



**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: APRIL 16, 2015

TIME: 3:00 PM

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

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

ITEM #1 Board of Adjustment Notice of Public Hearing

ITEM #2 Board of Adjustment Agenda

ITEM #3 Perkins Use Packet

ITEM #4 Perkins Packet

ITEM #5 Hermel/Scheiffer Packet

ITEM #6 3-19-15 APPROVED Minutes

INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT
APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT April 16, 2015.

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



Le Sueur County, MN

Thursday, April 16, 2015

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: APRIL 16, 2015

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 **APRIL 7, 2015**.

ITEM #1: MARK PERKINS, CLEVELAND, MN, (APPLICANT/OWNER): Requests that the County grant a Use Variance from the Le Sueur County Zoning Ordinance to allow the applicant to expand an existing legal non-conforming feedlot operation in an Agriculture "A" District. Property is located in SE 1/4 NW 1/4, Section 28, Cleveland Township. **VARIANCE IS FOR EXPANSION OF A LEGAL NON-CONFORMING USE. APPLICATION POSTPONED FROM THE MARCH 19, 2015 MEETING.**

ITEM #2: MARK PERKINS, CLEVELAND, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an animal feedlot confinement structure for an existing feedlot 46 feet to the East property line, 41 feet to the South property line; deviate from lot size and suitable area acreage requirements in an Agriculture "A" District. Property is located in SE 1/4 NW 1/4, Section 28, Cleveland Township. **VARIANCE IS FOR SETBACKS TO PROPERTY LINE, LOT SIZE, AND SUITABLE AREA ACREAGE. APPLICATION POSTPONED FROM THE MARCH 19, 2015 MEETING.**

ITEM #3: ROB HERMEL & CATHY SCHIEFFER, (APPLICANTS/OWNERS): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 30 x 30 dwelling addition 86 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District on an Agricultural River, Cannon River. Property is located in SW 1/4 SW 1/4, Section 32, Kilkenny Township. **VARIANCE IS FOR OHWL SETBACK.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT April 16, 2015.

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



Le Sueur County, MN

Thursday, April 16, 2015

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: April 16, 2015

Meeting Time: 3:00 pm

Onsite Date: April 16, 2015

Onsite Time: 1:30 pm

ITEM #1: Perkins-Use

ITEM #2: Perkins

ITEM #3: Hermel

Discussion Items: Minutes

ADJOURN

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



Le Sueur County, MN

Thursday, April 16, 2015

Regular Session

Item 1

Perkins Use Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Mark Perkins
911 ADDRESS: 28717 440th St, Cleveland MN 56017
VARIANCE REQUEST: To allow the applicant to expand a legal non-conforming feedlot operation.
VARIANCE NUMBER: 15017
PARCEL NUMBER: 01.028.0700

SITE INFORMATION

LOCATION: Part of the SE 1/4 of the NW 1/4 in Section 28, 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: Agriculture, scattered residences, less than 1 mile from the City of Cleveland.
ACCESS: Existing off 440th Street
LAKE: NA
RFPE: NA

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Amy Beatty

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. Non-conformities cannot be enlarged. | | | Section 24, Subdiv.3.1 | 24-1 |
- 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.
 - A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

- The following shall be considered at the hearing:

- a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
- b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
- c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

USE **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: 2/13/2015 PERMIT NUMBER 15017 FEE: \$646.00
60 DAY RULING DATE: 4/14/2015

APPLICANT: MARK PERKINS PROPERTY OWNER: MARK PERKINS
ADDRESS: 28717 440TH ST ADDRESS: 28717 440TH ST
CITY: CLEVELAND CITY: CLEVELAND
STATE: MN ZIP: 56017 STATE: MN ZIP: 56017
PHONE: 507-381-8733 PHONE: 507-381-8733

PARCEL NO: 01.028.0700 TOWNSHIP: CLEVELAND 911: 28717 440TH ST
SEC: 28 SUBDIV: NA
TWP: 110 LOT: NA ZONE: A
RANGE: 25 BLOCK: NA FEMA PANEL #: 27079C0265D
Q/Q: SE NW ROAD: CNTY FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:

TO ALLOW THE APPLICANT TO EXPAND A LEGAL NONCONFORMING FEEDLOT OPERATION. *on 6.11 acres.*

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

2/17/15
DATE

Kathy Brockway
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

2/17/15
DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 3/19/2015
PUBLIC HEARING DATE: 3/19/2015 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.

USE VARIANCE FINDINGS OF FACT

Name of Applicant: MARK PERKINS

Variance # 15017

Variance Request: TO ALLOW THE APPLICANT TO EXPAND A LEGAL NONCONFORMING FEEDLOT OPERATION. *on 6.11 acres.*

- 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 hardship 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 hardship unique to the property?

Explain _____ JM JW JD CH FC

Y N 3. Were the circumstances causing the hardship 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 hardship 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 Environmental Services

Mailing Address:
88 South Park Avenue
Le Center, MN 56057
Direct Dial (507) 357-8538

Physical Address:
515 South Maple Avenue
Le Center, MN 56057
Fax (507) 357-8541

Date: Tuesday, April 07, 2015

To: Le Sueur County Board of Adjustment Members

From: Amy Beatty, Le Sueur County Environmental Programs Specialist

RE: Mark Perkins Variance Applications

Dear Board Members:

As stated in Mr. Perkins's variance applications, he is requesting to deviate from the county zoning ordinance to expand an existing, registered animal feedlot that is a legal non-conformity, setbacks to property lines, lot size, and suitable area acreage.

Currently, Mr. Perkins has a registered animal feedlot that is capable of housing 850 head of finishing pigs or 340 animal units. Mr. Perkins is current on his registration as required under the county zoning ordinance and Minnesota Administrative Rules, Chapter 7020 Animal Feedlots. This office has not received a complaint on this registered animal feedlot operation.

Over the past year and a half, Mr. Perkins has been in communications with me regarding construction, both at his current location and at new locations. He has approached various landowners in the county but has not been able to secure both the lot requirement and suitable area acreage. Not being able to secure the required acreage and thinking about accessing his property during adverse weather events, Mr. Perkins has decided to apply for variances at his existing site.

In regards to his variance requests,

1. The expansion of a legal non-conformity: The animal feedlot site is an existing site in an agricultural zoning district. There are five (5) existing, registered animal feedlots within approximately one (1) mile of his property. Therefore, in my opinion, he would be in harmony with the general purposes and intent of the zoning district.
2. The setback to property lines: The property to the south and east of the existing total confinement building is currently used to grow row crops. It should not have an adverse effect on the current land use.
3. The lot size and suitable area acreage requirements: In calculating the suitable area acreage, there is approximately 4.38 acres (subtracted approximately 0.36 acres of steep slopes from the 4.74 acres). The zoning ordinance requires 10 acres for both lot size and suitable area acreage. Mr. Perkins did try to purchase property adjoining his but was unable to come to an agreement with the current landowner. Also, by living on the same property in which his animal feedlot buildings are located on can be viewed as a safety factor. If adverse weather conditions arise, he will be close to his total confinement buildings and livestock.

Le Sueur County

Use Variance Application

I. **Applicant:**
Name Mark & Denise Perkins
Mailing Address 28717 440th St
City Cleveland State MN Zip 55007
Phone # 507-381-8644 Phone # 507-381-8645

II. **Land Owner (s), if different from above:**
Name Same
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. **Parcel Information:**
Parcel Number 01.028.0700 Parcel Acreage 6.11
Legal Description-Full legal description must be attached (*not from tax statement*)
See survey

IV. **Variance Request:**
to allow the expansion of a legal non-conformity

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

Cleveland Township notified on 12/20/2014
(Township Name) (Date)

Board Member John Kluntz 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 *Ext*
- 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.

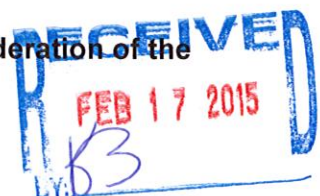
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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.
To deviate from Set backs of road right away and
property lines and deviate away from the 10 acres
and to be within 1000' of neighbors

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
The land owner that owns the land surrounding our property is
not willing to sell additional 5.25 acres but is willing to sell 1.3 acres
to be able to add the addition

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
The property was split and sold to different parties when we bought
our feedlot which made it a illegal non-conformity and in 2006 we
were issued a permit to rebuild after the tornado to make it a
legal non-conformity

4. How will the request maintain the essential character of the locality?
This will be added to our existing building making it all
under 1 roof

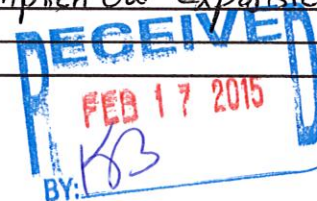
5. Does the alleged practical difficulty involve more than economic considerations?
This is part of our livelihood and benefits our family's future

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

7. Describe how the request is consistent with the Comprehensive Land Use Plan.
This will be an addition of 1,400 pigs to our existing property

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

9. Explain why this request is the minimum variance amount to afford relief.
It is the most efficient way we can accomplish our expansion



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] 2/13/2015
 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.

[Signature] 2/13/2015
 Land Owner signature Date

OFFICE USE ONLY

Date received <u>2/13/15</u>	Present Zoning Classification <u>A6</u>	Feedlot within 500' 1000' N
Meeting date <u>3/19/15</u>	Lake Classification <u>/</u>	Erosion Control Plan Y N
60 Day <u>4/17/15</u>	Lake <u>/</u>	Water courses Y N
FEMA Panel # <u>27079026SD</u>	Flood Zone <u>Xoutside</u>	Bluff Y N
<input type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Septic _____ CI / DESIGN
<input type="checkbox"/> Site Plan -survey	<input type="checkbox"/> Access approval <u>NA</u>	<input type="checkbox"/> Fee \$ <u>646</u> ATF / SPEC MTG
<input checked="" type="checkbox"/> Full legal	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Application complete	<input checked="" type="checkbox"/> Written Detail of Var	

Kathy Brockway 2/17/15 15017
 Planning & Zoning Department Signature Date Permit #

04-15-13

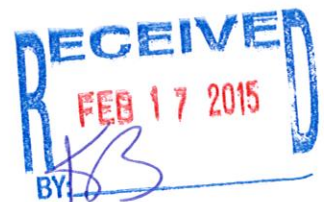


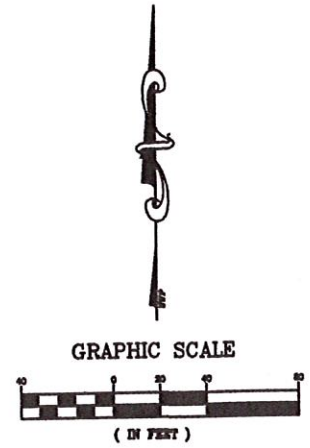
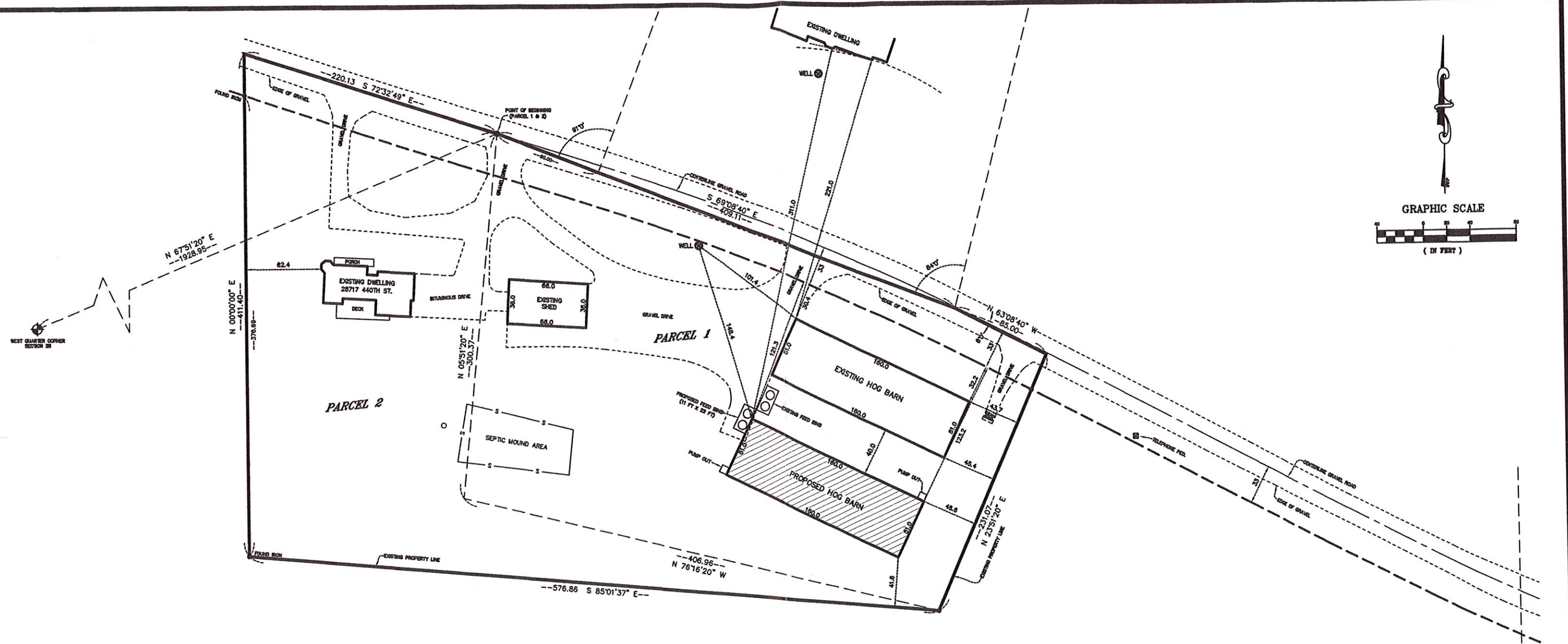
February 15, 2015

In 2002, I made a deal with George Warrant to buy the property he owned with hog barns on it, which made it an illegal non-conformity. There was a house located on the north side of the road but at that time was not for sale and was owned by someone else. A few years later, the house went into foreclosure. My wife and I tried to buy it, but the price was too high and we would have had to sell our house in Cleveland. So we never had a chance to get it. It was then bought by Patty Aalid in 2004 or 2005. In August of 2006, a tornado ripped through our property totaling all buildings. The county allowed me to rebuild 1 new building, which made it a legal nonconformity. The house across the street was also destroyed. My wife and I then approached Patty and offered to buy her now vacant lot. She told us she wanted to rebuild and stay. We then explained to her where we were going to rebuild our hog barn and she had no problem with it. In 2007 we bought an additional 2 acres from Greg Ballman, attached to our existing property to one day in the future build a house. In 2009 we sold our house in Cleveland, which allowed us to be able to build our house on the farm. We approached Patty Aalid and told her our plans and also to see if she was interested in selling her house to us. She told us she wasn't planning on selling any time soon. So we went ahead with our plans to build our house. We moved in March 2010. After we had built our house, Patty had a life-changing event, which caused her to sell her house to the Reinhardt's.

Now, we are looking at expanding our livestock business. We need to add on to our building. The reason for the addition to the existing building is because we have nowhere else close for us to go. Robert Zimmerman owns all land around us and is not willing to sell us the extra 5.25 acres needed to be in compliance. But he is willing to sell us the 1.3 acres to be able to add the addition to existing building. That way he can also square up his land to ours. So, we feel it is beneficial to both of us to be able to do this addition. I know it is not the most ideal location, but it works well for us. I have searched for 2 years trying to find land to build a new building and be close to our existing property, but no one was willing to sell us property to do so. Also, having all of our livestock under one roof is beneficial to us and everyone involved. We have always maintained our property very clean to follow by all rules and regulations involved in our feedlot. This is our business and our business is doing well, therefore we would like to expand and continue building our family's future.

Thank you
Mark & Denise Perkins





CERTIFICATE OF SURVEY

SURVEY FOR: MARK PERKINS

SURVEYED: February, 2015 **DRAFTED:** March 9, 2015
REVISED: March 13, 2015, to show additional dimensions per county's request.

LEGAL DESCRIPTION PARCEL 1:
That part of the Southeast Quarter of the Northwest Quarter of Section 28-110-25, Le Sueur County, Minnesota, described as follows: Assuming that the East - West quarter line of said Section 28 has a bearing of East and West. Commencing at the West quarter corner of said Section 28; thence North 67 degrees 51 minutes 20 seconds East, a distance of 1928.95 feet to the point of beginning of the tract to be described; thence South 69 degrees 08 minutes 40 seconds East, a distance of 409.11 feet; thence South 63 degrees 08 minutes 40 seconds East, a distance of 85.00 feet; thence South 23 degrees 51 minutes 20 seconds West, a distance of 231.07 feet; thence North 76 degrees 16 minutes 20 seconds West, a distance of 406.96 feet; thence North 05 degrees 51 minutes 20 seconds East, a distance of 300.37 feet to the point of beginning. This tract subject to right of way of existing town road and subject to any and all easements of record.

LEGAL DESCRIPTION PARCEL 2:
That part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 110 North, Range 25 West, Le Sueur County, Minnesota, described as: Commencing at the West Quarter corner of Section 28; (the East - West centerline of Section 28 to a have an assumed bearing of North 90 degrees 00 minutes 00 seconds East); thence North 67 degrees 51 minutes 20 seconds East, a distance of 1928.95 feet to a point on the centerline of the Township Road; said point being the point of beginning; thence South 05 degrees 51 minutes 20 seconds West; 300.37 feet; thence South 76 degrees 16 minutes 20 seconds East, 406.96 feet; thence North 85 degrees 01 minutes 37 seconds West, 576.86 feet; thence North 00 degrees 00 minutes 00 seconds East, 411.40 feet to a point on the center line of the Township Road; thence South 72 degrees 32 minutes 49 seconds East, along said center line, 220.13 feet to the point of beginning.

- SCOPE OF WORK & LIMITATIONS:**
1. Showing the length and direction of boundary lines of the above legal descriptions. The scope of services does not include determining what you own, that is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that they are correct, and that any matters of record, such as easements, that you wish to be shown on the survey, have been shown.
 2. Setting new monuments or verifying old monuments to mark the corners of the property, as shown.
 3. While I show proposed improvements to your property, I am not as familiar with your plans as you are nor am I as familiar with the requirements of governmental agencies as their employees are. I suggest that you review the survey to confirm that the proposals I show are what you intend and submit the survey to the governmental agencies that may have jurisdiction over your project and gain their approval before beginning construction or planning further improvements to the property.
 4. Showing the location of existing improvements deemed significant.

STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 43503, set, unless otherwise noted.

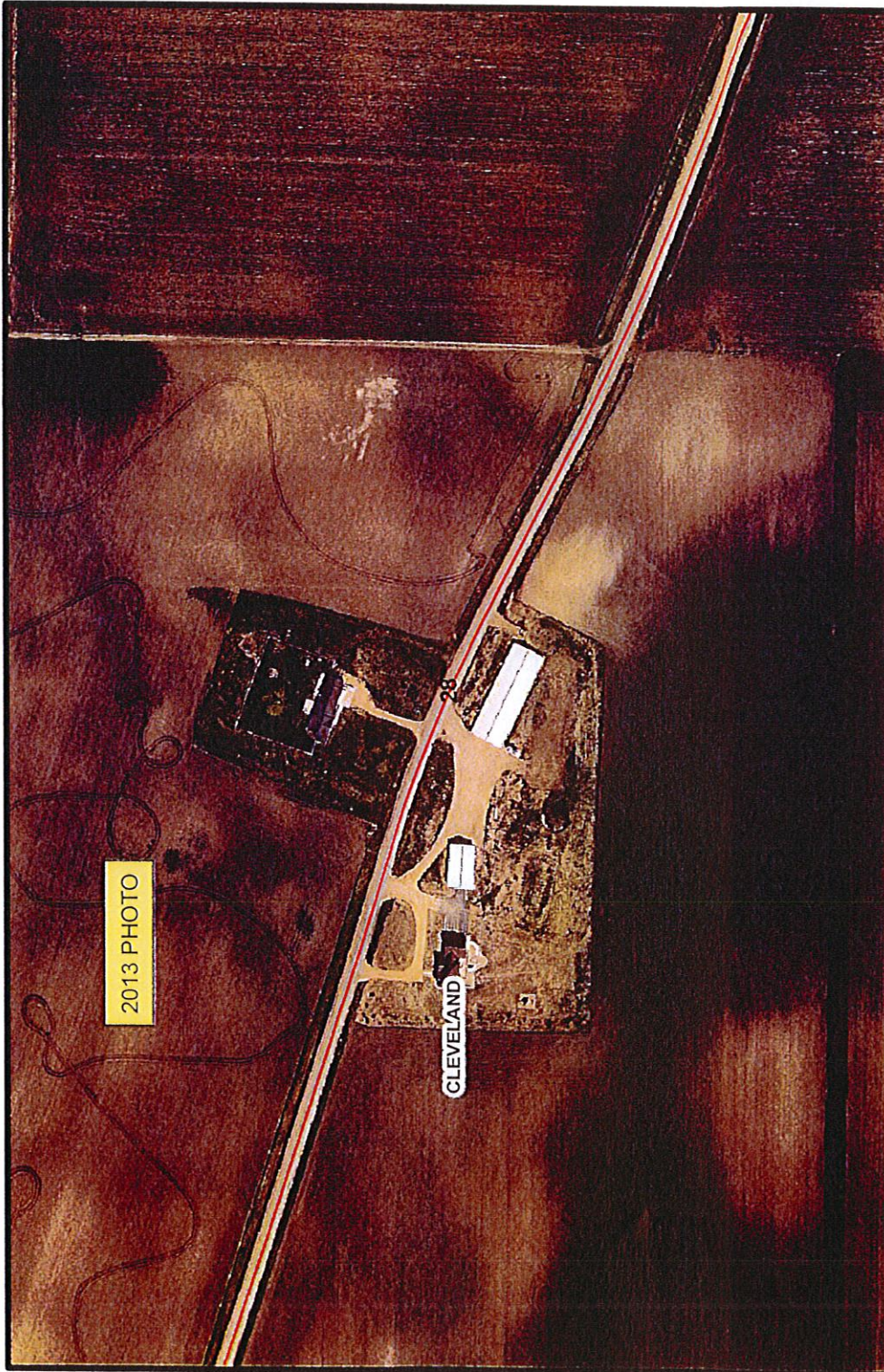
CERTIFICATION:
I hereby certify that this survey was prepared by me or under my direct supervision and I am a Professional Surveyor under the Laws of the State of Minnesota.

Wayne Preuhs
Wayne William Preuhs, P.S. No. 43503

EAST - WEST CENTERLINE
SECTION 28
S 90°00'00" E

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Perkins
 PID: 01.028.0700
 DATE: 04-06-15
 FIRM #: 27079C0.265D
 F-Zone: Xoutside
 RFPE: NA
 District: Agriculture



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.



Roads	Road Code
US Highway	Red line
MN Highway	Blue line
CSAH	Black line
County Road	Grey line
Township Road	Red dashed line
Municipal Street	Blue dashed line
Unspecified	Black dashed line
Incorporated	Red outline
Townships	Blue outline
Sections	Green outline

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

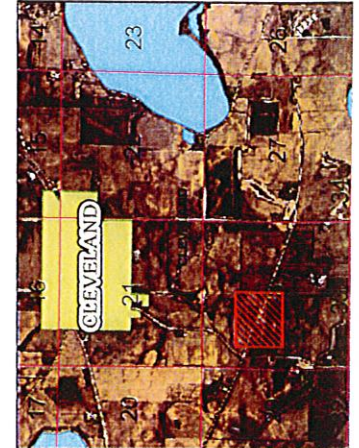
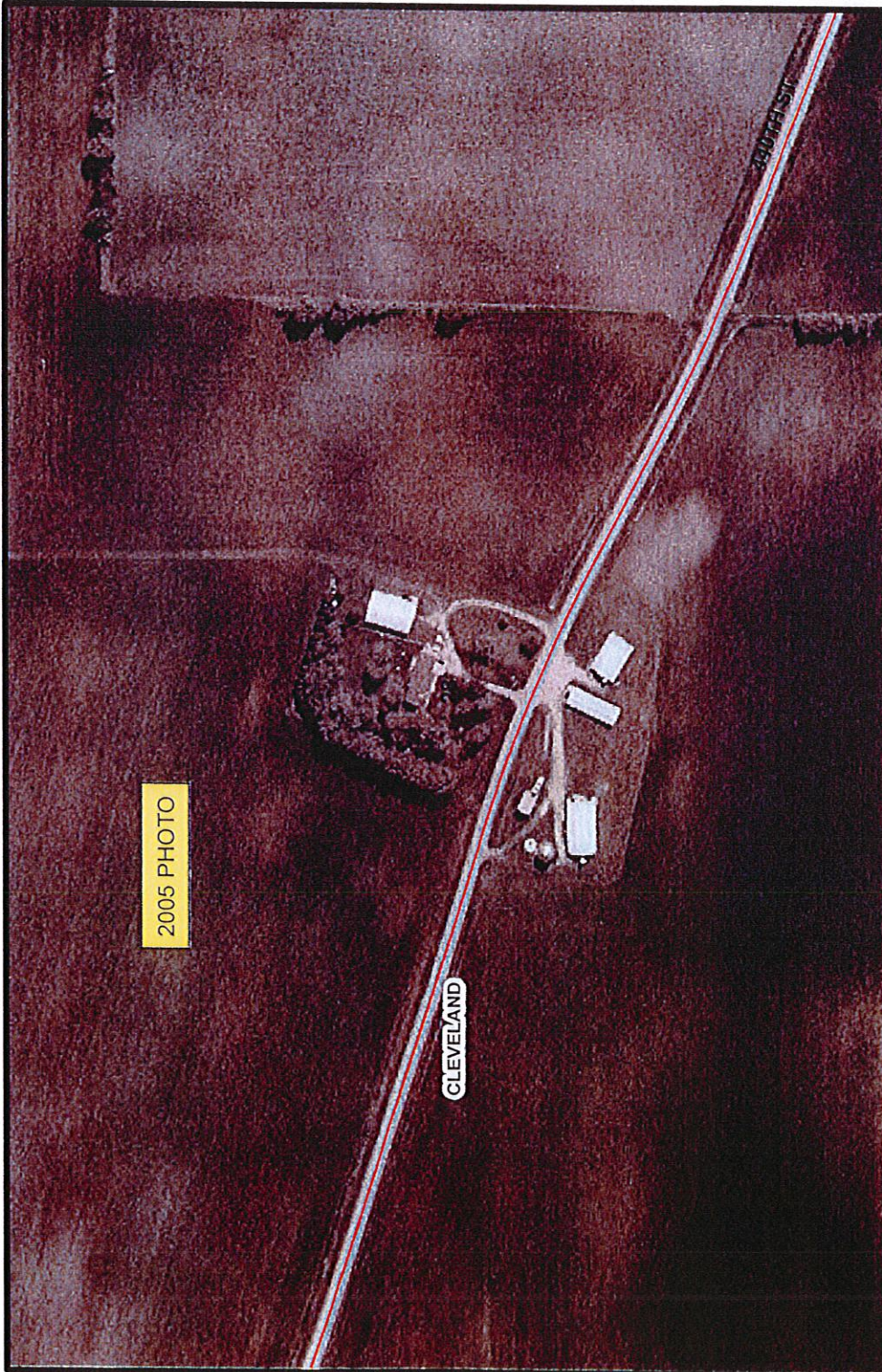
Created By: MRM

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Perkins
 PID: 01.028.0700
 DATE: 04-06-15
 FIRM #: 27079C0 265D
 F-Zone: Xoutside
 RFPE: NA
 District: Agriculture



Roads	Road Code
US Highway	[Red Line]
MN Highway	[Blue Line]
CSAH	[Black Line]
County Road	[Yellow Line]
Township Road	[Red Line]
Municipal Street	[Blue Line]
Unspecified	[Purple Line]
Incorporated	[Pink Line]
Townships	[Blue Line]
Sections	[Green Line]

Lesueur\MNHigh-LCCS.ecw
 Value High : 255
 Low : 0



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.
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Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, April 16, 2015

Regular Session

Item 2

Perkins Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **Mark Perkins**

911 ADDRESS: **28717 440th St, Cleveland MN 56017**

VARIANCE REQUEST: **To allow the applicant to construct an animal feedlot confinement structure for an existing feedlot 46 feet to the East property line, 41 feet to the South property line, deviate from lot size and suitable area acreage requirements.**

VARIANCE NUMBER: **15018**

PARCEL NUMBER: **01.028.0700**

SITE INFORMATION

LOCATION: **Part of the SE 1/4 of the NW 1/4 in Section 28, 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: **Agriculture, scattered residences, less than 1 mile from the City of Cleveland.**

ACCESS: **Existing off 440th Street**

LAKE: **NA**

RFPE: **NA**

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Amy Beatty

STAFF FINDINGS

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

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---|-------------------------|-----------------------|---------------------------------|--------------|
| a. Feedlot structure to property line. | 41 & 46 feet | 100 feet | Section 16, Subdiv.10.A. | 16-8 |
| b. Feedlot lot size. | 4.74 acres | 10 acres | Section 16, Subdiv.10.E. | 16-8 |
| c. Feedlot suitable area acreage. | 4.74 acres | 10 to 14.99 ac | Section 3, Subdiv.3.F.2. | 16-4 |
2. 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.
 3. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
 4. 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.

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: 2/17/2015 PERMIT NUMBER 15018 FEE: \$646.00
60 DAY RULING DATE: 4/17/2015

APPLICANT: MARK PERKINS PROPERTY OWNER: MARK PERKINS
ADDRESS: 28717 440TH ST ADDRESS: 28717 440TH ST
CITY: CLEVELAND CITY: CLEVELAND
STATE: MN ZIP: 56017 STATE: MN ZIP: 56017
PHONE: 507-381-8644 PHONE: 507-381-8644

PARCEL NO: 01.028.0700 TOWNSHIP: CLEVELAND 911: 28717 440TH ST
SEC: 28 SUBDIV: NA
TWP: 110 LOT: NA ZONE: A
RANGE: 25 BLOCK: NA FEMA PANEL #: 27079C0255D
QQ: SENW ROAD: CNTY FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:

To allow the applicant to construct an ~~add-on~~ ^{ca} ~~ext~~ ^{46'} ~~barn~~ ^{↑ E} 25 ft to the ROW, 20 ft to the property line, ~~construct~~ ^{41 to S.} feed structures 30 ft to the ROW. Allow the feedlot to deviate from lot size requirements. ^{suitable PC area}

MP

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

2/17/15

DATE

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

2/17/15

DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE:	3/18/2015	4/16/15
PUBLIC HEARING DATE:	3/19/2015	4/16/15
ACTION:	_____	
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS	

BOARD OF ADJUSTMENT CHAIRMAN

DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.

USE VARIANCE FINDINGS OF FACT

Name of Applicant: MARK PERKINS

Variance # 15018

Variance Request: To allow the applicant to construct a barn 46' to the E pl 41' to the S pl, 311' to an ext. SFD and deviate from lot size and suitable area requirements.

- 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 hardship 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 hardship unique to the property?

Explain _____ JM JW JD CH FC

Y N 3. Were the circumstances causing the hardship 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 hardship 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 Mark + Denise Perkins
Mailing Address 2877 440th St
City Cleveland State Mn Zip 55007
Phone # 507-381-8644 Phone # 507-381-8645

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

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

III. Parcel Information:

Parcel Number 01-028-0700 Parcel Acreage 6.11
Legal Description-Full legal description must be attached (not from tax statement)
See survey

IV. Variance Request:

to allow the appl. to construct an addn to an ext. barn closer to the row, & property lines, + SFD. Feeders closer to the row. deviate from lot size requirements. (Barn 25' x 40', 41' x 46' PL, SFD to feedlot 311'') (AC. Parcel)

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

Cleveland Township notified on 12/20/2014
(Township Name) (Date)

Board Member John Kluntz 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 Department 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. Use 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.

No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

A Variance may be granted only where the strict enforcement of the official control will result in a hardship.

It is the responsibility of the applicant and/or landowner to prove evidence that a hardship exists.

A determination that a hardship exists upon the consideration of the following criteria:

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

To deviate from Set backs of road right away and property lines and deviate away from the 10 acres and to be within 1000' of neighbors

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

The Land owner that owns the land surrounding our property is not willing to sell additional 5.25 acres but is willing to sell 1.3 acres to be able to add the addition

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

The property was split and sold to different parties when we bought our feedlot which made it a illegal non-conformity and in 2006 we were issued a permit to rebuild after the tornado to make it a legal non-conformity

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

This will be added to our existing building making it all under 1 roof no change - already exist. feedlot.

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

This is part of our livelihood and benefits our family's future

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

yes, Ag district

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

This will be an addition of 1,400 pigs to our existing property

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

N/A

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

It is the most efficient way we can accomplish our expansion

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.

X [Signature]
Applicant signature

2/13/15
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.

X [Signature]
Land Owner signature

2/13/15
Date

OFFICE USE ONLY

Date received 2/19/15 Present Zoning Classification AG Feedlot within 500' 1000' N

Meeting date 3/19 Lake Classification _____ Erosion Control Plan Y N

60 Day 4/19 Lake _____ Water courses Y N

FEMA Panel # 27079C0265 Flood Zone X outside Bluff Y N

Surveyor Certificate Ordinance Septic NA CI / DESIGN

Site Plan -survey Access approval NA Fee \$ 646 ATF / SPEC MTG

Full legal Blue Prints NA Other _____

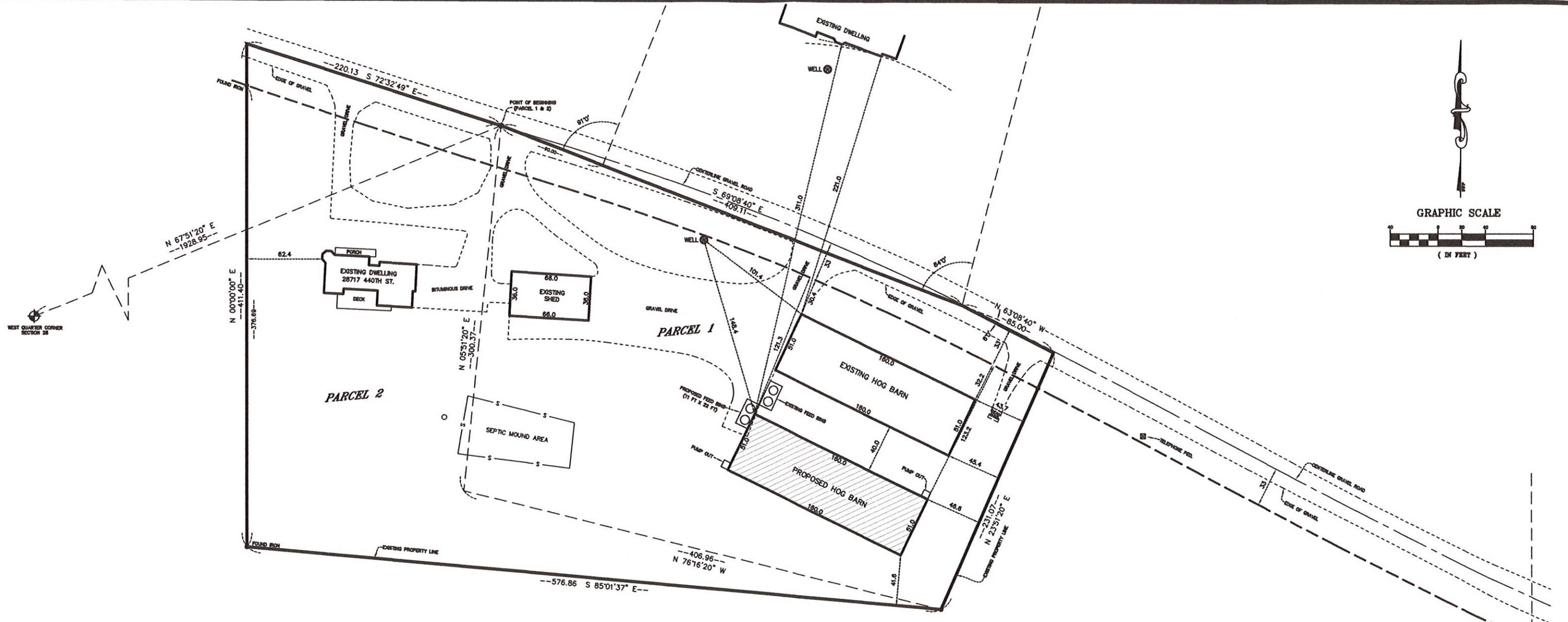
Application complete Written Detail of Var

[Signature]
Planning & Zoning Department Signature

2/17/15
Date

15018
Permit #

04-15-13



CERTIFICATE OF SURVEY

SURVEY FOR: **MARK PERKINS**

SURVEYED: February, 2015
 DRAFTED: March 9, 2015
 REVISED: March 13, 2015, to show additional dimensions per county's request.

LEGAL DESCRIPTION PARCEL 1:

That part of the Southeast Quarter of the Northwest Quarter of Section 28-110-25, Le Sueur County, Minnesota, described as follows: Assuming that the East - West quarter line of said Section 28 has a bearing of East and West. Commencing at the West quarter corner of said Section 28; thence North 67 degrees 51 minutes 20 seconds East, a distance of 1928.95 feet to the point of beginning of the tract to be described; thence South 69 degrees 08 minutes 40 seconds East, a distance of 409.11 feet; thence South 63 degrees 08 minutes 40 seconds East, a distance of 85.00 feet; thence South 23 degrees 51 minutes 20 seconds West, a distance of 231.07 feet; thence North 76 degrees 16 minutes 20 seconds West, a distance of 406.96 feet; thence North 05 degrees 51 minutes 20 seconds East, a distance of 300.37 feet to the point of beginning. This tract subject to right of way of existing town road and subject to any and all easements of record.

LEGAL DESCRIPTION PARCEL 2:

That part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 110 North, Range 25 West, Le Sueur County, Minnesota, described as: Commencing at the West Quarter corner of Section 28; (the East - West centerline of Section 28 to have an assumed bearing of North 90 degrees 00 minutes 00 seconds East); thence North 67 degrees 51 minutes 20 seconds East, a distance of 1928.95 feet to a point on the centerline of the Township Road; said point being the point of beginning; thence South 05 degrees 51 minutes 20 seconds West; 300.37 feet; thence South 76 degrees 16 minutes 20 seconds East, 406.96 feet; thence North 85 degrees 01 minutes 37 seconds West, 576.86 feet; thence North 00 degrees 00 minutes 00 seconds East, 411.40 feet to a point on the center line of the Township Road; thence South 72 degrees 32 minutes 49 seconds East, along said center line, 220.13 feet to the point of beginning.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the above legal descriptions. The scope of services does not include determining what you own, that is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that they are correct, and that any matters of record, such as easements, that you wish to be shown on the survey, have been shown.
2. Setting new monuments or verifying old monuments to mark the corners of the property, as shown.
3. While I show proposed improvements to your property, I am not as familiar with your plans as you are nor am I as familiar with the requirements of governmental agencies as their employees are. I suggest that you review the survey to confirm that the proposals I show are what you intend and submit the survey to the governmental agencies that may have jurisdiction over your project and gain their approval before beginning construction or planning further improvements to the property.
4. Showing the location of existing improvements deemed significant.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 43503, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this survey was prepared by me or under my direct supervision and I am a Professional Surveyor under the Laws of the State of Minnesota.

Wayne Preuhs

Wayne William Preuhs, P.S. No. 43503

EAST - WEST CENTERLINE
 SECTION 28
 S 90°00'00" E

Le Sueur County

Surveyor Certification

- I. Applicant:
Name Mark Perkins
- II. Land Owner (s), if different from above:
Name _____
Property Address 28717 440th St.
City Cleveland State Mn Zip 56017
- III. Parcel Information:
Parcel Number 01.028.0700

IV. 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 owner 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.

V. Site Plan-must be a survey and shall include but 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.

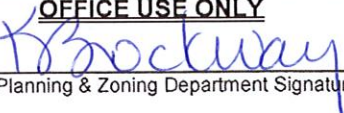
- VI. The proposed improvements have been physically staked onsite then surveyed on _____, to reflect an accurate account of current and proposed conditions of the property identified above.

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.

 2/17/15 43503
Surveyor's signature Date Lic #

2/17/15
Date Received

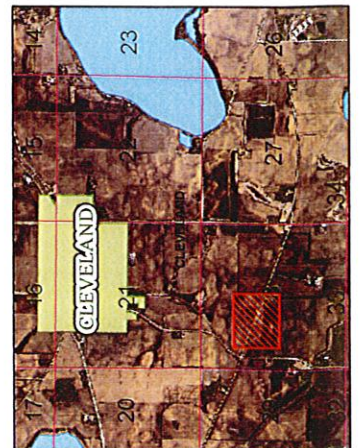
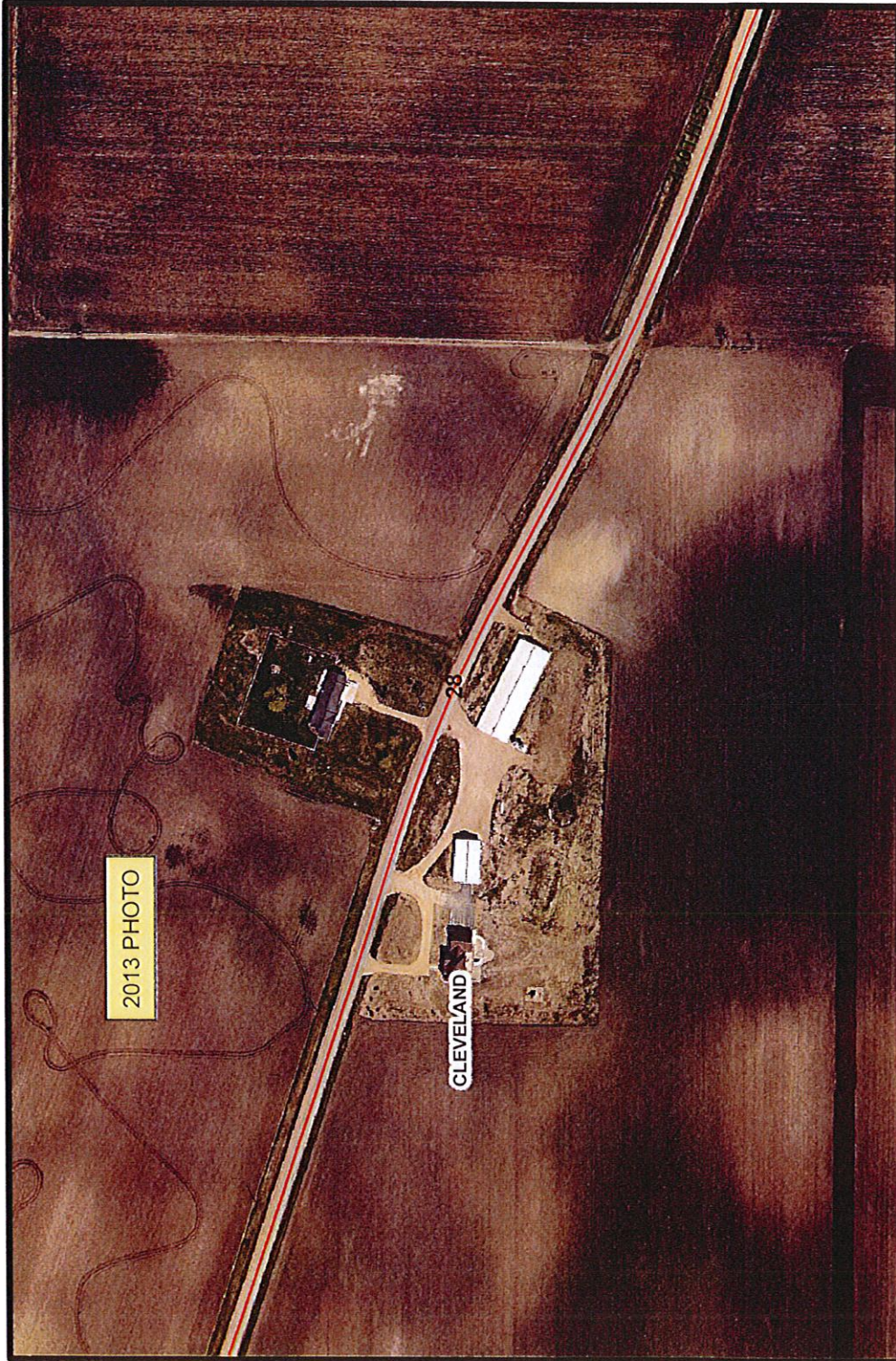
OFFICE USE ONLY

Planning & Zoning Department Signature

04-15-13

1

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Perkins
PID: 01.028.0700
DATE: 04-06-15
FIRM #: 27079C0 265D
F-Zone: Xoutside
RFPE: NA
District: Agriculture



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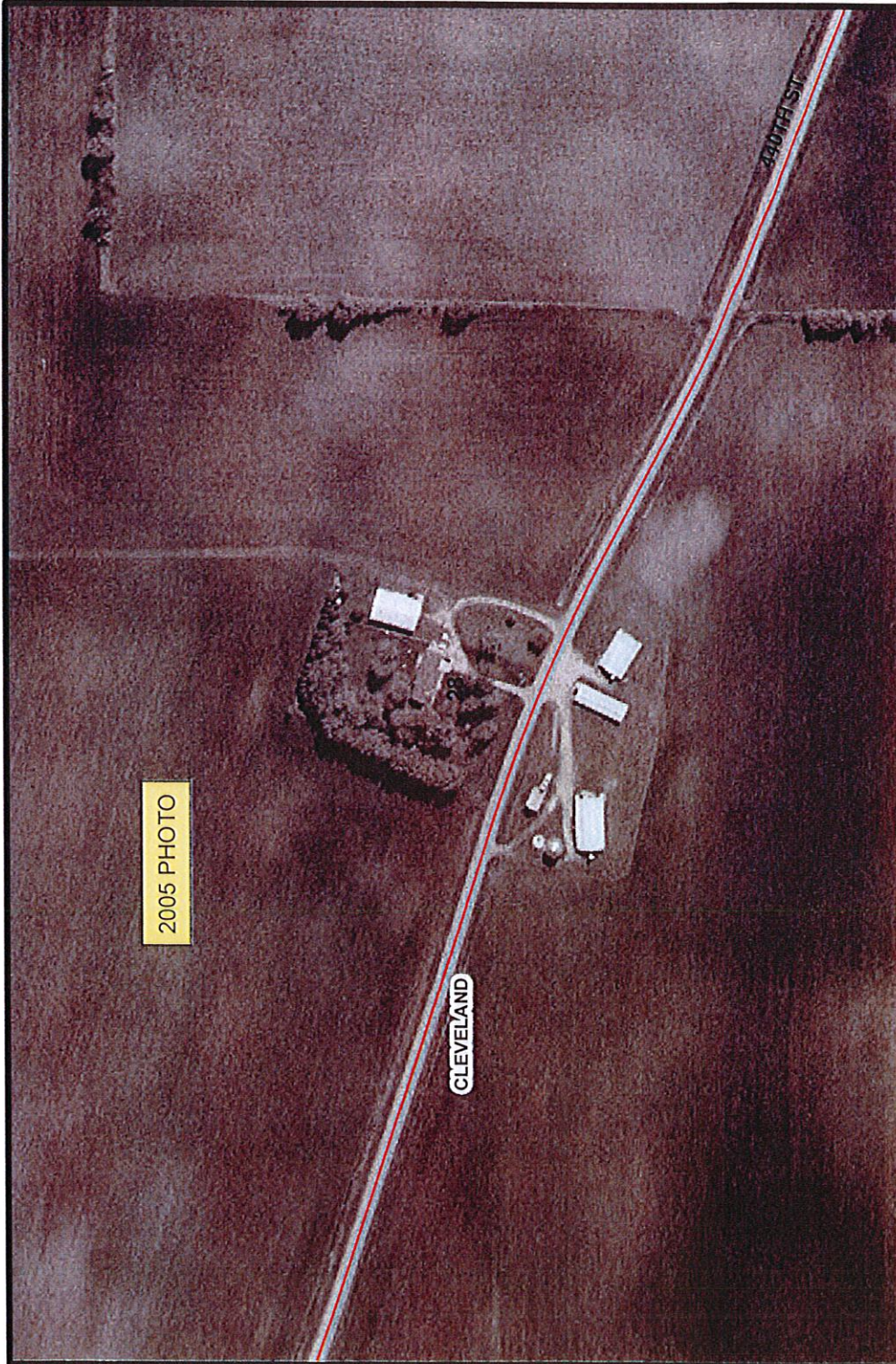
Roads	Road Code
US Highway	
MN Highway	
CSAH	
County Road	
Township Road	
Municipal Street	
Unspecified	
Incorporated	
Townships	
Sections	

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

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

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Perkins
 PID: 01.028.0700
 DATE: 04-06-15
 FIRM #: 27079C0 265D
 F-Zone: Xoutside
 RFPE: NA
 District: Agriculture



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Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

Roads	Road Code
	US Highway
	MN Highway
	CSAH
	County Road
	Township Road
	Municipal Street
	Unspecified
	Incorporated
	Townships
	Sections
	LesueurMNHIGH-LCCS.scw

Value	High : 255	Low : 0



Le Sueur County, MN

Thursday, April 16, 2015

Regular Session

Item 3

Hermel/Scheiffer Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Robert Hermel & Cathy Schieffer
911 ADDRESS: 17894 460th LN, Waterville MN 56096
VARIANCE REQUEST: To allow the applicant to construct a 30 x 30 dwelling addition 86 feet from the Ordinary High Water Level (OHWL) of the Cannon River.
VARIANCE NUMBER: 15033
PARCEL NUMBER: 06.032.7700

SITE INFORMATION

LOCATION: Part of the SW 1/4 SW 1/4 Section 32, Kilkenny Township
ZONING & PURPOSE: Special Protection

The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GENERAL SITE DESCRIPTION: Rural, shoreland
ACCESS: Existing off 460th Lane
RIVER: Cannon River, Agriculture River

River, Agricultural - Rivers located in intensively cultivated areas of the County. For purposes of the Ordinance, the Minnesota River and Cannon River are considered as Agricultural Rivers.

RFPE: Regulatory Flood Protection Elevation: 1018.2 Lowest floor must meet RFPE.

ATTACHMENTS

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

STAFF FINDINGS

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

<u>1. Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Structure to OHWL river:	86 feet	150 feet	Section 13. Subdiv.5.E.1.	13-31
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Structure Setback Requirements				pg. 21

3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

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

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 3/17/2015 PERMIT NUMBER 15033 FEE: \$646.00
60 DAY RULING DATE: 5/15/2015

APPLICANT: ROBERT HERMEL & CATHY SCHI PROPERTY OWNER: ROBERT HERMEL & CATHY SCHIE
ADDRESS: 17894 460TH LN ADDRESS: 17894 460TH LN
CITY: WATERVILLE CITY: WATERVILLE
STATE: MN ZIP: 56096 STATE: MN ZIP: 56096
PHONE: 507-456-4851 PHONE: 507-456-4851

PARCEL NO: 06.032.7700 TOWNSHIP: KILKENNY 911: 17894 460TH LN WATERVILLE MN
SEC: 32 SUBDIV: NA
TWP: 110 LOT: NA ZONE: SP
RANGE: 23 BLOCK: NA FEMA PANEL #: 27079C0325D
Q/Q: -SW SW ROAD: TWP FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:

TO ALLOW THE APPLICANT TO CONSTRUCT A 30 X 30 DWELLING ADDN 86 FEET FROM THE OHWL OF THE CANNON RIVER

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:

Robert & Cathy Schi

APPLICANT/PROPERTY OWNER

3/17/15

DATE

Kathy Brockway

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

3/17/15

DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE:	4/16/2015	
PUBLIC HEARING DATE:	4/16/2015	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS	

BOARD OF ADJUSTMENT CHAIRMAN

DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING
OR THE APPLICATION WILL BE TABLED.

VARIANCE FINDINGS OF FACT

Name of Applicant: ROBERT HERMEL & CATHY SCHIEFFE

Variance # 15033

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 30 X 30 DWELLING ADDN 86 FEET FROM THE OHWL OF THE CANNON RIVER

- 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 Robert Louis Hermal and Cathy Schieffer
Mailing Address 17894 460th Lane
City Waterville State MN Zip 56096
Phone # 507-456-4851 Phone # _____

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

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

III. Parcel Information:

Parcel Number 06.032.7700 Parcel Acreage 7.998
Legal Description-Full legal description must be attached (not from tax statement)

see attached

IV. Variance Request:

House addition 86' From the river. (OHLL)

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

Kilkenny Township notified on 2/16/15
(Township/Name) (Date)

Board Member Barb Kinnery 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.**

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

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

VIII. Attachments shall include but not limited to:

- a. Site Plan-*survey*
- b. Full legal description
- c. Access approval
- d. Surveyor Certification
- e. Floor plans and/or blue prints *(For structures)*
- f. Septic System Compliance Inspection *CC 7-20-13*
- g. Erosion control plan
- h. Written Detail of Variance

IX. Fee: Must be paid at the time of application.

Variance: \$ 600 **After-The-Fact meeting fees are doubled.**
 Filing Fee: \$ 46

Additional Fees:

Special Meeting: \$1,200
 After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

X. Procedure:

The Board of Adjustment shall hold a public hearing on the proposed Variance at a regularly scheduled Board of Adjustment meeting.

The Board of Adjustment has the authority to determine Variance approval or denial.

The Planning & Zoning Administrator shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

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

XI. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.

A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.
The terrain and elevation as it relates to the river allows for a perfect building site.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
The pre-existing house is 113' from the river (ordinary high water level). We need to have bedrooms for our family and we can't build on the NE side of the house. The only option is to build on the SW side of the house.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
The original home was located near the river before any setbacks were ever in existence.

4. How will the request maintain the essential character of the locality?
Due to the terrain, elevation, as it relates to the river and existing home, we feel the character of the homestead will remain in tact. In addition, the original 1800's part of the home which is becoming more and more dilapidated will be coming down after the addition is built.

5. Does the alleged practical difficulty involve more than economic considerations?
Yes, we have 3 children that live with us and their bedrooms are in the original structure, if we remove that to rebuild, we'd have no place for our children to sleep. Also, the proposed addition will make for a much nicer home and living space for our family. As earlier stated, it's not feasible to add on to the NE side of the house. Due to a large maple tree and our well on that side.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
Yes, our application is consistent with the ordinance. Our lot is 8 acres which is more than the 5 required. We will not be disturbing any wild life habitat and are taking all necessary precautions with erosion control.

7. Describe how the request is consistent with the Comprehensive Land Use Plan.
Consistent with goal #2. We have a compliant septic system and will be using erosion control methods during construction

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
We have an up to date and compliant septic system as per inspection form from Jones Brothers Construction dated July 20, 2013.

9. Explain why this request is the minimum variance amount to afford relief.
This is the minimal space needed to accommodate our family.

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.

Robin S. Hunt
Applicant signature

3/6/15
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.

Robin S. Hunt
Land Owner signature

3/6/15
Date

OFFICE USE ONLY

Date received 3-6-15 Present Zoning Classification SP Feedlot within 500' 1000' (N)
Meeting date 4-16-15 Lake Classification Pannonkiv Erosion Control Plan (Y) (N)
60 Day 5-5-15 Lake Pannonkiv Water courses (Y) (N)
FEMA Panel # 27079C032SD Flood Zone X-outside Bluff (Y) (N)
 Surveyor Certificate Ordinance Septic 7-2013 (C) CI / DESIGN
 Site Plan -survey Access approval Fee \$ 6416 (ATF / SPEC MTG)
 Full legal Blue Prints Other _____
 Application complete Written Detail of Var

Michelle R. Mettler
Planning & Zoning Department Signature

3-16-15
Date

15033
Permit #

04-15-13 RB

3-17-15

March 13, 2015

Le Sueur County Planning and Zoning
203 S. 2nd St.
Le Sueur, MN 56058

Dear Board Members,

We are in need of putting an addition on our home due to our family size and the current condition of a part of our house. The addition will replace the original 1800's 2 story structure. Due to the deteriorated state of its foundation, it is not feasible to repair this part of our home. We are proposing to add on to the southern side of the house toward the Cannon River. We can not build on the northern side of the home because of the well and a large hard maple tree which we do not want to disturb or destroy. We also can not build on the west side of the home where the original structure is because we need the living space for our family until the new addition is completed. Once the southern addition is completed, the old 2 story structure will be taken down and removed. We will be fully complying with any and all erosion control procedures and methods.

We understand the ordinances the county has set in place regarding setbacks for buildings near rivers and wetlands. The building site existed long before the county established rules and regulations regarding set backs from rivers and wetlands. It is a beautiful building site and a wonderful place to raise our family and call our home. Due to the terrain and landscape, the addition will not disturb any natural habitat that the river and wetlands create. According to our survey, there is 20' of elevation difference between the ordinary high water mark of the Cannon River and our proposed addition.

We thank you for considering our building proposal and look forward to formally presenting the information to you and answering any questions you may have at your April Board meeting.

Sincerely,

Robert L. Hermel and Catherine J. Schieffer

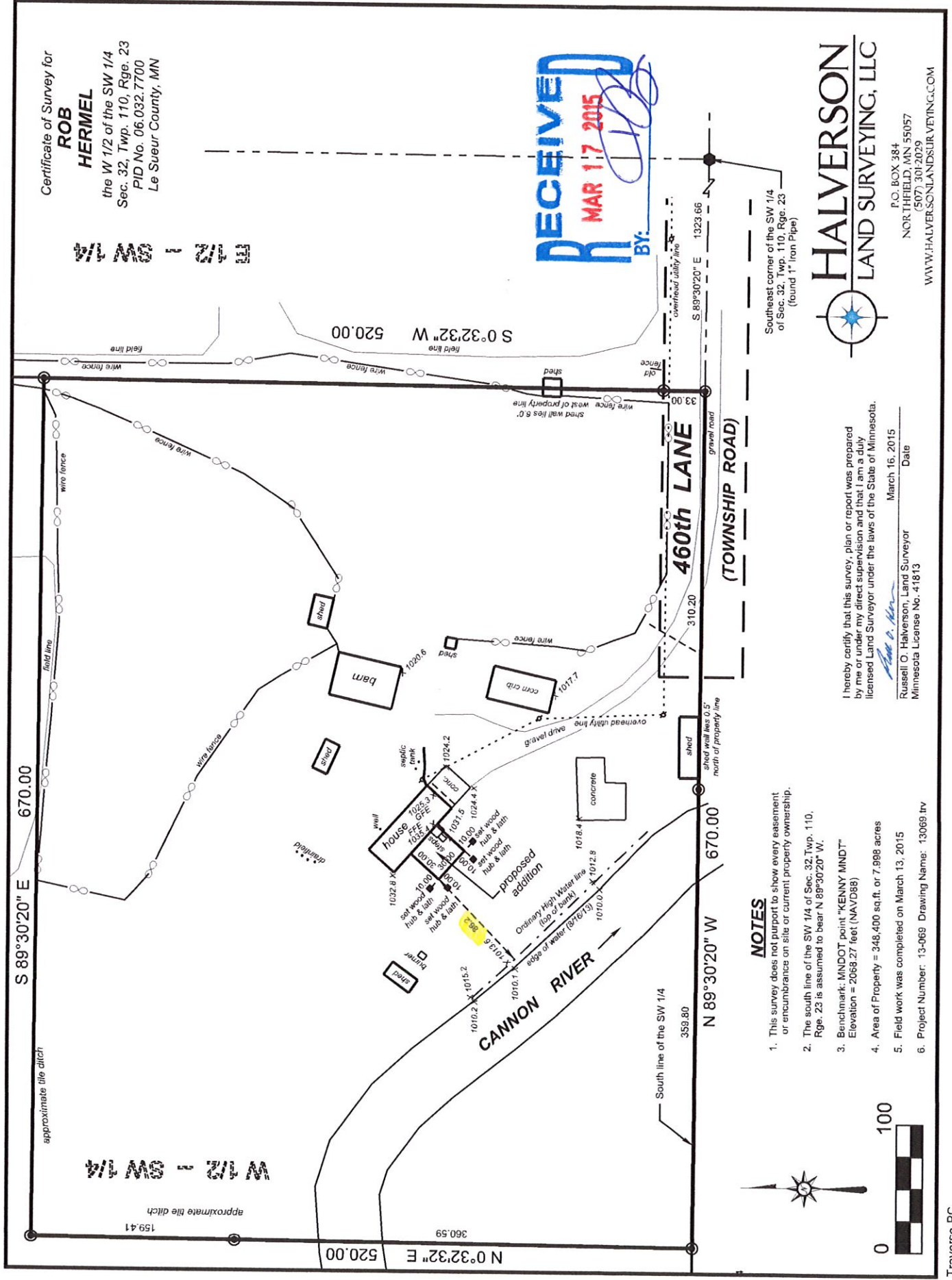
Robert L. Hermel
Catherine J. Schieffer



Certificate of Survey for
ROB HERMEL
 the W 1/2 of the SW 1/4
 Sec. 32, Twp. 110, Rge. 23
 PID No. 06.032.7700
 Le Sueur County, MN

W 1/2 - SW 1/4

RECEIVED
 MAR 17 2015
 BY: [Signature]



HALVERSON
 LAND SURVEYING, LLC



P.O. BOX 384
 NORTHFIELD, MN 55057
 (507) 301-2029
 WWW.HALVERSONLANDSURVEYING.COM

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.
 Russell O. Halverson, Land Surveyor
 Minnesota License No. 41813
 March 16, 2015
 Date

NOTES

1. This survey does not purport to show every easement or encumbrance on site or current property ownership.
2. The south line of the SW 1/4 of Sec. 32, Twp. 110, Rge. 23 is assumed to bear N 89°30'20" W.
3. Benchmark: MNDOT point "KENNY MINDT" Elevation = 2068.27 feet (NAVD88)
4. Area of Property = 348,400 sq. ft. or 7.998 acres
5. Field work was completed on March 13, 2015
6. Project Number: 13-069 Drawing Name: 13069.trv



Traverse PC

Le Sueur County

Surveyor Certification

I. Applicant:
Name ROB HERMAL

II. Land Owner (s), if different from above:
Name ROB HERMAL
Property Address 17894 460TH LANE
City WATERVILLE State MN Zip 56096

III. Parcel Information:
Parcel Number 06,032.7700

IV. 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 owner 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.**

V. Site Plan-must be a survey and shall include but 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.

VI. The proposed improvements have been physically staked onsite then surveyed on 3/13/15 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.

[Signature]
Surveyor's signature

3/13/15
Date

MN LS 41813
Lic #

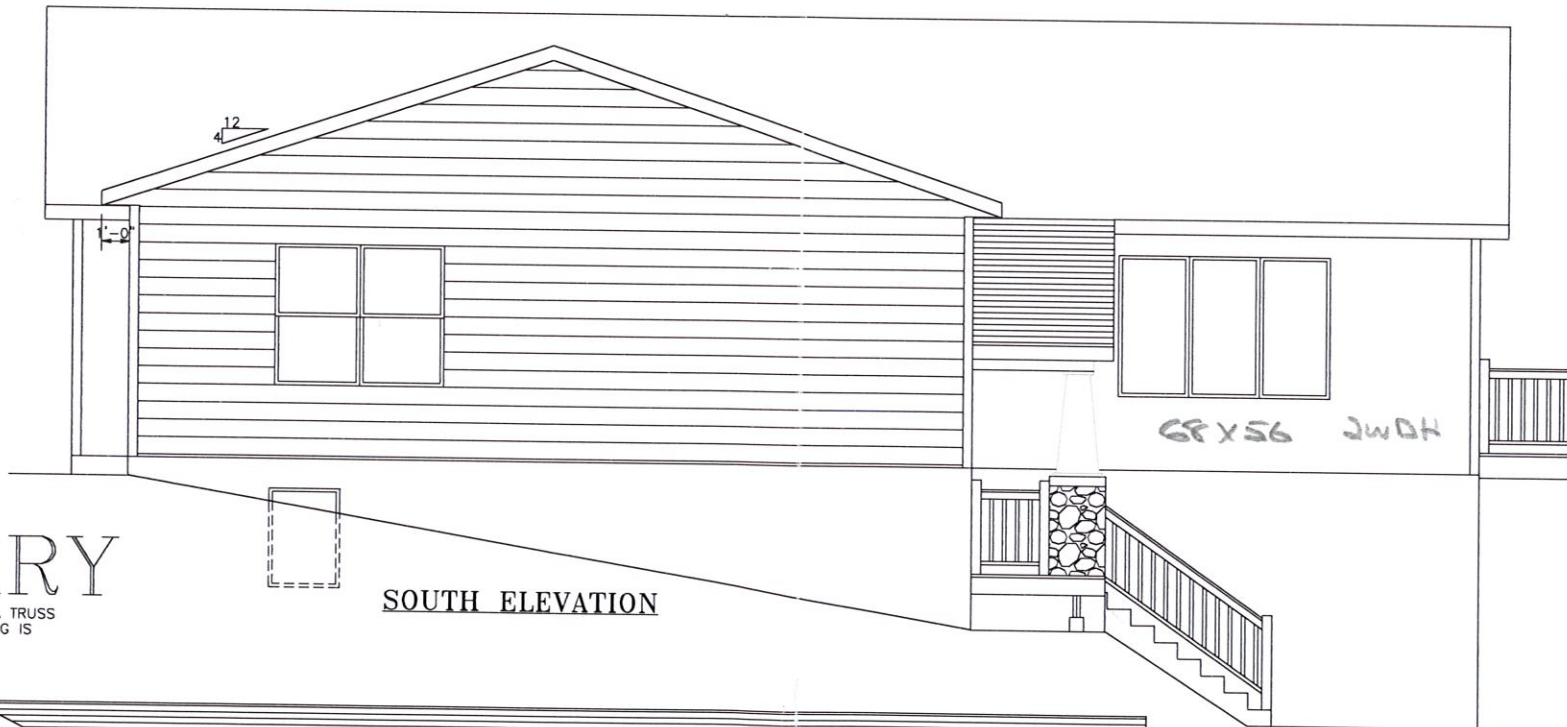
3/17/15
Date Received
04-15-13

OFFICE USE ONLY
[Signature]
Planning & Zoning Department Signature

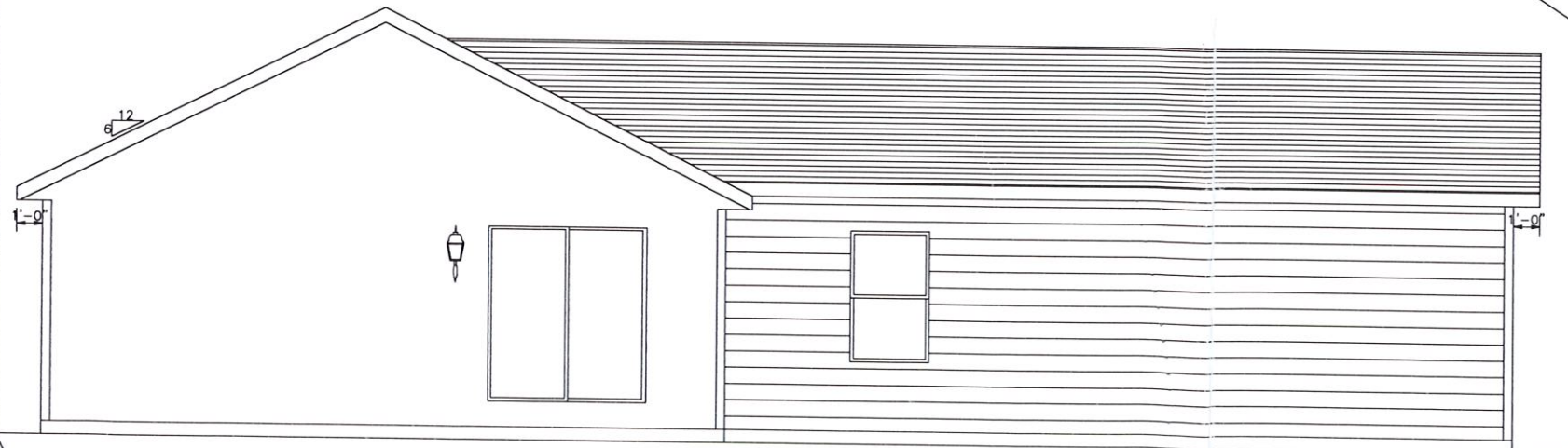
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BY: [Signature]



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

PRELIMINARY

TO STAY ON PLAN UNTIL I SEE A ROOF LAYOUT FROM A TRUSS MANUFACTURER AND KNOW WHAT TYPE OF DAMPPROOFING IS BEING USED

Revision/Issue

These plans are intended as a guide for builders who are knowledgeable about standard building construction practices and building codes. We will revise the plans to correct any errors discovered before start of construction but assume no responsibility for any errors or improper construction thereafter.

HYATT HOMES

CUSTOM DRAFTING AND DESIGN

Michelle Hyatt
9903 NW 16th St.
Waseco, MN 56093
Ph. (507)835-8121
E-mail: hyatt@myclearwave.net

Project Name and Address

Rob Hermel and
Cathy Scheffer
17894 - 460th Lane
Waterville, MN 56096
(507)456-4851

Project
Hermel/Scheffer

Date
5-27-13

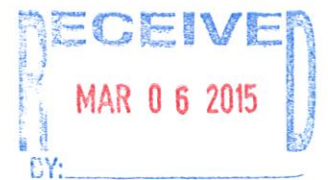
Scale
1/4"=1'

Sheet

ADDITIONAL

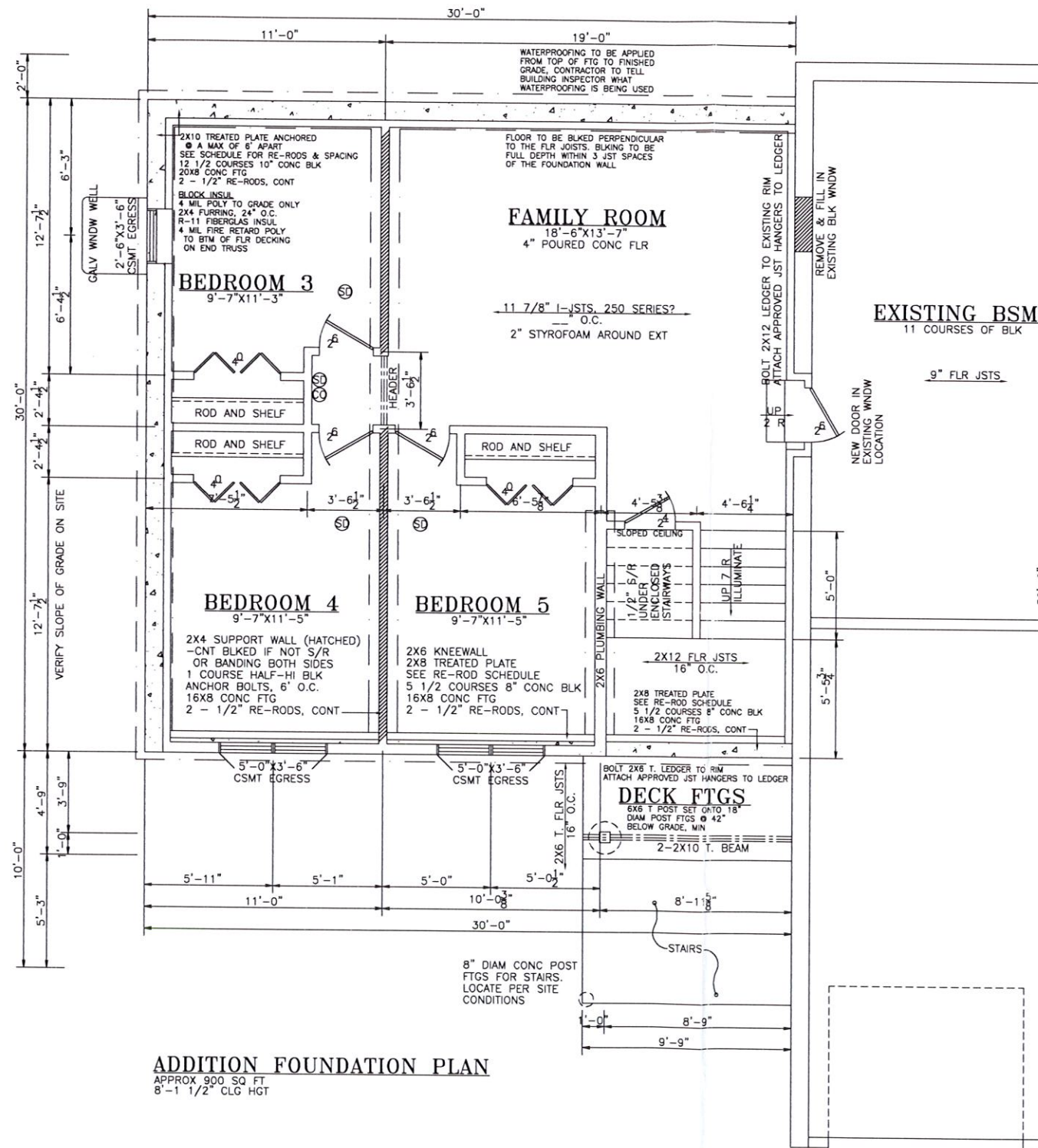
ELEVATIONS

06.032.7700



PRELIMINARY

TO STAY ON PLAN UNTIL I SEE A ROOF LAYOUT FROM A TRUSS MANUFACTURER AND KNOW WHAT TYPE OF DAMPPROOFING IS BEING USED



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HYATT HOMES
CUSTOM DRAFTING AND DESIGN
Michelle Hyatt
9903 NW 16th St
Waseca, MN 56093
Ph. (507)835-8121
E-mail: hyatt@myclearwave.net

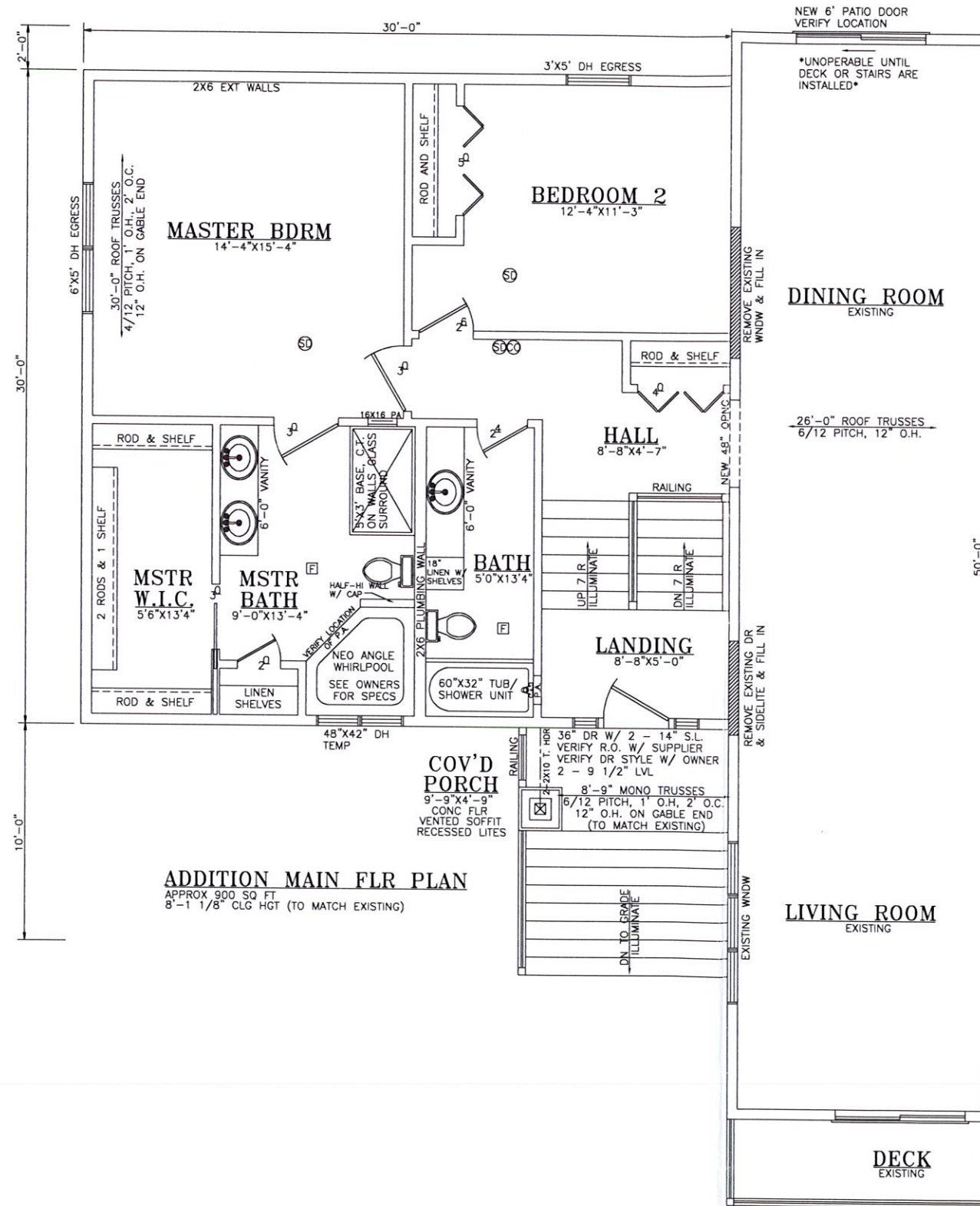
Project Name and Address
Rob Hermel and Cathy Scheffer
17894 - 460th Lane
Waterville, MN 56096
(507)456-4851

Project Hermel/Scheffer	Sheet ADDITION FNDTN PLAN
Date 5-27-13	
Scale 1/4"=1'	



PRELIMINARY

TO STAY ON PLAN UNTIL I SEE A ROOF LAYOUT FROM A TRUSS MANUFACTURER AND KNOW WHAT TYPE OF DAMPPROOFING IS BEING USED



ADDITION MAIN FLR PLAN
APPROX 900 SQ FT
8'-1 1/8" CLG HGT (TO MATCH EXISTING)

Revision/Issue

These plans are intended as a guide for builders who are knowledgeable about standard building construction practices and building codes. We will revise the plans to correct any errors discovered before start of construction but assume no responsibility for any errors or improper construction thereafter.

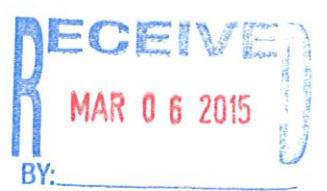
HYATT HOMES

CUSTOM DRAFTING AND DESIGN

Michelle Hyatt
9503 NW 16th St
Waseca, MN 56093
Ph. (507)835-8121
E-mail: hyatt@myclearwave.net

Project Name and Address
Rob Hermel and
Cathy Scheffer
17894 - 460th Lane
Waterville, MN 56096
(507)456-4851

Project Hermel/Scheffer	Sheet MAIN FLOOR ADDITION
Date 5-27-13	
Scale 1/4" = 1'	



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: Robert Louis Hermel PID: 06,032,7700
Mailing Address: 17894 460th Lane Waterville MN 56096
Property Address: 17894 460th Lane Waterville MN 56096
Phone: (507) 456-4851 Mobile/Cell: ()

Responsible party for Implementation/Inspection: Robert Hermel
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.

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

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


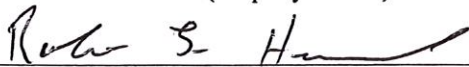
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the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

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

Inspection and Maintenance

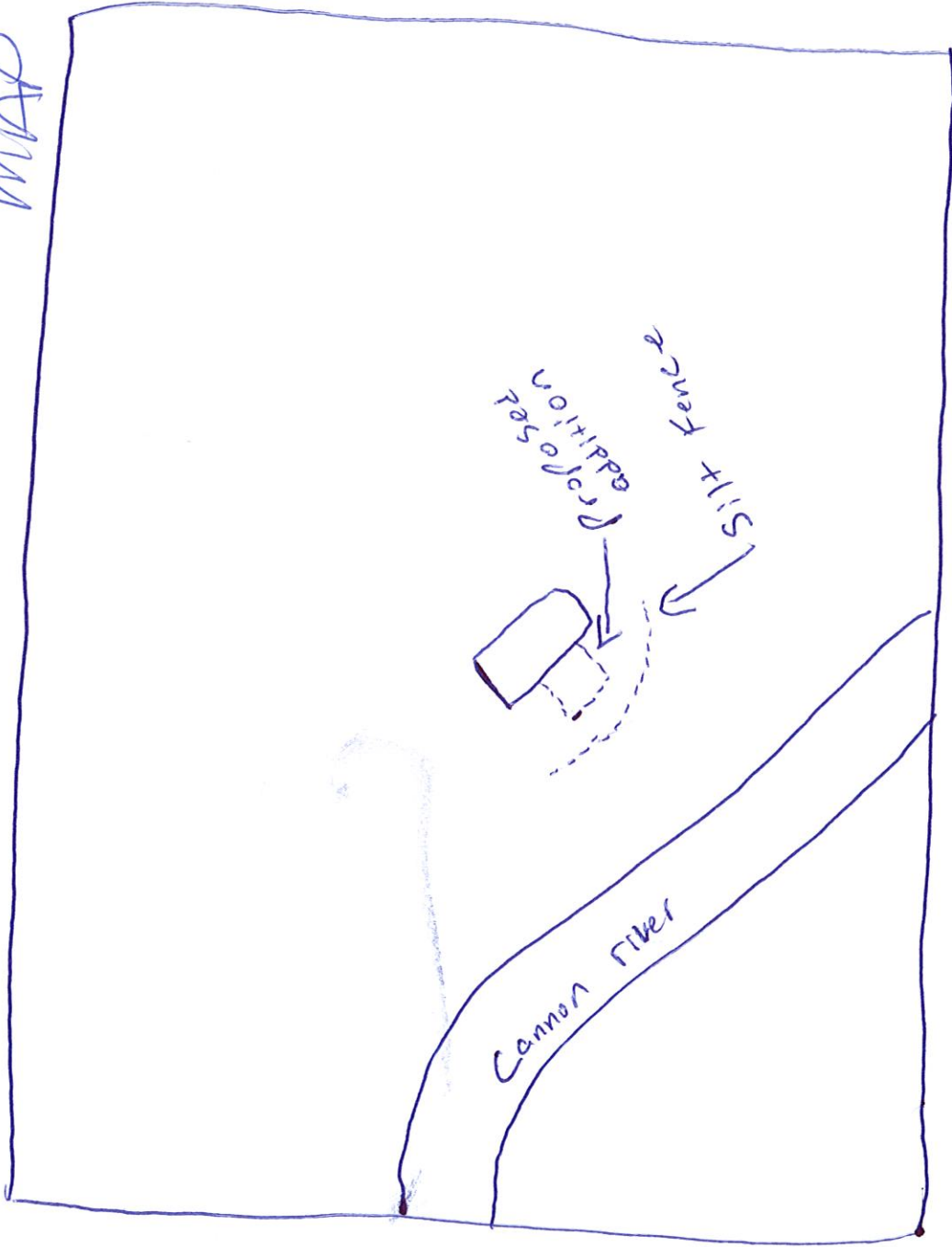
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out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

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

 _____ (Property Owner)	_____ (Date)
 _____ (Person Responsible for Implementation)	_____ (Date)

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

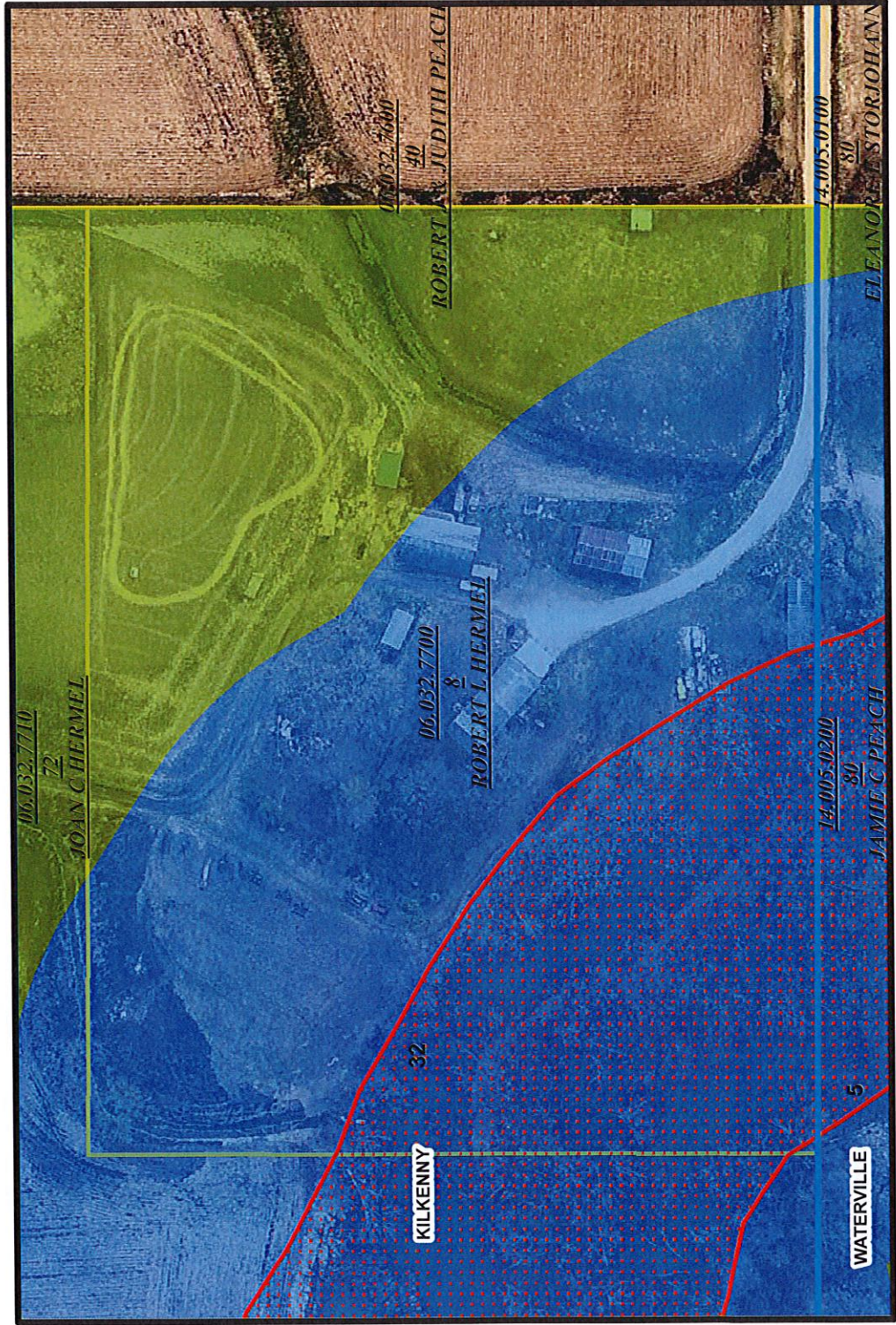
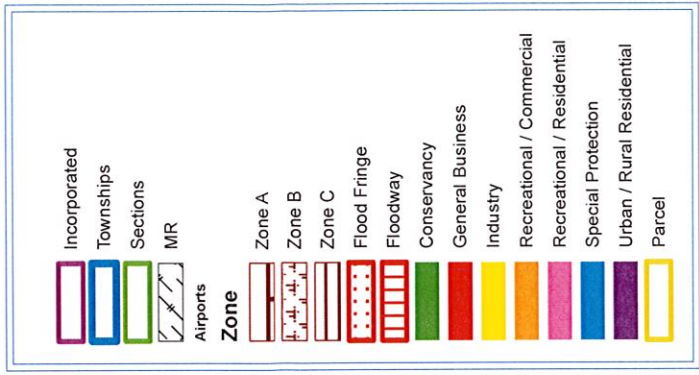
EROSION
CONTROL
MAP



06.182.7700

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Hermel
PID: 06.032.7700
DATE: 4-7-15
FIRM #: 27079C0325D
F-Zone: Xoutside
RFPE: 1018.2
District: Special Protection



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.



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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, April 16, 2015

Regular Session

Item 1

3-19-15 APPROVED Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
BOARD OF ADJUSTMENT
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
MARCH 19, 2015**

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

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

The Chairperson announced that Items #1 and 2: Mark Perkins, Cleveland MN as stated on the notice have been postponed until the April meeting.

ITEM #1: LE SUEUR COUNTY PARKS DEPARTMENT, (APPLICANT); LE SUEUR COUNTY, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an addition to a non-conforming structure 58 feet from the road Right-Of-Way (ROW) and 141 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 2, Section 5, Elysian Township. **VARIANCE IS FOR EXPANSION OF A NON-CONFORMING STRUCTURE, ROAD ROW AND OHWL SETBACKS.**

Don Reak, Le Sueur County Park Coordinator was present for application. Township: Notified as part of application process. DNR: No comments. Letters submitted: none

PUBLIC COMMENT: NONE

Discussion was held regarding: brief history of saw mill, state regulations, no change in character of the building, addition will be used for the boiler only, water is hauled onto the site for saw days, 25-30 people attend saw days, Saw Days are held 4-Sundays during the summer, cistern on site, County Highway Department has no issues with the setback.

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

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

Motion to adjourn meeting by Colin Harris. Seconded by Jim Mladek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
March 19, 2015

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