
Le Sueur County, MN

Thursday, January 15, 2015

Regular Session

Item 1

Widmer Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Tom & Cindy Widmer
911 ADDRESS: NEW Second Street South, Cleveland MN
VARIANCE REQUEST: To allow the applicant to move in a single-family dwelling 72 feet from the road ROW and 15 feet from the South property line; construct a 32 x 26 detached garage 70 feet from the road ROW.
VARIANCE NUMBER: 14268
PARCEL NUMBER: 01.021.8100

SITE INFORMATION

LOCATION: NE 1/4 SW 1/4 Section 21, Cleveland Township
ZONING & PURPOSE: Agriculture

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

GENERAL SITE DESCRIPTION: Residential, outskirts of city limits of Cleveland
ACCESS: New access off County Road 104, as approved by the road authority.
LAKE: NA
RFPE: Regulatory Flood Protection Elevation: na Lowest floor must meet RFPE.

ATTACHMENTS

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

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. Dwelling to county road ROW: | 72 feet | 75 feet | Section 8; Subdiv. 5.B.2. | 8-7 |
| b. Det gar to county road ROW: | 70 feet | 75 feet | Section 8; Subdiv. 5.B.2. | 8-7 |
| c. Dwelling to property line: | 15 feet | 50 feet | Section 8; Subdiv. 5.C.1. | 8-8 |
- Variations 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 controls will result in a practical difficulty.
 - It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

5. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:** Parcel meets the definition of a Lot of Record, which allows for one building eligibility.

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: 12/12/2014 PERMIT NUMBER 14268 FEE: \$646.00
60 DAY RULING DATE: 2/10/2015

APPLICANT: TOM & CINDY WIDMER PROPERTY OWNER: TOM & CINDY WIDMER
ADDRESS: 1139 W PRAIRIE ST ADDRESS: 1139 W PRAIRIE ST
CITY: LE CENTER CITY: LE CENTER
STATE: MN ZIP: 56057 STATE: MN ZIP: 56057
PHONE: 507-357-6929 PHONE: 507-357-6929

PARCEL NO: 01.021.8100 TOWNSHIP: CLEVELAND 911: NEW 2ND ST CLEVELAND
SEC: 21 SUBDIV: NA
TWP: 110 LOT: NA ZONE: A
RANGE: 25 BLOCK: NA FEMA PANEL #: 27079C0255D
Q/Q: NE/SW ROAD: CR FLOOD ZONE: 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 ^{made in mem} 'A SFD 72' FROM THE RD ROW & 15' FROM S PL;
CONSTRUCT A 32 X 26 DETACHED GARAGE 70' FROM RD ROW.

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:

Tom Widmer 12/12/14
APPLICANT/PROPERTY OWNER DATE
Michelle R Mottley 12-12-14
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY DATE

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

ON-SITE TOUR DATE: 1/15/2015
PUBLIC HEARING DATE: 1/15/2015 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: TOM & CINDY WIDMER

Variance # 14268

Variance Request: TO ALLOW THE APPLICANT TO ~~MOVE IN~~ A SFD 72' FROM THE RD ROW & 15' FROM S PL;
CONSTRUCT A 32 X 26 DETACHED GARAGE 70' FROM RD ROW.

- 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 Tom + Cindy Widmer
Mailing Address 1139 W PRAIRIE ST
City LE CENTER State MN Zip 56057
Phone # 507-357-6929 Phone # 507-357-8212

II. **Land Owner (s), if different from above:**
Name Same
Property Address new 2nd St S
City Cleveland State MN Zip 56017 TW
Phone # _____ Phone # _____

III. **Parcel Information:**
Parcel Number 01.021.8100 Parcel Acreage 1/4c
Legal Description-Full legal description must be attached (not from tax statement)

IV. **Variance Request:**
MOVE HOUSE IN + BUILD GARAGE, HOUSE 15' FROM SOUTH PROPERTY LINE.
Det gar 70 ft from Row, House 72 ft from Row

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

Cleveland Township notified on 12/3/14
(Township Name) (Date)

Board Member PAT Mc CABE 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
- Lakes
- Existing structures (*within and adjacent to project area*)
- Setbacks
- Rivers
- Proposed Structures
- Property lines
- Wetlands
- Lot Dimensions
- Road Right-Of-Way
- Streams
- Septic System
- Easements
- Ponds
- Well
- 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*)

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

VIII. Attachments shall include but not limited to:

Dec 8

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

Dec 8

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 neighboring properties to both the north and the south have residential homes, with similar lot sizes and circumstances.

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

The lot is 113 feet wide with an ordinance of 50 feet setback on each side, making it difficult to build a practical home.

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

It was a buildable lot at the time it was purchased, the zoning rules changed several times since 1977. The neighboring homes already existed.

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

IT WILL BLEND IN WITH NEIGHBORHOOD

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

No. I would use the lot as other neighbors lots are used.

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

Yes. It was ~~and is~~ a Lot of Record at the time of purchase.

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

Consistent with Goal #4. The lot is really in a residential neighborhood. To farm it is not feasible.

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

SHARED WELL ACCESS, WATER LINE IN FRNT EASEMENT OF PROPERTY
SEWER HAS ACCESS TO CITY SEWER IN BACK OF PROPERTY

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

In order to fit in with the neighborhood, similar variance setback is requested.

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.

Tom Widmer Cynthia Widmer 12/3/14
Applicant signature Date

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

Tom Widmer 12/3/14
Land Owner signature Date

OFFICE USE ONLY

Date received 12-12-14 Present Zoning Classification A Feedlot within 500' 1000' (N)
Meeting date 1-15-15 Lake Classification --- Erosion Control Plan (Y) (N)
60 Day 2-10-15 Lake --- Water courses Y (N)
FEMA Panel.# 2-107 9C0255D Flood Zone X-outside Bluff Y (N)
 Surveyor Certificate Ordinance Septic Emul CI / DESIGN
 Site Plan -survey Access approval Fee \$640 ATF / SPEC MTG
 Full legal Blue Prints Other _____
 Application complete Written Detail of Var

Michele R. Matha 12-12-14 14268
Planning & Zoning Department Signature Date Permit #

04-15-13

RECEIVED
DEC 12 2014
BY: MRM

~~Our lot is currently a one acre bare lot situated on the outskirts of Cleveland City. It is also situated in the center of five contiguous Cleveland township lots.~~

Our lot is currently a one acre bare lot situated on the outskirts of Cleveland City. It is also situated in the center of five contiguous Cleveland township lots. The other four lots all have homes on them.

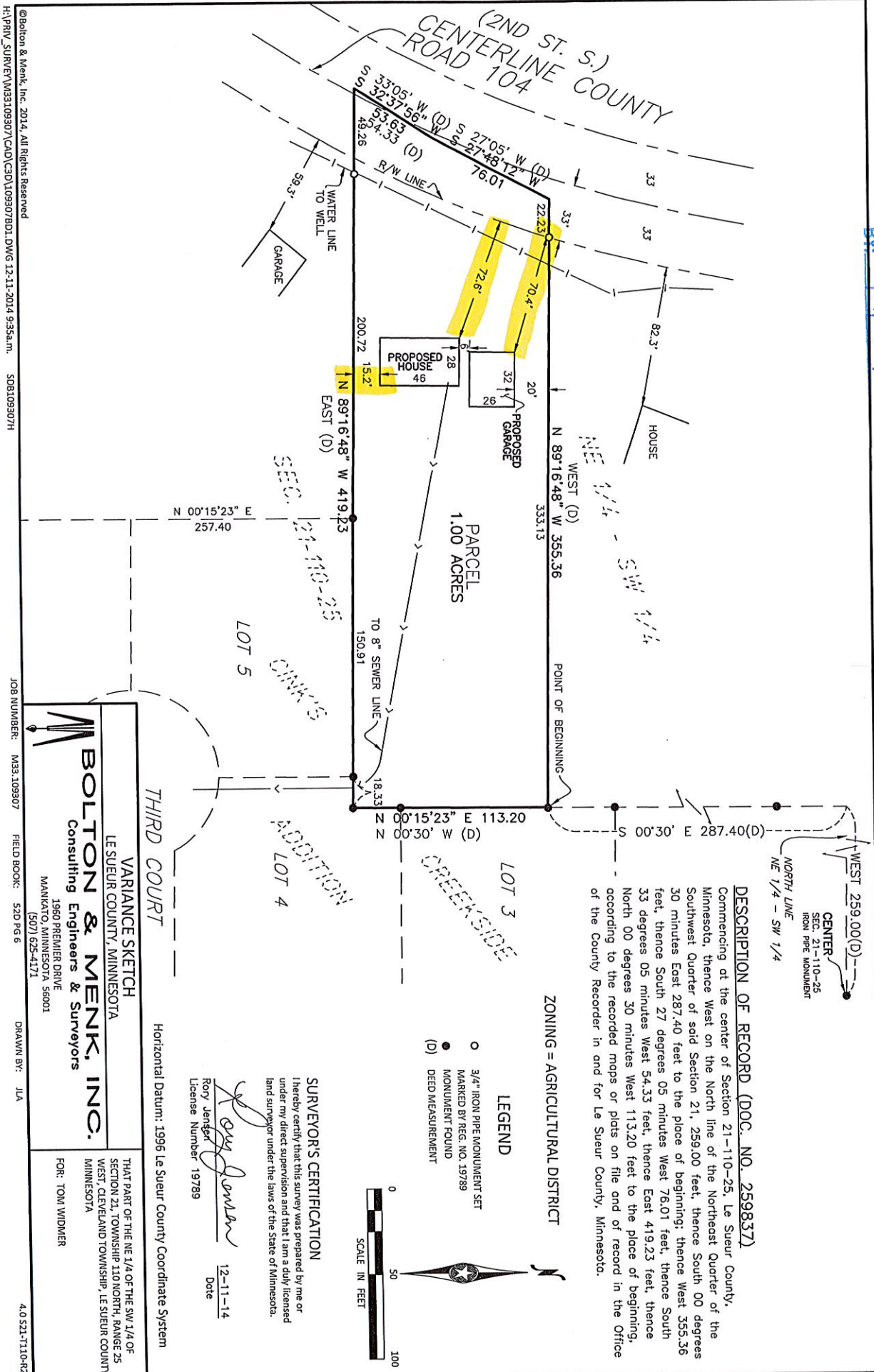
All five lots have a well easement. We will be hooking up to the well via the front of our property.

There is a Cleveland City sewer hookup 20 feet from the back of our lot with a utility easement to get to it. We are going to utilize this sewer hookup.

We want to ~~have~~ ^{move} a house that will blend into the neighborhood and we need to get a variance to reduce the 50 foot set back to be a 15 foot setback.

We want to match the neighboring properties from the road and avoid adding fill to the property. House 72 ft from Row, Garage 70 ft from Row

RECEIVED
 DEC 12 2014
 BY: MDM



©Bolton & Menk, Inc. 2014. All Rights Reserved
 H:\P\1V SURVEY\M33109307\CAD\CAD\109307B01.DWG 12-11-2014 9:35a.m. SDB109307H
 JOB NUMBER: M33.109307 FIELD BOOK: 52D PG 6 DRAWN BY: JLA
 4.0 521-110-R25

Le Sueur County

Surveyor Certification

I. Applicant:

Name Tom Widmer

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

Name _____

Property Address _____

City _____ State _____ Zip _____

III. Parcel Information:

Parcel Number 01.021.8200

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 12/0/14 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.

Kay Jena _____ 12/11/14 _____ 19789 _____
Surveyor's signature Date Lic #

OFFICE USE ONLY

12-12-14
Date received

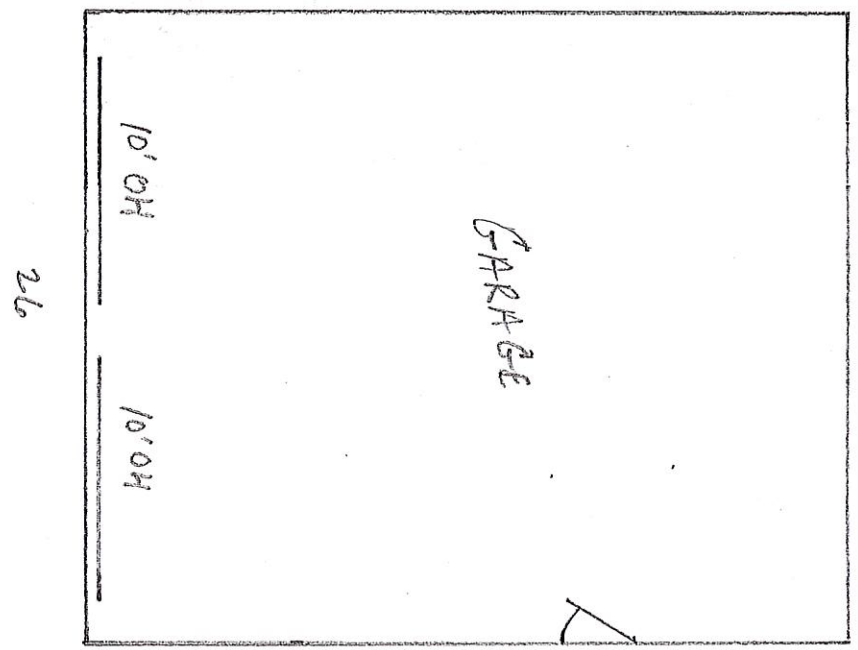
Michelle R. Mottet
Planning & Zoning Authority signature

10-01-11

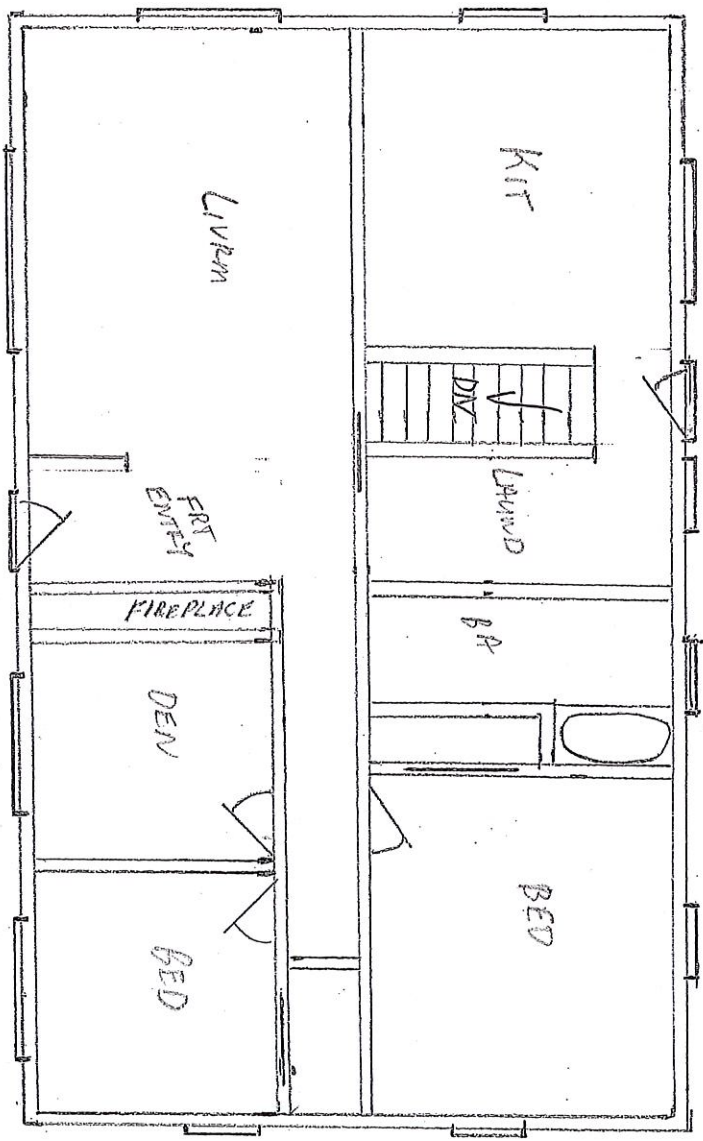


Widmer
01.021-8100

32



1/8" = 1'



MAIN FLR

96



FRT

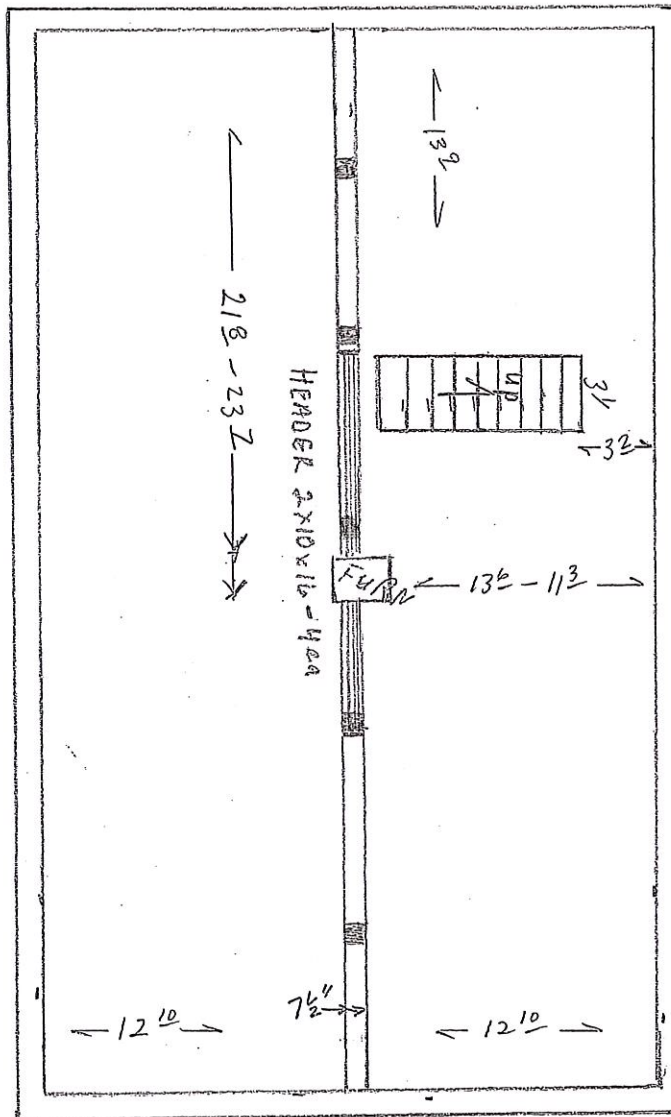
2.

Widmer
01. 021-8100

1/8 = 1'

FRT

46



28

BASEMENT



11-14-14

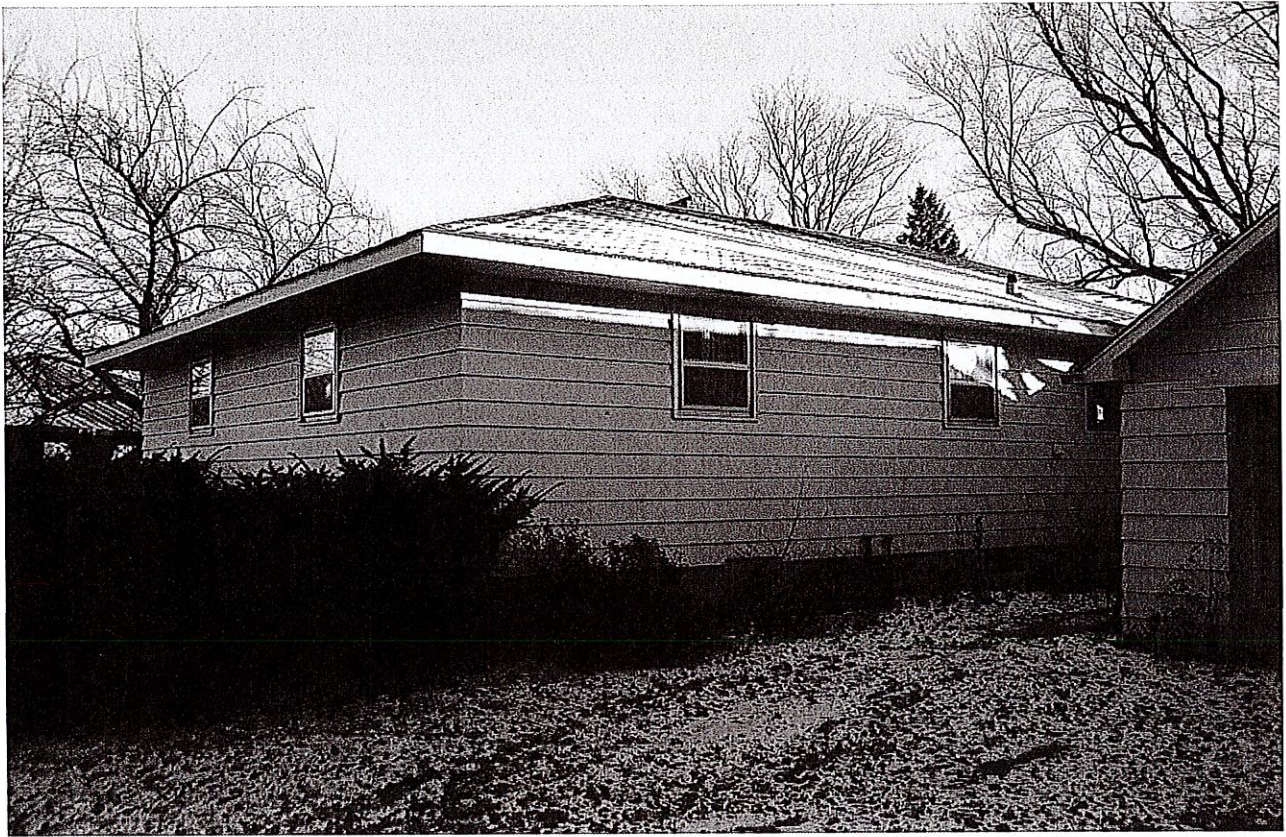


Frt view.JPG

Widmer

01-021-8100

11-14-14



se view.JPG

Widmer
01.021.8100

11-14-14



NE view.JPG

01.021.8100

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: TOM WIDMER PID: 01.021.8100
Mailing Address: 1139 W PRAIRIE ST LE CENTER MN 56057
Property Address: _____
Phone: (507) 357-6929 Mobile/Cell: (____) _____

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

Erosion & Sediment Control Measures

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



Widmer, Tom

From: Widmer, Tom
Sent: Wednesday, December 03, 2014 8:12 AM
To: Widmer, Tom
Subject: Sent from Snipping Tool

EROSION CONTROL PLAN

RECEIVED
DEC 12 2014
MLM



From: City of Cleveland [ccityhall@mchsi.com]
Sent: Wednesday, December 10, 2014 2:16 PM
To: Mettler, Michelle
Subject: Widmer property

Good Afternoon Michelle.

Tom Widmer asked the city council on December 1st if he could connect his property to city sewer at the lift station in Cink Addition. The council granted permission for him to connect after paying a \$500 connection fee. He will only be connecting to City Sewer, not city water, as he has access to a community well that the other properties are connected to. If you have any questions, please let me know.

Gwyn Ploog, City Clerk
City of Cleveland

Mettler, Michelle

Tom Widmer

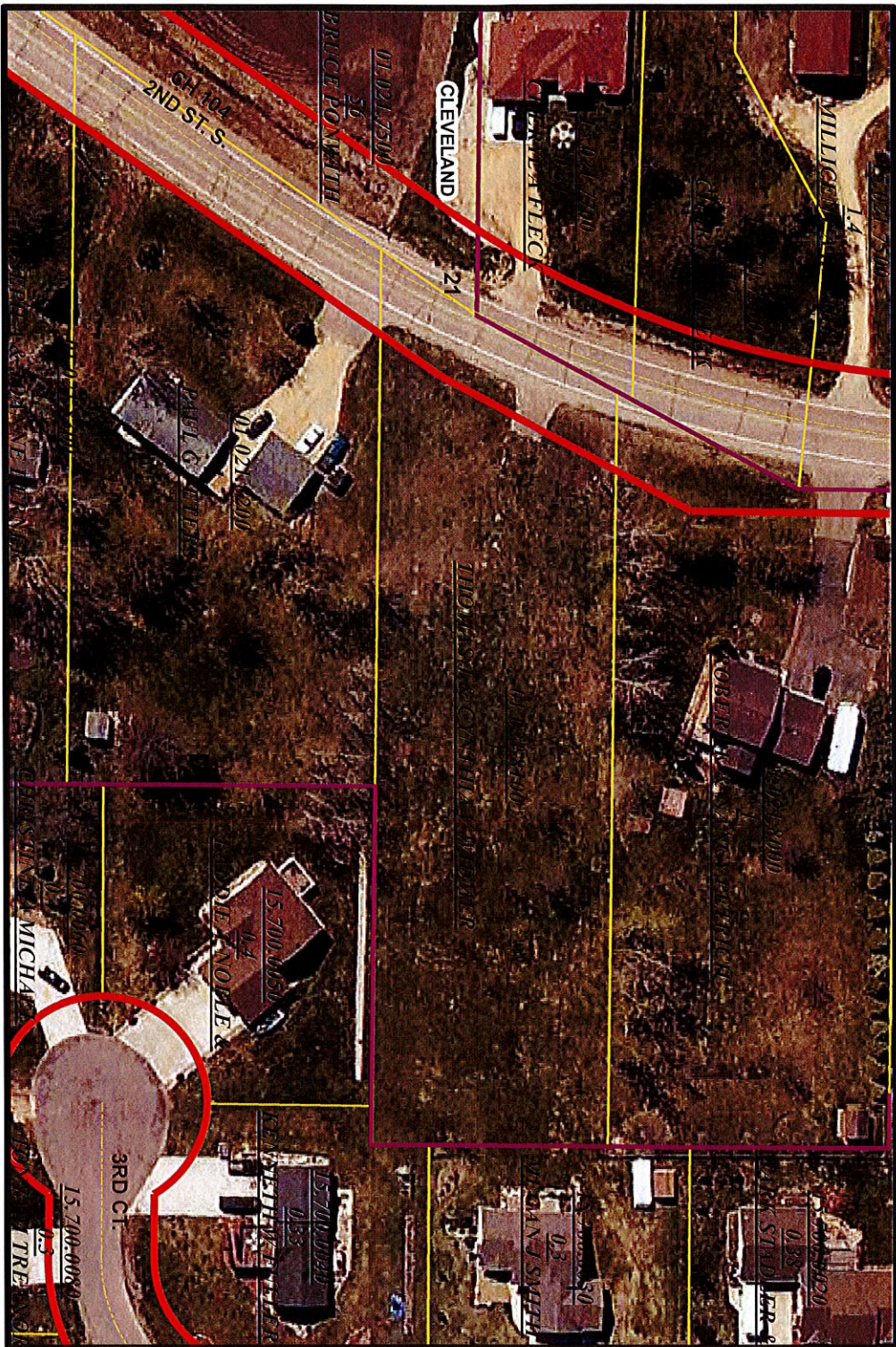
From: Tiegs, David
Sent: Wednesday, December 03, 2014 2:33 PM
To: Mettler, Michelle
Cc: Widmer, Tom
Subject: Driveway Approach CR 104, Cleveland

Michelle and Tom, The existing driveway approach in question on CR 104 is adequate as is. If you need any documentation other than this email please let me know.

Thanks,
Dave Tiegs
Le Sueur County
Highway Department

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Tom & Cindy Widmer
PID: 12-12-14
DATE: DATE
FIRM #: 27079C0255D
F-Zone: x-outside
RFFE: na
District: Agriculture



Cadastral Line	<all other values>
AlphaTag	
Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
Pol Twp Line	
Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW Vac	
Section Line	
Sub Line 400	
Water	
Incorporated	
Townships	
Sections	
LSC_Quarter_Lines	
<all other values>	
HAS_SELECTED_TAG	
Has_Tag	
No_Tag	
Parcel	

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

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

OTTAWA	2	1	6	5	4	3	2	1	6
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