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# **Le Sueur County, MN**

**Thursday, February 19, 2015**

**Regular Session**

## **Item 1**

### **Packets**

**Staff Contact: Kathy Brockway or Michelle Mettler**

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Bernard & Helen Baumann

911 ADDRESS: 49435 Sportsman's LN, Waterville MN

VARIANCE REQUEST: To allow the applicant to construct a 26 x 36 detached garage with a 3-foot overhang (32 x 42 total) 56 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 15005

PARCEL NUMBER: 04.780.0260

## SITE INFORMATION

LOCATION: Lots 32, 33, & 34 Tetonka Beach Subdivision, Section 24, Elysian Township

ZONING & PURPOSE: Recreational Residential & Flood Fringe Flood Plain

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.

GENERAL SITE  
DESCRIPTION: Shoreland, residential, wetland

ACCESS: New off Sportsman's Lane

LAKE: Lake Tetonka, 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: 1006.08.** \*\*Lowest floor must meet RFPE.  
\*\*(See Staff Findings 10.)

## ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Erosion Control Plan, garage plans, septic system compliance, Maps

## 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: | 56 feet         | 100 feet         | Section 13, 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**.
  7. Proposed Impervious Surface calculation 16.3%. Maximum allowed is 25%. Proposal meets impervious surface standards.
  8. A Type 3 wetland is located on the opposite side of Sportsman's Lane.
  9. Overhead power line is located on the lot outside the road ROW.
  10. Lowest floor of the structure will not meet the Regulatory Flood Protection Elevation (RFPE) as required by FEMA. If the Variance is approved, the applicant/landowner will be required to obtain a Conditional Use Permit (CUP) from the Le Sueur County Board of Commissioners to deviate from the RFPE. If the CUP is approved by the Board of County Commissioners, the structure will be built to meet specified FEMA flood-proofing construction standards.

## 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. Reducing the overhang to 24 inches or less. The setback will then be measured to the wall of the structure instead of the overhang. Will result in a reduction of the Variance request by 6 feet. *See Section 13, Subdivision 4.A.2, page 13-41.*
- b. Change the orientation of the garage so that the length is parallel to the road and the OHWL, rather than the width.
  1. The garage doors will no longer face the road. This will change the front road Right-of-Way setback requirement from 25 feet to 10 feet. Will result in a reduction of the Variance request to the OHWL by 15 feet. *See Section 13, Subdivision 5.B.9, page 13-44.*
  2. The garage will be further from the lake, which will also decrease the Variance from the OHWL.
- c. Stormwater/drainage: In order to treat stormwater runoff and address drainage, add rain gutters for the structure with downspouts to a specified location/destination such as a rain barrel or small rain garden.

<b>CONDITIONS</b>
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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.
6. A Conditional Use Permit will be required since the lowest floor for the proposed structure will not meet the RFPE standard.



# 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: 1/20/2015  
60 DAY RULING DATE: 3/21/2015

PERMIT NUMBER 15005

FEE: \$646.00

APPLICANT: BERNARD & HELEN BAUMANN  
ADDRESS: 858 HOLMES ST S  
CITY: SHAKOPEE  
STATE: MN  
PHONE: 612-518-4004

PROPERTY OWNER: BERNARD & HELEN BAUMANN  
ADDRESS: 49435 SPORTSMANS LN  
CITY: WATERVILLE  
STATE: MN  
PHONE: 612-518-4004

PARCEL NO: 04.780.0260 TOWNSHIP: ELYSIAN 911: 49435 SPORTSMANS LN WATERVILLE  
SEC: 24 SUBDIV: TETONKA BEACH SD  
TWP: 109 LOT: 32, 33, 34 ZONE: RR/FF  
RANGE: 24 BLOCK: FEMA PANEL #: 27079C0425D  
Q/Q: ROAD: PVT 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 CONSTRUCT A 26 X 36 DETACHED GARAGE W/3-FOOT OVERHANG 56 FEET FROM THE OHWL (38 X 48).

**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

1/20/15

DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

1-20-15

DATE

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

ON-SITE TOUR DATE: 2/19/2015

PUBLIC HEARING DATE: 2/19/2015

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: BERNARD & HELEN BAUMANN

Variance # 15005

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 26 X 36 DETACHED GARAGE W/3-FOOT OVERHANG 56 FEET FROM THE OHWL (38 X 48).

- 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

# VARIANCE APPLICATION

## BERNARD AND HELEN BAUMANN WATERVILLE, MN

January 20, 2015  
Project No. 14-17169



I+S GROUP

[info@is-grp.com](mailto:info@is-grp.com) + [www.is-grp.com](http://www.is-grp.com)



# Le Sueur County

## Variance Application

### I. Applicant:

Name Bernard & Helen Baumann  
Mailing Address 858 Holmes St. S  
City Shakopee State MN Zip 55379-2364  
Phone # 612-518-4004 Phone # \_\_\_\_\_

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

Name \_\_\_\_\_  
Property Address 49435 Sportsmans Lane  
City Waterville State MN Zip 56096  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 04.780.0260 Parcel Acreage 0.60  
Legal Description-Full legal description must be attached (*not from tax statement*)  
\_\_\_\_\_

### IV. Variance Request:

Variance request is for the construction of a 26 foot by 36 foot garage structure adjacent to the west end of Lake Tetonka with a rear yard setback of 56 feet from the Ordinary High Water Level (OHWL).

*with 3' overhang*

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

Elysian Township notified on 1/12/15  
(Township Name) (Date)

Board Member Kathy Reints 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  
Filing Fee: \$ 46

**After-The-Fact meeting fees are doubled.**

**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.

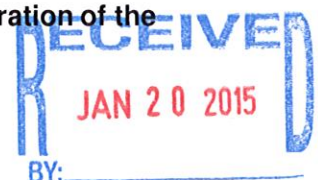
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

**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 proposed garage structure will meet the setback requirements for the front yard and side yard, but will not meet the rear yard setback. Le Sueur County specifies a 100 foot rear yard setback from the OHWL of Lake Tetonka and a 25 foot front yard setback from the right of way of Sportsmans Lane. This setback does not leave any room for a structure since the setbacks overlap each other. The variance request is reasonable compared to the ordinance requirements since accessory structures are permitted for parcels within the Recreational Residential District. For this accessory structure to comply with the property setback, a variance request is needed for the rear yard setback.

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

The parcel width from Sportsmans Lane to Lake Tetonka (west-east) is approximately 129 feet. With the 25 foot setback from the Sportsmans Lane right-of-way, and a 100 foot setback from the OHWL of Lake Tetonka, there physically is no room for an accessory structure as these setbacks overlap each other.

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

The parcel dimensions were not determined by the current landowner and were established prior to the landowner purchasing the property. Furthermore, the construction of Sportsmans Lane was done prior to the landowner purchasing the property, thus the unique circumstances were not created by the landowner.

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

The request maintains the essential character of the locality since the proposed garage structure will be replacing the existing garage structure. Several properties in the area also have garage structures with similar dimensions to the proposed structure. Therefore the character of the parcel will remain similar to the nearby properties.

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

The practical difficulty involves economic considerations and physical considerations due to the dimensions of the parcel.

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

The request is consistent with the ordinance since the ordinance allows accessory structures in the Recreational Residential District.

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

The request is consistent with the Comprehensive Land Use Plan Goal # 2: "Le Sueur County should adopt and enforce land use and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas." Furthermore, it is consistence with Objective 2 which states: "Utilize shorelands on Recreational Development Lakes for housing, but with a focus on development design that protects the resource."

This proposed garage structure will provide adequate storage for the land use including storage of water recreational equipment, garden utilities, vehicles, and other utilities associated with lakeshore housing. The reclamation of the existing garage structure will provide adequate grading for stormwater, vegetation cover for soil stability, and tree replacement for impacted tree areas. This project will enhance the property development on Recreational Development Lakes while protecting the water quality of the lake through erosion protection and soil stability.





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

The property currently has a certified sewage treatment system with the installation of a holding tank in 2012. A Certificate of Compliance was awarded to the property on September 17, 2012.

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

This request is the minimum variance amount due to the given physical land properties of the parcel. The front yard and rear yard setback of the property gives no physical space for the accessory structure. Relief of the setbacks would allow the landowner the opportunity to construct the desired garage structure.

## 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.

[Signature]

Applicant signature

1/17/2015

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.

[Signature]

Land Owner signature

1/17/2015

Date

### OFFICE USE ONLY

Date received 1-20-15 Present Zoning Classification RR/FF Feedlot within 500' 1000' N  
Meeting date 3-19-15 Lake Classification RD Erosion Control Plan Y N  
60 Day 3-21-15 Lake Tetonka Water courses Y N  
FEMA Panel # 27079C04250 Flood Zone A-100 YR Bluff Y N  
☒ Surveyor Certificate ☒ Ordinance ☒ Septic 2012 new CI / DESIGN  
☒ Site Plan - survey ☒ Access approval ☒ Fee \$ 646 ATF / SPEC MTG  
☒ Full legal ☒ Blue Prints ☐ Other \_\_\_\_\_  
☒ Application complete ☒ Written Detail of Var

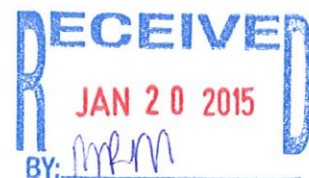
[Signature]  
Planning & Zoning Department Signature

1-20-15  
Date

15005  
Permit #

04-15-13

RFPE 1006.08



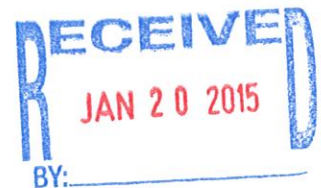
**ATTACHMENT A:  
LEGAL DESCRIPTION OF PARCEL**

*Le Sueur County Variance Application  
Bernard & Helen Baumann*

The applicant has the right to construct a garage structure on the property reference herein.

There is one (1) parcel number associated with the property as indicated below:

Parcel No.	Parcel Acreage
04.780.0260	0.60 acres
Owner	
Bernard H. Baumann and Helen C. Baumann	
Full Legal Description	
Lots Thirty-Two (32), Thirty-Three (33) and Thirty-Four (34), of Tetonka Beach Subdivision of part of Section Twenty-Four (24), West of the Fifth Principal Meridian, according to the Plat thereof on file and of record in the Office of the Register of Deeds of Le Sueur County, Minnesota. Subject however to and including the benefits of, the restrictions, regulations and provisions attached to and made a part of such recorded plat of said Tetonka Beach Subdivision. All thereof being in Township Numbered One Hundred Nine (109) North, Range Twenty-Four (24) West.	





214172

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required  
Certificate of Real Estate Value No. 10077  
May 9, 19 89  
[Signature] County Auditor  
by \_\_\_\_\_ Deputy

Index \_\_\_\_\_  
Tract \_\_\_\_\_  
Coh \_\_\_\_\_  
File \_\_\_\_\_

County of LeSueur, Minn.  
OFFICE OF COUNTY RECORDER

I hereby certify that the within instrument was filed in this office for record on the 9 day of May A.D. 19 89 at 8 o'clock A. M., and was duly recorded as document

No. 214172  
DAVID A. BEKE, COUNTY RECORDER  
Constance Kopet, Deputy

STATE DEED TAX DUE HEREON: \$ 3.30

Date: April 21, 19 89

(reserved for recording data)

FOR VALUABLE CONSIDERATION, BERNARD H. BAUMANN and HELEN C. BAUMANN,  
husband and wife (marital status), Grantor(s),

hereby convey (s) and quitclaim (s) to HELEN C. BAUMANN, Grantee(s),

real property in Le Sueur County, Minnesota, described as follows:

Lots Thirty-Two (32), Thirty-Three (33) and Thirty-Four (34), of Tetonka Beach Subdivision of part of Section Twenty-Four (24), West of the Fifth Principal Meridian, according to the Plat thereof on file and of record in the Office of the Register of Deeds of Le Sueur County, Minnesota. Subject however to and including the benefits of, the restrictions, regulations and provisions attached to and made a part of such recorded plat of said Tetonka Beach Subdivision. All thereof being in Township Numbered One Hundred Nine (109) North, Range Twenty-Four (24) West.

Certificate of Real Estate Value Filed  
in the Office of the County Auditor  
Date MAY 9 # 10077  
1989

214172  
Le Sueur  
County  
330  
Deed Tax  
4075

(if more space is needed, continue on back)  
together with all hereditaments and appurtenances belonging thereto.

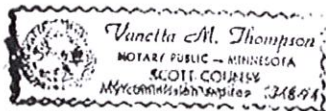
Affix Deed Tax Stamp Here

[Signature]  
Bernard H. Baumann  
[Signature]  
Helen C. Baumann

STATE OF MINNESOTA }  
COUNTY OF Scott } ss.

The foregoing instrument was acknowledged before me this 21ST day of March, 19 89,  
by Bernard H. Baumann and Helen C. Baumann, husband and wife, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Siegel, Brill, Greupner & Duffy, P.A.  
Suite 1350  
100 Washington Square  
Minneapolis, Minnesota 55401  
(612) 339-7131

Vanetta M. Thompson  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

Helen C. Baumann  
1221 East Fourth Street  
Suite 185  
Shakopee, MN 55379

CONSIDERATION FOR THIS  
CONVEYANCE WAS LESS THAN  
\$1,000.00

RECEIVED  
JAN 20 2015  
BY: \_\_\_\_\_

\$10  
P.H.



## ATTACHMENT B

### Le Sueur County Variance Application Bernard & Helen Baumann

This Summary of Request serves to address the requirements of the Variance Application for Le Sueur County, located within the Recreational Residential District.

#### Summary of Request

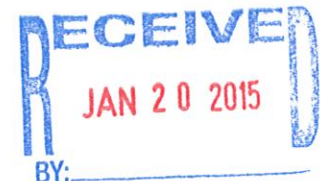
The applicant is requesting a variance for the construction of a garage structure located adjacent to the west end of Lake Tetonka. The variance is for the rear yard setback of the garage structure. Le Sueur County Ordinances specifies a rear yard setback of 100 feet from the Ordinary High Water Level (OHWL).

The parcel width from Sportsmans Lane to Lake Tetonka (west-east) is approximately 129 feet. With the 25 foot front yard setback from Sportsmans Lane and a 100 foot rear yard setback from the OHWL of Lake Tetonka, there physically is no room on the parcel for the accessory structure as the setbacks overlap each other.

The proposed dimensions of the garage structure are 26 feet (north-south) by 36 feet (west-east). There will be a 3 foot overhang around the entire structure. The proposed rear yard setback of the garage structure is 56 feet from the OHWL of Lake Tetonka to the edge of the rear wall overhang of the garage structure. The edge of the east wall of the proposed structure will be setback 59 feet from the OHWL of Lake Tetonka.

The proposed garage structure will comply with both the front yard and side yard setbacks of the Ordinance. The front yard setback from the Sportsmans Lane right-of-way is 25 feet. The overhang of the west end of the structure will be placed 25 feet from the right-of-way with the west end wall of the structure placed 28 feet from the right-of-way. The side yard setback from the property line is 15 feet. Therefore the south side of the structure will be placed 15 feet from the overhang and 18 feet from the south wall. The north side setback of the structure is in compliance with the 15 foot side yard setback.

In order for the landowner to be granted with this opportunity, a variance is needed for the rear yard setback. The variance is for a rear yard accessory structure setback of 56 feet from the OHWL of Lake Tetonka.



# LE SUEUR COUNTY

(507) 357-8538

## SUBSURFACE SEWAGE TREATMENT SYSTEM INSTALLATION CERTIFICATION FORM

Installation Date 9/17/12 Permit Number 12212 Parcel No. 04.780.0260

Type of Action		
New Construction ( )	Replace ( <input checked="" type="checkbox"/> )	Repair/Expand( )

Property Owner: BERNIE BAUMANN		Septic Installer: MS EXCAVATING	
Mailing Address: 858 HOLMES ST S		Address: 12125 W 70TH ST	
City/State:	SHAKOPEE MN	City/State:	NEW PRAGUE MN
Zip Code:	55379	Zip Code:	56071
911: 49435 SPORTSMANS LN WATERVILLE MN 56096		Lic. No.	438

Designer:	MS EXCAVATING	License Number:	438
Address:	12125 W 70TH ST		
City/State:	NEW PRAGUE MN	Zip Code:	56071

Township	ELYSIAN	Subdivision	TETONKA BEACH SUB
Section	24	Lot	32 & 33 & 34
Range	24	Block	NA
TWP	109	Quarter Sec	NW
		Lake or Stream	TETONKA
		Zone	RR
		Road	TWP

Type of System:	TYPE II	System Description:	HOLDING TANK
Operating Permit:	<input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> NA		
System is required to be monitored for the life of the system?	Y <input checked="" type="radio"/> N		
Number of New Tanks:	<input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	Tank Abandonment Form Received?	<input checked="" type="radio"/> Y <input type="radio"/> NA
Number of Existing Tanks:	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	Tank Integrity Form Received?	<input checked="" type="radio"/> Y <input type="radio"/> NA
Does the installation conform to the Record Drawing submittal?	<input checked="" type="radio"/> Y <input type="radio"/> N		
Electrical Certification Received?	<input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> NA		

Based on the compliance inspection conducted on this system, the system status (is) (is not) in compliance, therefore, this document is a (Certificate of Compliance) or (Notice of Noncompliance).

### CERTIFICATION:

I hereby certify as a State of Minnesota licensed Inspector or Qualified Employee that my observations recorded on this form are accurate as of the date at the top of this form for the site stated above. No determination of future hydraulic performance can be made due to unknown conditions during system construction, future water usage over the life of the system, abuse of the system, and/or inadequate maintenance all of which will adversely affect the life of the system.

Inspector's Name Lauren Klement Certification #: 8634

Inspectors Signature Lauren Klement

COMMENTS: Mr. Baumann wired the system on 9/17/12.





# Le Sueur County

## Surveyor Certification

### I. Applicant:

Name Bernard & Helen Baumann

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

Name \_\_\_\_\_

Property Address 49435 Sportsmans Lane

City Waterville

State MN

Zip 56096

### III. Parcel Information:

Parcel Number 04.780.0260

### 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 1/16/2015 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.



Surveyor's signature

1/16/2015

Date

4310

Lic #

### OFFICE USE ONLY

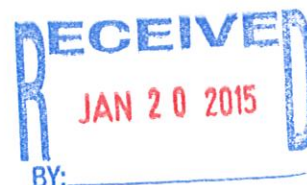
1-20-15

Date received



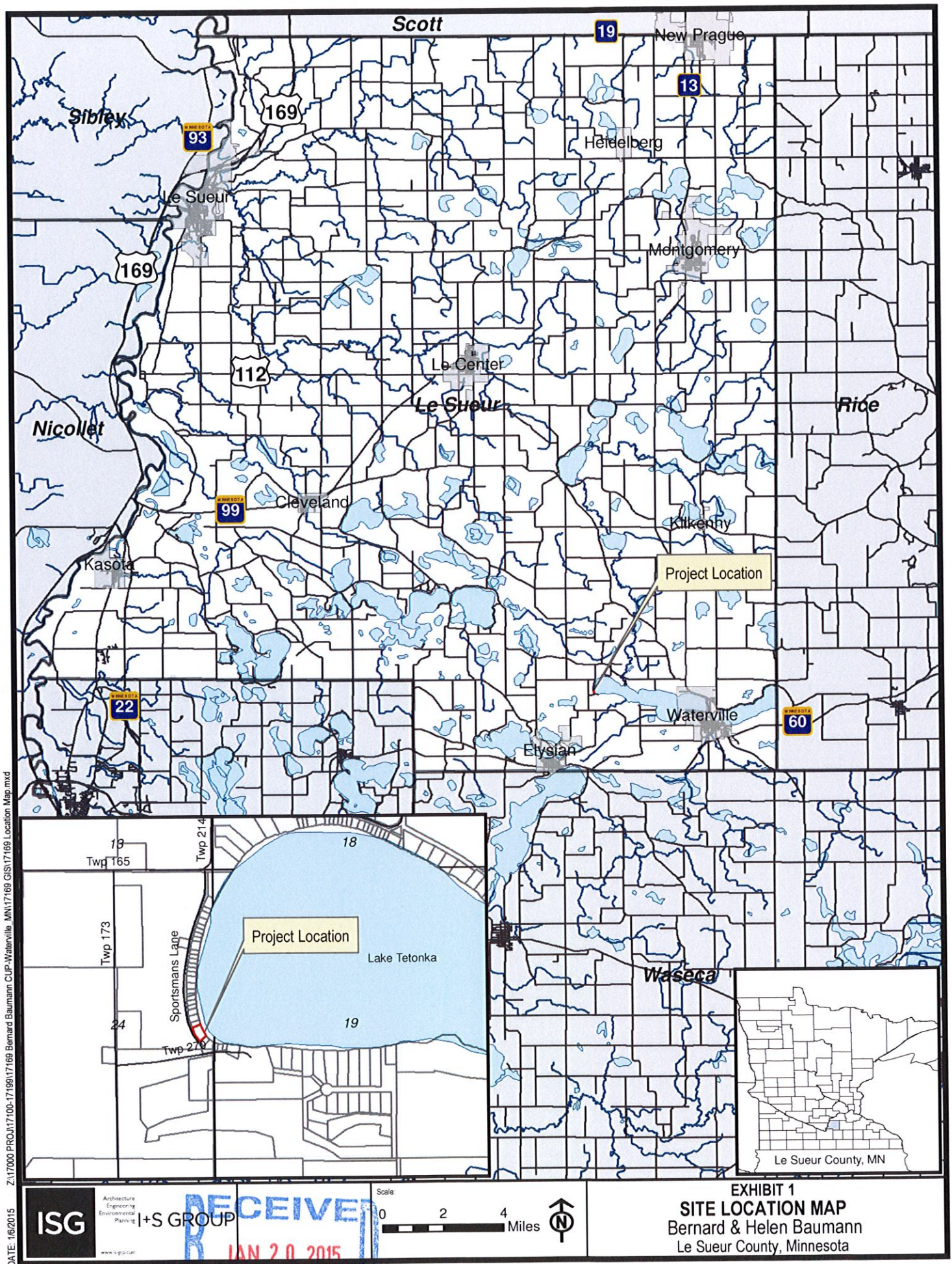
Planning & Zoning Authority signature

10-01-11



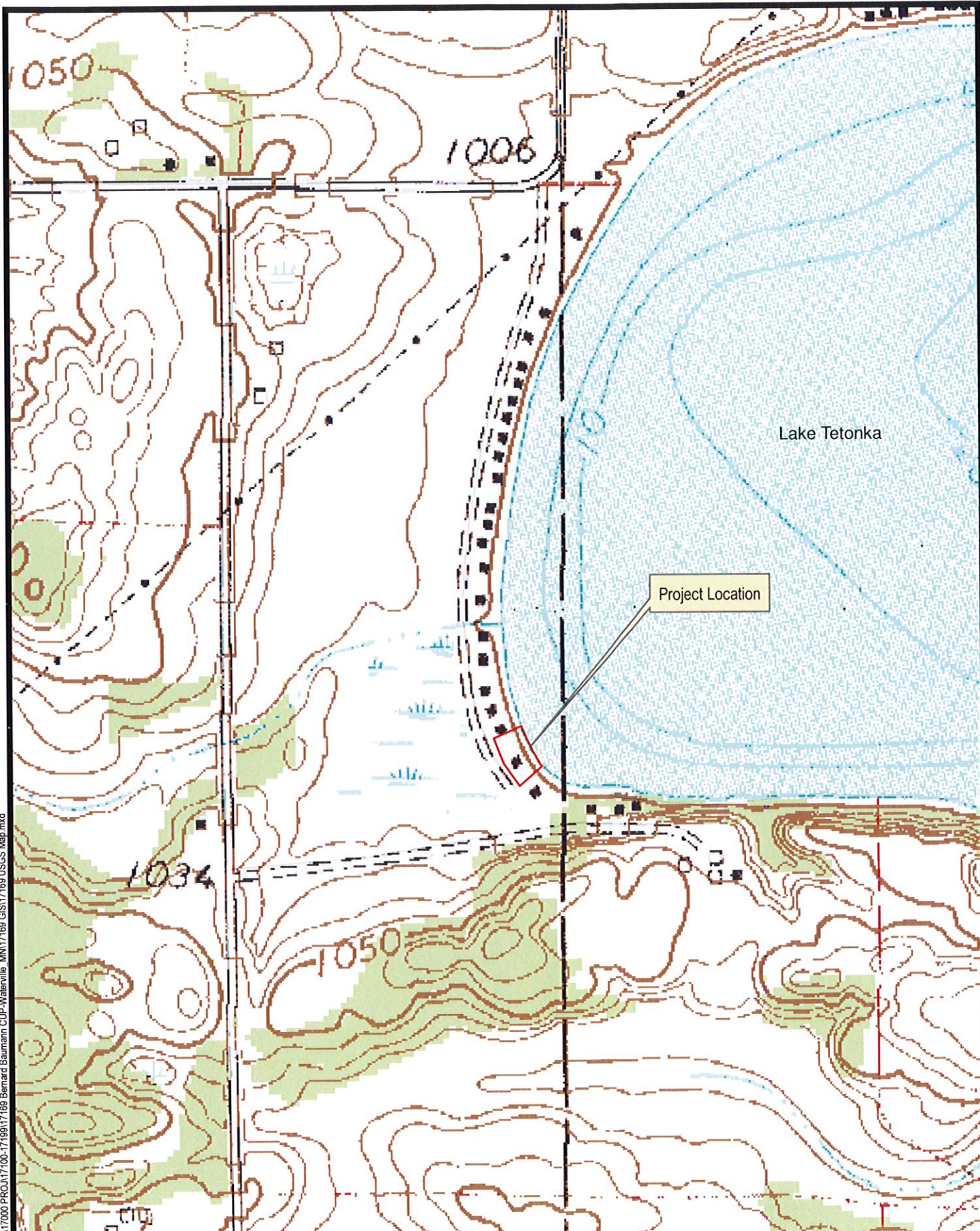
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DATE: 1/6/2015 Z:\17000 PROJ\17100-17199\17169 Bernard Baumann CUP-Waterville MN\17169 GIS\17169 USGS Map.mxd



ISG

Architecture  
Engineering  
Environmental  
Planning

SGROUP

JAN 20 2015

BY:

Scale

0 250 500 Feet  
1 inch = 500 feet



EXHIBIT 2  
USGS TOPOGRAPHIC MAP  
Bernard & Helen Baumann  
Le Sueur County, Minnesota





DATE: 1/19/2015 Z:\17000 PROJ\17100-17199\17199 Bernard Baumann CUP-Waterville, MN\17169 GIS\17169 Aerial.mxd

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**I+S GROUP**  
www.isgpc.com

RECEIVED  
JAN 20 2015

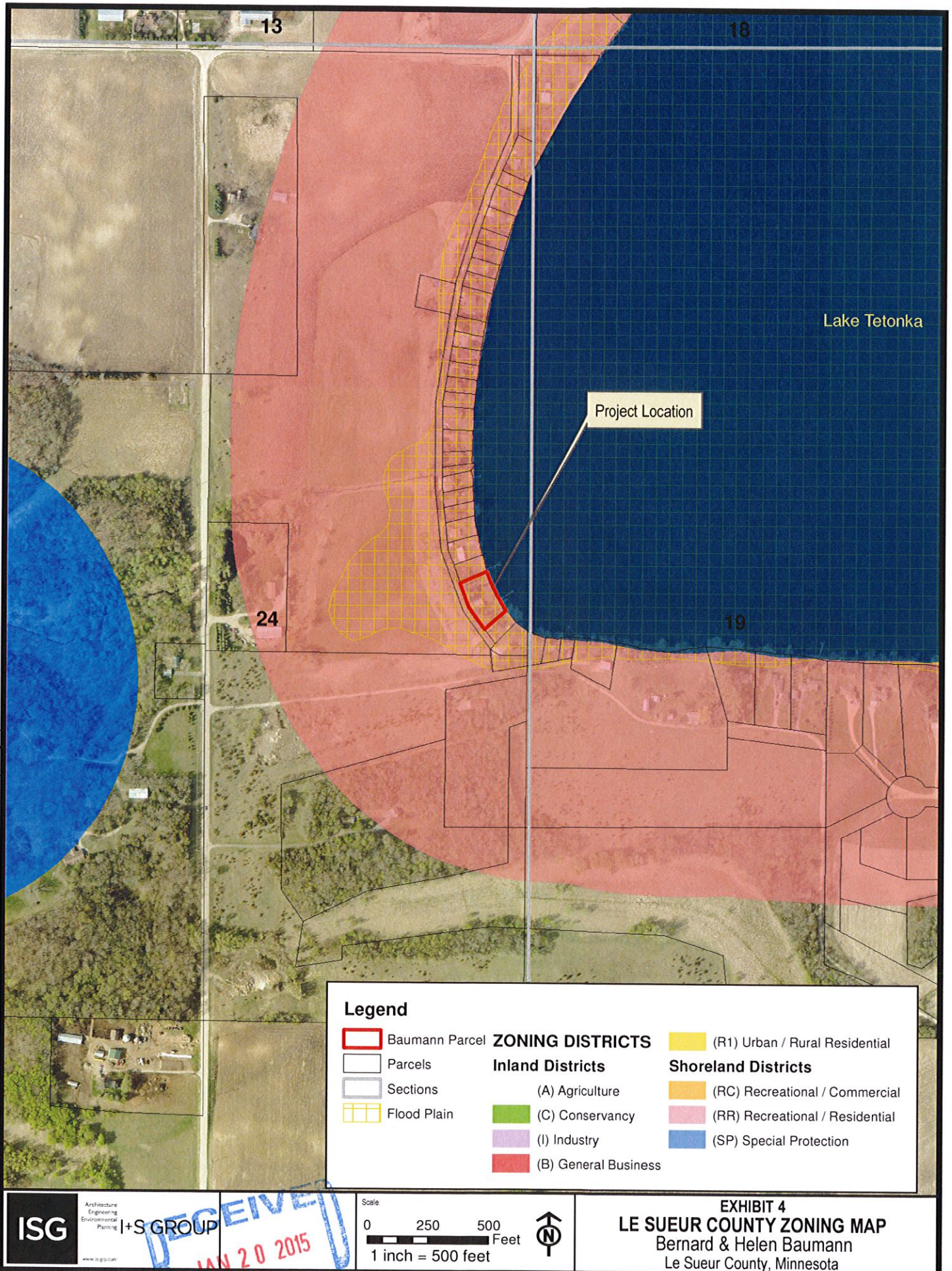
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1 inch = 50 feet



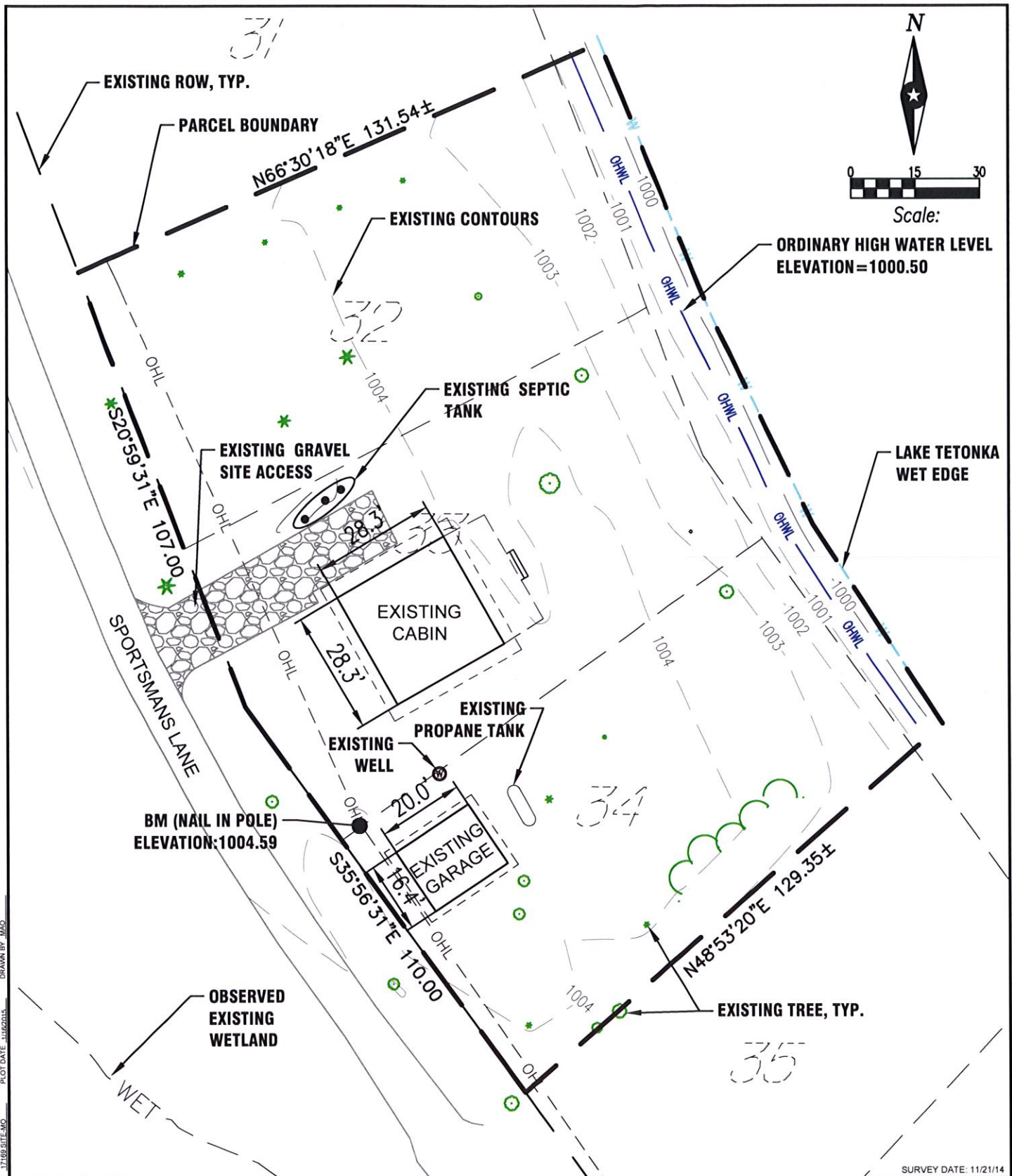
**EXHIBIT 3**  
**AERIAL PHOTOGRAPH**  
Bernard & Helen Baumann  
Le Sueur County, Minnesota



DATE: 1/19/2015 21:7000 PROJ:17100-1719917169 Bernard Baumann CUP-Waterville MN17169 GIS17169 Le Sueur County Zoning Map.mxd

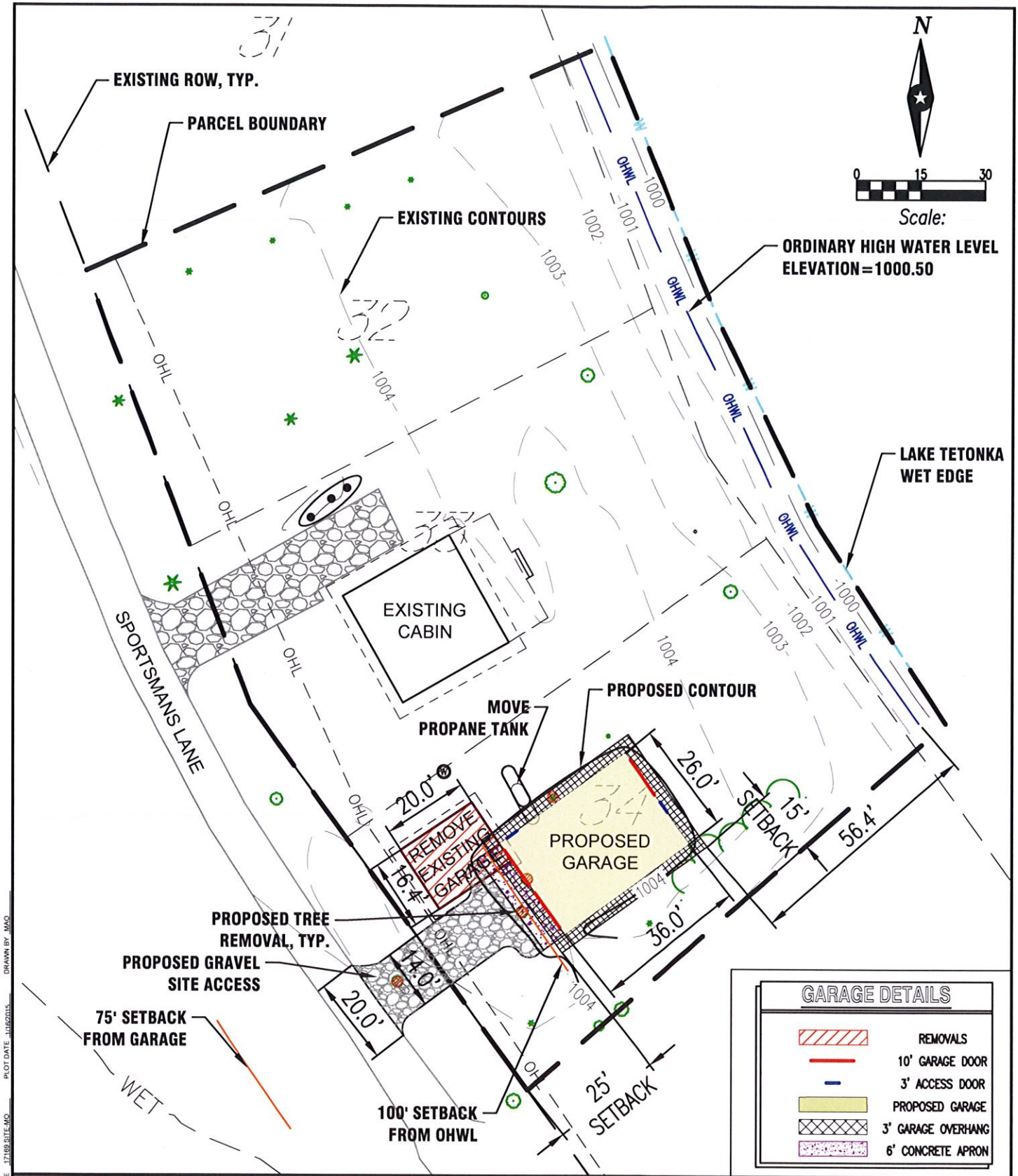






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	DATE: _____ LIC NO: _____	DATE: 1/16/15 LIC NO: 43110	SHEET <b>EXHIBIT 5</b>



## PROPOSED CONDITIONS

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MINNESOTA.

DANIEL L. STUEBER

*DS*

DATE: 1/16/15 LIC NO: 43110

PROJECT

**BERNARD & HELEN  
BAUMANN**

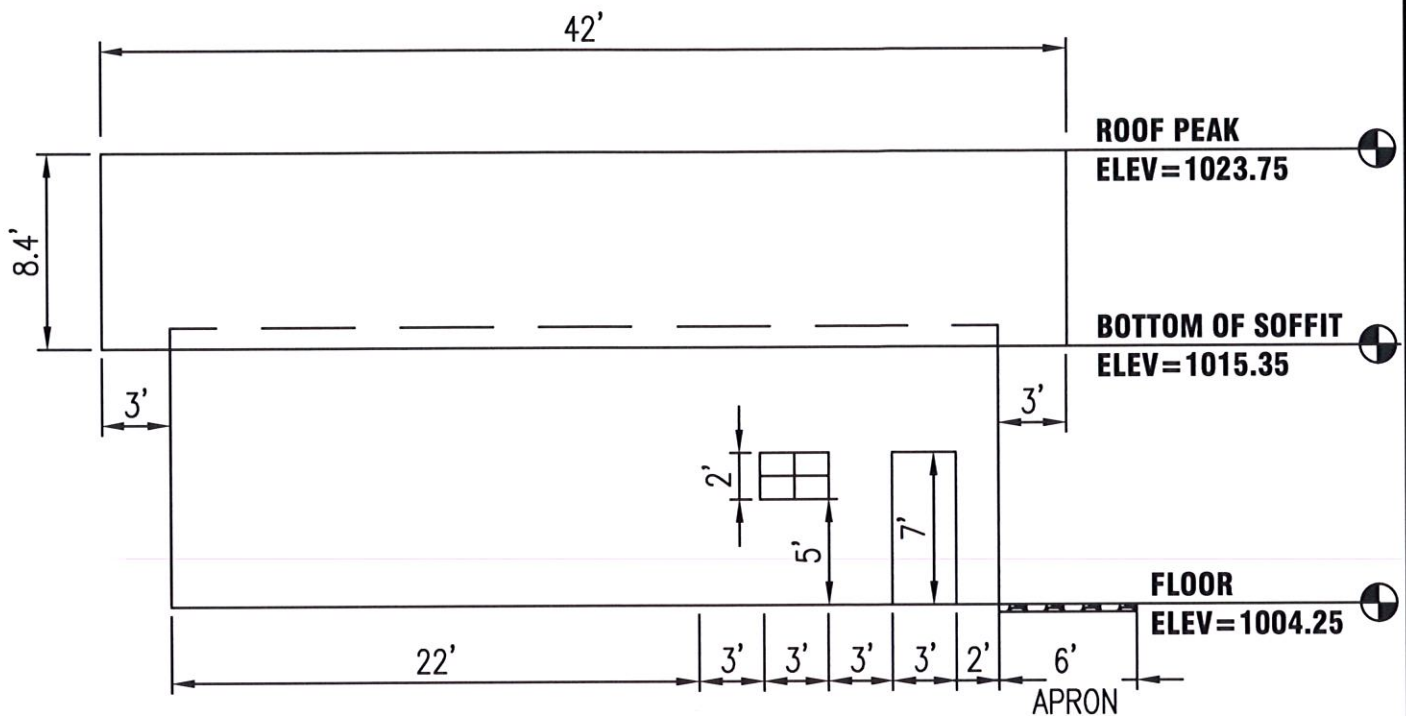
**EXHIBIT 6**

SHEET

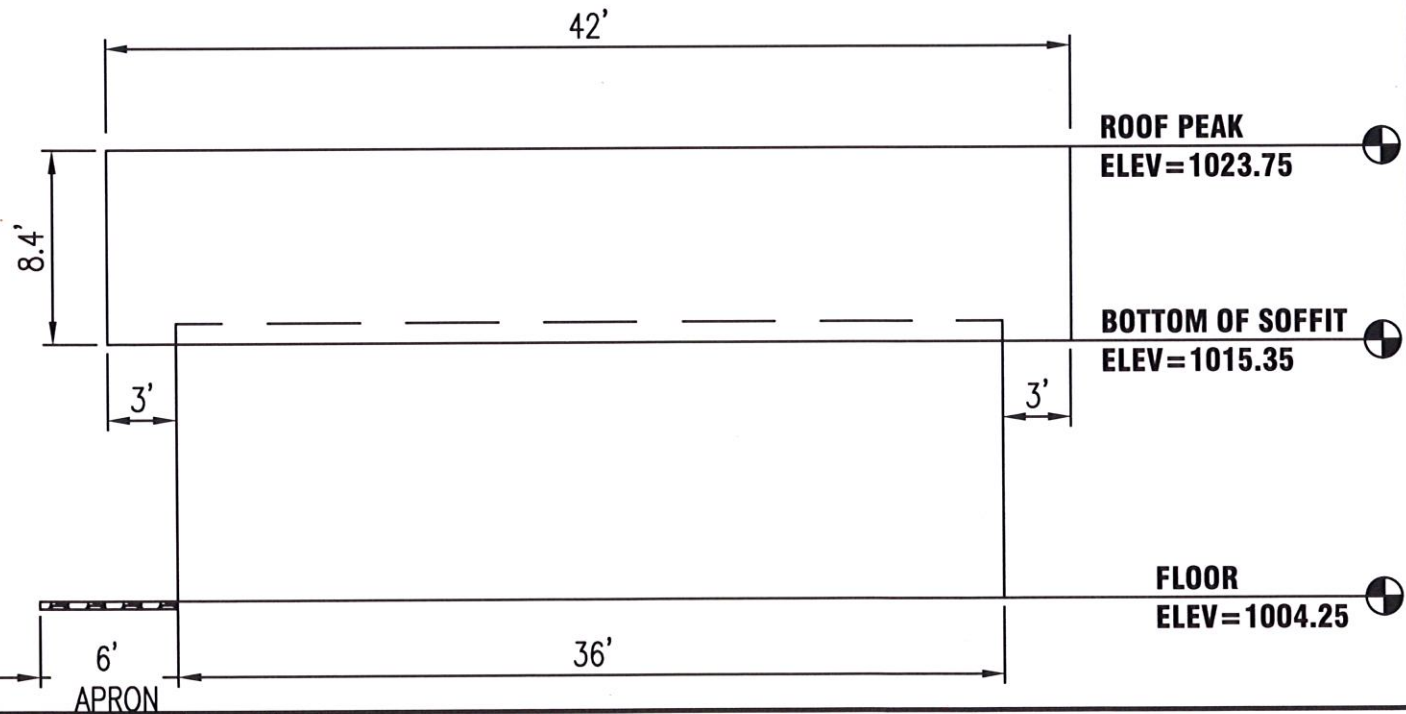
PROJECT NO. 1417209 CAD FILE NAME: 17188 SITE-MO PLOT DATE: 1/16/2015 DRAWN BY: MAO



**NORTH SIDE VIEW  
NORTH SIDE OF STRUCTURE**



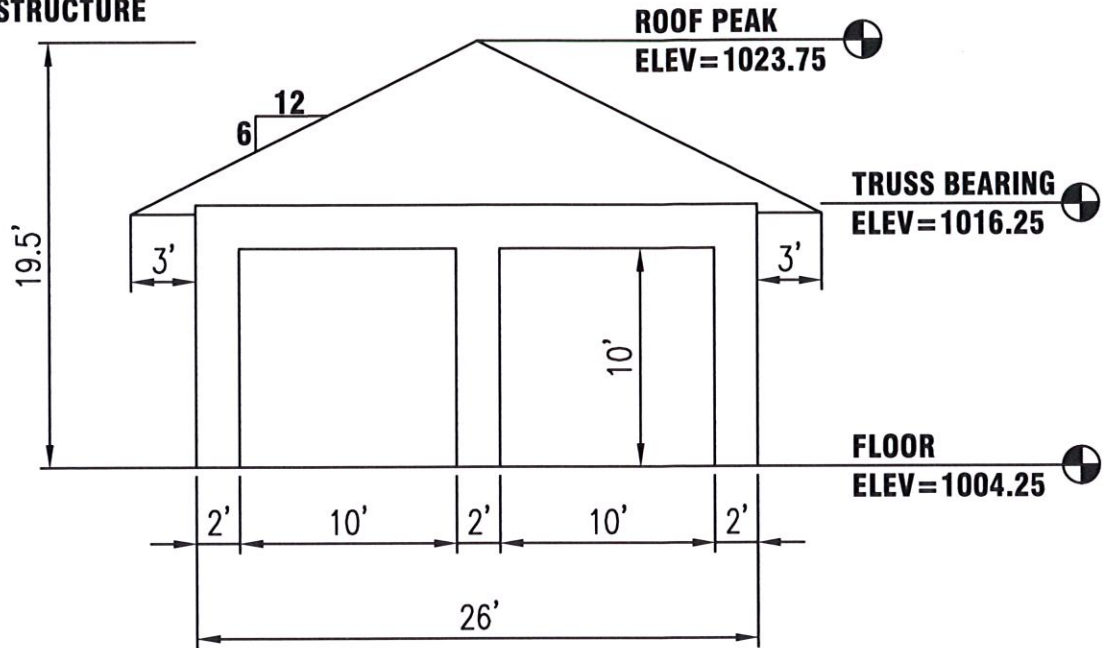
**SOUTH SIDE VIEW  
SOUTH SIDE OF STRUCTURE**



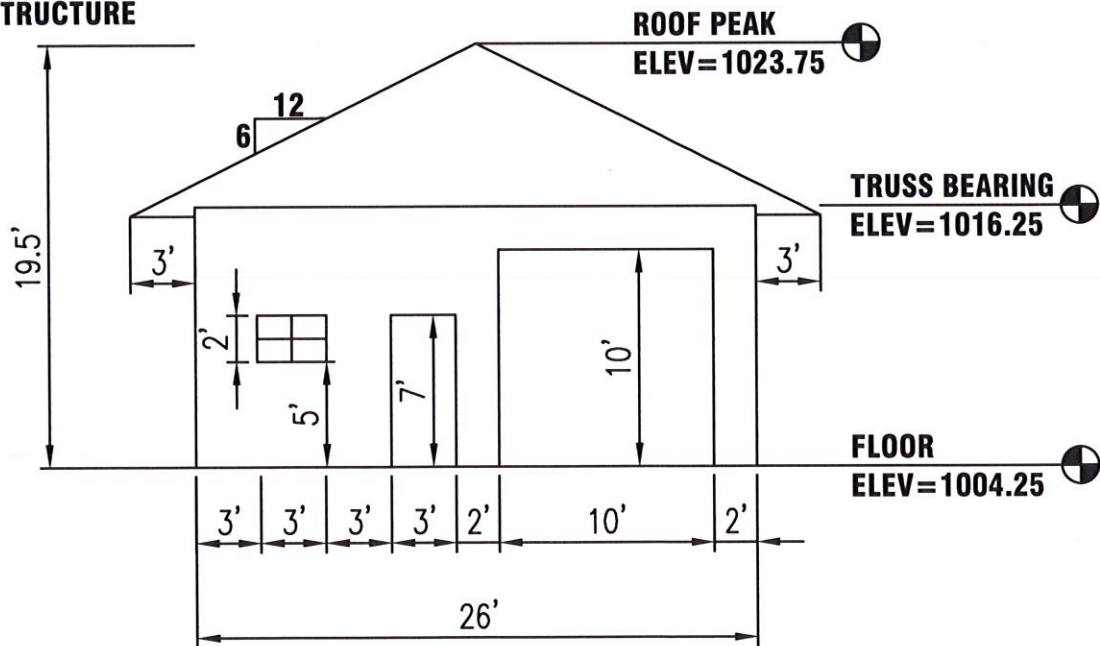
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	SHEET			

**FRONT VIEW  
WEST SIDE OF STRUCTURE**



**REAR VIEW  
EAST SIDE OF STRUCTURE**



**PROPOSED STRUCTURE DETAILS**

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PROFESSIONAL ENGINEER UNDER THE LAWS OF THE  
STATE OF MINNESOTA.

CHARLES J. BRANDEL

*Charles J. Brandel*

DATE: 1/16/15 LIC NO: 43359

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR  
REPORT 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.

DATE: LIC NO:

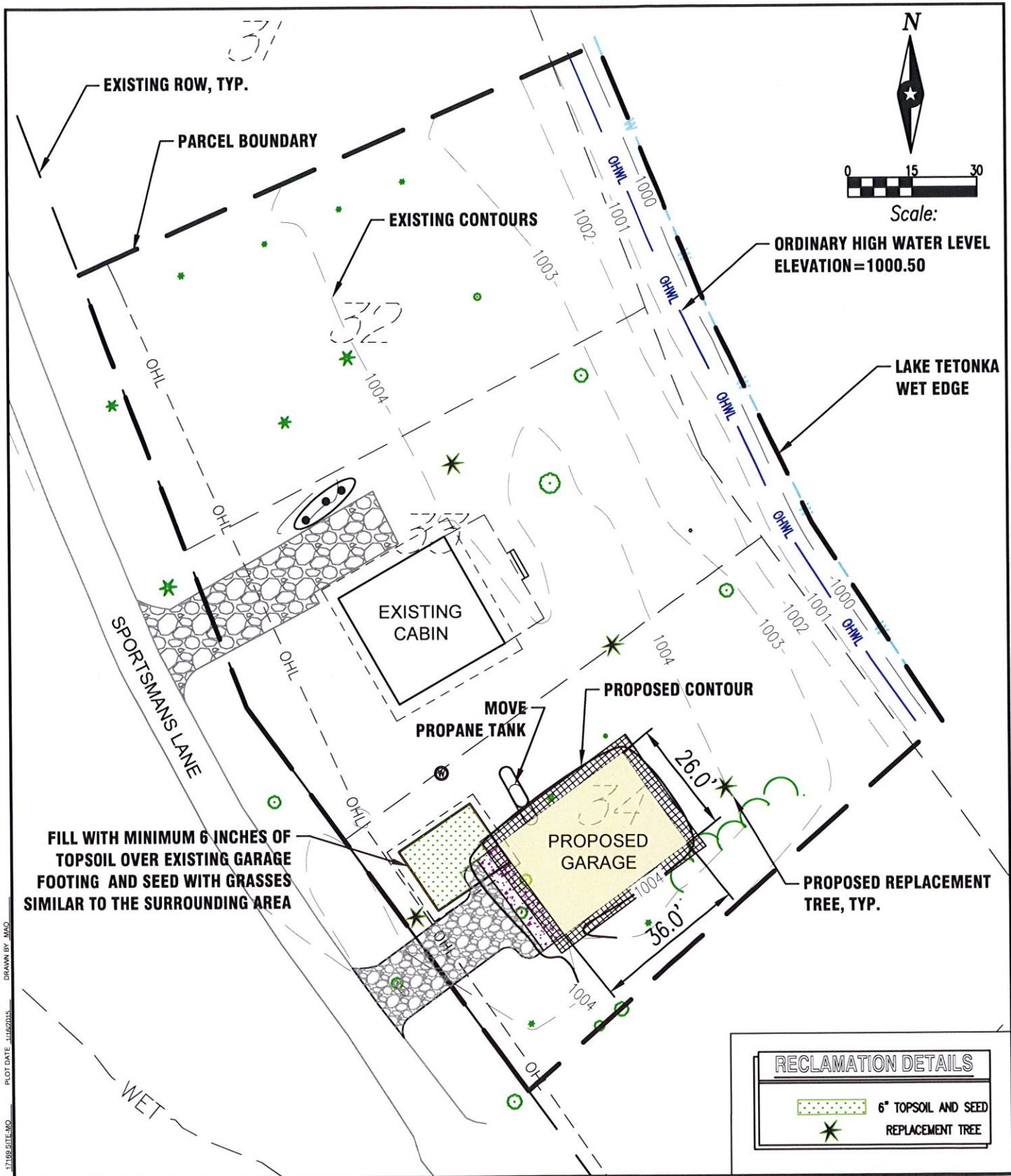
PROJECT

**BERNARD & HELEN  
BAUMANN**

**EXHIBIT 7**

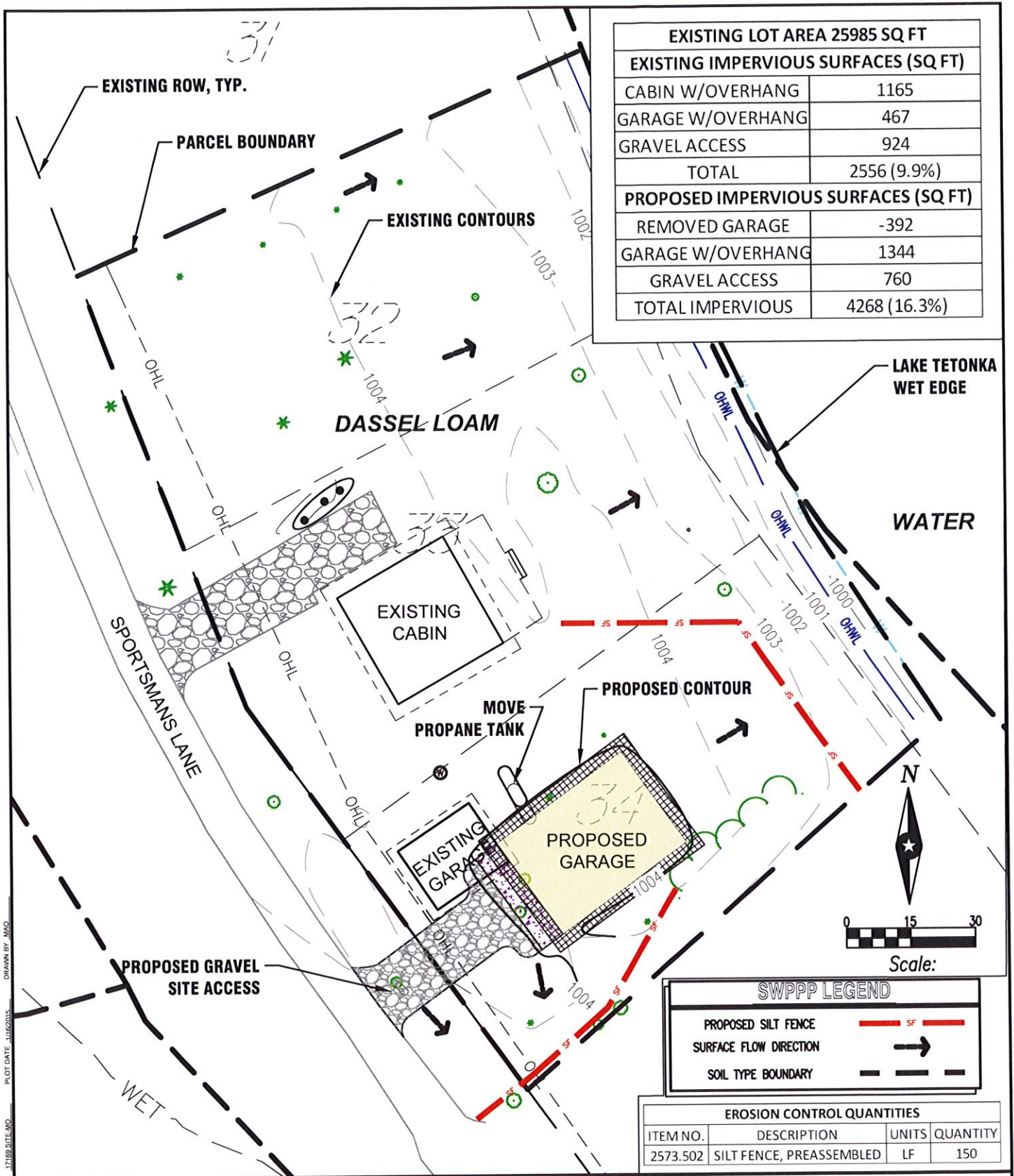
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PROJECT NO: 14.17199 CAD FILE NAME: 17109 SITE.MO PLOT DATE: 1/16/2015 DRAWN BY: JMO



<b>ISG</b> Architecture Engineering Environmental Planning www.isg.com		<b>PROPOSED RECLAMATION PLAN</b>		PROJECT <b>BERNARD &amp; HELEN BAUMANN</b>	
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DATE _____ LIC NO _____		DANIEL L. STUEBER <i>DS</i>		DATE 1/16/15 LIC NO 43110	
SHEET		<b>EXHIBIT 8</b>		SHEET	





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	<p>DATE: 1/16/15</p>		<p>DATE: _____ LIC NO: _____</p>		<p>SHEET</p>	

**LESUEUR 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:** Bernard H Baumann PID: 04.780.0260  
Mailing Address: 858 Holmes St. S Shakopee, MN 55379  
Property Address: 49435 Sportsman Lane Waterville, MN 56069  
Phone: 952-445-1684 Mobile/Cell 612-518-4004

**Responsible party for Implementation/Inspection:** Bernard H Baumann  
Address: 858 Holmes St. S Shakopee, MN 55379  
Phone: 952-445-1684 Mobile/Cell 612-518-4004

**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 1<sup>st</sup>. 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.

Bernard H. Baumann

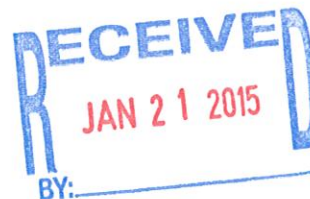
  
Bernard H. Baumann (Property Owner)

  
(Person Responsible for Implementation)

1/21/2015  
(Date)

1/21/2015  
(Date)

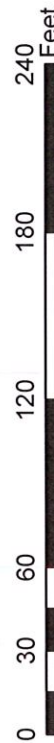
If you have any questions, please contact Environmental Services, at 507-357-8538.





# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Baumann  
**PID:** 04.780.0260  
**DATE:** 1-29-15  
**FIRM #:** 27079C0425D  
**F-Zone:** A-100\_year  
**RFPE:** 1006.08  
**District:** Recreational Residential  
 Flood Fringe Flood Plain



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**

		KILKENNY									
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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	
Lakes	
Wetlands	
CIRC39	
Type 1	
Type 2	
Type 3	
Type 4	
Type 5	
Type 6	
Type 7	
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90	
98	
Parcel	
Contours 2 ft	