

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: DECEMBER 18, 2014

TIME: 3:00 PM

PLACE: ,

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 Jerry VanBuskirk Packet

ITEM #4 DRAFT 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 December 18, 2014.**

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

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# Le Sueur County, MN

Thursday, December 18, 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:** December 18, 2014

**Meeting Time:** 3:00 pm

**Onsite Date:** December 18, 2014

**Onsite Time:** 2:00 pm

**ITEM #1:** Van Buskirk

**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.

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# Le Sueur County, MN

Thursday, December 18, 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: DECEMBER 18, 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 **DECEMBER 10, 2014**.

**ITEM #1: JERRY VANBUSKIRK, BROWNSDALE, MN, (APPLICANT/OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 2 feet from the road Right-Of-Way (ROW) and 2 feet from the property line in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at 4, Tetonka Beach Subdivision, Section 24, Elysian Township. **VARIANCE IS FOR ROAD ROW AND PROPERTY LINE SETBACKS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.  
**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT December 18, 2014.**

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

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# Le Sueur County, MN

Thursday, December 18, 2014

Regular Session

## Item 1

**Jerry VanBuskirk Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Jerry VanBuskirk  
911 ADDRESS: 49097 Sportsmens Ln, Waterville MN  
VARIANCE REQUEST: To allow the applicant to install a holding tank 2 feet from the road ROW and 2 feet from the property line.  
VARIANCE NUMBER: 14264  
PARCEL NUMBER: 04.780.0020

## SITE INFORMATION

LOCATION: Lot 4, Tetonka Beach Subdivision, Section 24, Elysian Township  
ZONING & PURPOSE: Recreational Residential & Flood Fringe

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.

**Floodplain Overlay District.** It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

**Flood Fringe (FF) District:** The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

RFPE: Regulatory Flood Protection Elevation: 1006.08. Lowest floor must meet RFPE.

FLOOD ZONE: Zone A-E 100-year flood zone

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing access from Sportsman's Lane

LAKE: Tetonka

**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, Dept of Health Variance

## STAFF FINDINGS

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

- | <u>Variance:</u>                 | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>          | <u>Page:</u> |
|----------------------------------|-----------------|------------------|----------------------------|--------------|
| a. Septic tank to property line: | 2 feet          | 10 feet          | Section 17, Subdiv. 4,D.2. | 17-9         |
| b. Septic tank to road ROW:      | 2 feet          | 10 feet          | Section 17, Subdiv. 4.D.4. | 17-9         |
- 
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
  3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
  4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
  5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
  6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

## CONSIDERATIONS

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
  - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
  - a. Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - b. Variances shall only be issued by the County upon the following:
    1. A showing of good and sufficient cause.
    2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
    3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.



3. **Additional Considerations:**

A well variance was granted by the Minnesota Department of Health to allow the new tank to be constructed no less than 30 feet from the existing water supply well. Conditions were imposed from the Department of Health with the well variance approval. See attached letter.

**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: 11/21/2014 PERMIT NUMBER 14264 FEE: \$646.00  
60 DAY RULING DATE: 1/20/2014

APPLICANT: JERRY VANBUSKIRK PROPERTY OWNER: JERRY VANBUSKIRK  
ADDRESS: 57769 280TH ST ADDRESS: 57769 280TH ST  
CITY: BROWNSDALE CITY: BROWNSDALE  
STATE: MN ZIP: 55918 STATE: MN ZIP: 55918  
PHONE: PHONE:

PARCEL NO: 04.780.0020 TOWNSHIP: ELYSIAN 911: 49097 SPORTSMAN LN WATERVILLE  
SEC: 24 SUBDIV: TETONKA BEACH SUBDIVISION  
TWP: 109 LOT: 4 ZONE: RR/FF  
RANGE: 24 BLOCK: FEMA PANEL: 27079C042SD  
Q/Q: ROAD: PVT FLOOD ZONE: AE-100 YR

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:

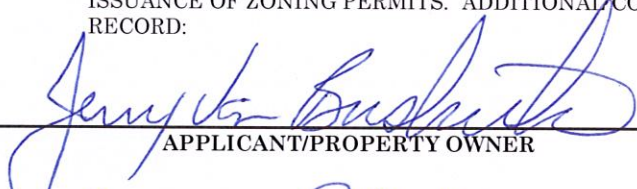
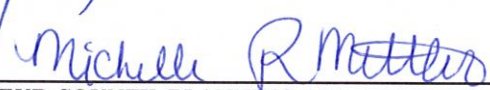
**1.) Reason for Requested Variance:**

TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 2 FROM THE RD ROW AND 2 FROM THE PROPERTY LINE.

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

**3.) Special Conditions of Variance:**

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

  
APPLICANT/PROPERTY OWNER  
  
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY  
11/21/2014  
DATE  
11-21-14  
DATE

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

ON-SITE TOUR DATE: 12/18/2014  
PUBLIC HEARING DATE: 12/18/2014 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: JERRY VANBUSKIRK

Variance # 14264

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 2 FROM THE RD ROW AND 2 FROM THE PROPERTY LINE.

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

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

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



# Le Sueur County

## Variance Application

I. Applicant:

Name Jerry VanBuskirk  
Mailing Address 57269 280th St.  
City Brownsdale State MN Zip 55918  
Phone # 507-440-8593 Phone # 507 567 2575

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

Name SAME  
Property Address 49097 Sportsman Lane  
City Waterville State MN Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

III. Parcel Information:

Parcel Number 04.780.0020 Parcel Acreage \_\_\_\_\_  
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:

~~Install holding tank with 33' well setback, 2' road setback, 2' property line setback~~ <sup>JVB</sup>

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

Elysian Township notified on 11/17/2014  
(Township Name) (Date)

Board Member Doug Swedberg 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.

This tank will be further from  
the well than the system  
now

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

lot is too small for conventional system, it only  
has room for a holding tank with variances

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

The lot is too small for  
set backs

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

the failing system that is considered an imminent  
threat to public health will be replaced with  
a water tight holding tank

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

yes - public health

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

yes, the new tank will <sup>protect</sup> ground water  
the lake + surface water

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

Goal #3 objective #1 new system  
will protect ground + lake  
waters

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

The current system is leaking and  
a health threat - new system  
will correct that

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

There is no other space  
for a new system

**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.

Jerry Van Buren 11/21/2014  
 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.

Jerry Van Buren 11/21/2014  
 Land Owner signature Date

**OFFICE USE ONLY**

Date received 11-21-14 Present Zoning Classification RR/FF Feedlot within 500' 1000' (N)  
 Meeting date 12-18-14 Lake Classification ~~RD~~ RD Erosion Control Plan (Y) (N)  
 60 Day 1-20-14 Lake Tetonka Water courses (Y) (N)  
 FEMA Panel # 270200425 Flood Zone AE Bluff (Y) (N)

- Surveyor Certificate
- Site Plan -survey
- Full legal
- Application complete
- Ordinance
- Access approval
- Blue Prints
- Written Detail of Var
- Septic WASH (C) DESIGN 9-11-14 JHT
- Fee \$ 646 ATF / SPEC MTG
- Other \_\_\_\_\_

Michelle R. Miller 11-21-14 14264  
 Planning & Zoning Department Signature Date Permit #

04-15-13

My wife and I bought this cabin which had a septic system but it was deemed an imminent health risk. It has been leaking.

My request is to have a new compliant tank put in so as not to pollute the ground water and lake.

Jerry Van Buskirk  
11/21/2014



# Le Sueur County

## Surveyor Certification

I. Applicant:

Name WAYNE JAMES

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

Name Jerry VANBUSKIRK

Property Address 49097 SPORTSMANS LANE

City WATERVILLE State MN Zip 56086

III. Parcel Information:

Parcel Number 041.780.0020

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
- lakes
- existing structures (within and adjacent to project area)
- setbacks
- rivers
- proposed structures
- property lines
- wetlands, ponds
- lot dimensions
- road right-of-way
- streams
- septic system
- easements
- well
- access
- 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)

VI. The proposed improvements have been physically staked onsite then surveyed on 10/23/2014 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.

Wayne James  
Surveyor's signature

10/24/14  
Date

19789  
Lic #

**OFFICE USE ONLY**

10-24-14  
Date received

Michelle R. Miller  
Planning & Zoning Authority signature

10-01-11





RECEIVED  
NOV 04 2014  
BY: AB

*Protecting, maintaining and improving the health of all Minnesotans*

COPY

October 30, 2014

Refer to: TN 5133

Mr. Wayne James  
James Brothers Construction, Inc.  
43963 43rd Street  
P.O. Box 59  
Elysian, Minnesota 56028

Mr. Jerry VanBuskirk  
57769 280th Street  
Brownsdale, Minnesota 55918

Dear Mr. James and Mr. VanBuskirk:

Subject: Variance from Minnesota Rules, Chapter 4725, for Construction of a Subsurface Sewage Treatment System (SSTS) Holding Tank on the Jerry VanBuskirk Property at 49097 Sportsmans Lane, Waterville, Located in the NE ¼ of the NE ¼ of the NE ¼ of Section 24, Township 109 North, Range 24 West, Elysian Township, Le Sueur County, Minnesota, Property Identification Number 04.780.0020

This letter is in response to your request for a variance from Minnesota Rules, chapter 4725, to install a sewage holding tank on the subject property not less than 30 feet from the existing water-supply well on the property. The holding tank would replace an existing noncompliant on-site sewage system.

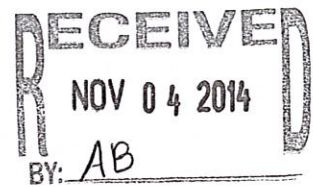
Minnesota Rules, part 4725.4450, subpart 1, item E requires that a water-supply well must be located at least 50 feet from a watertight sewage holding tank. Minnesota Statutes, section 103I.205, subdivision 6 requires that a person may not place, construct, or install an actual or potential source of contamination any closer to a well than the isolation distances prescribed by the commissioner of health by rule unless a variance has been prescribed by rule.

Information provided in the variance application indicates that the proposed sewage holding tank would replace the existing sewage system, which consists of a tank and possibly a drainfield. The existing system would be removed from service when the new tank is installed.

Mr. Peter Zimmerman of the Minnesota Department of Health (MDH) Rochester district office met with you and inspected the subject site on June 12, 2014. Mr. Zimmerman reported that there is no location on the subject property for the proposed holding tank that satisfies all of the isolation distance requirements of Minnesota Rules, chapter 4725. The proposed location seems to be the best possible location for the tank given the existing layout and locations of the well, buildings, and Tetonka Lake. Installation of the new sewage holding tank would allow for the removal of the existing leaky tank, which would result in a net reduction in contaminant loading to the environment.

General Information: 651-201-5000 • Toll-free: 888-345-0823 • TTY: 651-201-5797 • [www.health.state.mn.us](http://www.health.state.mn.us)  
*An equal opportunity employer*





Mr. Wayne James  
Mr. Jerry VanBuskirk  
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October 30, 2014  
TN 5133

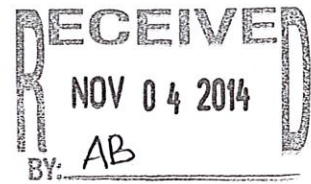
Information provided in the variance application indicates that the well at 49097 Sportsmans Lane is a 4-inch diameter well and is finished at an unknown depth. There is no construction record on file at the MDH for this well. According to Mr. Brian Bemis of Bemis Well Drilling LLP, most wells on Sportsmans Lane were installed by cable tool method by his father, but his father did not keep records on the construction of these wells. Mr. Bemis indicated that the wells installed on Sportsmans Lane were screened just above the rock or were installed into the rock at depth of between 80 and 100 feet. A nearby recently drilled well, Minnesota Unique Well Number 781485, located at 49335 Sportsmans Lane, shows the local geology to consist of topsoil from 0 to 1 foot deep, sand from 1 to 7 feet, clay and sand from 7 to 19 feet, clay from 19 to 42 feet, sand from 42 to 45 feet, clay from 49 to 74 feet and limestone from 74 to 120 feet deep.

Based on Mr. Zimmerman's inspection, information provided in the variance request, and in accordance with Minnesota Rules, chapter 4725, **your request for a variance is granted to place the proposed sewage holding tank no closer than 30 feet from the water-supply well located on the subject property.** The variance is granted because there is no feasible alternative location on the subject property that will satisfy all required isolation distances. The proposed location for the sewage holding tank maximizes the available separation from the well.

Because the isolation distance between the proposed holding tank and the existing well is less than required in rule, additional construction methods and precautions are required in order to reduce the potential for contamination of the well and groundwater. Adherence to the following list of additional conditions and requirements should provide the necessary additional protection for the well and groundwater.

The variance is granted with the following conditions:

1. You must contact Mr. Zimmerman at 507-206-2737 and Mr. Andrew Nicolin of Le Sueur County Community Health at 507-357-8231 at least 24 hours prior to beginning installation of the sewage holding tank so that an inspector may be present during this work.
2. The holding tank must be located as far as practicable, but not less than 30 feet from the existing water-supply well on the subject property, and not less than 50 feet from any other water-supply well.
3. The installation and operation of the proposed sewage holding tank must be in accordance with all state and local permitting and construction requirements. The owner must maintain a contract for regularly scheduled pumping of the holding tank, or the holding tank must have an alarm device to minimize the chance of accidental sewage overflows, in accordance with Minnesota Rules, part 7080.2290.



Mr. Wayne James  
Mr. Jerry VanBuskirk  
Page 3  
October 30, 2014  
TN 5133

4. Any new or replacement buried sewer pipe for the proposed SSTS system must be located a minimum of 50 feet from a water-supply well, except that a buried sewer pipe may be located a minimum of 20 feet from a water-supply well if the sewer pipe is cast-iron or plastic pipe that meets the materials and pressure testing specifications of Minnesota Rules, parts 4715.0530 and 4715.2820 (Minnesota Plumbing Code). Approved materials include cast-iron pipe, or plastic pipe with ASTM designations D2665, D3034 or F891 for PVC or ASTM designations D2661, D2751, or F628 for ABS pipe as prescribed in the Minnesota Plumbing Code. A successful pressure test must be performed in the presence of an MDH representative or local zoning or health official, or the pressure test must be performed and documented by a bonded plumber. Documentation must be signed by the tester, and must identify the sewer materials and verify that the sewer was successfully tested at a uniform pressure of 5 pounds per square inch for 15 minutes, as per Minnesota Rules, part 4715.2820.

Enclosed for your convenience is a "Documentation of Buried Sewer Construction and Pressure Testing" form for reporting the results of the required pressure test and materials verification. Please mail any documentation of the sewer materials and testing to Mr. Andrew Nicolin, Le Sueur County Community Health, 88 South Park Avenue, Le Center, Minnesota 56057.

5. The existing sewage disposal system on the subject property must be permanently removed from service in accordance with applicable state and local requirements. All solid and liquid contents of the existing tank must be removed and properly disposed. A nonwatertight tank must be removed, together with any visibly contaminated soil. Excavated materials must be properly disposed of, and the portion of the excavated area that is not used for the new system must be filled with clean fill.
6. All other provisions of Minnesota Rules, chapter 4725, are in effect.

Alternative measures or conditions attached to a variance have the force of law and effect of applicable rule. If a party violates the alternative measures or conditions attached to the variance, the party is subject to enforcement actions and penalties provided in the applicable law or rule.

This variance is conditioned upon the applicable acceptance of and compliance with the conditions of the variance. Failure by the applicant to comply with the conditions prescribed in the variance will result in the immediate expiration of the variance.

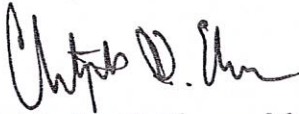


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Mr. Wayne James  
Mr. Jerry VanBuskirk  
Page 4  
October 30, 2014  
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If you have any questions, please contact Mr. Zimmerman at 507-206-2737 or Mr. Ed Schneider at 651-201-4595.

Sincerely,



Christopher D. Elvrum, Manager  
Well Management Section  
Environmental Health Division  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975

CDE:PJZ:dg

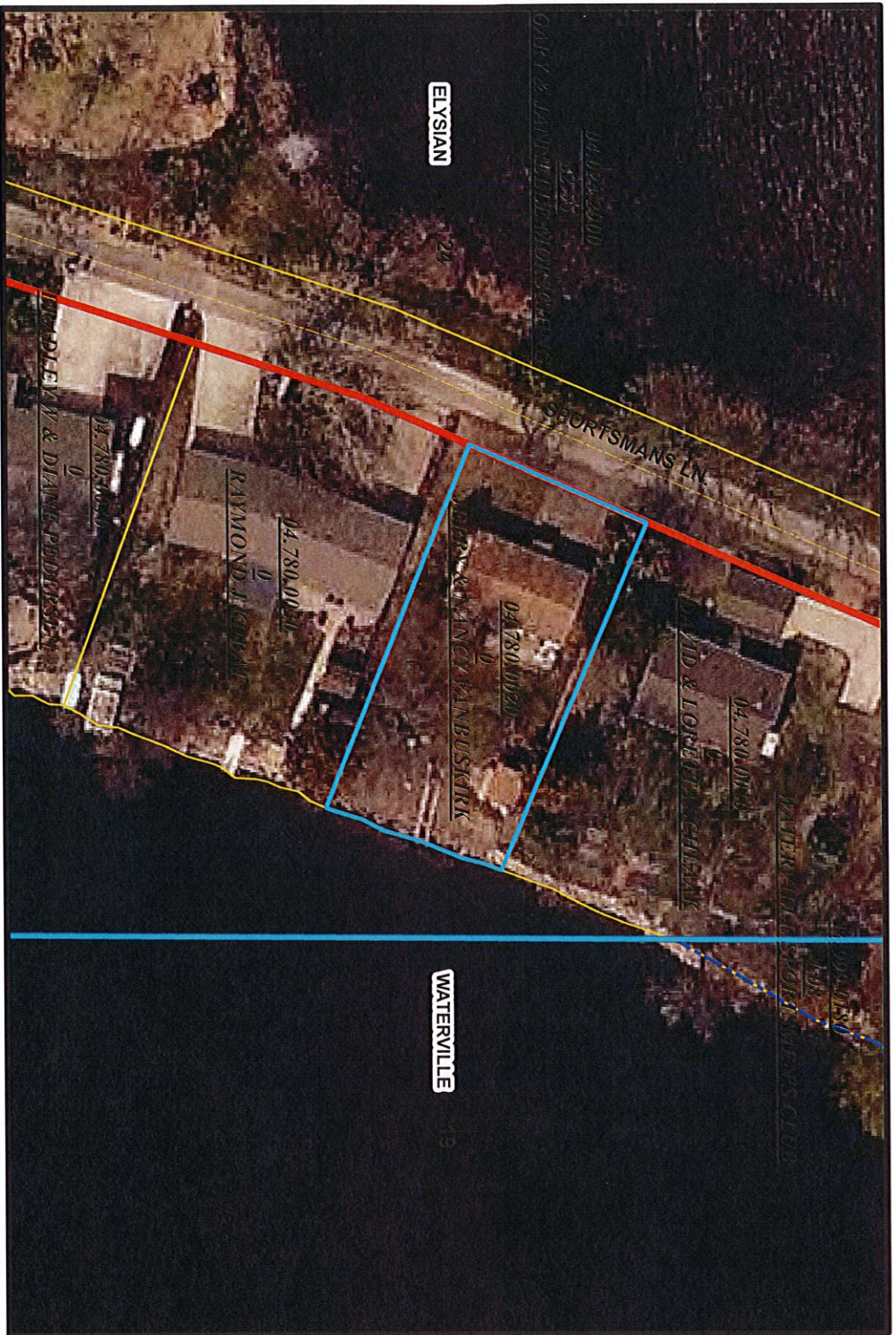
Enclosure

cc: Andrew Nicolin, Le Sueur County Community Health



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** VanBuskirk  
**PID:** 04.780.0020  
**DATE:** 12-2-14  
**FIRM #:** 27079C0425D  
**F-Zone:** AE 100 YR  
**RFPE:** 1006.08  
**District:** Recreational Residential  
**Flood Fringe**



**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

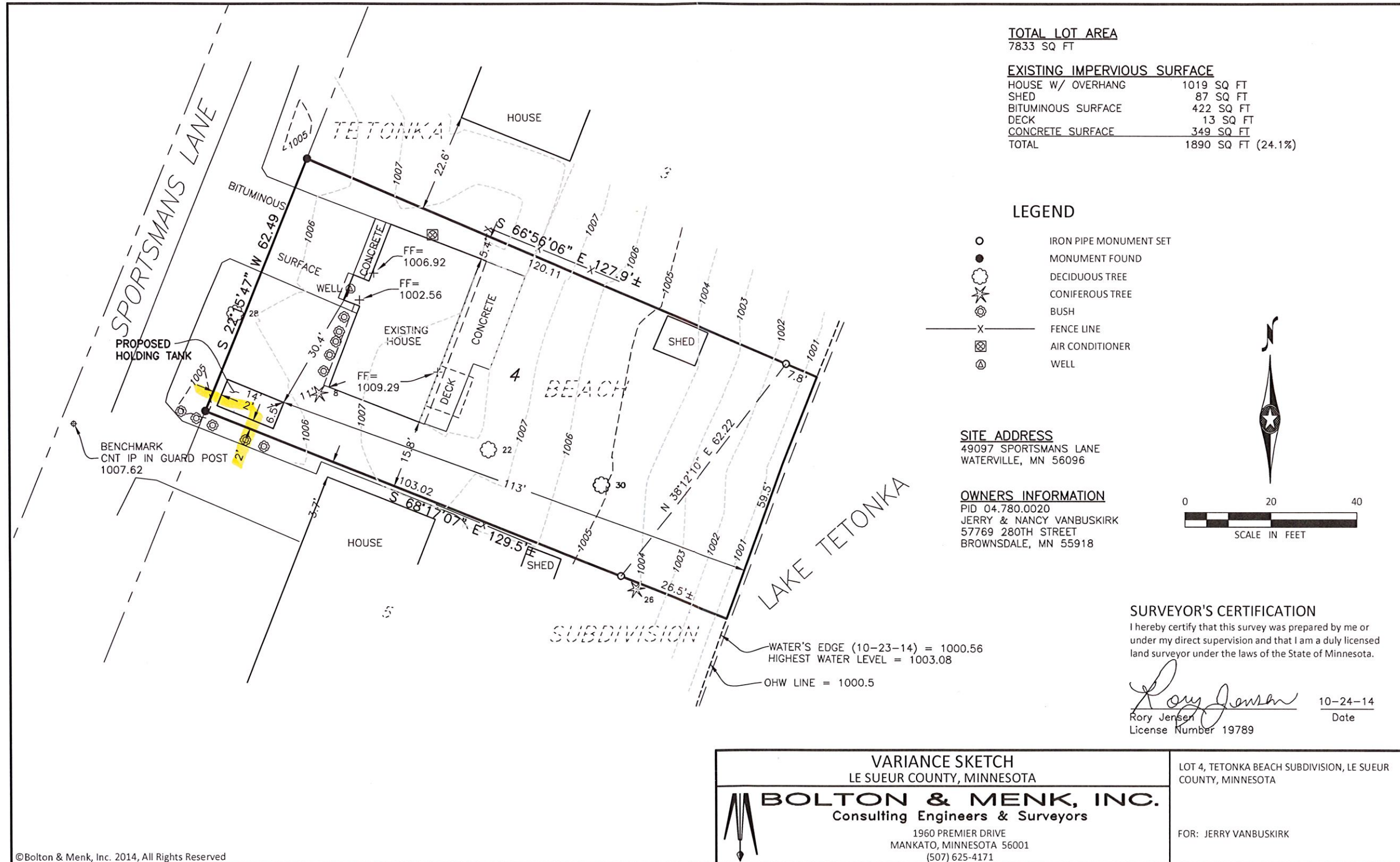


Cadastral_Line	<all other values>
<b>AlphaTag</b>	
Corp Line	—
County Line	—
Easement Line	—
Geo Twp Line	—
Gov Lot	—
Misc Line	—
Parcel Line	—
Poi Twp Line	—
Railroad Centerline	—
Railroad ROW	—
Road Centerline	—
Road ROW	—
Road ROW Vac	—
Section Line	—
Sub Line 400	—
Water	—
Incorporated	—
Townships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

LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538

35 36	31	32	33	34	35	36	37	38
2	6	5	4	3	2	1	6	5
11 12	8	9	10	11	12	7	8	
12 13	18	17	16	15	14	13	18 17	
	19	20	21	22	23	24	19 20	
	30	29	28	27	26	25	30 29	
	31	32	33	34	35	36	31 32	





**TOTAL LOT AREA**  
7833 SQ FT

**EXISTING IMPERVIOUS SURFACE**

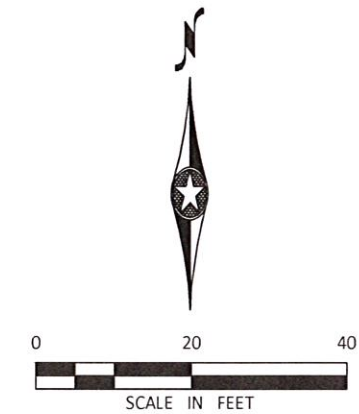
HOUSE W/ OVERHANG	1019 SQ FT
SHED	87 SQ FT
BITUMINOUS SURFACE	422 SQ FT
DECK	13 SQ FT
CONCRETE SURFACE	349 SQ FT
<b>TOTAL</b>	<b>1890 SQ FT (24.1%)</b>

**LEGEND**

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ☼ DECIDUOUS TREE
- ☼ CONIFEROUS TREE
- ⊙ BUSH
- X — FENCE LINE
- ⊠ AIR CONDITIONER
- ⊙ WELL

**SITE ADDRESS**  
49097 SPORTSMANS LANE  
WATERVILLE, MN 56096

**OWNERS INFORMATION**  
PID 04.780.0020  
JERRY & NANCY VANBUSKIRK  
57769 280TH STREET  
BROWNSDALE, MN 55918



**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  
10-24-14  
Date

<b>VARIANCE SKETCH</b> LE SUEUR COUNTY, MINNESOTA		LOT 4, TETONKA BEACH SUBDIVISION, LE SUEUR COUNTY, MINNESOTA
<b>BOLTON &amp; MENK, INC.</b> Consulting Engineers & Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		FOR: JERRY VANBUSKIRK

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H:\PRIV\_SURVEY\M33109153\CAD\C3D\109153BD1.DWG 10-24-2014 3:01p.m. SDB109153C

JOB NUMBER: M33.109153 FIELD BOOK: 90H PG 6 DRAWN BY: JLA 4.0 S24-T109-R24



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# Le Sueur County, MN

Thursday, December 18, 2014

Regular Session

## Item 1

**DRAFT 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  
December 18, 2014**

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

**OTHERS PRESENT:** Kathy Brockway, Wayne James (representing the applicant)

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

**ITEM #1: JERRY VANBUSKIRK, BROWNSDALE, MN, (APPLICANT/OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 2 feet from the road Right-Of-Way (ROW) and 2 feet from the property line in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at 4, Tetonka Beach Subdivision, Section 24, Elysian Township. **VARIANCE IS FOR ROAD ROW AND PROPERTY LINE SETBACKS.**

Wayne James, James Brothers Construction was present for application. Township: no comments. DNR: no comments. Letters submitted: MN Dept. of Health (see file).

PUBLIC COMMENT: none

Discussion was held regarding: working with MN Dept of Health as to the location of the tank, variance received from MN Dept of Health (see letter in file), no other options on the property, time frame for installation.

Motion was made by John Wolf to approve the application with the condition that the applicant adhere to conditions as stated in the October 30, 2014 from the MN Department of Health. . Seconded by Jim Mladek. Motion approved. Motion carried.

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

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

Meeting Adjourned.

Respectfully submitted,  
Kathy Brockway  
December 18, 2014

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