

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: NOVEMBER 20, 2014

TIME: 3:00 PM

PLACE: ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE, LE CENTER, MN

PURPOSE: To hear testimony from interested parties and consider Variance Applications as provided by the Zoning Ordinance of Le Sueur County as described below:

ITEM #1 Board of Adjustment Agenda

ITEM #2 Board of Adjustment Notice of Public Hearing

ITEM #3 Item # 1 Michael Minnehan

ITEM #4 Item #2 Merlyn Buesgens/Gibson Wong

ITEM #5 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 November 20, 2014.

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

Le Sueur County, MN

Thursday, November 20, 2014

Regular Session

Item 1

Board of Adjustment Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

MEETING AGENDA

Meeting Date: November 20, 2014

Meeting Time: 3:00 pm

Onsite Date: November 20, 2014

Onsite Time: 12:30 pm

ITEM #1: Michael Minnehan

ITEM #2: Merlyn Buesgens/Gibson Wong

Discussion Items: Minutes

ADJOURN

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

Le Sueur County, MN

Thursday, November 20, 2014

Regular Session

Item 1

Board of Adjustment Notice of 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: NOVEMBER 20, 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 and on the website on or after **NOVEMBER 12, 2014**.

ITEM #1: MICHAEL MINNEHAN, 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 3 bedroom 2-story dwelling 44 feet and 49 feet from the Ordinary High Water Level (OHWL) and 54 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 35, Baker Bay Subdivision, Section 12, Kasota Township. **VARIANCE IS FOR OHWL AND ROAD ROW SETBACKS.**

ITEM #2: MERLYN BUESGENS, NEW PRAGUE, MN, (APPLICANT); GIBSON WONG, MONTGOMERY, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 161 feet from the Ordinary High Water Level (OHWL), install a pump tank 150 feet from the OHWL and construct a mound drainfield 109 feet from the OHWL in a Recreational Residential "RR" District on a Natural Environment "NE" lake, Lake Pepin. Property is located at Lot 8, Benson's Subdivision, Section 28, Lanesburgh Township. **VARIANCE IS FOR OHWL 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 November 20, 2014.

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

Le Sueur County, MN

Thursday, November 20, 2014

Regular Session

Item 1

Item # 1 Michael Minnehan

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Michael Minnehan

911 ADDRESS: 1252 Baker Bay Rd, Kasota MN

VARIANCE REQUEST: To allow the applicant to construct a 3-bedroom dwelling 44 feet and 49 feet from the Ordinary High Water Level (OHWL), and 54 feet from the road Right-Of-Way (ROW).

VARIANCE NUMBER: 14234

PARCEL NUMBER: 05.440.0350

SITE INFORMATION

LOCATION: Lot 35 Baker Bay Subdivision, Section 12, 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 Baker Bay Road

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.

RFPE: Regulatory Flood Protection Elevation: 985.8 Lowest floor must meet RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, blue prints, Lake Washington Sewer District email, proposed permeable paver product information, erosion control plan

STAFF FINDINGS

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

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to OHWL:	44 & 49 feet	100 feet* *exemption	Section 13.2 Subdiv. 5.E.1. Section 13.2 Subdiv. 5.E.2.	13-45 13-45
b. Structure to road ROW:	54 feet	65 feet* *exemption	Section 13.2 Subdiv. 5.B.3 Section 13.2 Subdiv. 5.B.10.	13-43 13-44
c. Impervious surface w/in SIZ:			Section 13. Subdiv. 5.A.10.d.	13-16

IMPERVIOUS SURFACE - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include but are not limited to, rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.

SHORE IMPACT ZONE - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

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
 - d. 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.

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: 10/23/2014 PERMIT NUMBER 14234 FEE: \$646.00
60 DAY RULING DATE: 12/22/2014

APPLICANT: MICHAEL MINNEHAN

PROPERTY OWNER: MICHAEL MINNEHAN

ADDRESS: 332 INVERNESS DR

ADDRESS: 1252 BAKER BAY RD

CITY: MANKATO

CITY: KASOTA

STATE: MN

ZIP: 56001

STATE: MN

ZIP: 56050

PHONE: 507-381-4337

PHONE: 507-381-4337

PARCEL NO: 05.440.0350

TOWNSHIP: KASOTA

911: 1252 BAKER BAY RD KASOTA

SEC: 12

SUBDIV: BAKER BAY

TWP: 109

LOT: 35

ZONE: RR

RANGE: 26

BLOCK:

FEMA PANE 27079C0245D

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 3 BR 2-STORY DWELLING 44' & 49' FROM THE OHWL AND 54' FROM THE ROAD ROW.

Create Imp surface w/in SI2. mem

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:

Michael Minnehan
APPLICANT/PROPERTY OWNER

Oct 23, 2014
DATE

Michelle R. Mott

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

10-23-14
DATE

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

ON-SITE TOUR DATE: 11/20/2014

PUBLIC HEARING DATE: 11/20/2014

ACTION: _____



AS WRITTEN



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: MICHAEL MINNEHAN

Variance # 14234

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 3 BR 2-STORY DWELLING 44' & 49' FROM THE OHWL AND 54' FROM THE ROAD ROW.

Create imp surf w/in SI2. mem

- 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

Le Sueur County

Variance Application

I. Applicant:

Name Michael Minnehan

Mailing Address 332 Inverness Dr.

City Mankato State Minn Zip 56001

Phone # 507-381-4337

Phone # _____

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

Name Michael Minnehan

Property Address 1252 Bakers Bay Road

City Kasota State MN Zip 56050

Phone # 507-381-4337

Phone # _____

III. Parcel Information:

Parcel Number 05.440.0350 Parcel Acreage _____

Legal Description-Full legal description must be attached (*not from tax statement*)

IV. Variance Request:

_____ r
To build a cabin that is 44.7 feet on one corner and 49.6 feet on the other corner from the high water mark. It would be 54.4 feet from the road.

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

Kasota Township notified on Oct 14, 2014
(Township Name) (Date)

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

VI. Quantities and Submittal Formats:

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size,
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.
- e. 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.**
- f. All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- g. **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 **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 structure is only 5.3 feet closer in one corner and the other is .4 closer then the required 50 ft. from the high water level. It's farther back from the high water level than existing structure.
On the road side it is 10.6 feet closer to road than the 65 ft. required . Total impervious area is down.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
The way the lot was plotted out, with the curve in the road and Lake
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
This lot is small compared to the other Lake lots around it. Road and Lake curve affect this lot
4. How will the request maintain the essential character of the locality?
On both sides of this lot are nice looking cabins. By building this cabin it will improve the appearance of the Lake area.
5. Does the alleged practical difficulty involve more than economic considerations?
yes , trying to build a modest cabin for enjoyment by myself, family and friends to enjoy the lake
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
This lot has a cabin on it. By upgrading it will enhance the area and preserve the natural characteristics and be suitable for passive and active recreational usage
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
It is utilizing shorelands on a recreational development lake housing. While protecting the resources
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
This lot is part of the Lake Washington Sanitary Sewer District, who has given approval.
Since I bought the lot have gotten a joint well agreement with neighbor to North
9. Explain why this request is the minimum variance amount to afford relief.
The distance of variance are not huge. To build a cabin that is usable, practical and will look good with existing cabins. Also keeping impervious area in mind. Which is going to be less than existing.

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.

Michael Minter
Land Owner signature

Oct 23, 2014
Date

OFFICE USE ONLY

Date received 10/23/14 Present Zoning Classification RR Feedlot within 500' 1000' N
Meeting date 11-20-14 Lake Classification RD Erosion Control Plan Y N
60 Day 12-22-14 Lake Washington Water courses Y N
FEMA Panel # 2707902450 Flood Zone Outside Bluff Y N
☒ Surveyor Certificate ☒ Ordinance ☒ Septic LKWA Sewer Dist 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 Muttler
Planning & Zoning Department Signature

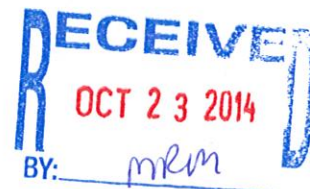
10-23-14
Date

14 234
Permit #

04-15-13

RFE 985.8

OTWL 981.5

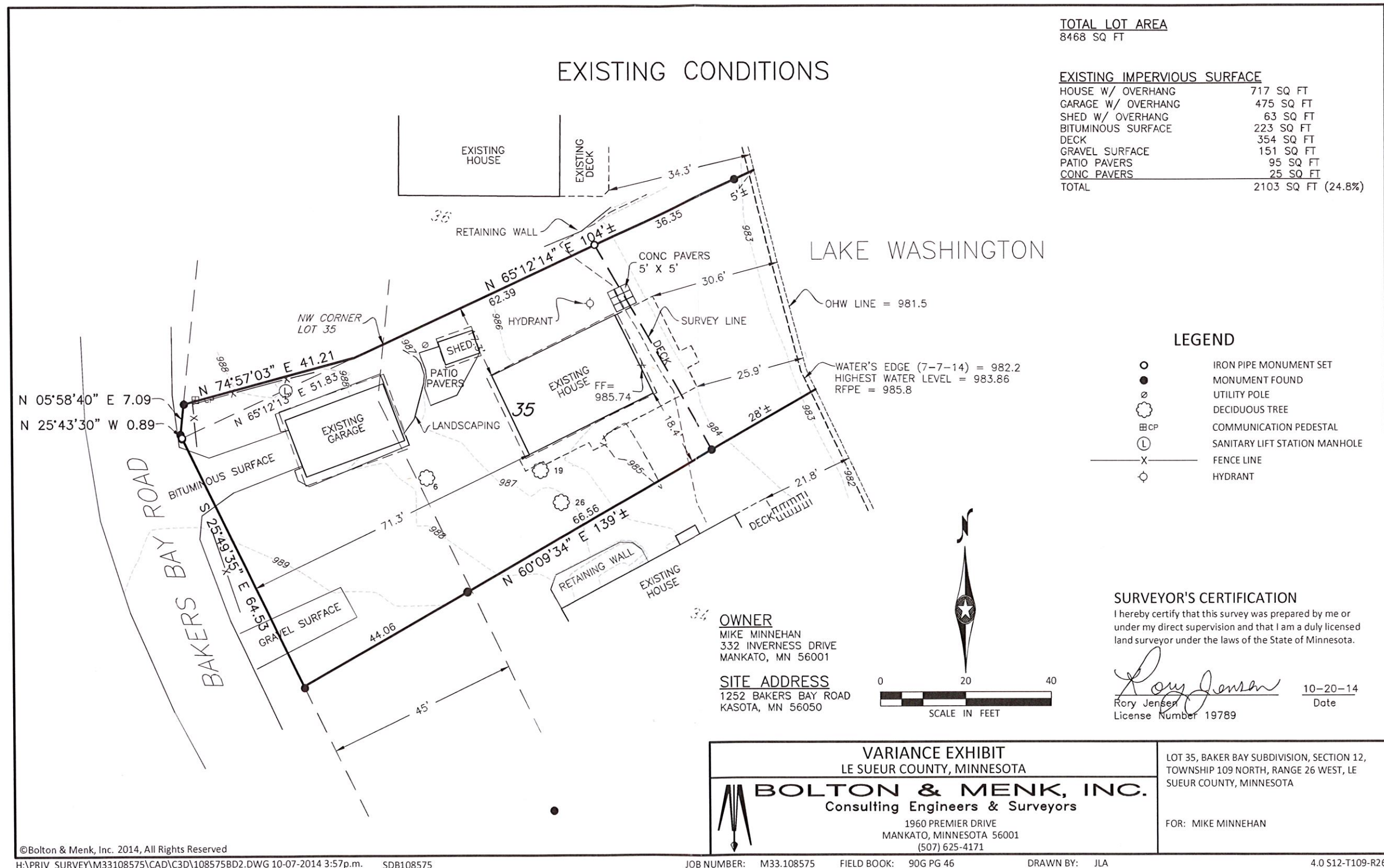


The variance is needed because the cabin will be 44.7 feet on one corner and 49.6 on the other corner from the High Water mark. It also sets 54.4 feet from the road. The proposed cabin will set back farther from the lake than the existing cabin. The existing is 25.9 feet. When placing the proposed cabin on lot left enough space between existing garage and proposed cabin to allow access to north side of cabin. Because north of garage sits the grinder which does not allow access from there. The existing Impervious is 2103 sq ft or 24.8%. The proposed is 2075 sq ft or 24.5%. The proposed covers less area than existing.

The area where the proposed pervious pavers, it will be done with Permeable pavers which allow water infiltration into ground . The installation process for the permeable pavers is a minimum base of 8" of 1 ½"-3" rock-no fines. On top of that 4" of ¾"-1 ¼"-no fines. Pavers installed, the top rock is 2" Of ¼"-3/8" rock-no fines (this acts like sand)

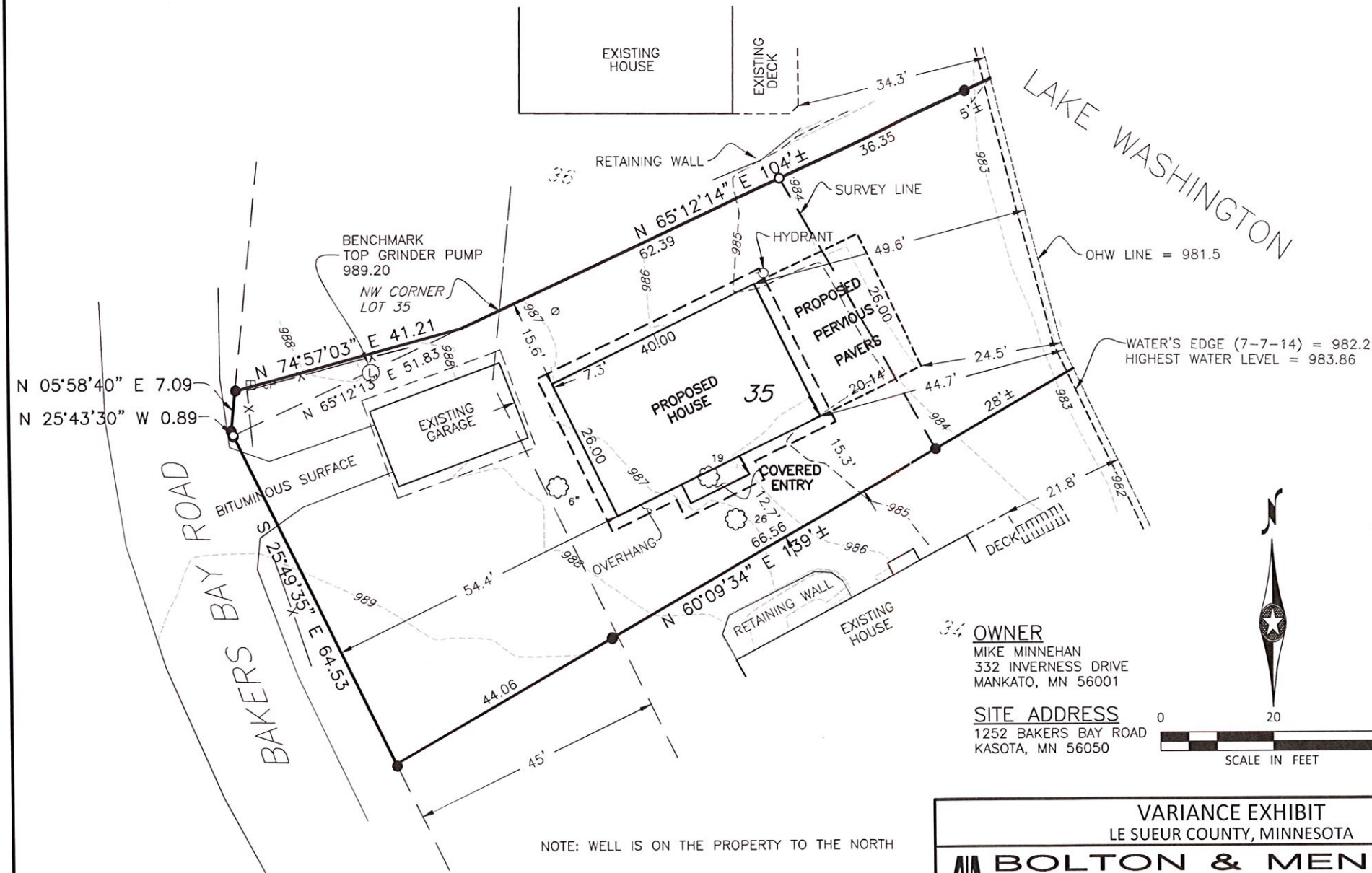
These pavers would be held in place with edge restraints. A geo- textile fabric which allows water to go through is placed on the bottom and sides of soil sub grade. The rock will be spread according to their sizes and layer placement, moistened and packed for the base. Pavers installed and final layer of rock applied, and compacted.





RECEIVED
OCT 23 2014
BY: mkm

PROPOSED CONDITIONS



TOTAL LOT AREA
8468 SQ FT

EXISTING IMPERVIOUS SURFACE

HOUSE W/ OVERHANG	717 SQ FT
GARAGE W/ OVERHANG	475 SQ FT
SHED W/ OVERHANG	63 SQ FT
BITUMINOUS SURFACE	223 SQ FT
DECK	354 SQ FT
GRAVEL SURFACE	151 SQ FT
CONCRETE PATIO PAVERS	95 SQ FT
CONCRETE PAVERS	25 SQ FT
TOTAL	2103 SQ FT (24.8%)

IMPERVIOUS SURFACE REMOVALS

SHED	63 SQ FT
PATIO PAVERS	95 SQ FT
GRAVEL SURFACE	151 SQ FT
EXISTING HOUSE W/ OVERHANG	717 SQ FT
DECK	354 SQ FT
TOTAL	1380 SQ FT (16.3%)

PROPOSED IMPERVIOUS SURFACE + EXISTING IMPERVIOUS

PROPOSED HOUSE W/ OVERHANG & COVERED ENTRY	1377 SQ FT
EXISTING GARAGE W/ OVERHANG	475 SQ FT
EXISTING BITUMINOUS SURFACE	223 SQ FT
TOTAL	2075 SQ FT (24.5%)

LEGEND

○	IRON PIPE MONUMENT SET
●	MONUMENT FOUND
○	UTILITY POLE
⊗	DECIDUOUS TREE
⊕ CP	COMMUNICATION PEDESTAL
⊕	SANITARY LIFT STATION MANHOLE
—X—	FENCE LINE
⊕	HYDRANT

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

10-20-14
Date

VARIANCE EXHIBIT LE SUEUR COUNTY, MINNESOTA



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

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

LOT 35, BAKER BAY SUBDIVISION, SECTION 12,
TOWNSHIP 109 NORTH, RANGE 26 WEST, LE
SUEUR COUNTY, MINNESOTA

FOR: MIKE MINNEHAN

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H:\PRIV_SURVEY\M33108575\CAD\C3D\108575BD3.DWG 10-20-2014 11:24a.m. SDB108575

JOB NUMBER: M33.108575

FIELD BOOK: 90G PG 46

DRAWN BY: JLA

4.0 S12-T109-R26

Le Sueur County

Surveyor Certification

I. Applicant:

Name MIKE MINNEHAN

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

Name _____

Property Address _____

City _____ State _____ Zip _____

III. Parcel Information:

Parcel Number 05.440.0360

IV. Quantities and Submittal Formats:

- One reproducible 8.5" x 11" copy of the request and all other supporting documents.
- If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
- Electronic version of any supporting documents, if available.
- Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
- 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 Oct. 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.

Rory Jensen
Surveyor's signature

Oct 10, 2014
Date

19789
Lic #

OFFICE USE ONLY

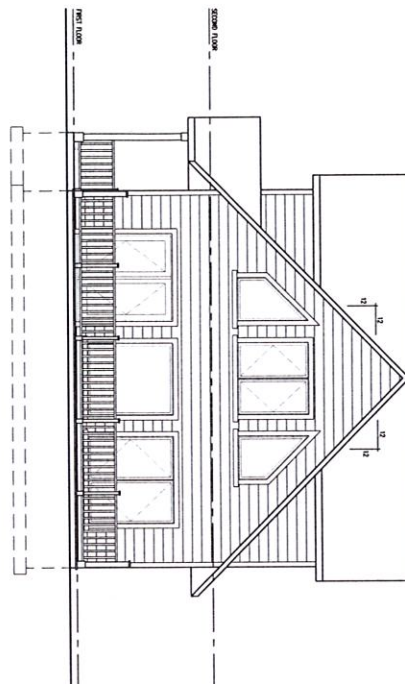
10-13-14
Date received

Michelle R. Mott
Planning & Zoning Authority signature

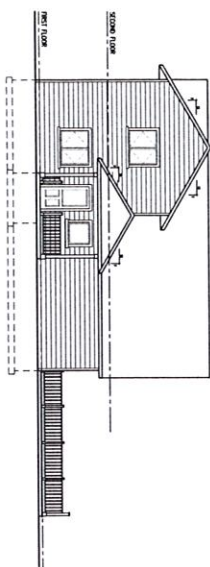
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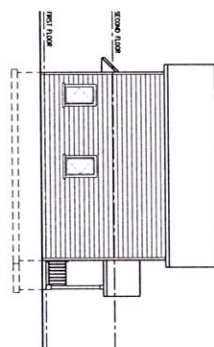
24' PKngt



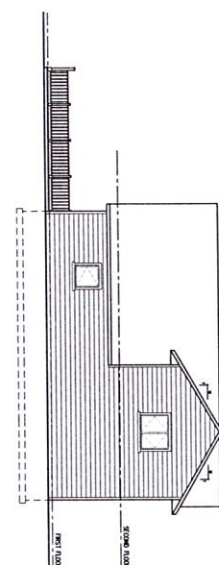
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



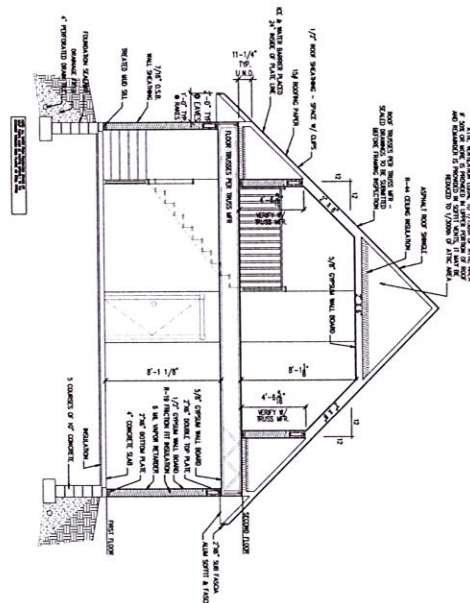
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE SECTION
SCALE: 1/4" = 1'-0"

RECEIVED
OCT 13 2014
BY: mkm

ESTIMATE ONLY
NOT FOR CONSTRUCTION

05.440.0350

PROJECT INFO
MINNEHAN

NEW CONSTRUCTION

DRAWN BY: SNS
DATE: 06/12/2014
FILE NAME: MINNEHAN

NO.	DATE
1	06/10/2014
2	06/12/2014
3	
4	
5	
6	
7	
8	

SHEET NO. 2 of 2

Michael Minnehan
Baker, Day Road, Lake Washington
Built By: 2014

Lloyd Lumber Co.

1860 Commerce Drive North Mankato, MN 56003
Phone: (507) 625-4500 Fax: (507) 625-4504

"Quality Building Products and Service"

Lloyd LUMBER COMPANY

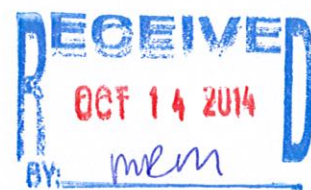
Mettler, Michelle

From: Lake Washington Sanitary District [lwsd@hickorytech.net]
Sent: Tuesday, October 14, 2014 10:41 AM
To: Mettler, Michelle
Cc: mminnehan@wfsag.com
Subject: 1252 Bakers Bay Road

Michelle,

I received a call from Mike Minnehan regarding construction at the above address. Board member Art Zuhlsdorf knows the site, and as long as the garage and grinder station are not moved, the District does not have a problem with the construction. If you have any questions, please let me know.

James Deike
Secretary, Lake Washington Sanitary District



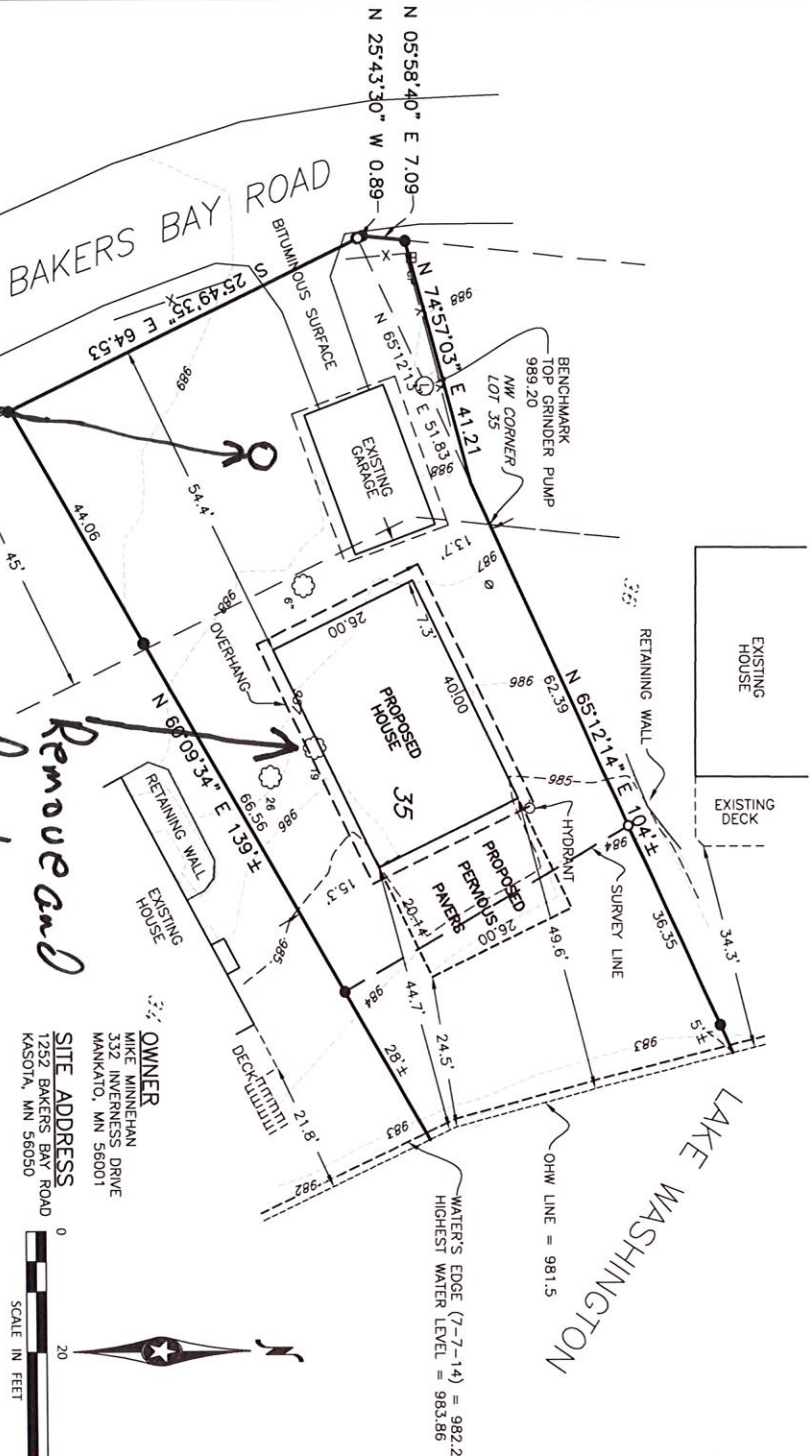
Tree Inventory

Tree

PROPOSED CONDITIONS

TOTAL LOT AREA	
8468 SQ FT	
EXISTING IMPERVIOUS SURFACE	
HOUSE W/ OVERHANG	717 SQ FT
GARAGE W/ OVERHANG	475 SQ FT
SHED W/ OVERHANG	83 SQ FT
BITUMINOUS SURFACE	223 SQ FT
GRAVEL SURFACE	354 SQ FT
CONCRETE PATIO PAVERS	151 SQ FT
TOTAL	2078 SQ FT (24.5%)
IMPERVIOUS SURFACE REMOVALS	
SHED	83 SQ FT
PATIO PAVERS	95 SQ FT
GRAVEL SURFACE	151 SQ FT
EXISTING HOUSE W/ OVERHANG	717 SQ FT
DECK	354 SQ FT
TOTAL	1380 SQ FT (16.3%)
PROPOSED IMPERVIOUS SURFACE + EXISTING IMPERVIOUS	
PROPOSED HOUSE W/ OVERHANG	1320 SQ FT
EXISTING GARAGE W/ OVERHANG	475 SQ FT
EXISTING BITUMINOUS SURFACE	223 SQ FT
TOTAL	2018 SQ FT (23.8%)

NOTE: WELL IS ON THE PROPERTY TO THE NORTH



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.

Roy J. Jovan
License Number 19789
Date 10-7-14

VARIANCE EXHIBIT
LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 622-4171

LOT 35, BAKER BAY SUBDIVISION, SECTION 12,
TOWNSHIP 109 NORTH, RANGE 26 WEST, LE
SUEUR COUNTY, MINNESOTA
FOR: MIKE MINNEHAN

Permeable

8 cm pavers (3 1/8")



Aqua-Loc®
4.5" x 9"



Brickstone
Permeable
4" x 8"

Willow Creek's permeable paver systems provide aesthetically pleasing and environmentally sound solutions for reducing stormwater runoff. Permeable pavers create functional surfaces that allow stormwater to infiltrate into the ground, reducing pollution-carrying runoff by up to 90 percent.



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

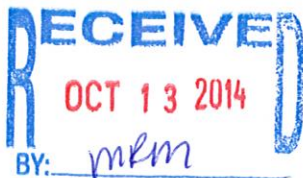
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Michael Minnehan PID: 05.440.0350
Mailing Address: 332 Inverness Dr Mankato Minn 56001
Property Address: 1252 Bakers Bay Road Kasota MN 56050
Phone: () Mobile/Cell: (507) 381-4337

Responsible party for Implementation/Inspection: Holmgren Construction
Address: 38417 490th St. St Peter MN 56082
Phone: (507) 345-5411 Mobile/Cell: (507) 327-6381

Erosion & Sediment Control Measures

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



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

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

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

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

Inspection and Maintenance

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

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

Michael M. Munn
(Property Owner)

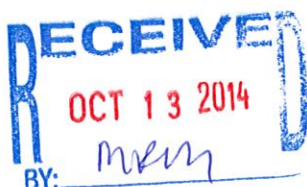
10-13/14
(Date)

Mark Holmgren
(Person Responsible for Implementation)

10/7/14
(Date)

Mark Holmgren - Holmgren Construction

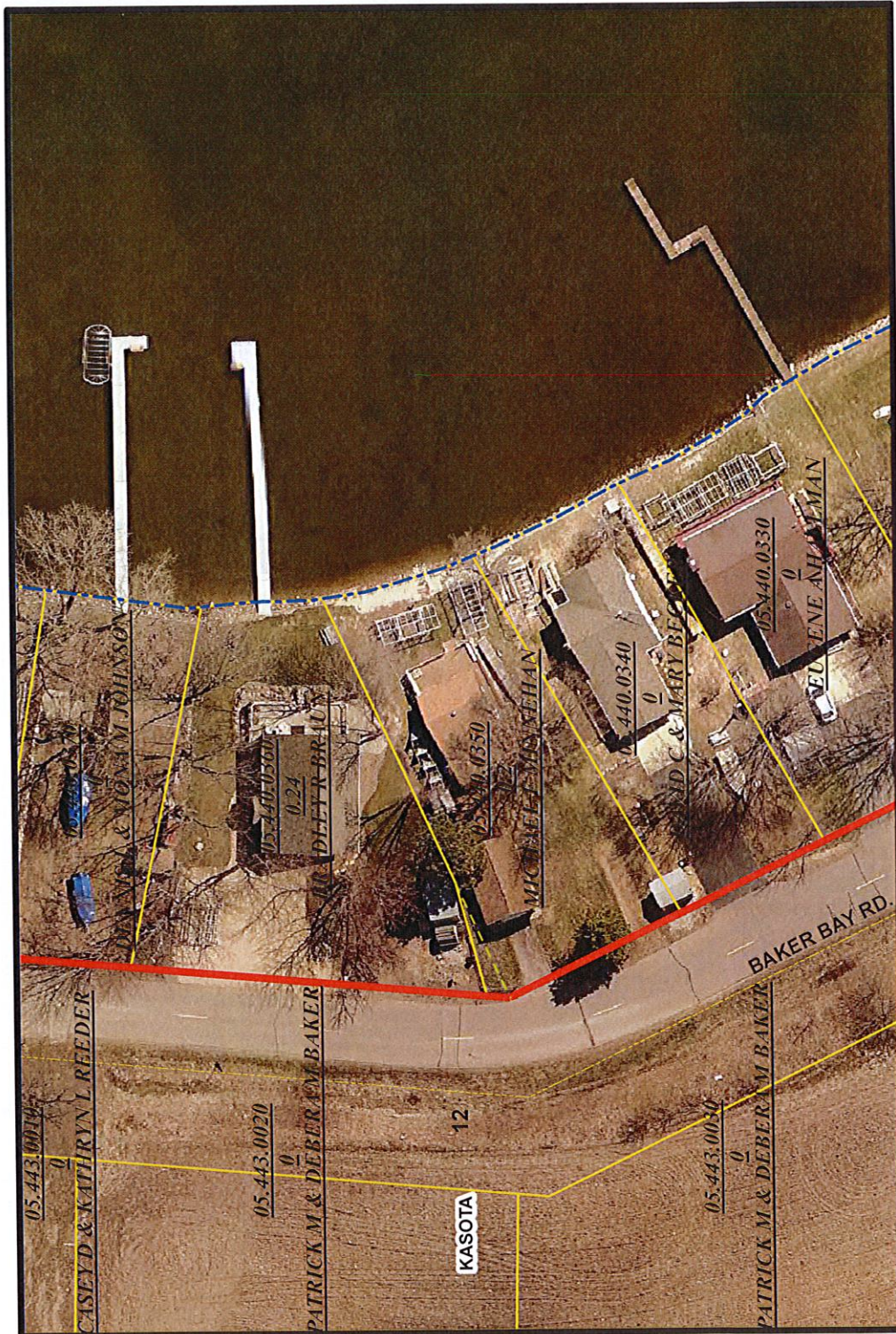
If you have any questions, please contact Environmental Services, at 507-357-8538.





LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Minnehan
 PID: 05.440.0350
 DATE: 11-7-14
 FIRM #: 27079C0245D
 F-Zone: X-Outside
 RFPE: 985.8
 District: Recreational
 Residential

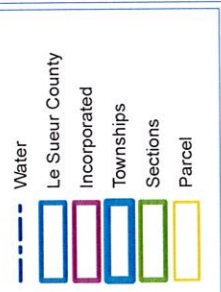


Map Disclaimer
 *Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, 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.

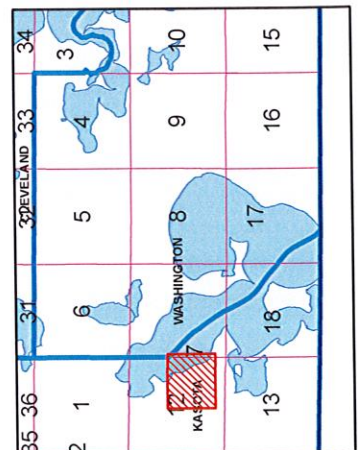
Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, November 20, 2014

Regular Session

Item 2

Item #2 Merlyn Buesgens/Gibson Wong

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Merlyn Buesgens
OWNER: Gibson Wong
911 ADDRESS: 16127 Pepin LN, Montgomery MN
VARIANCE REQUEST: To allow the applicant to install a septic tank 161 feet from the Ordinary High Water Level (OHWL), install a pump tank 150 feet from the OHWL, and construct a mound drainfield 109 feet from the OHWL.
VARIANCE NUMBER: 14239
PARCEL NUMBER: 07.450.0080

SITE INFORMATION

LOCATION: Lot 8, Bensons's Subdivision, Section 28, Lanesburgh 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 Pepin Lane

LAKE: Pepin, Natural Environment Lake

Natural Environment Lake - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

ATTACHMENTS

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

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. Septic tank to OHWL:	161 feet	200 feet	Section 17, Subiv. 5.E.1.	13-45
b. Pump tank to OHWL:	150 feet	200 feet	Section 17, Subdiv. 5.E.1	13-45
c. Septic drainfield to OHWL:	109 feet	200 feet	Section 17, 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.

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: 10/28/2014 PERMIT NUMBER 14239 FEE: \$646.00
60 DAY RULING DATE: 12/26/2014

APPLICANT: MERLYN J BUESGENS PROPERTY OWNER: GIBSON WONG
ADDRESS: 311 COLUMBUS AVE APT 205 ADDRESS: 16127 PEPIN LANE
CITY: NEW PRAGUE CITY: MONTGOMERY
STATE: MN ZIP: 56071 STATE: MN ZIP: 56069
PHONE: 952-486-1128 PHONE: 612-289-5455

PARCEL NO: 07.4500.0080 TOWNSHIP: LANESBURGH 911: 16127 PEPIN LANE, MONTGOMERY M N 56069
SEC: GOVT LT 18 SUBDIV: BENSON'S SUBDIVISION
112 - TWP: Govt. Lot 2, Sec. 34 LOT: 8 ZONE: RR
RANGE: 23W BLOCK: FEMA PANE 27079C0200D
Q/Q: ROAD: TWP FLOOD ZON X OUTSIDE-A

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 INSTALL A SEPTIC TANK 161 FT FROM THE OHWL, PUMP TANK 150 FT FROM THE OHWL, AND THE MOUND 109 FT FROM THE OHWL ON A NATURAL ENV. LAKE

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:

X Mike Sklyanuk
APPLICANT/PROPERTY OWNER

10-28-14
DATE

Kathy Brockway
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

10-28-14
DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 11/20/2014	
PUBLIC HEARING DATE: 11/20/2014	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: MERLYN J BUESGENS

Variance # 14239

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC TANK 161 FT FROM THE OHWL, PUMP TANK 150 FT FROM THE OHWL, AND THE MOUND 109 FT FROM THE OHWL ON A NATURAL ENV. LAKE

- 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: _____

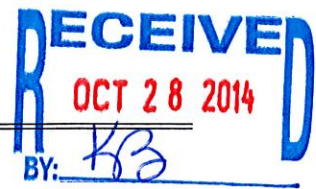
Applicant response to conditions: Agree () Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

Le Sueur County



Variance Application

- I. **Applicant:**
Name MERLYN J. BUESGENS
Mailing Address 311 COLUMBUS AVE APT 205
City NEW PRAGUE State MN Zip 56071
Phone # _____ Phone # 952-486-1128
- II. **Land Owner (s), if different from above:**
Name Gibson Wong
Property Address 16127 Pepin Ln
City Montgomery State MN Zip 56069
Phone # 612-289-5455 Phone # 612-605-8840
- III. **Parcel Information:**
Parcel Number 07.450.0080 Parcel Acreage N/A
Legal Description-Full legal description must be attached (not from tax statement)
Please see attached
- IV. **Variance Request:**
To install a septic tank 1161' feet, a pump tank 150 feet, and a mound absorption area 109 feet from the ordinary high water mark of Lake Pepin.
- V. **Township Notification: Township must be notified of proposed request prior to application.**
Lanesburgh Township notified on 10/27/2014
(Township Name) (Date)
Board Member Anthony Kubes 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
- ☐ 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.
Please see attached

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

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

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

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

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

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

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

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

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.

Marilyn J. Bueagan
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.

John Wey
Land Owner signature

10/21/14
Date

OFFICE USE ONLY

Date received 10/28 Present Zoning Classification RR Feedlot within 500' 1000' N
Meeting date 11/20 Lake Classification NE Erosion Control Plan Y N
60 Day 11/26 Lake Pepin Water courses Y N
FEMA Panel # 2707960200D Flood Zone Outside A Bluff Y N
☒ Surveyor Certificate ☐ Ordinance ☒ Septic CID DESIGN
☒ Site Plan -survey ☐ Access approval ext. ☒ Fee \$ 400 ATF / SPEC MTG
☒ Full legal ☒ Blue Prints design ☐ Other 46 Rec. Fee
☒ Application complete ☐ Written Detail of Var
K Brockway 10/28/14 14239
Planning & Zoning Department Signature Date Permit #

04-15-13

RECEIVED
OCT 28 2014
BY: 63



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

It is a reasonable request because

- the proposed mound septic system will replace an existing, non-compliant septic system (failing to protect groundwater);
- due to the well location on the west-side of the property near Pepin Lane, this location would require a variance from the Minnesota Department of Health and from Le Sueur County.

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

The circumstances that prevent compliance with the Le Sueur County Zoning Ordinance are the locations of the existing, non-compliant septic system, the location of existing dwelling, and the location of the parcel's well (the parcel's well is located on the road side of the parcel). These circumstances leave the only reasonable location to construct/install the proposed mound septic system between the existing dwelling and the ordinary high water mark of Lake Pepin.

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

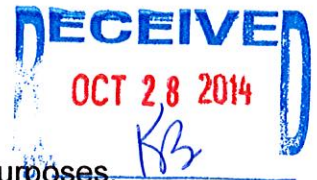
Due to a property transfer, it is a requirement of the Le Sueur County Zoning Ordinance to conduct a compliance inspection on the existing septic system. The compliance inspection deemed the existing septic system as non-compliant; therefore, a new septic system is required to be installed. The locations of the existing dwelling and well leave the only reasonable location to construct/install the proposed mound septic system between the existing dwelling and ordinary high water mark of Lake Pepin.

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

The proposed mound septic system will replace an existing, non-compliant septic system.

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

Yes, the proposed mound septic system will treat the dwelling's sewage on-site and replace the existing non-compliant septic system.



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

Yes, it is the goal of the Ordinance to treat sewage so as to protect ground and surface water.

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

This variance request is consistent with Goal #2, Objective #2 (protecting the county's natural resources) and Goal #3, Objective #1 (protect ground and surface water) by having a septic designed by a licensed contractor that meets the required design standards as prescribed in state statute and county ordinance.

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

The current on-site sewage treatment is non-compliant (failing to protect groundwater). The proposed septic system design will be a 1500 gallon 2-compartment septic tank, a 1000 gallon pump tank, and a pressurized mound soil treatment area.

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

The setback to the ordinary high water mark of Lake Pepin (which 200 feet) is the only septic setback that the proposed mound septic system (septic and pump tanks and pressurized mound soil treatment area) will not meet. The parcel's well on the west-side of the property near Pepin Lane would require a variance from the Minnesota Department of Health and from Le Sueur County if proposed to be installed on the north-side of the dwelling (between the dwelling and the road).



Written Detail of Variance

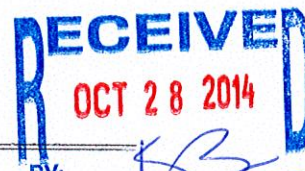
We are requesting a variance to construct/install

- Septic tank 161 feet from the ordinary high water mark of Lake Pepin;
- Pump tank 150 feet from the ordinary high water mark of Lake Pepin; and
- Mound absorption area 109 feet from the ordinary high water mark of Lake Pepin.

Due to a recent property transfer, a compliance inspection was conducted on the existing septic system. It was deemed non-compliant (failing to protect groundwater). Therefore, a new septic system is required to be installed. Due to the locations of the existing, non-compliant septic system, the location of existing dwelling, and the location of the parcel's well (the parcel's well is located on the road side of the parcel), it leaves the only reasonable location to construct/install the proposed mound septic system between the existing dwelling and the ordinary high water mark of Lake Pepin.

We believe this variance request is reasonable because, once constructed/installed, will provide the property with a septic system that will treat the sewage per the state and county regulations.

Le Sueur County



Surveyor Certification

I. Applicant:

Name ~~Mike MS Excavating~~ Merlyn Buesgens

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

Name ~~MERLYN BUESGENS~~ Gibson & Kristie Wong

Property Address 16127 Pepin Lane

City Montgomery State MN Zip 56009

III. Parcel Information:

Parcel Number 07.450.0080

IV. Quantities and Submittal Formats:

- One reproducible 8.5" x 11" copy of the request and all other supporting documents.
- If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
- Electronic version of any supporting documents, if available.
- Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
- 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 10/14/14 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.

Kerry Jensen
Surveyor's signature

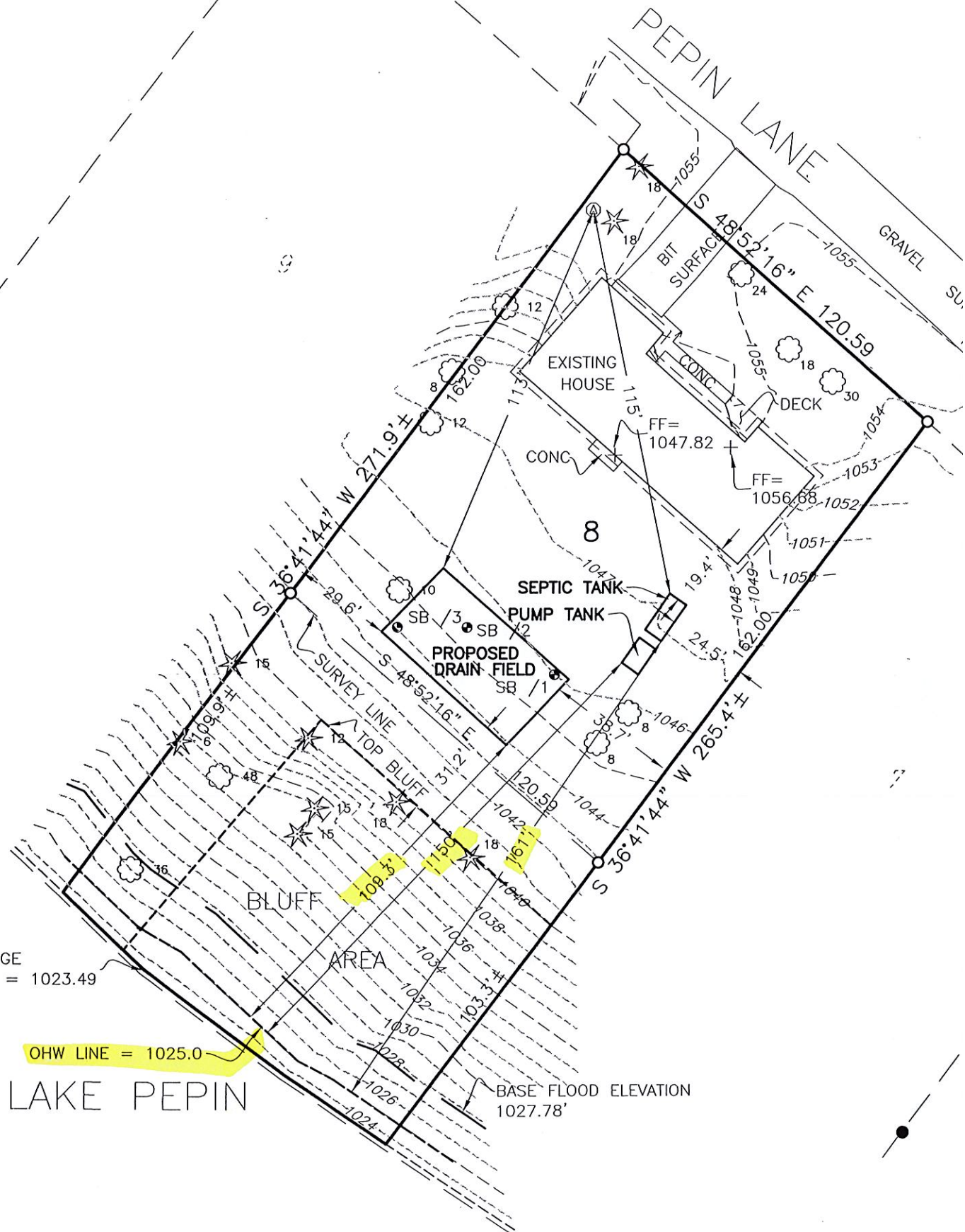
10/8/14
Date

19789
Lic #

10/28/14
Date received

K Brockway
OFFICE USE ONLY
Planning & Zoning Authority signature

10-01-11



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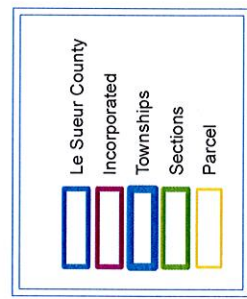
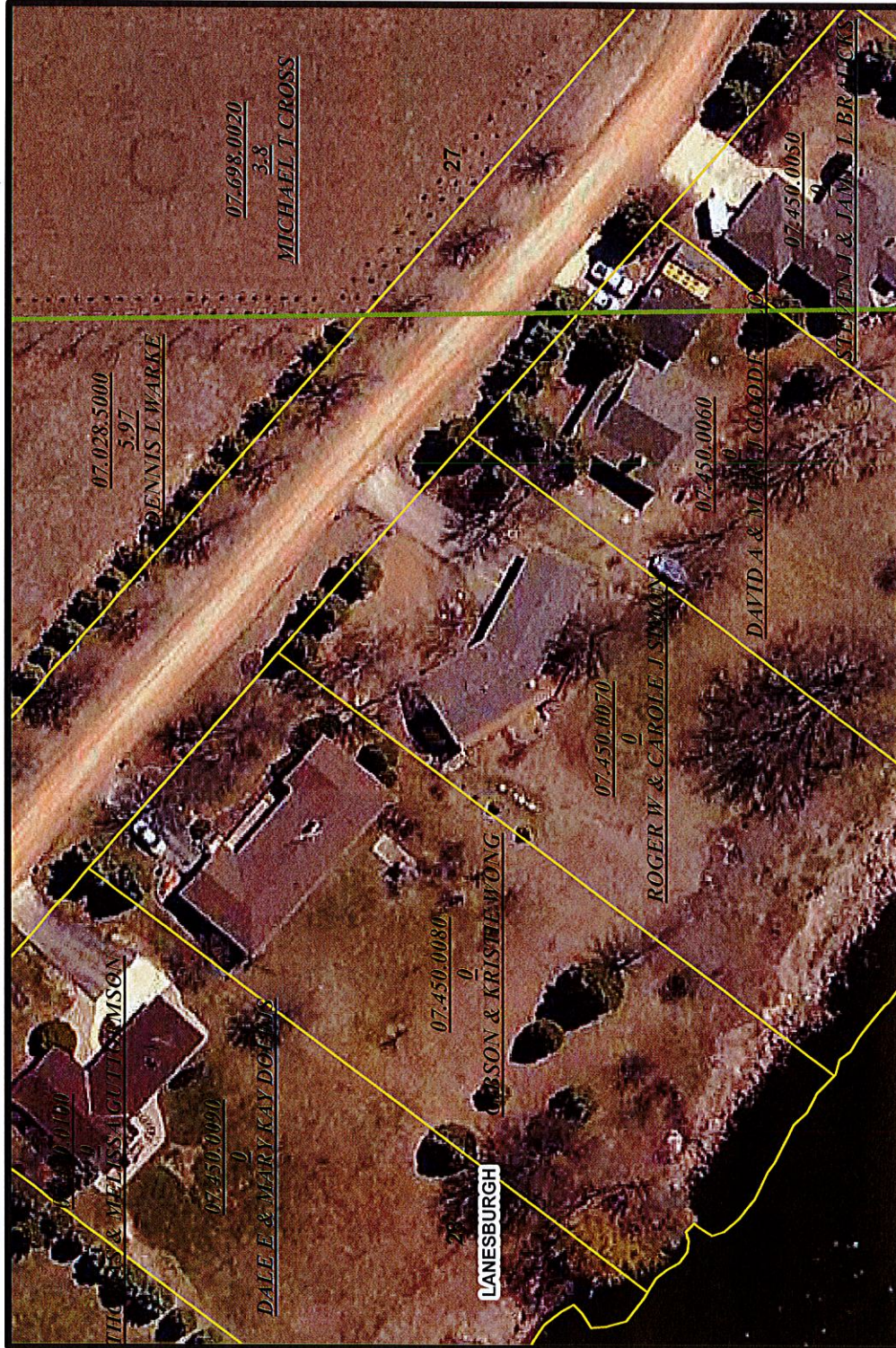
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SDB109006H

JOB

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Buesgens-Wong
 PID: 07.450.0080
 DATE: 11-7-14
 FIRM #: 27079C0200D
 F-Zone: X-Outside
 RFPE: na
 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.



3	2	1	6	5	NEWPRAGUE	1
11	12	7	8	9	10	11 ² 12
14	13	18	17	16	15	14 13
23	HEIDELBERG	22	23	24	LANESBURGH	
26	25	30	29	28	27	26 25
35	36	31	32	33	34	35 36
3	2	1	6	5	MONTCOMERY	
LEXINGTON						

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

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

Le Sueur County, MN

Thursday, November 20, 2014

Regular Session

Item 1

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
November 20, 2014**

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

MEMBERS ABSENT: John Wolf

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: MICHAEL MINNEHAN, 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 3 bedroom 2-story dwelling 44 feet and 49 feet from the Ordinary High Water Level (OHWL) and 54 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 35, Baker Bay Subdivision, Section 12, Kasota Township. **VARIANCE IS FOR OHWL AND ROAD ROW SETBACKS.**

Mike Minnehan was present for application. Township: Joe Kienlen, Kasota Township has no objections to the proposal. DNR: none. Letters submitted: Lauren Klement, LSC Resource Specialist (see file), Jim Dieke (email see file).

PUBLIC COMMENT: none

Discussion was held regarding; location of grinder pump, remove small shed from the property, use the existing garage for storage, replace tree, gutters on structure, planting of shrubs in shore impact zone, under 25% impervious surface, property line setbacks.

Motion was made by Jim Mladek to approve the application. Conditions:

- 1. Gutters on the house and direct the runoff away from the lake to a location where infiltration would occur;*
- 2. Plant a tree down near the lakeshore;*
- 3. Plant 3 shrubs approved by Environmental Services in the shore impact zone.*

Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #2: MERLYN BUESGENS, NEW PRAGUE, MN, (APPLICANT); GIBSON WONG, MONTGOMERY, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 161 feet from the Ordinary High Water Level (OHWL), install a pump tank 150 feet from the OHWL and construct a mound drainfield 109 feet from the OHWL in a Recreational Residential "RR" District on a Natural Environment "NE" lake, Lake Pepin. Property is located at Lot 8, Benson's Subdivision, Section 28, Lanesburgh Township. **VARIANCE IS FOR OHWL SETBACK.**

Mike Skluzacek, MS Excavating, representing the applicant was present for application. Township: no comments. DNR: no comments. Letters submitted: none.

PUBLIC COMMENT: none

Discussion was held regarding; update non-conforming septic system due to property transfer, best location for septic due to the well location.

Motion was made by Jim Mladek to approve the application as written. Seconded by Fritz Cummins. Motion approved. Motion carried.

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

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

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
November 20, 2014

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