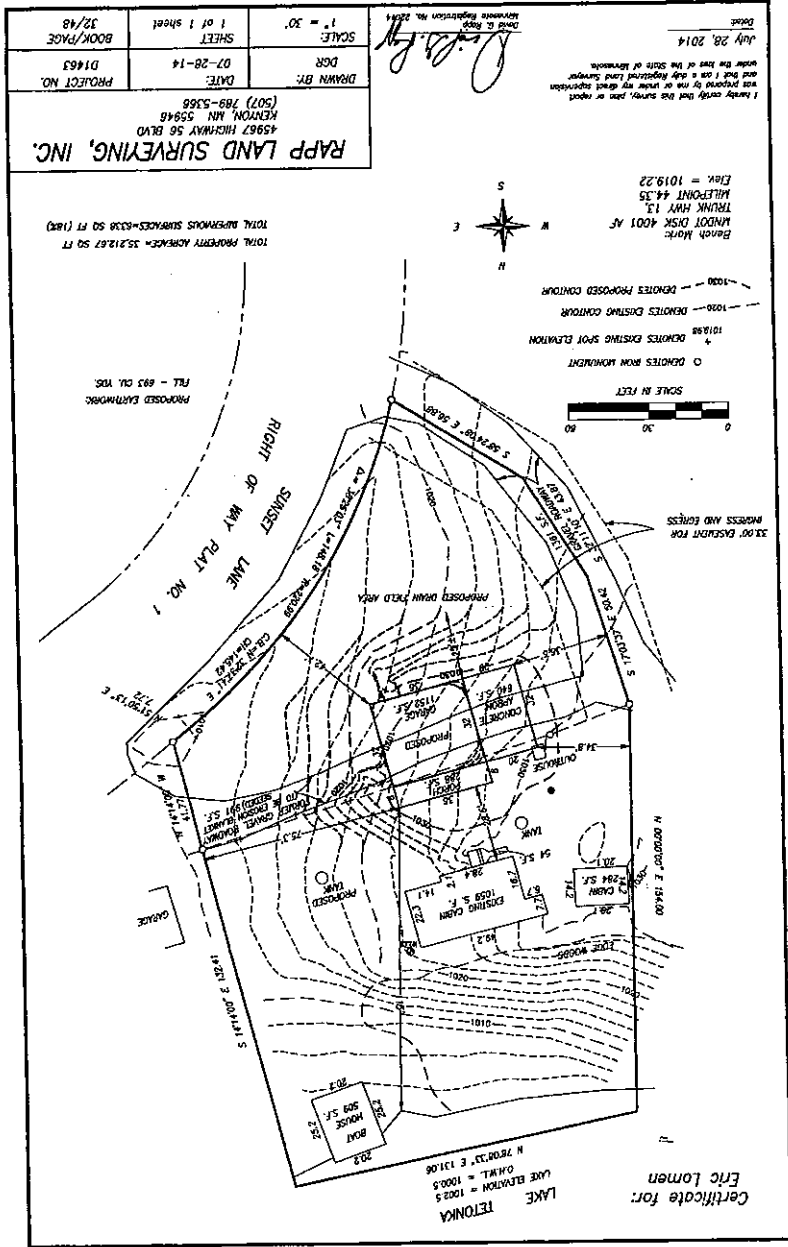
Applicant response to conditions: Agree () Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

RECEIVED
 JUL 29 2014
 BY: [Signature]



Lauren Klement
Le Sueur County Environmental Services
88 South Park Avenue
Le Center MN 56057-1600

August 14, 2014

To: Le Sueur County Board of Adjustment; Kathy Brockway, Michelle Mettler

From: Lauren Klement, Environmental Resources Specialist



Re: Eric and Diana Lomen

Property: Government Lot 2, Section 28, Waterville Twp

Request: Accessory Structure Height Variance

Discussion:

It is my position to recommend following the ordinance in shoreland. This is a three level garage that is larger than the cabin. Runoff was not addressed in the application.

Items to consider:

1. Are gutters being installed? There was mention of current slope and erosion problems, where is the runoff from the roof going to go?
2. Is water being directed to an area of absorption and not impact the neighbors parcel?
3. Dust seemed to be an issue in the application; a row of shrubs or trees would screen and capture dust. There are fast growing trees that would create a full screen.

Le Sueur County

Variance Application

- I. Applicant:
Name Eric & Diana Lomen
Mailing Address 1216 Scheffer Ave
City St. Paul State MN Zip 55116
Phone # 651 698 5280 Phone # 612 280 3517
- II. Land Owner (s), if different from above:
Name Same
Property Address 50952 Sunset Lane
City Waterville State MN Zip 56096
Phone # Same Phone # _____
- III. Parcel Information:
Parcel Number 14.028.2600 Parcel Acreage 0.81
Legal Description-Full legal description must be attached (not from tax statement)
See attached
- IV. Variance Request:
to build a 29' garage on a lot less than 2 acres in an RR district
- V. Township Notification: Township must be notified of proposed request prior to application.
Waterville Township notified on 7/16/2014
(Township Name) (Date)
Board Member Fritz Cummins regarding the proposed request.
(Name)
AL Gehrke
- VI. Quantities and Submittal Formats:
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
 - Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
 - Electronic version of any supporting documents if available.
 - Additional copies may be requested as deemed necessary by the Department.
 - Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
 - All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
 - Applications **will not** be accepted by mail.

VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

- a. Site Plan-**survey**
- b. Full legal description
- c. Access approval
- g. Surveyor Certification
- d. Floor plans and/or blue prints *(For structures)*
- e. Septic System Compliance Inspection *NONE Des-Rec'd*
- f. Erosion control plan
- g. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 **After-The-Fact meeting fees are doubled.**
Filing Fee: \$ 46

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

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. 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.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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 garage itself will NOT exceed the ordinance by much. IT IS THE NEED FOR A poured concrete foundation required by the slope that makes it so tall. Landscaping with retaining walls will help most of the foundation.

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

Due to the slope of my lot a poured concrete foundation is the best solution. Too much fill would be needed to be retained to use a Slab foundation.

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

The county built a new road (Sunset Lane). Instead of being 100's of feet to my east, Sunset Lane is now directly in front of my house. I need to block some of the accompanying headlights, dust and commotion from my house.

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

The garage will be essentially the same configuration as my house is now (walk out on a slope)

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

Yes. A big consideration is to make my house seem a little more private and remote again. The new road makes it like living in the city.

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

Buildings on this site will reclaim an area that is presently subject to erosion - It will also help protect our health, safety and welfare from the new road that was placed in front of our house.

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

The foundation of the garage will help me stabilize the sloped area and the runoff that is presently eroding the slope.

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

This project will help us upgrade and improve the present on site sewage treatment. The water supply will not be affected.

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

The slope of my lot requires a poured concrete foundation. It would not make any sense to waste the space that will be created. Only a small amount of the foundation will be exposed.

XII. 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.

Ehm 7/28/14
Applicant signature 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.

Ehm 7/28/14
Land Owner signature Date

OFFICE USE ONLY

Date received 7-28-14 Present Zoning Classification RR Feedlot within 500' 1000' (N)
 Meeting date 8-21-14 Lake Classification RD Erosion Control Plan Y N
 60 Day 9-26-14 Lake Tetonka Water courses Y (N)
 FEMA Panel # 2009C0430 Flood Zone X-outside Bluff Y N
 Surveyor Certificate Ordinance Septic CI/DESIGN
 Site Plan -survey Access approval Fee \$ 646 ATF / SPEC MTG
 Full legal Blue Prints Other _____
 Application complete Written Detail of Var

Michelle R. Mott 7-29-14 14145
Planning & Zoning Department Signature Date Permit #

04-15-13

- OHWL 1000.5
- Highest Rec. 1003.08
- RFPE 1006.08

July 28, 2014

Dear Board of Adjustment,

I wish to build a garage as I don't have one right now. My lot is quite steep and the location where I want to put the garage is best suited for a poured foundation. I think it could best be described as a walk-out basement-type building. This will also require less fill and retaining walls than a slab foundation. Using the space created under the garage for storage will make a lot more sense than building a tall retaining wall and filling it with dirt.

This is where the height problem comes in because on the east end there will be a small area of exposed foundation wall for access that adds to the height of the garage. One of the reasons for the site placement is to somewhat block the noise and dust from the new county road, Sunset Lane, which is now directly in front of my house instead of 300 feet to the east of where it used to be. This configuration will also match my house, which is also a walk-out on the east side.

This project will help us upgrade and improve our present on-site sewer system and stabilize a slope that is presently subject to erosion.

Thank you for your consideration.



Eric Lomen



Le Sueur County

Surveyor Certification

I. Applicant: Name ERIC LOMEN

II. Land Owner (s), if different from above:
Name ERIC LOMEN
Property Address 50452 SUNSET LANE
City WATERVILLE State MINN. Zip 56096

III. Parcel Information:
Parcel Number 14.028.2600

IV. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or owner no later than 12 P.M. on the date of application deadline. Appointment is necessary.
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- Applications will not be accepted by mail.

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- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VI. The proposed improvements have been physically staked onsite then surveyed on July 10, 2014 to reflect an accurate account of current and proposed conditions of the property identified above.

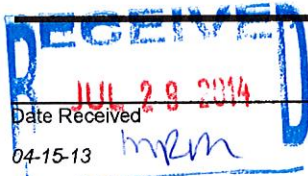
VII. Signatures:

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.

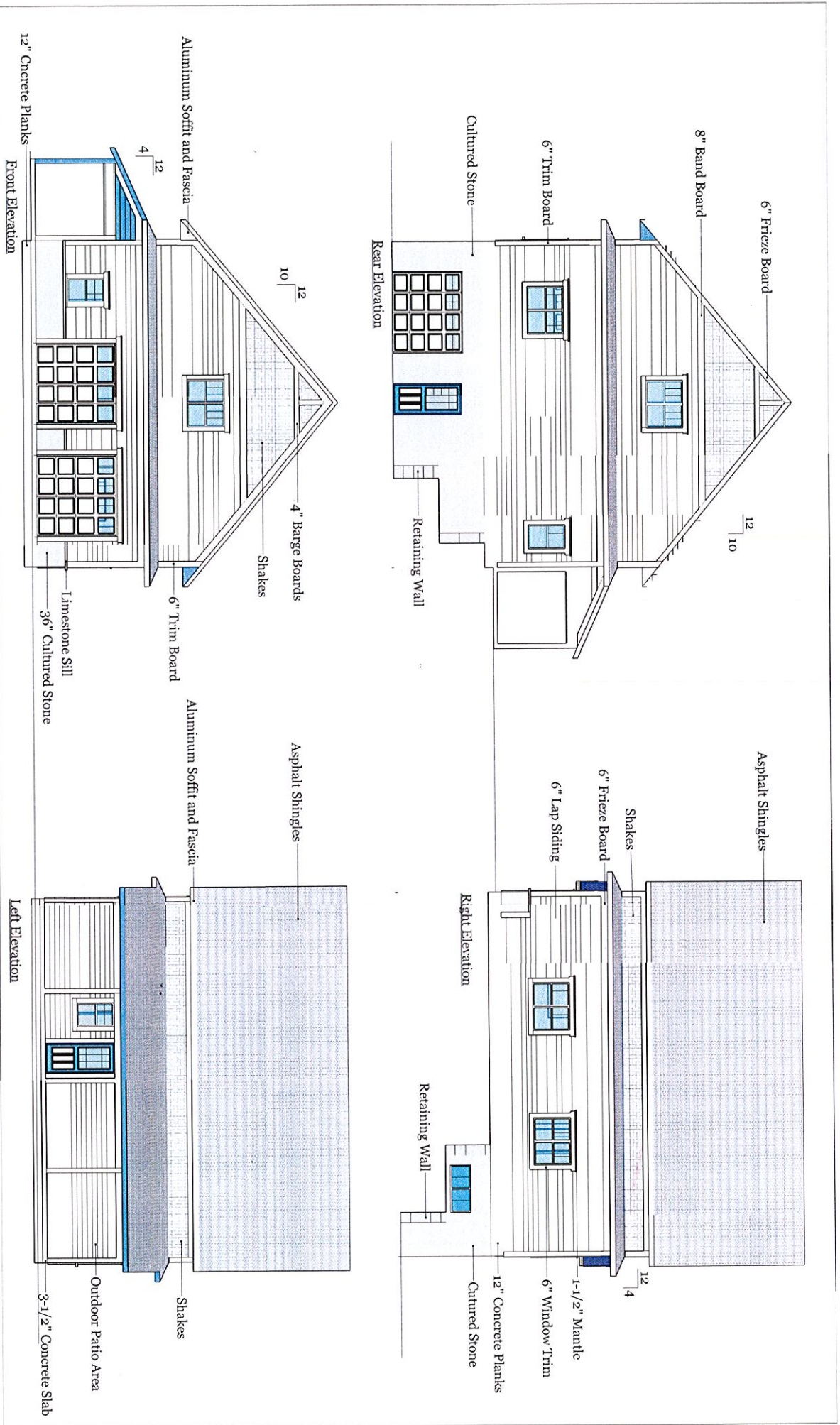
David S. Rapp
Surveyor's signature

7-28-14
Date

MN# 22044
Lic #



OFFICE USE ONLY
Michelle R. Metts
Planning & Zoning Department Signature



Exterior Elevations
Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

NO.	DATE	BY	REVISIONS
1	07/28/14	MEM	ISSUED FOR PERMIT

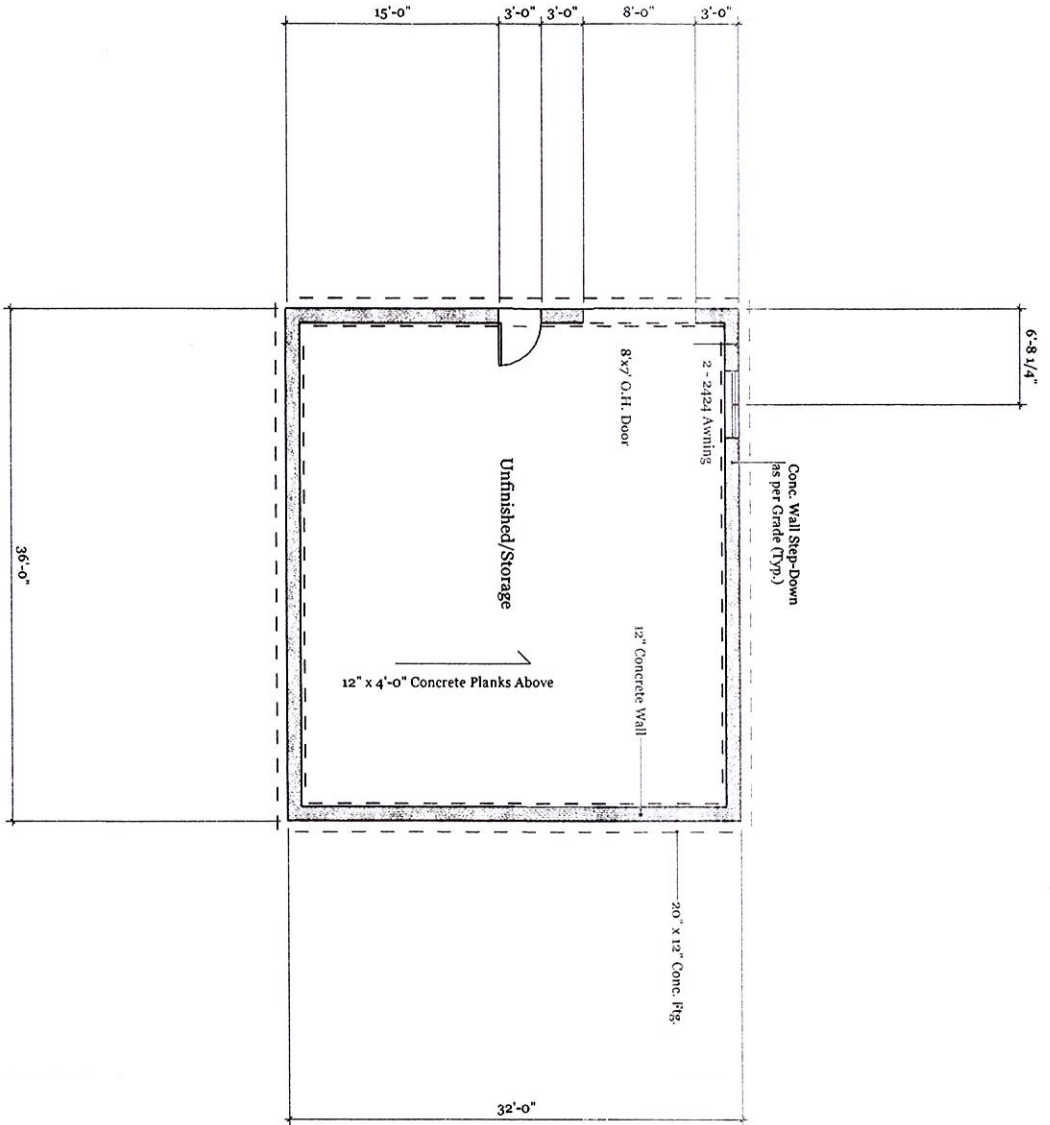
RECEIVED
JUL 28 2014
BY: MEM

Lower Level Floor Plan
 9' Poured Walls / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMITS	07/23/14	WMM
2	ISSUED FOR PERMITS	07/23/14	WMM
3	ISSUED FOR PERMITS	07/23/14	WMM
4	ISSUED FOR PERMITS	07/23/14	WMM
5	ISSUED FOR PERMITS	07/23/14	WMM

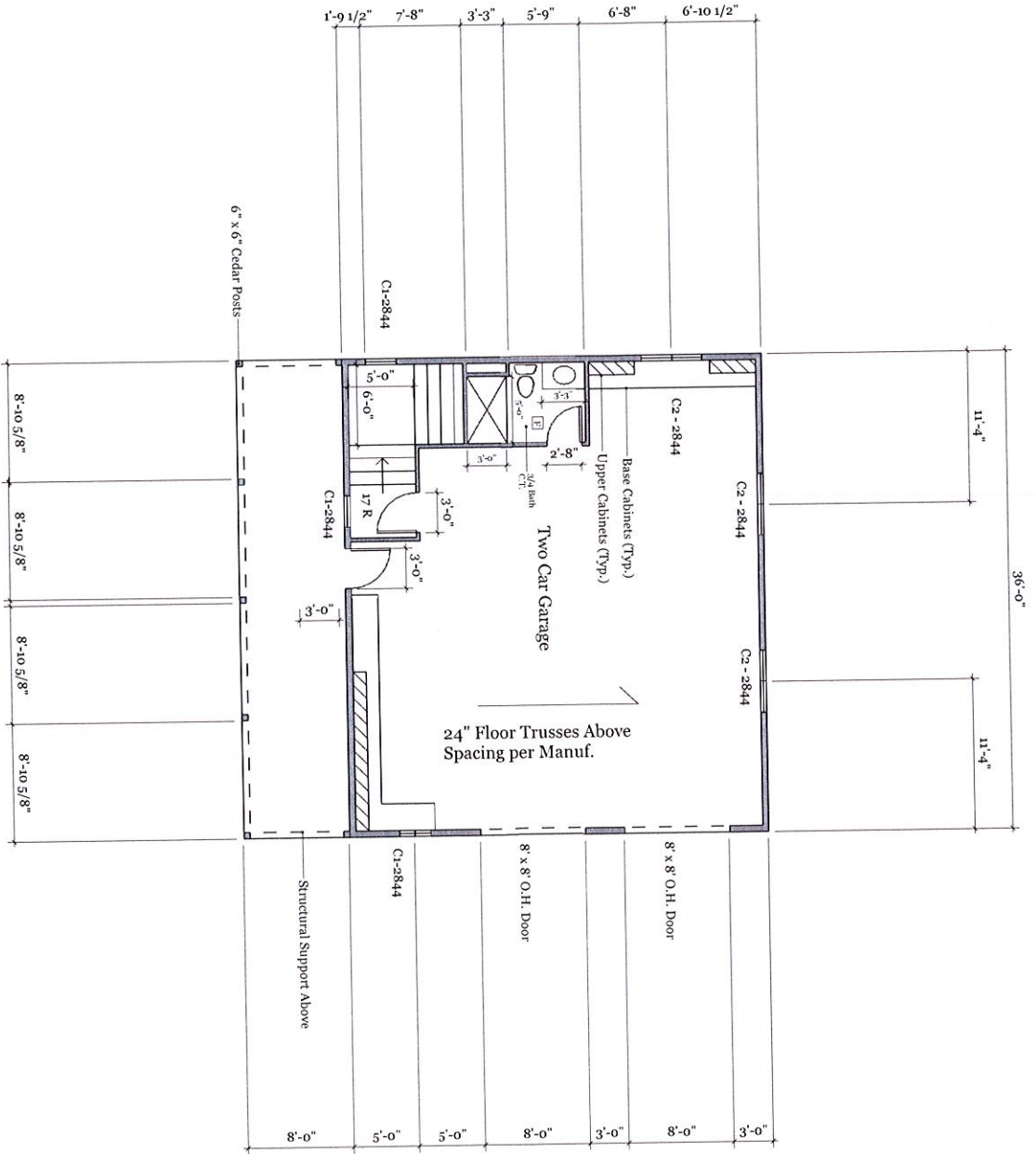


RECEIVED
 JUL 28 2014
 BY: WMM

Main Level Floor Plan
 10' Ceiling / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED			
2	REVISED			
3				
4				
5				

RECEIVED
 JUL 28 2014
 BY: MLN

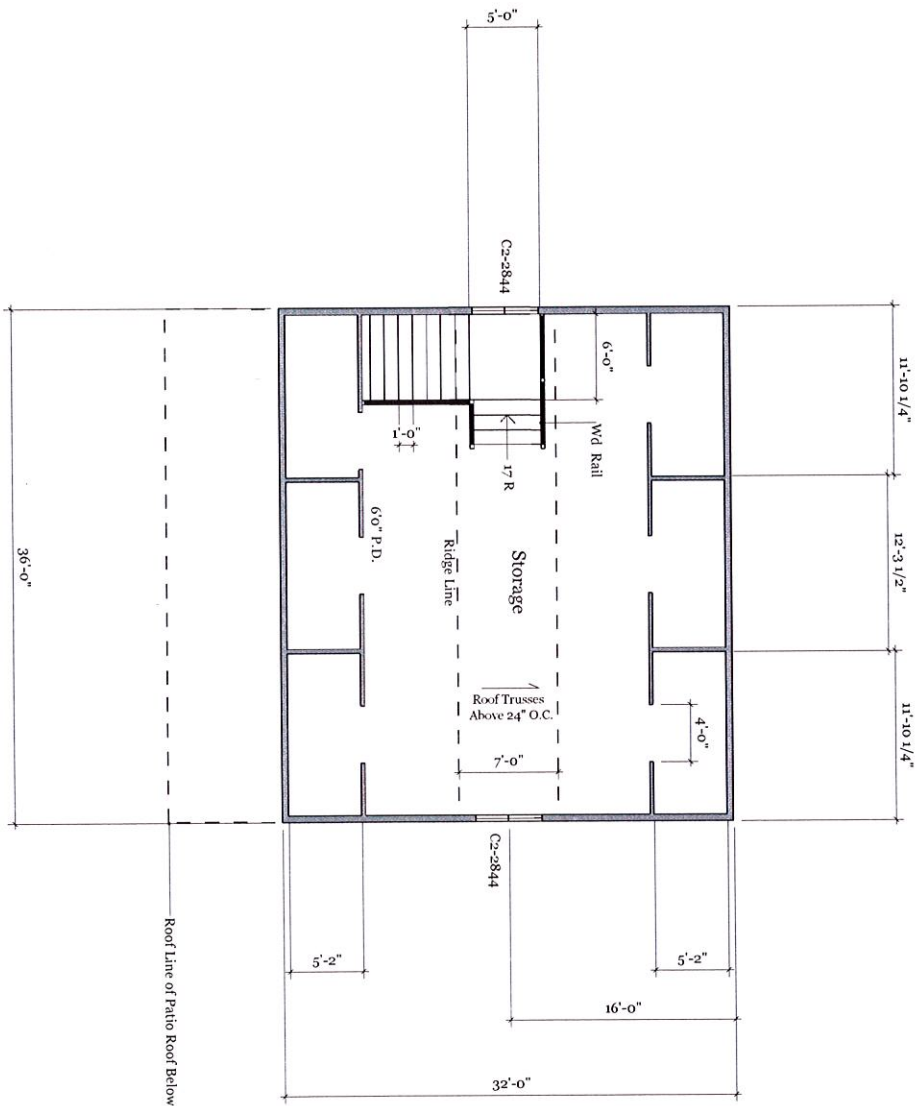
Upper Level Floor Plan
8' Ceiling / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

NO.	DATE	BY	REVISIONS
1	08/15/14	MLM	Initial
2	08/15/14	MLM	Revised
3	08/15/14	MLM	Revised

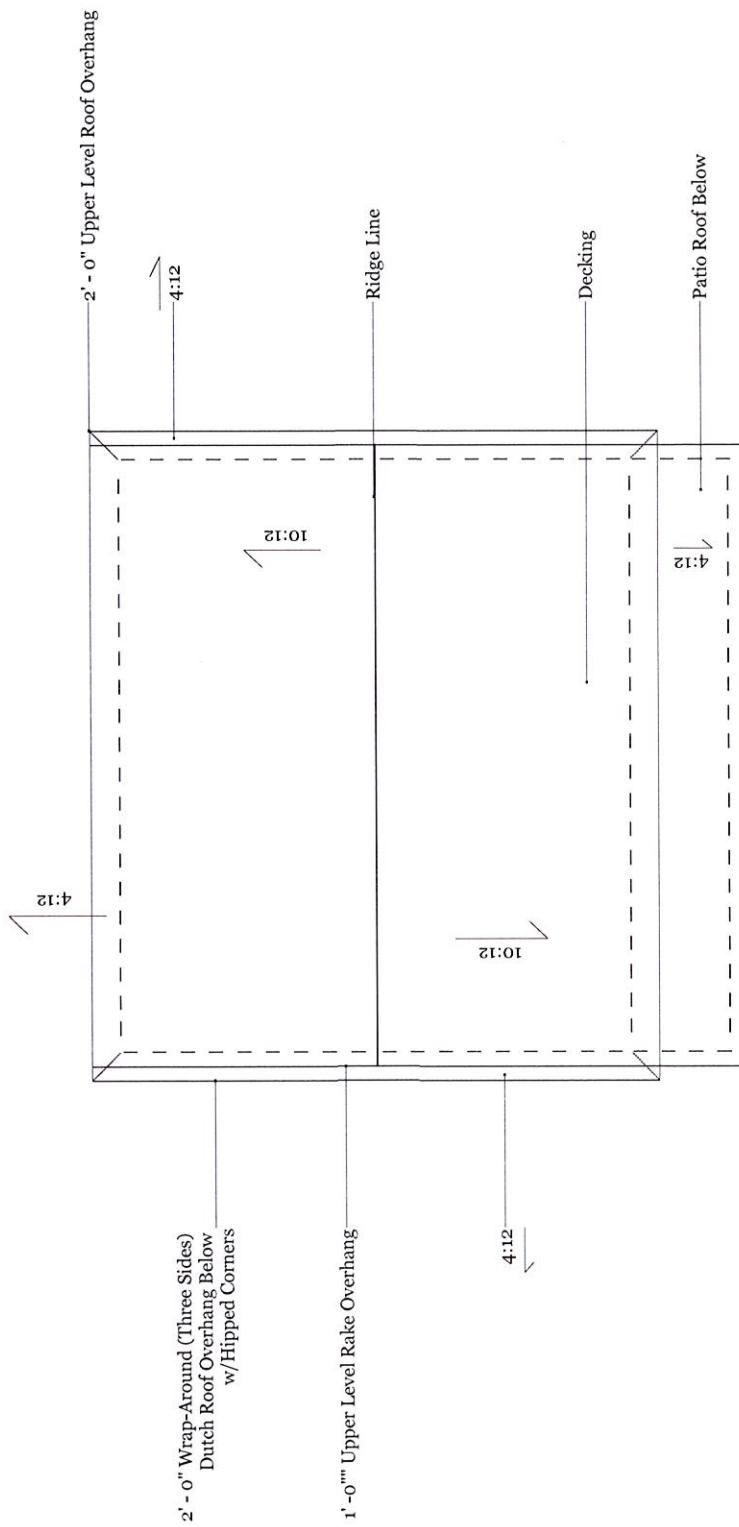
Page 4 of 6



Roof Line of Patio Roof Below

RECEIVED
JUL 28 2014
BY: MLM

RECEIVED
 JUL 28 2014
 BY: *MRM*



REVISIONS	
NO.	DESCRIPTION
1	Initial
2	Revised
3	Revised
4	Revised
5	Revised

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

Roof Plan
 Scale 1/4" = 1'-0"

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: Eric Lomen PID: 14.028.2600
Mailing Address: 1216 Schaffen Ave ST Paul MN 55116
Property Address: 50452 Sunset Lane
Phone: (651) 698 5280 Mobile/Cell: (612) 280 3517

Responsible party for Implementation/Inspection: Eric Lomen
Address: Same
Phone: () Same 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.

CONSTRUCTION SITE WORK PROPOSAL

OWNER INFORMATION

Name Eric Lomen
Address 16558 Bayview LN
City, State ZIP Waterville, MN 56096
Phone
Email
Project name Tuck under garage and storage

CONTRACTOR INFORMATION

Company River Street Nursery, Timms Excavating
Name Cory and Rod Culbert
Address 721 River St
City, State ZIP Waterville, MN 56096
Phone 507-271-3727
Email cory.culbert@gmail.com
Completion date

SCOPE OF WORK

Construction of a 32' by 36' tuck under garage. River Street Nursery will begin by installing silt fence around construction limits on bottom side of slopes. Timms Trucking and Excavating will do rough grade work and excavate for foundation of building. Soil will be kept onsite for later use, and be protected from erosion with silt fence and erosion blanket if necessary. Old driveway will be removed and the new driveway on top will be used to approach new garage from west side of property. This new driveway was the result of last summer's road construction on Le Sueur County 14. Timms Trucking will bring in 80 yards of granular fill for backfill around foundation and 20 yards of black dirt for finish site restoration and seeding. A retaining wall will be built between new storage building and house to help with existing steep slope. Old driveway will be removed, and replaced with black dirt. This area will be seeded and covered with erosion blanket. All disturbed areas will be seeded and mulched after construction is complete.



COMPANY PROPOSAL

Excavation of site will be performed by Timms Trucking and Excavating, from Mornistown, River Street Nursery LLC, from Waterville MN will perform erosion control, and site restoration.

Submitted by (Company Representative)

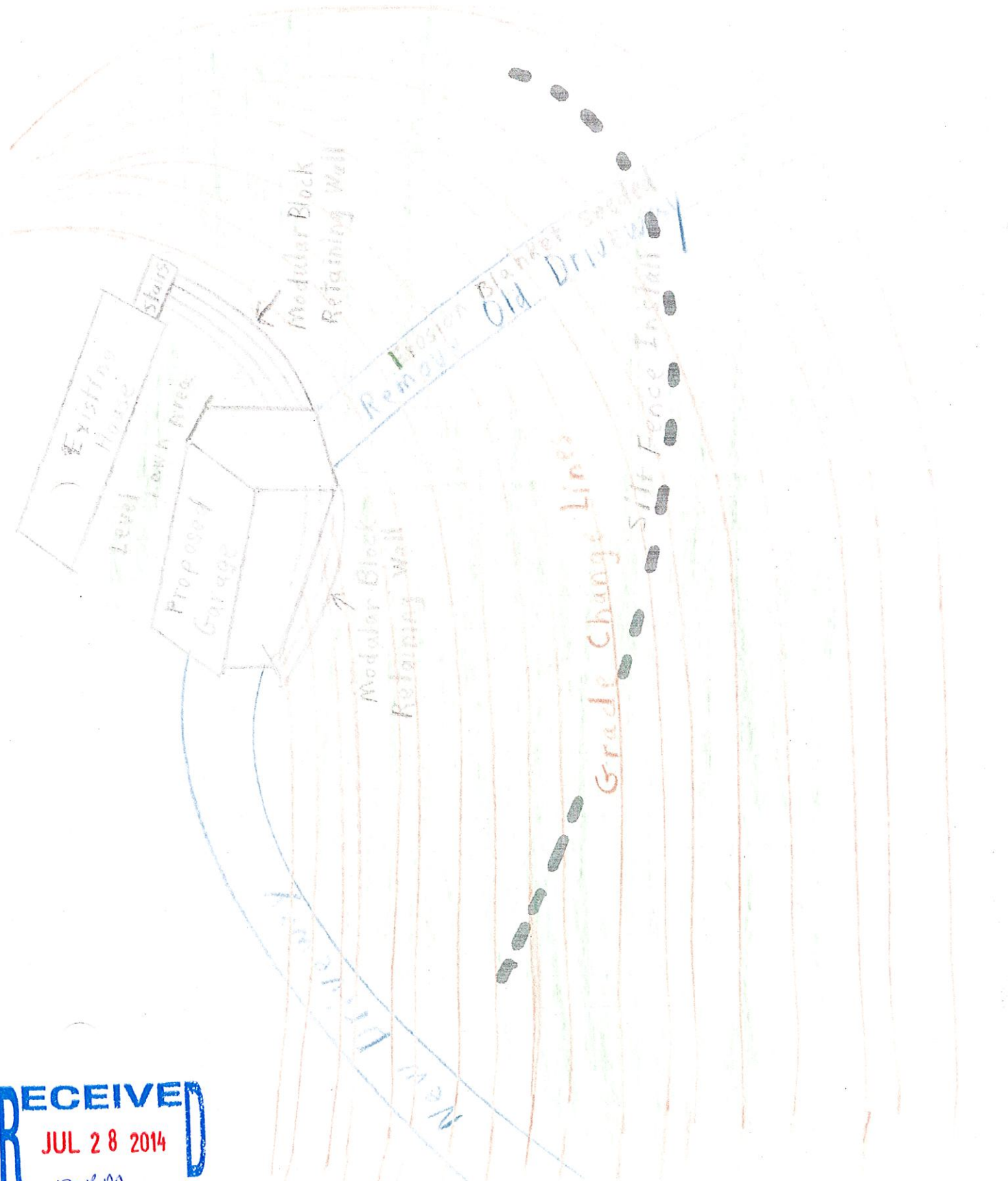
Date

OWNER ACCEPTANCE

Sign here

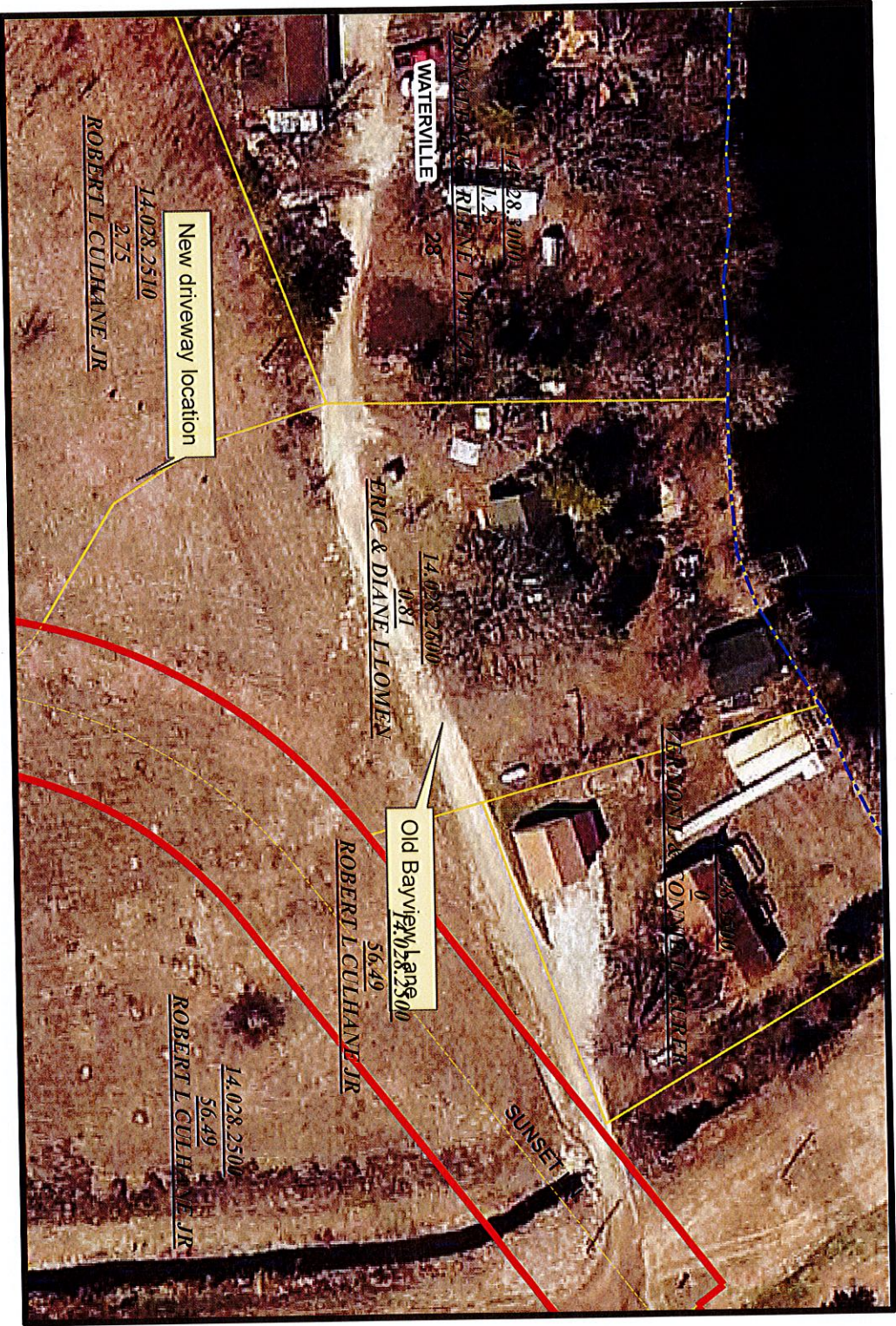


RECEIVED
JUL 28 2014
RV: mkm



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Lomen
PID: 14.028.2600
DATE: 08-11-14
FIRM #: 27079C0430D
F-Zone: X-Outside
RFPE: 1006.08
District: Recreational Residential



AlphaTag	Description
<all other values>	Cadastral Line
—	Corp Line
—	County Line
—	Easement Line
—	Geo Twp Line
—	Gov Lot
—	Misc Line
—	Parcel Line
—	Pol Twp Line
—	Railroad Centerline
—	Railroad ROW
—	Road Centerline
—	Road ROW
—	Road ROW/Vac
—	Section Line
—	Sub Line 400
—	Water
—	Le Sueur County
—	Incorporated
—	Townships
—	Sections
—	Parcel

2	1	6	5	4	3	2	1
12	7	8	8	9	10	11	12
13	18	17	16	15	14	13	
24	19	20	21	22	23	24	
25	30	29	28	27	26	25	
36	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, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
 *The maps are date specific and are intended for use only at the published scale.
 *These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet
Photo dated: April/May 2013
Created By: MRM



LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
 507-357-8538

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Randy & Patty Appel
911 ADDRESS: 22243 Lake Frances RD, Elysian MN
VARIANCE REQUEST: To allow the applicant to construct a 30 x 40 garage 51 feet from the OHWL.
VARIANCE NUMBER: 14142
PARCEL NUMBER: 04.830.0010

SITE INFORMATION

LOCATION: Lot 1, Block 1, Han's Hideaway, Section 28, 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.

GENERAL SITE DESCRIPTION: Shoreland, residential
ACCESS: Existing off Lake Francis Rd
LAKE: Lake Frances, Recreational Development

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

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Lauren Klement letter

STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to OHWL:	51 feet	100 feet	Section 13.2. Subdiv. 5. E.1.	13-45
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Non-conforming Lots of Record in Shoreland Areas				pg. 19
c. Structure Setback Requirements				pg. 21

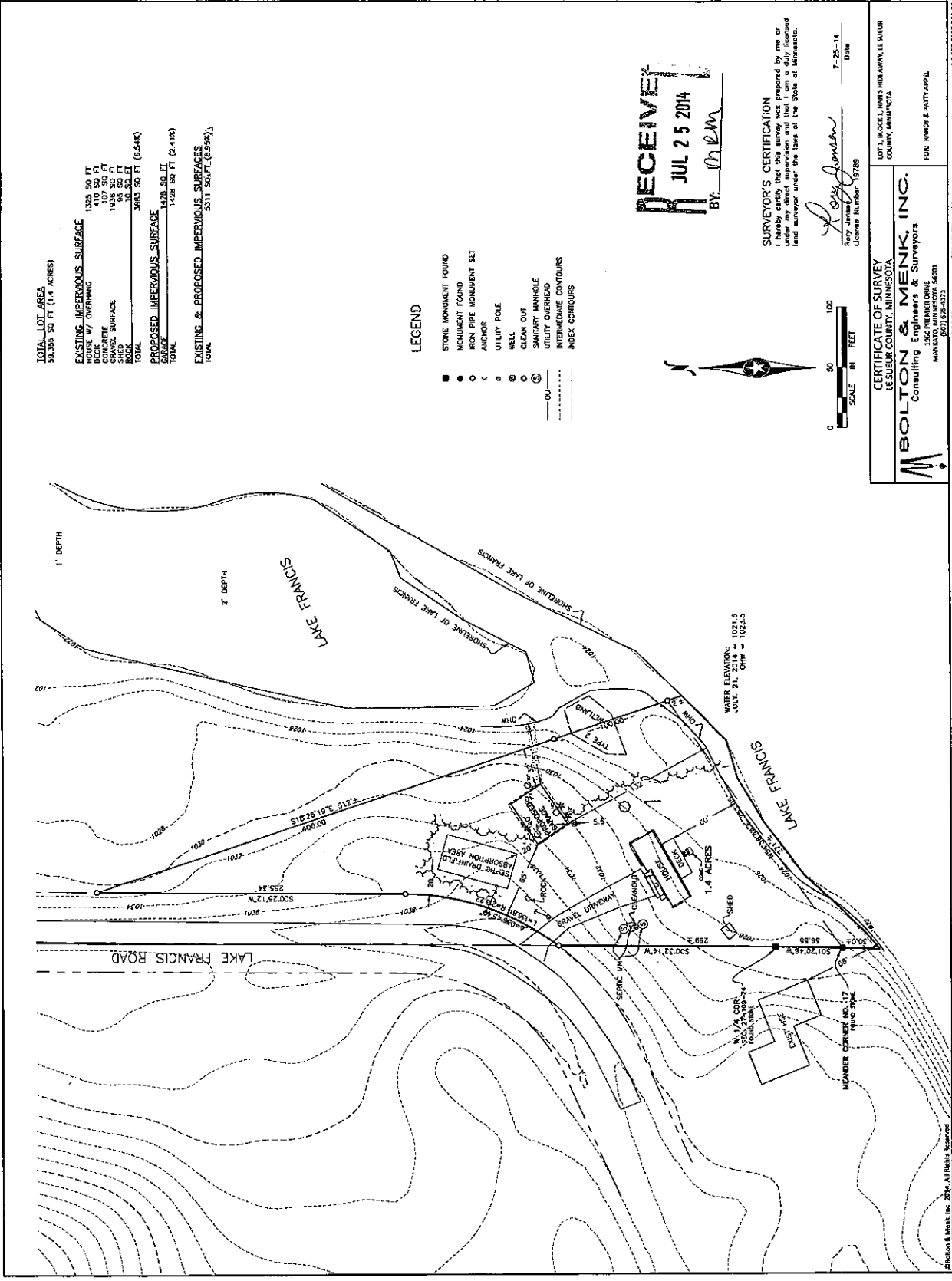
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - 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. Reduction of accessory structure size.
 - b. Setbacks: road ROW-65', septic system drainfield-20', well-3' from overhang.

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.



TOTAL LOT AREA
39,350.50 FT (1.4 ACRES)

EXISTING IMPERVIOUS SURFACE	1353.50 FT
BECK W/ OVERHANG	410.50 FT
GRASS SURFACE	1938.50 FT
SHED	90.50 FT
TOTAL	3883.50 FT (6.54%)

PROPOSED IMPERVIOUS SURFACE	428.50 FT
SHED	1428.50 FT (2.41%)
TOTAL	5311.50 FT (8.59%)

- LEGEND**
- STONE MONUMENT FOUND
 - MONUMENT FOUND
 - IRON PIPE MONUMENT SET
 - ANCHOR
 - UTILITY POLE
 - WELL
 - CLEAN OUT
 - SANITARY MANHOLE
 - UTILITY OVERHEAD
 - INTERMEDIATE CONTOURS
 - INDEX CONTOURS

RECEIVED
JUL 25 2014
BY: *MJM*

SURVEYOR'S CERTIFICATION
I, the undersigned, being a duly licensed surveyor under the laws of the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land surveyed under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Roy J. Jensen
Roy J. Jensen
License Number 15789
Date 7-25-14

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
MANKATO, MINNESOTA 56001
(507) 625-4373

CERTIFICATE OF SURVEY
LE Sueur COUNTY, MINNESOTA

LOT 1, BLOCK 1, HANS HEDENWAY, LE SUEUR COUNTY, MINNESOTA

FOR: RANDY & PATTI APPEL

JOB NUMBER: M31106637 FIELD BOOK: 905 PG 53 DRAWN BY: JJA
STATIONED BY: JJA
© Bolton & Menk, Inc. 2014. All Rights Reserved.
I:\PROJECTS\2014\106637\CAD\C30\106637501.DWG 07-23-2014 3:19pm

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: 7/28/2014 PERMIT NUMBER 14142 FEE: \$646.00
60 DAY RULING DATE: 8/21/2014

APPLICANT: RANDY & PATTY APPEL PROPERTY OWNER: RANDY & PATTY APPEL
ADDRESS: 26 NEWCASTLE CT ADDRESS: 22243 LAKE FRANCIS RD
CITY: N MANKATO CITY: ELYSIAN
STATE: MN ZIP: 56003 STATE: MN ZIP: 56028
PHONE: 507-380-9030 PHONE: 507-327-9267

PARCEL NO: 04.830.0010 TOWNSHIP: ELYSIAN 911: 22243 LAKE FRANCIS RD ELYSIAN
SEC: 28 SUBDIV: HANS HIDEAWAY
TWP: 109 LOT: 1 ZONE: RR
RANGE: 24 BLOCK: 1 FEMA PANE 27079C0425D
Q/Q: ROAD: TWP FLOOD ZON 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 30 X 40 DETACHED 3-CAR GARAGE 51 FEET FROM THE OHWL.

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

3.) Special Conditions of Variance:

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



APPLICANT/PROPERTY OWNER

7-28-14

DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

7-28-14

DATE

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

ON-SITE TOUR DATE: _____	
PUBLIC HEARING DATE: 8/21/2014	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: RANDY & PATTY APPEL

Variance # 14142

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 30 X 40 DETACHED 3-CAR GARAGE 51 FEET FROM THE OHWL.

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

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain _____

JM	JW	JD	CH	FC
<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?

Explain _____

JM	JW	JD	CH	FC
<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?

Explain _____

JM	JW	JD	CH	FC
<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?

Explain _____

JM	JW	JD	CH	FC
<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?

Explain _____

JM	JW	JD	CH	FC
<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 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain _____

JM	JW	JD	CH	FC
<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

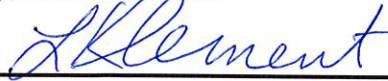
Date

Lauren Klement
Le Sueur County Environmental Services
88 South Park Avenue
Le Center MN 56057-1600

August 14, 2014

To: Le Sueur County Board of Adjustment; Kathy Brockway, Michelle Mettler

From: Lauren Klement, Environmental Resources Specialist



Re: Randy and Patty Appel

Property: Lot 1, Han's Hideaway, Section 28, Elysian Twp

Request: OHWL Setback Variance

Discussion:

It is my position to recommend following the ordinance in shoreland. Recently I have commented on several applications for garages/sheds in shoreland. This site is similar to a recent application.

Items to consider:

1. Would a shoreland accessory structure meet the need of storing a vehicle? A 16' x 25' meets the area of a shoreland accessory structure and meets the storage needs of a seasonal cabin.
2. The aerial photo shows a pontoon boat. Will this shed be used for pontoon storage? I find 40 feet to be excessive being 51 feet from the OHWL. Shrink wrap and offsite storage are options for the pontoon.
3. There was mention of a new cabin or home. A garage could be part of the plan. If so, if the garage/shed being requested at this time were reduced in size to less than 400 square feet, it would meet the ordinance for a shoreland water accessory structure.
4. There was no mention of controlling runoff. How is runoff from the shed going to be addressed?
5. How many trees will be removed for the shed and will a vegetative screen remain in place?

If approved, these conditions should be considered:

1. Reduce the shed in length.
2. Install gutters and downspouts that direct water to the Type II wetland.
3. Require a vegetation screen, as seen from the water, with trees and shrubs.

Le Sueur County

Variance Application

I. Applicant:

Name Randy and Patty Appel
Mailing Address 26 Newcastle Ct.
City N. Mankato State MN Zip 56003
Phone # 507-380-9030 Phone # 507-327-9267

II. Land Owner (s), if different from above:

Name Same
Property Address 22243 Lake Francis Rd.
City Elysian State MN Zip 56028
Phone # Same Phone # Same

III. Parcel Information:

Parcel Number 04.830.0010 section 27, Twp. 109 Range 24
Parcel Acreage 1.4 acres
Legal Description-Full legal description must be attached (not from tax statement)
Lot 1 Block 1, Han's Hideaway

IV. Variance Request:

To construct a 30' x 40' detached garage, 51' from the O+H.

V. Township Notification: Township must be notified of proposed request prior to application.

Elysian Township notified on 7/23/14
(Township Name) (Date)

Board Member L. Heibl regarding the proposed request.
(Name)

VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
- All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- Applications will not be accepted by mail.**

VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

- a. Site Plan-**survey**
- b. Full legal description
- c. Access approval -*ext*
- d. Surveyor Certification
- e. Floor plans and/or blue prints *(For structures)*
- f. Septic System Compliance Inspection *7-31-12 New*
- g. Erosion control plan
- h. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 **After-The-Fact meeting fees are doubled.**
Filing Fee: \$ 46

Additional Fees:

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

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. 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.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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 garage/shed will not fit within the parameters of the zoning code.
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 an irregular shape.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
This is how the lot was created. The septic components and well are in already.
4. How will the request maintain the essential character of the locality?
The garage/shed will be built to high standards.
5. Does the alleged practical difficulty involve more than economic considerations?
Our cabin does not have a garage so it will help with storage.
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
Yes it is.
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
We will follow strictly all ordinances required.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
When we purchased the property two years ago, the septic system was made to be compliant at that time.
9. Explain why this request is the minimum variance amount to afford relief.
We want to build the garage now, and in future years a new cabin which will add value and increase the tax base for our county.

XII. 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] Patty Appel 7-21-14 7-21-14
 Applicant signature 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] Patty Appel 7-21-14 7-21-14
 Land Owner signature Date

OFFICE USE ONLY

Date received 7-28-14 Present Zoning Classification RR Feedlot within 500' 1000' (N)
 Meeting date 8-21-14 Lake Classification RD Erosion Control Plan (Y) (N)
 60 Day 9-27-14 Lake Frances Water courses (Y) (N)
 FEMA Panel # 27079C0425C Flood Zone X-outside Bluff (Y) (N)

Surveyor Certificate Ordinance Septic 7-31-12 NEW (C) DESIGN
 Site Plan -survey Access approval Fee \$ 640 ATF / SPEC MTG
 Full legal Blue Prints Other _____
 Application complete Written Detail of Var

Michelle R Mettler 7-28-14 14142
 Planning & Zoning Department Signature Date Permit #

04-15-13

OHWL 1023.5
 REPE 1025.7
 BFE 1024.5

RECEIVED
JUL 29 2014
 BY: mrm

July 24, 2014

To Whom it May Concern:

We are requesting this variance to build a garage on our property at 22243 Lake Francis Rd.-Elysian, MN. Currently, we do not have a garage on the property for storing personal items, therefore we are seeking approval to build this 30' X 40' garage. This variance is being requested due to the current placement of the cabin, septic, and well.

After working with our surveyor, Rory Jensen from Bolton and Menk in Mankato, we have come to the conclusion that the best spot for building this garage is where it is located on our survey map. We are requesting this particular placement due to the building of a future home on our lake property in a few years. We hope to increase the size of the cabin when we build our new lake home. We want the garage built off to the side instead of in front of a new home for aesthetically pleasing views and to make sure there is enough room to accommodate a future home.

We look forward to working with you on our project and have been diligent in following the guidelines and securing all necessary documents in order to proceed. Please don't hesitate to contact us should you have any further questions.

Thank you for your consideration.

Sincerely,

Randy and Patty Appel
22243 Lake Francis Rd.
Elysian, MN

26 Newcastle Ct.
North Mankato, MN

507-380-9030-Cell/Randy
507-327-9267-Cell/Patty



Le Sueur County

Surveyor Certification

- I. Applicant:
Name Randy & Patty Appel
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 04,830.0010
- IV. Quantities and Submittal Formats:
a. One reproducible 8.5" x 11" copy of the request and all other supporting documents.
b. If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
c. Electronic version of any supporting documents, if available.
d. Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
e. All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- V. Site Plan-must be a survey:

BUILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED.

Site plan shall include but not limited to:

- North point
- setbacks
- property lines
- road right-of-way
- easements
- current & proposed impervious surface-Itemized with percentages (if in shoreland)
- landscape, screening and buffering (if applicable)
- location of significant trees to be removed (if applicable)
- note how disturbed areas will be restored (if applicable)
- lakes
- rivers
- wetlands, ponds
- streams
- well
- existing structures (within and adjacent to project area)
- proposed structures
- lot dimensions
- septic system
- access

- VI. The proposed improvements have been physically staked onsite then surveyed on 7/25/14 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. 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.

Roy Jara
Surveyor's signature

7/25/14
Date

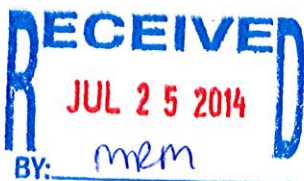
19789
Lic #

OFFICE USE ONLY

Date received

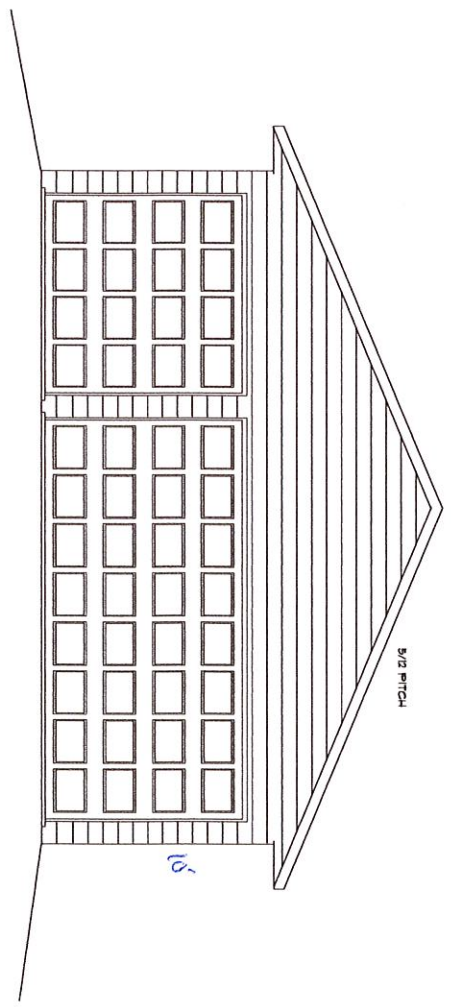
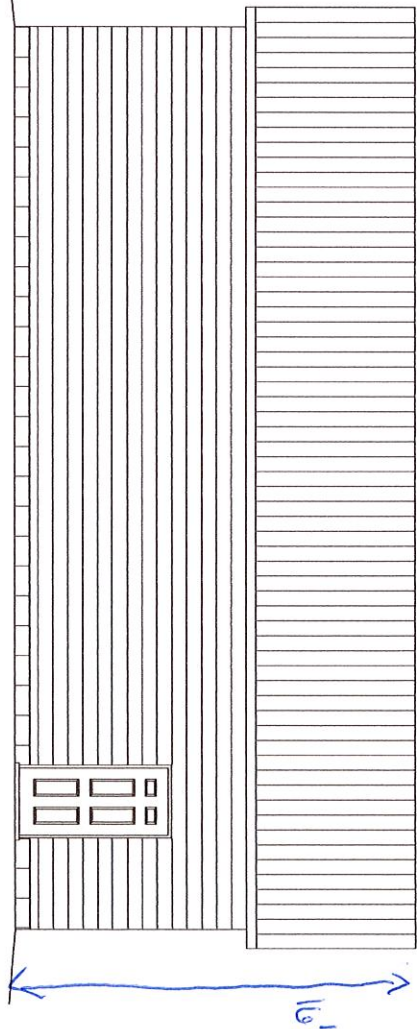
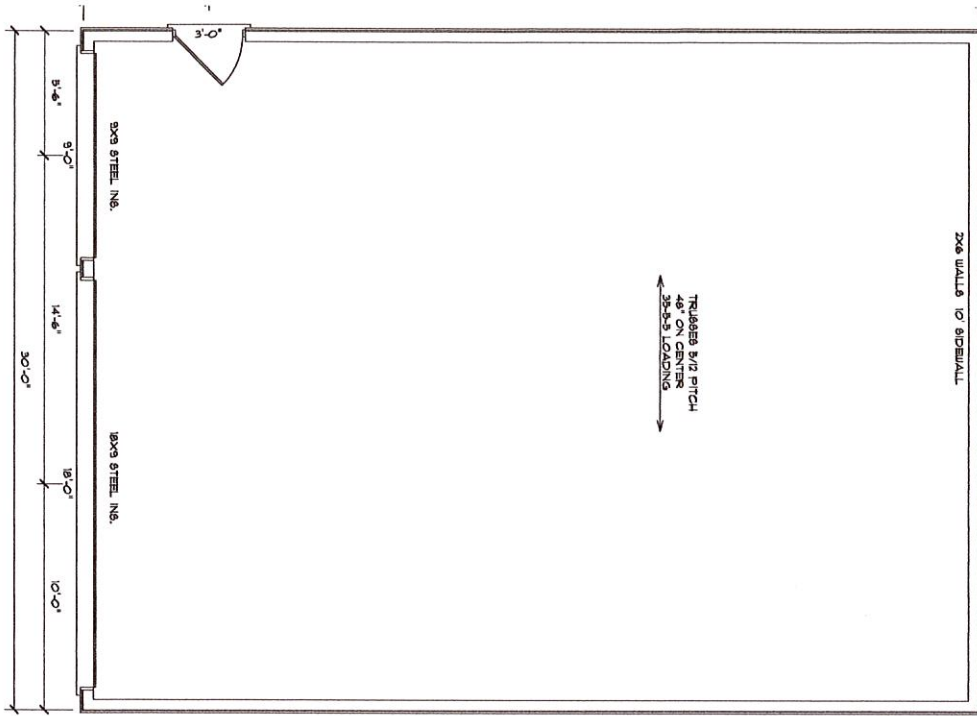
Michelle R. Mitts
Planning & Zoning Authority signature

10-01-11



1

RECEIVED
 JUL 23 2014
 BY:



Garage/Shed

Randy + Patty Appel
 22243 Lake Francis Rd. - Elysian, MN
 26 Newcastle Ct. - N. Mankato, MN

04.830.001D

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

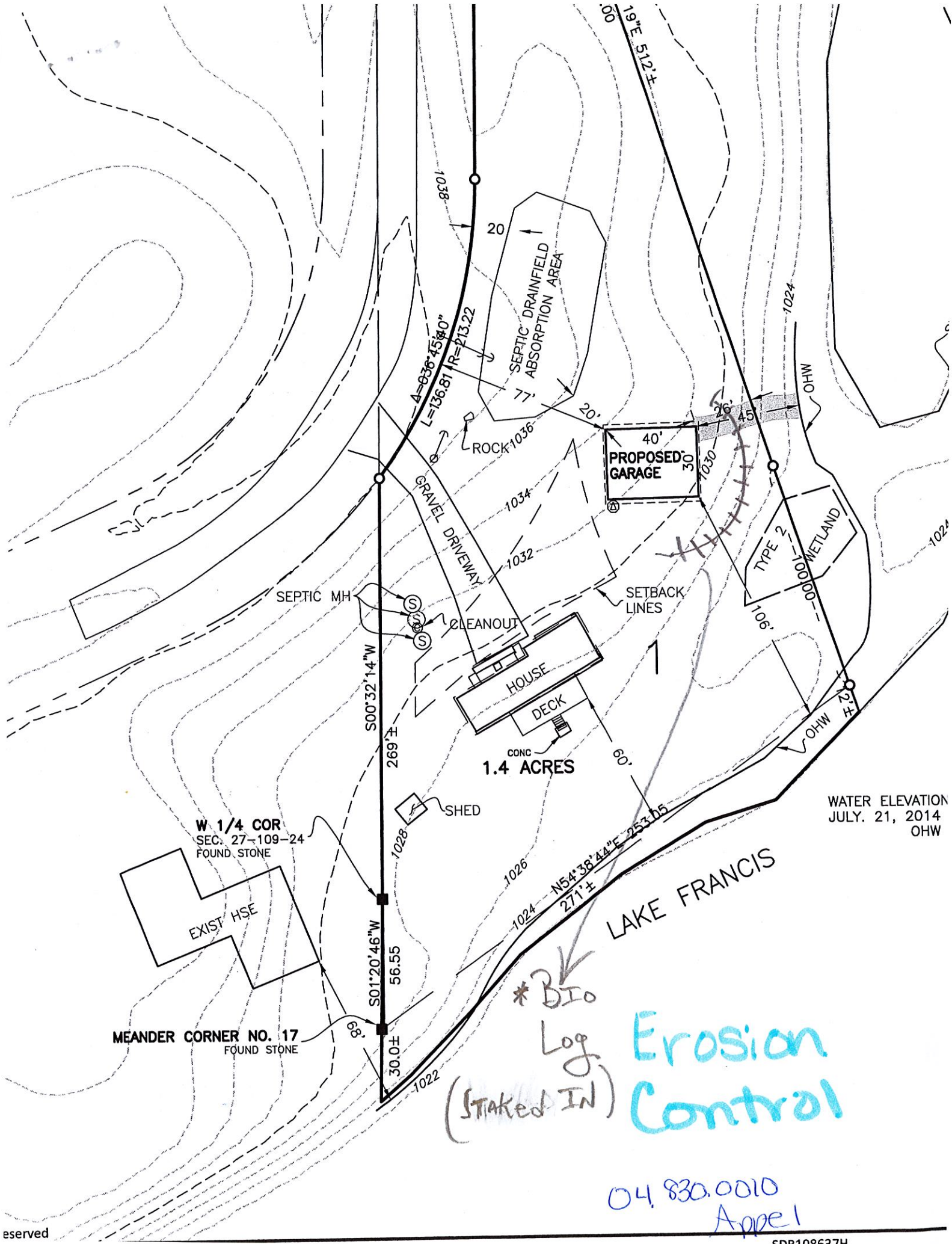
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Randy + Patty Appel PID: _____
Mailing Address: 26 Newcastle Ct.
Property Address: 22243 Lake Francis Rd.
Phone: (507) 380-9030 Mobile/Cell: (507) 327-9267

Responsible party for Implementation/Inspection: Same
Address: _____
Phone: (____) _____ Mobile/Cell: (____) _____

Erosion & Sediment Control Measures

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



eserved

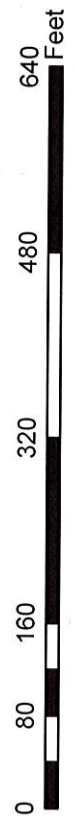
CNR10R637H

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Appel
PID: 04.830.0010
DATE: 08-11-14
FIRM #: 27079C0425D
F-Zone: X-Outside
RFPE: 1025.7
District: Recreational
Residential



Cadastral_Line	AlphaTag
<all other values>	
Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
Pol Twp Line	
Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW Vac	
Section Line	
Sub Line 400	
Water	
Le Sueur County	
Incorporated	
Townships	
Sections	
Parcel	



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



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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet
 Photo dated April/May 2013
 Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Del's Construction
OWNER: Henry Endres
911 ADDRESS: 35832 Ottawa Road, Le Sueur MN
VARIANCE REQUEST: To allow the applicant to construct a 60 x 40 addition 38 feet to the property line.
(Correction to application-variance is from property line not road ROW)
VARIANCE NUMBER: 14144
PARCEL NUMBER: 10.011.7600

SITE INFORMATION

LOCATION: SW ¼ SW ¼ Section 11, Ottawa Township
ZONING & PURPOSE: General Industry

The **General Industry (I) District** is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.

GENERAL SITE DESCRIPTION: Rural, scattered residential
ACCESS: Existing off Ottawa Road
LAKE: NA

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Building plans

STAFF FINDINGS

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

- | 1. Variance: | Request: | Required: | Ordinance: | Page: |
|--------------------------------|----------|-----------|----------------------------|-------|
| a. Structure to property line: | 38 feet | 50 feet | Section 11, Subdiv. 5.C.3. | 11-7 |
2. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
 3. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
 4. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
 5. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Meets exemption to road ROW setback, Section 11, Subdiv. A.1

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: 7/28/2014 PERMIT NUMBER 14144 FEE: \$646.00
60 DAY RULING DATE: 9/25/2014

APPLICANT: DEL'S CONSTRUCTION COMPAN PROPERTY OWNER: HENRY ENDRES
ADDRESS: 326 7TH ST S ADDRESS: 35832 OTTAWA RD
CITY: LE SUEUR CITY: LE SUEUR
STATE: MN ZIP: 56058 STATE: MN ZIP: 56058
PHONE: 507-665-6481 PHONE: 507-665-6481

PARCEL NO: 10.011.7600 TOWNSHIP: OTTAWA 911: 35832 OTTAWA RD LESUEUR MN 5605
SEC: 11 SUBDIV: NA
TWP: 111 LOT: NA ZONE: ~~1st~~ me 1 APZ-C
RANGE: 26 BLOCK: NA FEMA PANE 27079C0120D
Q/Q: N1/2 GO ROAD: CNTY FLOOD ZON 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 60 X 40 ADDN. TO AN EXT. STRUCTURE
38 FT TO THE ROAD RIGHT OF WAY (ROW)

Property Line .

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:

Henry Endres

APPLICANT/PROPERTY OWNER

7/28/14

DATE

Kathy Brockway

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

7/28/14

DATE

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

ON-SITE TOUR DATE: _____	8/21/2014
PUBLIC HEARING DATE: _____	8/21/2014
ACTION: _____	
<input checked="" type="checkbox"/> AS WRITTEN	<input checked="" 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: DEL'S CONSTRUCTION COMPANY

Variance # 14144

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 60 X 40 ADDN. TO AN EXT. STRUCTURE 38 FT TO THE ROAD RIGHT OF WAY (ROW) *Property Line*

- 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 _____

Y N 2. Is the alleged practical difficulty unique to the property? JM JW JD CH FC

 Explain _____

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner? JM JW JD CH FC

 Explain _____

Y N 4. Will the issuance of the Variance maintain the essential character of the locality? JM JW JD CH FC

 Explain _____

Y N 5. Does the alleged practical difficulty involve more than economic considerations? JM JW JD CH FC

 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? JM JW JD CH FC

 Explain _____

Y N 7. Is the Variance consistent with the Comprehensive Plan? JM JW JD CH FC

 Explain _____

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 ()

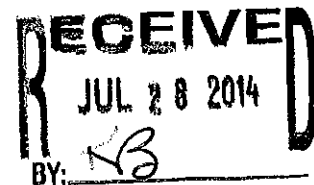
Reasons: _____

 Board of Adjustment Chairman Date

Le Sueur County

Variance Application

- I. **Applicant:**
Name Del's Construction Company Inc.
Mailing Address 35832 Ottawa Road
City Le Sueur State MN Zip 56058
Phone # 507-665-6481 Phone # _____
- II. **Land Owner (s), if different from above:**
Name Henry Endres Properties LLC
Property Address 35832 Ottawa Road
City Le Sueur State MN Zip 56058
Phone # 507-665-6481 Phone # _____
- III. **Parcel Information:**
Parcel Number 10.011.7600 Parcel Acreage 2.69
Legal Description-Full legal description must be attached (*not from tax statement*)
Provided on site plan attached
- IV. **Variance Request:**
South property line setback. Current industrial zoned property requires 50' setback to Agricultural District. Requesting a 12' variance. ^{mm} 38' to property line
- V. **Township Notification: Township must be notified of proposed request prior to application.**
Ottawa Township notified on 7-27-14
(Township Name) (Date)
Board Member Richard Peterson regarding the proposed request. Left message.
(Name)
- VI. **Quantities and Submittal Formats:**
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
 - Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
 - Electronic version of any supporting documents if available.
 - Additional copies may be requested as deemed necessary by the Department.
 - Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
 - All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
 - Applications **will not** be accepted by mail.



VII. Site Plan-must be a survey and shall include but not limited to the following:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

Building site shall be physically staked by the surveyor or the application will be tabled.

VIII. Attachments shall include but not limited to:

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

IX. Fee: Must be paid at the time of application.

Variance: \$ 600
Filing Fee: \$ 46

After-The-Fact meeting fees are doubled.

Additional Fees:

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

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

XI. 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.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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.
Meets Subdivision 2, item C under permitted uses of zoning ordinance.
Requested side yard setback of 38' is reasonable compared to required 50' to Agricultural District because there is additional land on adjacent property that can't be developed plus a bluff/ravine south of that which would prohibit development. The 38' setback plus adjacent land/ravine should provide a reasonable distance to adjacent Ag. property.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
Zoning changed after original building was constructed in 1975.
Current setbacks prohibit expansion to the east and bluff prohibits expansion to the west. Well, septic system, electrical and propane all enter the building on the north side.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
An existing quonset hut located on the property when originally purchased by Del Rischmiller was used for storage. This building was closer to Ottawa Road than shop that was built in 1975 and actually encroached on south property line. It has been removed because of deteriorated condition. I am trying to replace this storage. New zoning requirements restrict expansion in another direction.
4. How will the request maintain the essential character of the locality?
Addition is an extension of existing cold storage building. Construction and appearance will match existing. It will allow interior storage of equipment which will provide a less cluttered exterior view for neighbors and those driving by.
5. Does the alleged practical difficulty involve more than economic considerations?
Economically, this provides no benefit to my company. As mentioned in item 4 above, approval will provide additional space for interior storage. It will allow me to clean up my exterior yard storage. I'm trying to make lot less cluttered looking.
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
Yes. Under Purpose: Compact warehousing is exactly the proposed use. Not impair traffic- expansion is no closer to existing roadway than existing building. It is considerably further from road than quonset hut that was removed.
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
I believe this request is consistent with the Comprehensive Land Use Plan. It does not introduce any new land uses. It does not take away any existing agricultural, residential or natural resource land. No additional water will be used in this building.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
Building addition will require no water or sewer service. Existing well and new (2003+/-) septic system are located on the north side of the existing building.
9. Explain why this request is the minimum variance amount to afford relief.
Quonset hut removed was 30'x80' in size. Proposed 60'x40' addition is equal in square footage to what was removed. I am not asking for more space. Less space would not provide adequate area for equipment storage.

XII. 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.

Henry Embury
Applicant signature

7-28-14
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.

Henry Embury
Land Owner signature

7-28-14
Date

OFFICE USE ONLY			
Date received <u>7/28</u>	Present Zoning Classification <u>I/M/A</u>	Feedlot within 500'	1000' <u>(N)</u>
Meeting date <u>8/21</u>	Lake Classification <u>/</u>	Erosion Control Plan <u>(Y)</u>	N
60 Day <u>9/25</u>	Lake <u>/</u>	Water courses <u>Y</u>	N
FEMA Panel # <u>27070CD120D</u>	Flood Zone <u>outside</u>	Bluff <u>(Y)</u>	N
<input checked="" type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Septic <u>NA</u>	CI / DESIGN
<input checked="" type="checkbox"/> Site Plan -survey	<input type="checkbox"/> Access approval <u>Ext</u>	<input type="checkbox"/> Fee \$ <u>646</u>	ATF / SPEC MTG
<input checked="" type="checkbox"/> Full legal	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> Application complete	<input type="checkbox"/> Written Detail of Var		
<u><i>T. Brockway</i></u> Planning & Zoning Department Signature	<u>7/28/14</u> Date	<u>14144</u> Permit #	

04-15-13

RECEIVED
JUL 28 2014
BY: *KB*

Le Sueur County

Surveyor Certification

I. Applicant:
Name DEL'S CONSTRUCTION

II. Land Owner (s), if different from above:
Name _____
Property Address 35832 OTAWA RD
City LE SUEUR State MN Zip 56052

III. Parcel Information:
Parcel Number 10.011.7600

IV. Quantities and Submittal Formats:

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- Easements
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- Lot Dimensions
- Septic System
- Well

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VI. The proposed improvements have been physically staked onsite then surveyed on 7/28/2014 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. 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] Date 07/28/14 Lic # 43110
Surveyor's signature

7/28/14
Date Received
04-15-13

OFFICE USE ONLY
[Signature]
Planning & Zoning Department Signature

RECEIVED
JUL 28 2014
BY: [Signature]



ISG GROUP

Advisors
to
Environmental
Planning

**DEL'S
CONSTRUCTION
SHOP ADDITION**

**STORMWATER
POLLUTION PLAN
PREVENTION PLAN
NOTES**

C4.21

PROJECT NO: 14-10026
 DATE: 08/14/14
 DRAWN BY: JMA
 CHECKED BY: JMA
 DESIGNED BY: JMA
 ESTIMATE NO: 14-10026
 COUNTY PROJECT NO: 14-10026

CONSTRUCTION ACTIVITY NOTES:

Developer warrant-deeds shall be administered under 701.02, or any other right to prevent erosion water discharge to surface waters. The appropriate energy compliance measures or other discharge.

Disturbance practices exceed water resource conditions, erosion or increasing stream or riparian habitat.

CALCULATION REQUIREMENTS:

All silt traps shall be designed for the construction site. The design shall be consistent with all applicable regulations.

All business practices (i.e. concrete, soil, etc.) shall be properly stored, handled, and disposed. All materials shall be stored in a secure manner and a permit shall be obtained for all materials. All materials shall be stored in a secure manner and a permit shall be obtained for all materials. All materials shall be stored in a secure manner and a permit shall be obtained for all materials.

All activity areas must be calculated from portable units on site by a licensed surveyor using a total station. The calculation shall be based on the actual area of the site. The calculation shall be based on the actual area of the site. The calculation shall be based on the actual area of the site.

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CALCULATION REQUIREMENTS:

All silt traps shall be designed for the construction site. The design shall be consistent with all applicable regulations.

All business practices (i.e. concrete, soil, etc.) shall be properly stored, handled, and disposed. All materials shall be stored in a secure manner and a permit shall be obtained for all materials. All materials shall be stored in a secure manner and a permit shall be obtained for all materials.

All activity areas must be calculated from portable units on site by a licensed surveyor using a total station. The calculation shall be based on the actual area of the site. The calculation shall be based on the actual area of the site. The calculation shall be based on the actual area of the site.

CONSTRUCTION ACTIVITY NOTES:

Developer warrant-deeds shall be administered under 701.02, or any other right to prevent erosion water discharge to surface waters. The appropriate energy compliance measures or other discharge.

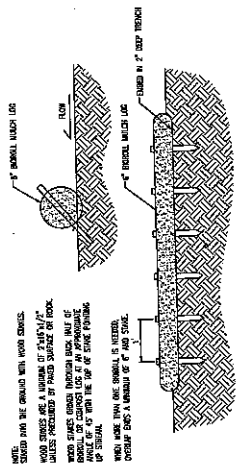
Disturbance practices exceed water resource conditions, erosion or increasing stream or riparian habitat.

CALCULATION REQUIREMENTS:

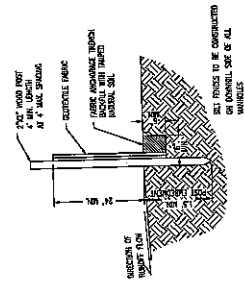
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All business practices (i.e. concrete, soil, etc.) shall be properly stored, handled, and disposed. All materials shall be stored in a secure manner and a permit shall be obtained for all materials. All materials shall be stored in a secure manner and a permit shall be obtained for all materials.

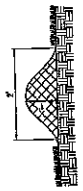
All activity areas must be calculated from portable units on site by a licensed surveyor using a total station. The calculation shall be based on the actual area of the site. The calculation shall be based on the actual area of the site. The calculation shall be based on the actual area of the site.



BIOROLL MULCH LOG (PERIMETER)



PREASSEMBLED SILT FENCE (PERIMETER)



WOOD MULCH BERM (PERIMETER)

RECEIVED

AUG 13 2014

BY: MRM

KEY PLAN
 ILLUSTRATION OF THE LOCATION OF THIS PROJECT WITHIN THE COUNTY OF LE SUEUR, MINNESOTA. THE PROPERTY IS SHOWN IN RED. THE PROJECT LOCATION IS SHOWN IN GREEN. THE PROJECT LOCATION IS SHOWN IN GREEN. THE PROJECT LOCATION IS SHOWN IN GREEN.

DEL'S CONSTRUCTION SHOP ADDITION

PROJECT NO.	14-1003
FILE NAME	141003.DWG
DATE	07/28/14
DESIGNED BY	JM
CHECKED BY	DM
ISSUE DATE	07/28/14
CUSTOMER PROJECT NO.	

FIRST FLOOR PLAN

A1.21

WALL LEGEND

	EXISTING CONSTRUCTION TO REMAIN
	NEW CONSTRUCTION

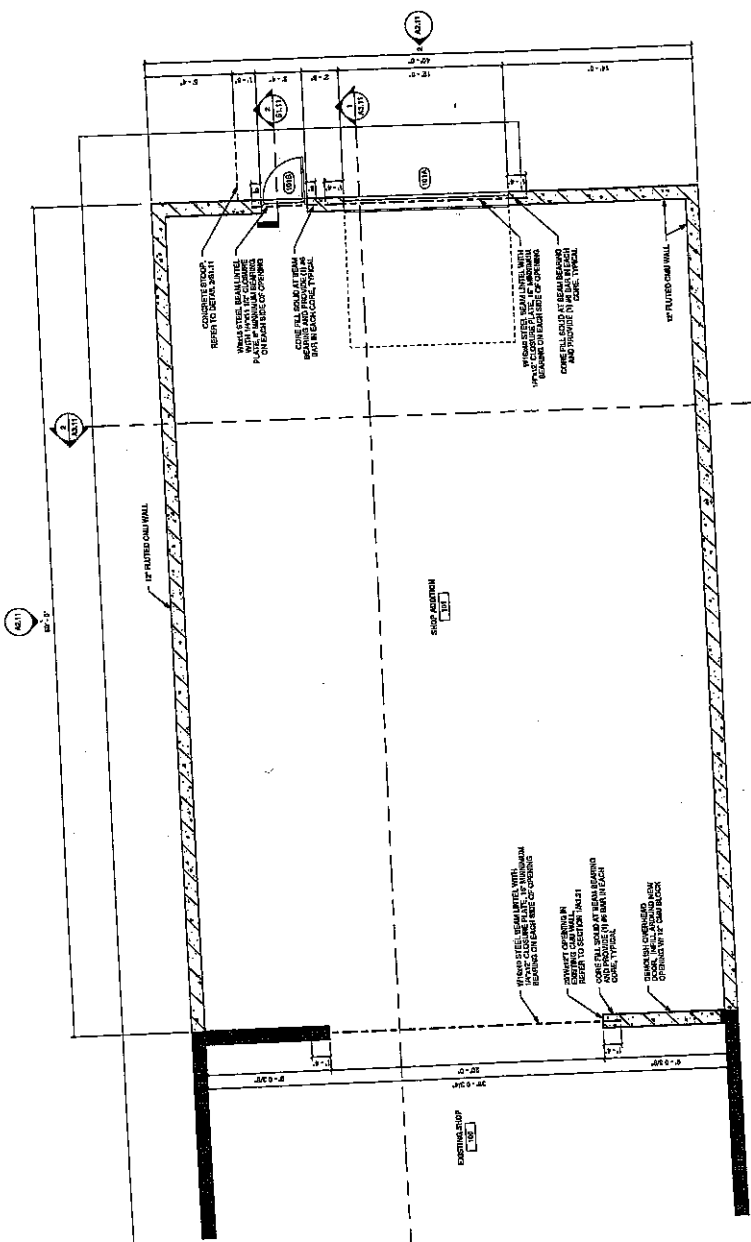
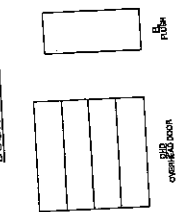
DOOR SCHEDULE

MARK	WIDTH	HEIGHT	DOOR TYPE	MATERIAL	FRAME TYPE	GLASS	DOOR GROUP	DOOR FINISH	COMMENTS
101	3'-0"	7'-0"	SL	100% GLASS	ALUMINUM	0	0	0	EXISTING DOOR TO BE REDESIGNED
102	3'-0"	7'-0"	SL	100% GLASS	ALUMINUM	0	0	0	EXISTING DOOR TO BE REDESIGNED

FRAME TYPES



DOOR TYPES



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 JUL 28 2014
 #83

1 FIRST FLOOR PLAN N



Architecture
Engineering
Environmental
Planning

KEY PLAN

THIS DOCUMENTATION IS A REPRESENTATION OF THE DESIGN AND CONSTRUCTION OF THE PROJECT AS APPROVED BY THE LOCAL GOVERNMENT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

DATE: 07/20/14
DRAWN BY: Jason E. Jochen
CHECKED BY: Jason E. Jochen
DATE: 07/20/14
DRAWN BY: Jason E. Jochen
CHECKED BY: Jason E. Jochen

DEL'S CONSTRUCTION SHOP ADDITION

LE SUEUR COUNTY, MINNESOTA

PROJECT NO. 14-18825

FILE NAME: 14-18825-01.dwg

DRAWN BY: JAJ

CHECKED BY: JAJ

DATE: 07/20/14

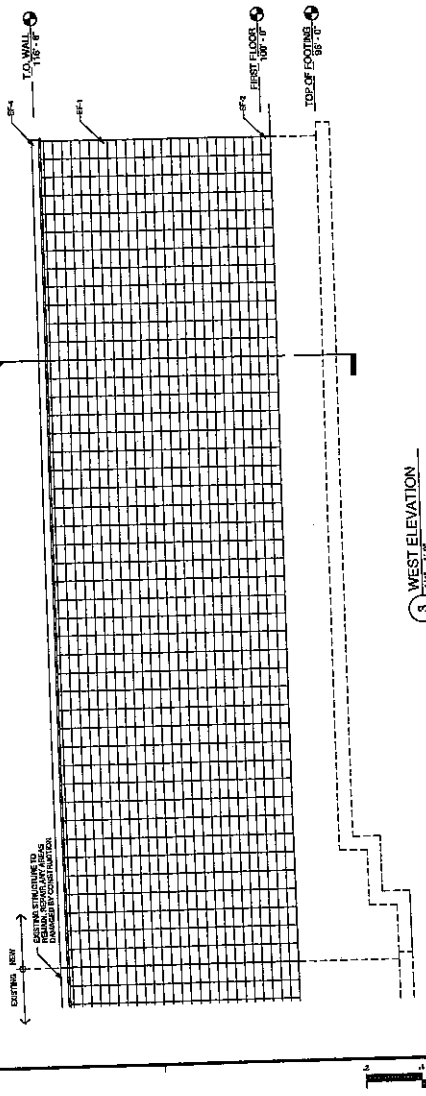
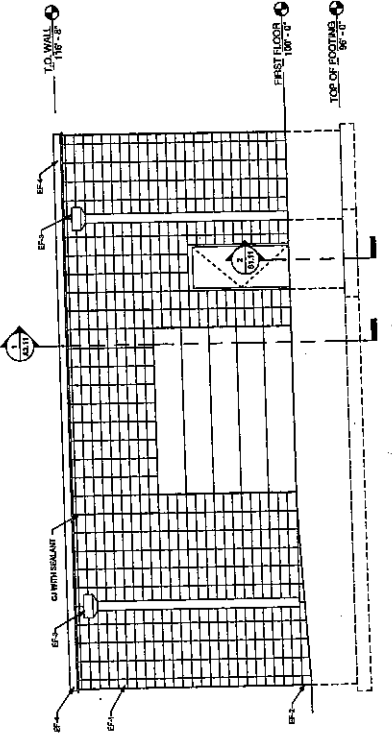
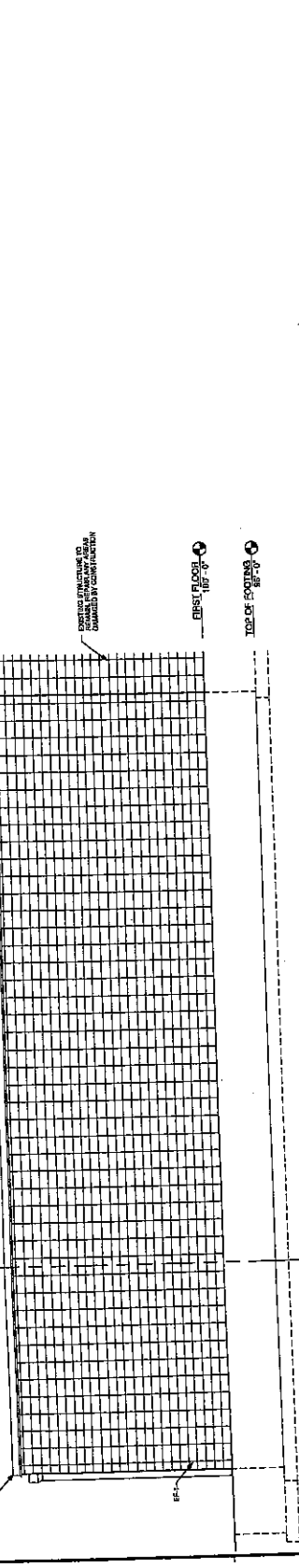
CLIENT PROJECT NO.

TITLE: EXTERIOR ELEVATIONS

SHEET: A2.11

EXTERIOR FINISH SCHEDULE

MARK	MATERIAL	COMPANY	PRODUCT	SIZE	FINISH	COMMENTS
EF-1	PAINT			1/2"	SMOOTH	OVER EXISTING
EF-2	PAINT			1/2"	SMOOTH	OVER EXISTING
EF-3	PAINT			1/2"	SMOOTH	OVER EXISTING
EF-4	PAINT			1/2"	SMOOTH	OVER EXISTING



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JUL 28 2014
BY: [Signature]

ISG

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I+S GROUP
www.i+sgrp.com

REV PLAN

I HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL DRAWING AND THAT ALL WORK HAS BEEN DONE UNDER THE CLOSE SUPERVISION OF THE ARCHITECT.

JASON E. JOHNSON
DATE: 7/27/2014 U.S. NO. 6582

PROJECT: DEL'S CONSTRUCTION SHOP ADDITION

ARCHITECT: I+S GROUP

DATE: 7/27/2014 U.S. NO. 6582

PROJECT: DEL'S CONSTRUCTION SHOP ADDITION

ARCHITECT: I+S GROUP

DATE: 7/27/2014 U.S. NO. 6582

PROJECT: DEL'S CONSTRUCTION SHOP ADDITION

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PROJECT: DEL'S CONSTRUCTION SHOP ADDITION

ARCHITECT: I+S GROUP

DATE: 7/27/2014 U.S. NO. 6582

PROJECT: DEL'S CONSTRUCTION SHOP ADDITION

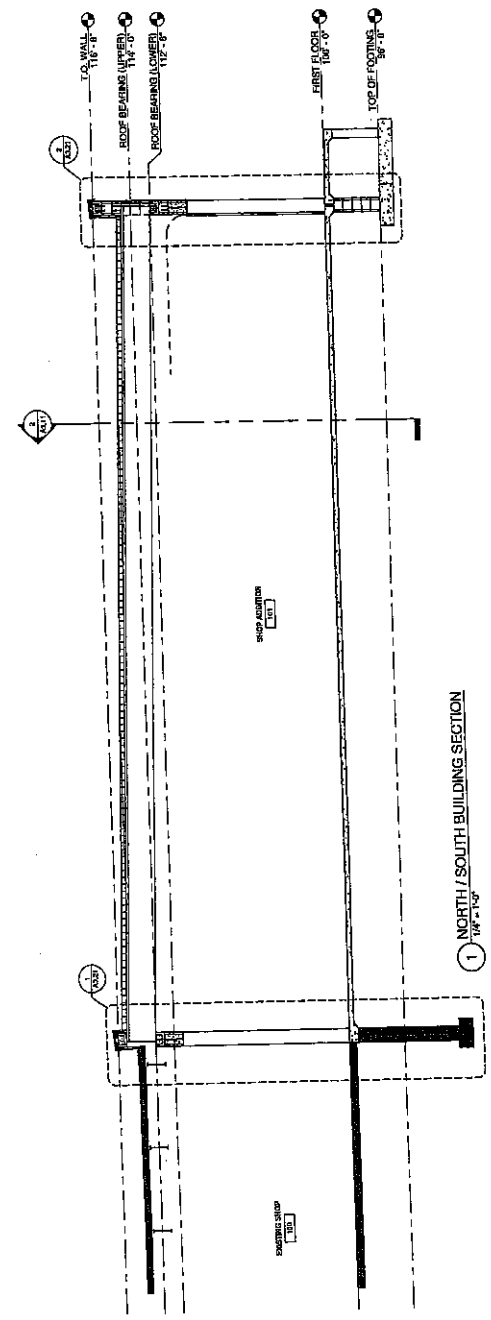
ARCHITECT: I+S GROUP

DATE: 7/27/2014 U.S. NO. 6582

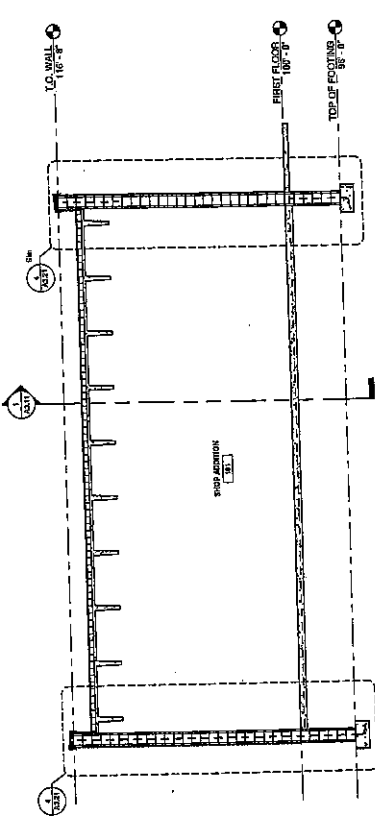
PROJECT: DEL'S CONSTRUCTION SHOP ADDITION

ARCHITECT: I+S GROUP

DATE: 7/27/2014 U.S. NO. 6582



1 NORTH / SOUTH BUILDING SECTION
1/8" = 1'-0"



2 EAST / WEST BUILDING SECTION
1/8" = 1'-0"

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JUL 28 2014
BY: [Signature]

BUILDING SECTIONS

A3.11



ISG GROUP
 Architecture
 Engineering
 Surveying
 Planning

PROJECT
 DEL'S
 CONSTRUCTION
 SHOP ADDITION

CLIENT PROJECT NO.
 11-100000

DATE
 7/28/2014

BY
 J.E. SUEUR

FOOTING SCHEDULE

MARK	LENGTH	WIDTH	THICKNESS	CONCRETE	REINFORCING	COMMENTS
1	37'-0"	9'-0"	1'-0"	3000	4#4 @ 12"	SEE DETAIL 1 FOR REINFORCING PLAN FOR USE AND REINFORCING
2	37'-0"	9'-0"	1'-0"	3000	4#4 @ 12"	SEE DETAIL 2 FOR REINFORCING PLAN FOR USE AND REINFORCING

WALL LEGEND

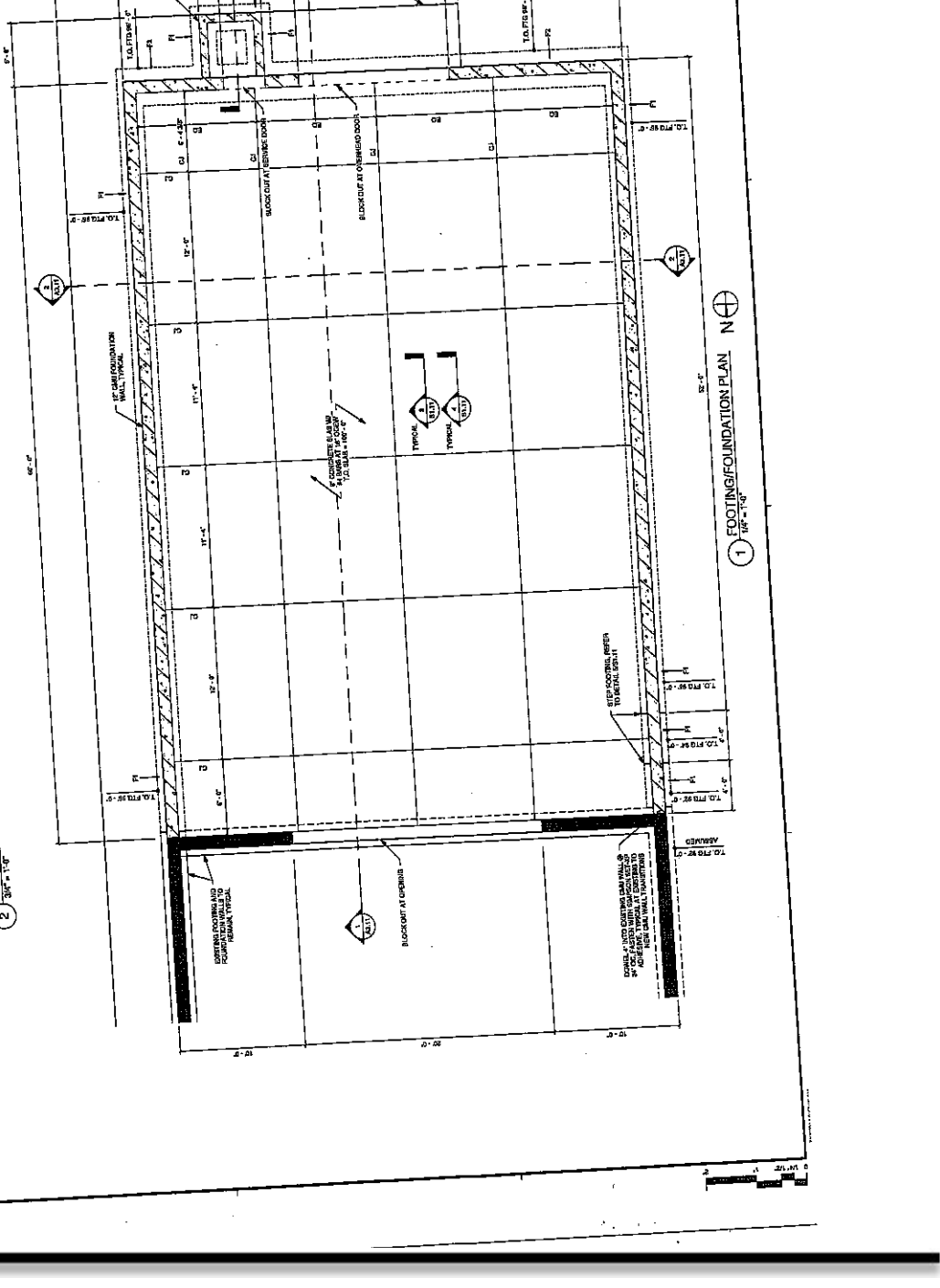
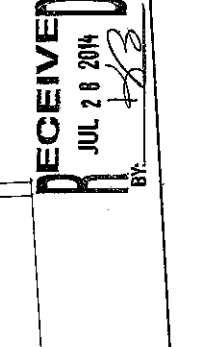
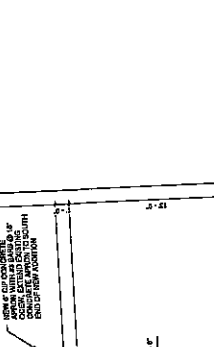
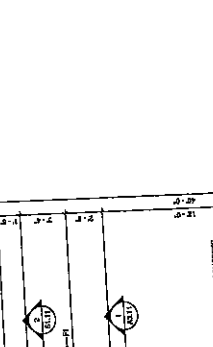
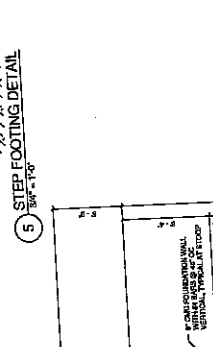
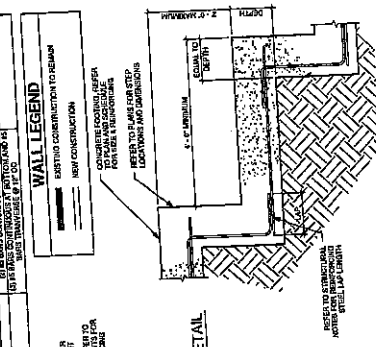
NEW CONSTRUCTION TO REMAIN

NEW CONSTRUCTION

EXISTING CONSTRUCTION TO REMAIN

REFER TO ARCHITECTURAL DRAWINGS FOR DETAILS AND FINISHES

RECEIVED
 JUL 28 2014
 BY: *JES*



**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
JULY 17, 2014**

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, Jim Mladek, John Wolf, Francis Cummins
OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: PAUL & JAYNE SKLUZACEK, NEW PRAGUE, MN, (APPLICANT/OWNER): Request that the County grant an After-The-Fact (ATF) Variance from the Le Sueur County Zoning Ordinance to allow the applicant to enlarge a non-conforming structure 40 feet from the Ordinary High Water Level (OHWL); construct a proposed deck 41 feet from the OHWL and 0 feet from the detached garage; create impervious surface within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Volney. Property is located in Government Lot 1, Section 1, Cordova Township. **ATF VARIANCE IS FOR ENLARGING A NON-CONFORMING STRUCTURE; VARIANCE IS FOR OHWL & STRUCTURE SETBACKS AND CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE.**

Paul and Jayne Skluzacek were present for application. Township: Cordova Township Board member per phone conversation with Department have no objections to the proposal. DNR: No comments. Letters submitted: Lauren Klement, LSC Resource Specialist, see file.

PUBLIC COMMENTS: None

Discussion was held regarding: explained reasons for constructing without proper permits, never gave height a thought as to expansion of a non-conforming structure, worked with staff, drainage from township road through the garage, decreased impervious surface, rain gutters, rain barrels, decks considered impervious surface, improvement to the property.

Motion was made by John Wolf to approve the after the fact portion of the application. Seconded by Mladek. Motion approved. Motion carried.

Motion was made by Colin Harris to approve the application. Conditions: Installation of rain garden and gutters on structures, per Lauren Klement letter. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #2: SAM & STACY GORE, 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 single-family dwelling with an attached garage and a 10 x 16 deck 35 feet from the road Right-Of-Way (ROW), 5 feet from the property line, 10 feet from the bluff (east) and 20 feet from the bluff (west), 52 feet from the wetland, and 76 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 1, Tomahawk Point First Addition, Section 4, Washington Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE, BLUFF, WETLAND, AND OHWL SETBACKS.**

Sam Gore was present for application. Township: Greg Davis, Washington Township Board, township has no objections to the proposal. DNR: No Comments. Letters submitted: Lauren Klement, LSC Resource Specialist, Neighborhood letter, see file.

Discussion was held regarding; unique property, worked with staff to change plans in order to utilize the lot, changed house plans several times in order for the house to fit the lot, bluff setbacks, planting of additional trees.

PUBLIC COMMENT: none.

Motion was made by Jim Mladek to approve the application. Conditions: rain gutters installed, and use of rain barrels.. Seconded by Colin Harris. Motion approved 4-1. Motion carried.

ITEM #3: BRUCE ANNIS, KASOTA, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 32 x 36 accessory structure 12 feet from the road Right-of-Way (ROW) and 34 feet from the Ordinary High Water Level (OHWL) and creating impervious surface within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 31, Sportsmen's Haven, Section 18, Kasota Township. **VARIANCE IS FOR ROAD ROW & OHWL SETBACKS AND CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE.**

Bruce Annis was present for application. Township: none. DNR: no comments. Letters submitted: Lauren Klement(see file).

Discussion was held regarding: property to be used year round, needs storage space, consistent with other garages in the development, size of structure, concerns with site distances, worked with staff as to the location of the accessory structure, elevation of structure.

PUBLIC COMMENT: Bruce Kluhertz, fits into the area, responsible neighbor; Jerry Lucas, adjoining property owner, consistent with other structures in the development, good neighbor.

Motion was made by John Wolf to approve the application. Conditions: Erosion control methods to remain in place until such time vegetated growth is established. Seconded by Jim Mladek. Motion approved 4-1. Motion carried.

ITEM #4: JUSTIN JACKSON, MANKATO, MN, (APPLICANT)/OWNER: Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 24 x 40 detached garage 23 feet & 28 feet from the Ordinary High Water Level (OHWL) and create impervious surface in the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at lots 2, 3, & 4, Ulmen's Subdivision, Section 13, Kasota Township. **VARIANCE IS FOR OHWL SETBACK AND CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE.**

Justin Jackson was present for application. Township: no comments. DNR: no comments. Letters submitted: Lauren Klement (see file).

Discussion was held regarding: Board members uncomfortable with location of structure, redesign plan, look at a different location on the lot for shed, applicant feels it fits in with the structures in the neighborhood, needs the square footage in order to store his pontoon/trailer, will be screened from the lake, worked with staff, flood proofing of structure, rain gardens.

PUBLIC COMMENT: NONE

Motion was made by Jim Mladek to table the application in order to allow the applicant to make adjustments to his proposal. Seconded by John Wolf. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes by Jim Mladek. Seconded by Colin Harris. Motion approved. Motion carried.

Motion to adjourn meeting by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
July 22, 2014

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

Le Sueur County, MN

Thursday, August 21, 2014

Regular Session

Item General3

Approved Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
August 21, 2014**

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

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly

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

ITEM #1: JUSTIN JACKSON, MANKATO, MN, (APPLICANT)/OWNER: Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 24 x 36 detached garage 23 feet & 31 feet from the Ordinary High Water Level (OHWL) and create impervious surface in the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at lots 2, 3, & 4, Ulmen's Subdivision, Section 13, Kasota Township. **VARIANCE IS FOR OHWL SETBACK AND CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE. APPLICATION WAS TABLED AT THE JULY 17, 2014 MEETING.**

Justin Jackson was present for application. Township: no comments. DNR: no comments. Letters submitted: Lauren Klement, LSC Resource Specialist, George Mulligan (email), neighbor, Chuck Vermeersch, Lake Washington Sewer District. See File

PUBLIC COMMENT: None.

Discussion was held regarding: change in original plan, felt by decreasing detached garage by 4 ft. was reasonable, depending on amount of material brought onto site for a change in elevation of the lot a Conditional Use Permit might be required, other options available for storage of equipment, and pontoon storage, size of shed does not fit this lot, if water orientated structure is constructed example 10x40 it would look like a trailer house, discussed the easement suggestion by the sewer district.

Motion was made by Jim Mladek to deny the application as presented, as a practical difficulty was not shown by the applicant. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #2: ANDY MANSKE, MANKATO, MN, (APPLICANT)/OWNER: Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 20 x 20 screened porch 25 feet from the road Right-Of-Way (ROW) and create 30.7 % impervious surface in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 11, Loeffler Subdivision #1, Section 17, Washington Township. **VARIANCE IS FOR ROAD ROW SETBACK & IMPERVIOUS SURFACE.**

Andy and Joslyn Manske were present for application. Township: no comments. DNR: no comments. Letters submitted: Lauren Klement, LSC Resource Specialist, Chuck Vermeersch, Lake Washington Sewer District. See File

PUBLIC COMMENT: Paul Scheurer, adjoining neighbor, felt the Manske's improved the property in the short time that they owned it, and it is a welcoming site to the neighborhood, he would allow the water to be used on his garden as well.

Discussion was held regarding :impervious surface, rain barrels to catch the runoff from the roof, are open to work with the Environmental Services Department to construct a rain garden on site, the rain barrel water will be utilized to water flowers, and the garden, the screened porch will be constructed over an existing slab, seasonal cabin.

Motion was made by John Wolf to approve the variance with the condition that they work with Lauren Klement to install a rain garden to offset the impervious surface. Seconded by Fritz Cummins. Motion approved. Motion carried.

ITEM #3: ERIC LOMEN, ST PAUL MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a story & ½ detached 2-car garage with a 29-foot peak height to also include a basement tuck-under garage in a Recreational Residential “RR” District on a Recreational Development lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township. **VARIANCE IS FOR ACCESSORY STRUCTURE HEIGHT.**

Eric Lomen was present for application. Township: none. DNR: no comments. Letters submitted: Lauren Klement LSC Resource Specialist. See File.

PUBLIC COMMENT: None

Discussion was held regarding: reconstruction of County Road 14, screen the existing cabin from headlights and dust from the traffic on the road, will install gutters, and downspouts and construct a retaining wall, discussed height of structure, where to measure from, could reduce the height, hauling in of material, change plans in order to meet his needs.

Motion was made by Jim Mladek to table the application in order to allow the applicant to work on a new plan. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #4: RANDY & PATTY APPEL, N MANKATO, MN, (APPLICANT/(OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 30 x 40 detached 3-car garage in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Frances. Property is located in Lot 1, Block 1, Han’s Hideaway, Section 28, Elysian Township. **VARIANCE IS FOR OHWL SETBACK.**

Randy and Patty Appel were present for application. Township: no comments. DNR: no comments. Letters submitted: Lauren Klement, LSC Resource Specialist. See File

PUBLIC COMMENT: None

Discussion was held regarding; storage shed, seasonal cabin, might in the future construct a new home or cabin, needs the storage space for pontoon, boat, jet skis, tractor, vehicles, etc. planted some maple trees, birch trees, is allowed a 400 sq.ft. water orientated structure 20 feet from the original high water level that would meet the ordinance requirements.

Motion was made by Jim Mladek to deny the application as presented, as a practical difficulty was not shown by the applicant. Seconded by John Wolf. Motion approved to deny 3-2 (felt it was a reasonable request for the property, and no problems with the request). Motion carried.

ITEM #5: DEL’S CONSTRUCTION, LE SUEUR, MN, (APPLICANT); HENRY ENDRES, LE SUEUR , MN, (OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 60 x 40 addition to an existing structure 38 feet from the road Right-Of-Way (ROW) in an Industrial “I” District. Property is located in Government Lot 1, Section 11, Ottawa Township. **VARIANCE IS FOR PROPERTY LLINE SETBACK.**

Henry Endres was present for application. Township: no comments. DNR: N/A. Letters submitted: none.

PUBLIC COMMENT: None.

Discussion was held regarding: removed a 30 x 80 ft. building from the site that was in need of repair and an eyesore, would add the 40x60 addition to the existing building in order to replace the storage space that he had, will match the existing building, timeframe to complete the project would be this fall if approved.

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

Minutes: Additions or corrections-None. Motion to approve minutes by John Wolf. Seconded by Fritz Cummins. Motion approved. Motion carried.

For the record, John Wolf will not be present at the September meeting.

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

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
August 21, 2014

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