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# Le Sueur County, MN

Tuesday, December 23, 2014

## Board Meeting

### Item 2

**9:05 am Kathy Brockway (5 minutes)**

*Request for Action 1-Conditional Use Permit-Jacoby*

Staff Contact: Kathy Brockway - Environmental and P & Z Director

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**December 11, 2014**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek  
**MEMBERS ABSENT:** Pam Tietz,  
**OTHERS PRESENT:** Kathy Brockway, Commissioner Connolly

The meeting was called to order at 7:00 PM by Chairperson,

**ITEM #1: MARK & AMANDA JACOBY, MADISON LAKE, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 73 cubic yards of material outside the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 14, Block 1, Hiniker Rolling Acres, Section 17, Washington Township.

Kathy Brockway presented power point presentation. Mark Jacoby was present for application.

TOWNSHIP: DNR: no comments LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: drainage, site plan, height of pool, depth of pool, fencing around pool, change in high water elevation of Lake Washington,

Findings by majority roll call vote:

1. ***The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. agreed***
2. ***The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. agreed***
3. ***Adequate utilities, access roads, drainage and other facilities have been provided. agreed***
4. ***Adequate measures have been to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. agreed***

Motion was made by Don Reak to approve the application as written. Seconded by Chuck Retka. Motion approved. Motion carried.

DISCUSSION: Proposed Ordinance revision workshops set up for Thursday afternoons-February and March.

Motion was made by Doug Krenik to approve the minutes from the October 9, 2014 meeting by Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Steve Olson. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,  
Shirley Katzenmeyer  
Kathy Brockway

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**December 23, 2014**

**TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS**

**FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT: "REQUEST FOR ACTION"**

The Planning Commission recommends your action on the following item:

**ITEM #1: MARK & AMANDA JACOBY, MADISON LAKE, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 73 cubic yards of material outside the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 14, Block 1, Hiniker Rolling Acres, Section 17, Washington Township.

**Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:**

Therefore, the Planning Commission recommends approval of the application as written.

ACTION: ITEM #1: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## **FINDINGS OF FACT**

**WHEREAS, MARK & AMANDA JACOBY, MADISON LAKE, MN** have applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 73 cubic yards of material outside the shore impact zone in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Washington. Property is located at Lot 14, Block 1, Hiniker Rolling Acres, Section 17, Washington Township

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on **December 11, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
- 3. Adequate utilities, access roads, drainage and other facilities have been provided.**
- 4. Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

**WHEREAS,** On December 23, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners approved/denied the Conditional Use Permit application as requested by **MARK & AMANDA JACOBY, MADISON LAKE, MN.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the December 23, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.**
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
- 3. Adequate utilities, access roads, drainage and other facilities have been provided.**
- 4. Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.**

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of approximately 73 cubic yards of material outside the shore impact zone in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Washington. Property is located at Lot 14, Block 1, Hiniker Rolling Acres, Section 17, Washington Township is approved/denied.

ATTEST:

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Steve Rohlfsing, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_