
Le Sueur County, MN

Thursday, October 16, 2014

Regular Session

Item 1

Planning & Zoning Board of Adjustment Packets

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Ronald & Dorothy Jacobson
911 ADDRESS: 2134 Limberdink Rd, Kasota, MN
VARIANCE REQUEST: To allow the applicant to enlarge a non-conforming structure 8 feet from the road Right-Of-Way (ROW), variance for lot size, and 36.3% impervious surface.
VARIANCE NUMBER: 14207
PARCEL NUMBER: 05.700.0030

SITE INFORMATION

LOCATION: Lot 2, Sportsmen's Haven, 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, wetland
ACCESS: Existing off Limberdink Rd
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

STAFF FINDINGS

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

<u>1. Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to road ROW:	8 feet	65 feet	Section 13.2, Subdiv.5.A.	13-43
b. Non-conf lot size:	9464 sq ft Area 60.65 ft Width 151.5 ft Depth	40,000 sq ft Area 150 Width 260 Depth	Section 13.2, Subdiv. 5.J.2.a. " "	13-47
c. Impervious surface:	36.3%	25 % max	Section 13.2, Subdiv. 5.J.3	13-48
d. Non-conf structure:	Enlarge	Shall not enlarge	Section 24, Subdiv. 1.B	24-1
2. Definitions:				

NONCONFORMITY - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

NONCONFORMING LOT - Any lot that does not meet the zoning district regulations for minimum lot width, lot depth and/or lot size.

NONCONFORMING STRUCTURE - Any structure that does not meet zoning district regulations for structure size, structure height, lot coverage, or setback.

NONCONFORMING STRUCTURE, EXPANSION - Any expansion of a structure that does not meet zoning district regulations for building size, structure height, lot coverage, or setback.

3. 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
- d. Structure Setback Requirements pg. 21

- 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. A Variance was granted in 2002 for the attached garage to be constructed 13 feet from the road ROW. (This was prior to the requirement of surveys for accuracy).
- b. Reducing impervious surface.

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: 9/23/2014 PERMIT NUMBER 14207 FEE: \$646.00
60 DAY RULING DATE: 11/21/2014

APPLICANT: RONALD & DOROTHY JACOBSON PROPERTY OWNER: RONALD & DOROTHY JACOBSON
ADDRESS: 105 MARY LOU LN ADDRESS: 2134 LIMBERDINK RD
CITY: MANKATO CITY: KASOTA
STATE: MN ZIP: 56001 STATE: MN ZIP: 56050
PHONE: PHONE:

PARCEL NO: 05.700.0030 TOWNSHIP: KASOTA 911: 2134 LIMBERDINK RD KASOTA
SEC: 13 SUBDIV: SPORTSMENS HAVEN
TWP: 109 LOT: 2 ZONE: RR
RANGE: 26 BLOCK: FEMA PANE 27079C0360D
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 ENLARGE A NON-CONFORMING STRUCTURE 8 FEET FROM THE ROAD ROW, LOT SIZE, AND 36.3% 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:

Ronald E Jacobson

APPLICANT/PROPERTY OWNER

9-23-14

DATE

Michelle R Mettler

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

9-23-14

DATE

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

ON-SITE TOUR DATE: 10/16/2014	
PUBLIC HEARING DATE: 10/16/2014	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: RONALD & DOROTHY JACOBSON

Variance # 14207

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT NON-CONFORMING STRUCTURE 8 FEET FROM THE ROAD ROW, LOT SIZE, AND 36.3% 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

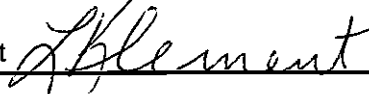
 Date

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

October 6, 2014

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

From: Lauren Klement, Environmental Resources Specialist



Re: Ronald and Dorothy Jacobson

Property: Lot 2, Sportsmen's Haven, Section 13, Kasota Twp

Request: Enlarging a non-conforming structure, ROW, Lot size and impervious surface.

Discussion: This is another difficult site on Limberdink with a very small lot. Again, I have to say that my job is to follow as closely to the shoreland ordinance as possible.

I spoke on the phone with Mr. Jacobson and we met in person in the office. I reviewed this parcel. The points I brought up were addressing runoff. The Jacobson's have already addressed runoff with gutters that drain to gardens. I did not discuss options of reducing the impervious surface with Mr. Jacobson, we reviewed it together. It looks like new cement. But if it were to be reduced; if the cement driveway/sidewalk and the two paver areas were replaced with pervious pavers this would reduce the impervious surface to approximately 29%. If the pavers and the sidewalk were replaced with pervious pavers, the impervious surface would be reduced to 34%.

We discussed the Jacobson's shoreline. During a variance request, this is the time to make improvements to the shoreline. The Limberdink neighborhood has cleared the shoreline of vegetation and the majority of the parcels appear to be mowed practically to the water's edge. Mr. Jacobson said he did not want his shoreline to be different than his neighbors and he wanted to see the lake. Mr. Jacobson then said that he would plant two tiger lily plants along his retaining wall above the shoreline. I would like to see more vegetation than two plants and I would like to see shrubbery added to the lilies that cannot be mowed down.

If this project is approved there are two conditions I recommend:

1. Plant 4 tiger lily plants and three shrubs near the shoreline.
2. Determine if reducing impervious surface is possible.

Le Sueur County

Variance Application

I. Applicant:

Name RONALD AND DOROTHY JACOBSON
Mailing Address 105 MARY LEE LANE
City MANKATO State MN Zip 56001
Phone # 507 327-0690 Phone # 507 327-8213

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

Name _____
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 05,700.0030 Parcel Acreage .217
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:

BUILD SECOND STORY ABOVE EXISTING GARAGE
ATTACHED TO INUSE 8' FROM RAILWAY 3/4" 2" 0/16
IMPERVIOUS SURFACE, LOT SIZE, NON-CONFORMING STRUCTURE

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

KASOTA Township notified on 9-19-14
(Township Name) (Date)

Board Member JOE KIENLEN 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
- d. Surveyor Certification
- e. Floor plans and/or blue prints (For structures)
- f. ~~Septic System Compliance Inspection~~ LK WA SD
- 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. Because now the variance request is reasonable compared to the ordinance requirements being varied from.

NO IMPERVIOUS SURFACES ADDED, NO CHANGE IN LOT SIZE,
NOT CHANGING NONCONFORMING ASPECTS OF STRUCTURE INCLUDING
SETBACK PREVIOUSLY GRANTED VARIANCE

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

LOT SIZE, EXISTING SET BACK NON-COMPLIANCE

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

LOT PURCHASED 1992, STRUCTURE BUILT 2002 AT
THAT TIME WAS APPROVED WITH VARIANCE 13 FEET
FROM RIGHT OF WAY

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

NO CHANGE IN CHARACTER OF LOCALITY

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

HANDICAPPED BATHROOM WILL BE REQUIRED IN FUTURE FOR
OWNER

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

YES TO THE BEST OF MY UNDERSTANDING OF THE
ORDINANCE

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

NO CHANGE IN LAND USE

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

PRESENTLY HAVE LAKE WASHINGTON SANITARY DISTRICT SEWER
SYSTEM WHICH WILL NOT CHANGE, NO CHANGE IN
IMPERVIOUS AREA OR QUALITY

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

ADDING LIVING AREA WITHOUT CHANGE IN FOOTPRINT
OF EXISTING STRUCTURE TO ALLOW RELOCATION OF
LAUNDRY, ADD HANDICAP BATH AND BEDROOM, INCREASE
STORAGE AREA IN EXISTING HOME

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.

Ronald E Jaeger
Applicant signature

9-23-14
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.

Ronald E Jaeger
Land Owner signature

9-23-14
Date

OFFICE USE ONLY

Date received <u>9-23-14</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>10-16-14</u>	Lake Classification <u>RO</u>	Erosion Control Plan Y <u>(N)</u>
60 Day <u>11-21-14</u>	Lake <u>Washington</u>	Water courses Y <u>(N)</u>
FEMA Panel # <u>2707900300</u>	Flood Zone <u>X-outside</u>	Bluff Y <u>(N)</u>

- Surveyor Certificate
- Ordinance
- Septic LKWA50 CI / DESIGN
- Site Plan -survey
- Access approval
- Fee \$ 1646- ATF / SPEC MTG
- Full legal
- Blue Prints
- Other _____
- Application complete
- Written Detail of Var

Michelle R Muth
Planning & Zoning Department Signature

9-23-14
Date

14207
Permit #

04-15-13

RECEIVED
R SEP 23 2014
BY: MEM

RFPE 985.8
OHWL 981.5

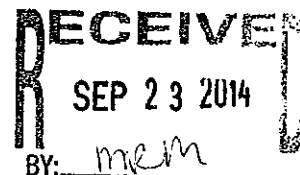
LeSueur County Planning and Zoning Variance Committee

We are requesting a variance to allow us to enlarge a non-conforming structure (home) on lakeshore property which we have owned since 1991. The structure does not conform to present land use regulation because it is too close to Limberdink Road on a too small lot. The setback from the road and lot size required a variance when the home was built in 2002.

We have decided to occupy this home on a full-time basis and have sold our main home. We need more living area for our family visitations and with our advancing age would like to add a bathroom with handicap facilities as well as to have laundry facilities on the main floor.

The variance we request will allow these changes in the existing structure without requiring any change in land use, drainage, or character of the locality.

Dorothy and Ron Jacobson



RECEIVED
 SEP 23 2014
 BY: *pkm*

TOTAL LOT AREA
 9464 SQ FT

EXISTING IMPERVIOUS SURFACE

HOUSE/GARAGE	2007 SQ FT
CONCRETE DRIVE/WALK	520 SQ FT
BITUMINOUS SURFACE	143 SQ FT
DECK	424 SQ FT
PAVERS	119 SQ FT
SHED	53 SQ FT
LOG RET WALL #1	11 SQ FT
LOG RET WALL #2	5 SQ FT
LOG RET WALL #3	64 SQ FT
LOG RET WALL #4	51 SQ FT
BRICK RET WALL #1	14 SQ FT
BRICK RET WALL #2	13 SQ FT
CONCRETE A/C PAD	7 SQ FT
TOTAL	3431 SQ FT (36.3%)

WATER'S EDGE (9-9-14)
 ELEV = 981.07
 RFPE = 986.86

OHW = 981.5

LEGEND

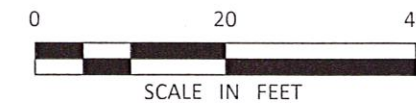
- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- MONUMENT FOUND

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
 License Number 19789

9/19/2014
 Date



Vertical Datum: NGVD 1929

Horizontal Datum: HARN 1996 County Coordinate System

VARIANCE SKETCH
 LE SUEUR COUNTY, MINNESOTA

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

LOT 2, SPORTSMEN'S HAVEN

FOR: RON JACOBSON

05 700.0030

Le Sueur County

Surveyor Certification

- I. Applicant:
Name RON JACOBSON
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 05.700.6030
- 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 9/9/2014 to reflect an accurate account of current and proposed conditions of the property identified above.

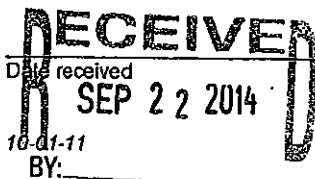
VII. Signatures:

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.

Ron Jacobson
Surveyor's signature

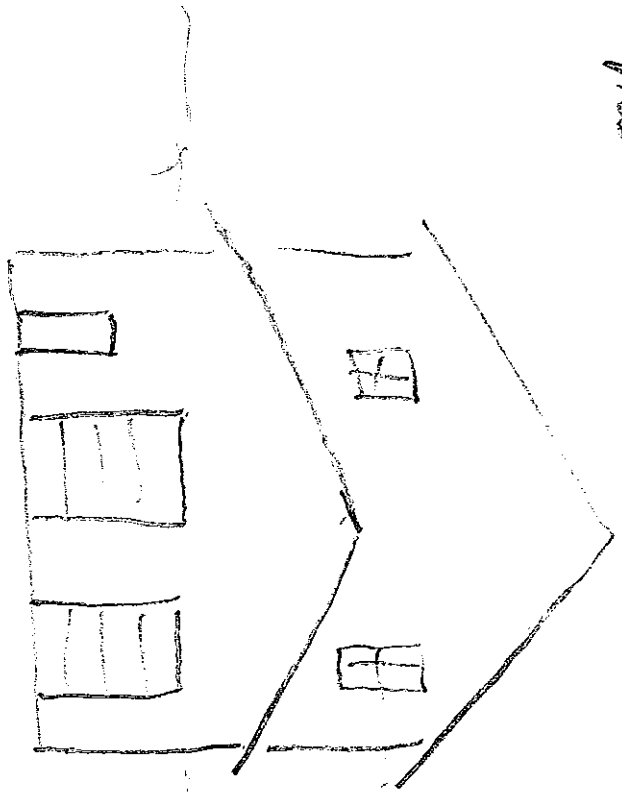
9/22/2014
Date

19789
Lic #

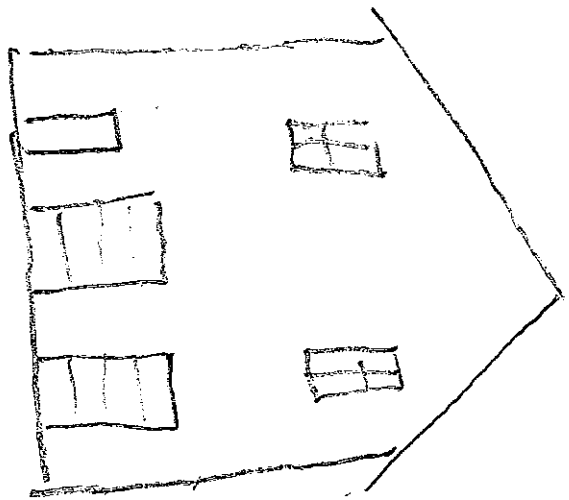


OFFICE USE ONLY
Michelle R Muttler
Planning & Zoning Authority signature

PRESENT



PROPOSED



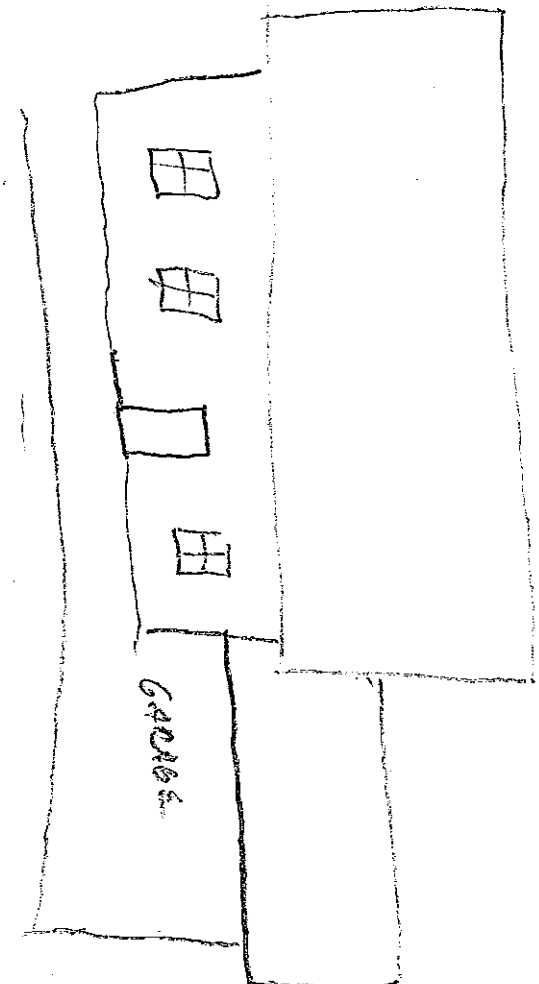
JACOBSON
9-20-14

RECEIVED
SEP 23 2014
M. W. W.

05,700.0050

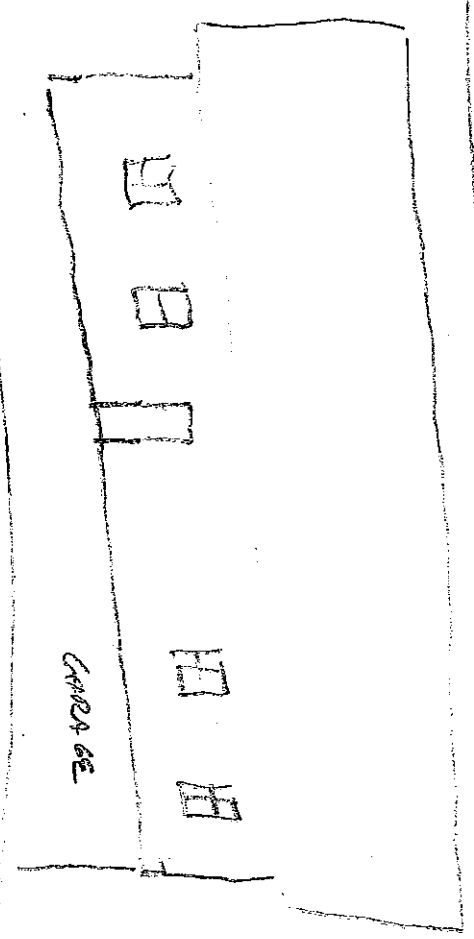
54 COBSON
9-20-14

PRESENT



PRESENT

PROPOSED



PROPOSED

RECEIVED
 SEP 23 2014
 BY: M. L. M.

05.700.0030

