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# **Le Sueur County, MN**

**Thursday, May 21, 2015**

**Regular Session**

## **Item 1**

### **Baumann Packet**

**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 63 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: | 63 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 15.9%, found on Exhibit 10. 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. Applicant removed the 3-foot overhang from the previous proposal reducing the Variance request by 6 feet.
  - b. Applicant included Exhibits 7A and 7B to reflect the limitations of those options. **Exhibits 7A and 7B are not the proposed project.**
  - 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

ZIP: 55379

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

ZIP: 56096

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 63 FEET FROM THE OHWL.

**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

4-13-15  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4-13-15  
\_\_\_\_\_  
DATE

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

ON-SITE TOUR DATE: 2/19/2015	
PUBLIC HEARING DATE: _____	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:** BERNARD & HELEN BAUMANN

**Variance #** 15005

**Variance Request:** TO ALLOW THE APPLICANT TO CONSTRUCT A 26 X 36 DETACHED GARAGE 63 FEET FROM THE OHWL.

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

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

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 2. Is the alleged practical difficulty unique to the property?

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 7. Is the Variance consistent with the Comprehensive Plan?

Explain \_\_\_\_\_

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

( ) APPROVED ( ) DENIED

CONDITIONS: \_\_\_\_\_

Applicant response to conditions: Agree ( ) Disagree ( )

Reasons: \_\_\_\_\_

Board of Adjustment Chairman

Date

# VARIANCE APPLICATION

## BERNARD AND HELEN BAUMANN WATERVILLE, MN

April 13, 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 63 feet from the Ordinary High Water Level (OHWL).

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

Elysian Township notified on 4/9/15  
(Township Name) (Date)

Board Member Lynn Hebl regarding the proposed request.  
(Name)

### VI. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size,
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
- All required information must be correct and submitted **at the time of application.** or the application will not be accepted.
- Applications will not be accepted by mail.**



**VII. Site Plan-must be a survey and shall include but not limited to the following:**

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

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

**VIII. Attachments shall include but not limited to:**

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

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

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

**Additional Fees:**

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

**X. Procedure:**

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

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

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

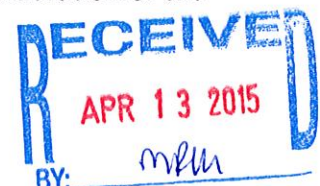
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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

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

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

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





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

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. With the construction of Sportsmans Lane, the of the right of way and the alignment of telephone poles were not established by the landowner of the property.

The telephone pole alignment creates an unique circumstance for the potential location of the proposed garage structure. Several garage alignments were looked at for other alternatives in an attempt to maximize the rear yard setback distance. However, the alignment of the power lines and poles played a significant factor in determining the location for the garage. The telephone poles do not allow for an alignment in which the garage structure is turned ninety degrees, with the garage doors facing northwest. The pole would be directly in line with the driveway and access to the garage door. Also, the National Electric Safety Code specifies a minimum 10 feet horizontal clearance from high voltage wires, which are served to this area. This would shift this alignment option further from the Sportsmans Lane right of way and closer towards Lake Tetonka. Exhibits 7A and 7B shows trial alignment options.

Changing the alignment and location of the telephone poles and wires was an alternative that was approached. A discussion between the district manager for Minnesota Valley Electric Cooperative, the electricity provider for this area, ruled this infeasible due to the circumstances of the pole line. Moving the telephone poles and wires would require re-anchoring the wires and poles in a different location. This would take a significant effort to achieve this goal since there are several garages, houses, cabins, and an abundance of trees in this area and would require redesigning the electrical service. Additional poles would be required based on horizontal and vertical clearances as established by the National Electric Safety Code. In addition to realigning, anchoring, and installing additional telephone poles, easements in this area would also need to be re-established between all property owners affected.

An alternative to moving the telephone poles and wires would be to install an underground electricity line. This option would be more difficult than the previous option as more considerations are made for underground wires. These include underground obstacles such as tree roots, driveways, wells, and septic systems. This would also require the re-establishment of easements across the affected properties. After evaluating this option, it was determined that it is even more infeasible for the underground option.

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. An alternative alignment to the proposed layout for the garage structure was to rotate the garage ninety degrees with the garage doors facing northwest. This layout was described in item 3. Not only is there a physical difficulty with the telephone poles and wires in this option, there is another physical difficulty based on access to the garage. The intent for this garage is to store water recreational equipment which includes marine vehicles, such as boats, pontoons, and personal watercraft. In order to store these watercrafts in the garage, adequate access is needed to drive and park them into the garage. Based on a standard turning radius for a Minnesota Department of Transportation half ton pickup and 28 foot watercraft trailer, there is not sufficient room to maneuver this watercraft into the garage with this layout.

Other alternative layouts were tested for the proposed garage structure, however ran into similar physical difficulties as mentioned previously. These layouts include placing the proposed garage structure on the north side of the existing cabin and just south of the existing cabin. Physical difficulties attached with these layouts include septic and well setbacks as well as telephone wires and poles. Exhibits 7A and 7B shows these trial alignment options.

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. The accessory structure is intended to store water recreational equipment which is typical for 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 setbacks of the property give no physical space for the accessory structure. Relief of the setback would allow the landowner the opportunity to construct the desired garage structure.

A previous variance application was submitted and presented to the Board of Adjustment for Le Sueur County. At that meeting, the application was tabled and the Board asked that other alternatives were investigated. These include the following: A garage structure with an overhang of two feet rather than three feet as done in the previous application, the feasibility of moving the telephone poles and wires, and different alignments for the garage. All of these alternatives have been taken into consideration and addressed in this application.



**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.

*Sergeant J. L. Landon*  
Applicant signature

4/10/15  
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.

*Sergeant J. L. Landon*  
Land Owner signature

4/11/15  
Date

**OFFICE USE ONLY**

Date received 4-13-15 Present Zoning Classification RR Feedlot within 500' 1000' (N)  
Meeting date 5-21-15 Lake Classification RD Erosion Control Plan (Y) (N)  
60 Day 5-1-15 Lake Tebuka Water courses (Y) (N)  
FEMA Panel # 2707904250 Flood Zone X-outside Bluff (Y) (N)  
☒ Surveyor Certificate ☒ Ordinance ☒ Septic COE CI / DESIGN  
☒ Site Plan -survey ☒ Access approval ☐ Fee \$ \_\_\_\_\_ ATF / SPEC MTG  
☒ Full legal ☒ Blue Prints ☐ Other \_\_\_\_\_  
☐ Application complete ☒ Written Detail of Var

*Michelle R. Smith*  
Planning & Zoning Department Signature

4-13-15  
Date

15005  
Permit #

04-15-13

*Previous application tabled.*





**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.	

Bernard & Helen Baumann, Le Sueur County  
Variance Application





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 [Signature] Deputy

Index J  
Tract J  
Com J  
File J

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. SEXE, COUNTY RECORDER  
Constance Kopet, Deputy

STATE DEED TAX DUE HEREON: \$ 3.30

Date: April 21, 19 89

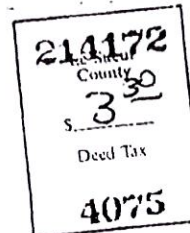
(reserved for recording data)

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 From  
in the Office of the County Auditor  
Date MAY 8 # 10077  
1989



(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 April, 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):

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

[Signature]  
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

\$10  
Patterson

RECEIVED  
APR 13 2015  
BY: [Signature]

## 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 2 foot overhang around the entire structure. The proposed rear yard setback of the garage structure is 63 feet from the OHWL of Lake Tetonka to the edge of the east wall.

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 west wall of the structure will be placed 25 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 south wall. The north side setback of the structure is in compliance with the 15 foot side yard setback.

Alternative alignments for the proposed garage were considered, as recommended by the Board of Adjustment for Le Sueur County. These alternatives include the following: a garage structure with an overhang of two feet, the feasibility of moving the telephone poles and wires to accommodate a rotated alignment of the garage parallel to Sportsmans Lane, and various alignments throughout the property. These alternatives were considered and garage layouts were developed for each with the proposed layout shown in Exhibit 6 and alternative layouts shown in Exhibits 7A and 7B.

The proposed garage structure will contain a 2 foot overhang around the entire building. This is one foot narrower than the previous application for a variance for the proposed garage. By narrowing the overhang, the garage will be aligned 3 feet closer to the Sportsmans Lane right of way, 3 feet closer to the south property line, and 6 feet farther away from the OHWL of Lake Tetonka, maximizing the rear yard setback.

It was determined infeasible to relocate and realign the telephone poles and wires due to unique circumstances associated with this location. Several obstacles stand in the way for this option which include trees and tree roots, existing garages, cabins, and houses, driveways, underground wells, and underground septic systems. Redesigning and relocating the existing telephone poles

Bernard & Helen Baumann, Le Sueur County  
Variance Application





and wires, whether overhead or underground would take a considerable effort and would also require re-establishing easements for the affected landowners.

Different alignments were also considered for the garage structure, however several physical limitations occurred. With the standard turning radius for a half ton pickup and 28 foot trailer, the trailer cannot physically be parked into the garage structure. Also, other physical obstructions were encountered with the different alignments, including well, septic, and property line setbacks. These alignments are shown in Exhibits 7A and 7B.

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 63 feet from the OHWL of Lake Tetonka. This is 37 feet less than the 100 foot setback specified in the ordinance.





**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( )

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

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

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

<b>Type of System:</b> TYPE II	<b>System Description:</b> HOLDING TANK
<b>Operating Permit:</b> <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> NA	
<b>System is required to be monitored for the life of the system?</b> <input type="radio"/> Y <input checked="" type="radio"/> N	
<b>Number of New Tanks:</b> <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<b>Tank Abandonment Form Received?</b> <input checked="" type="radio"/> Y <input type="radio"/> NA
<b>Number of Existing Tanks:</b> <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3	<b>Tank Integrity Form Received?</b> <input type="radio"/> Y <input checked="" type="radio"/> NA
<b>Does the installation conform to the Record Drawing submittal?</b> <input checked="" type="radio"/> Y <input type="radio"/> N	
<b>Electrical Certification Received?</b> <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. Land Owner (s), if different from above:  
Name SAME  
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 (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 04/17/2015 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.

[Signature]

Surveyor's signature

04/13/2015

Date

4310

Lic #

### OFFICE USE ONLY

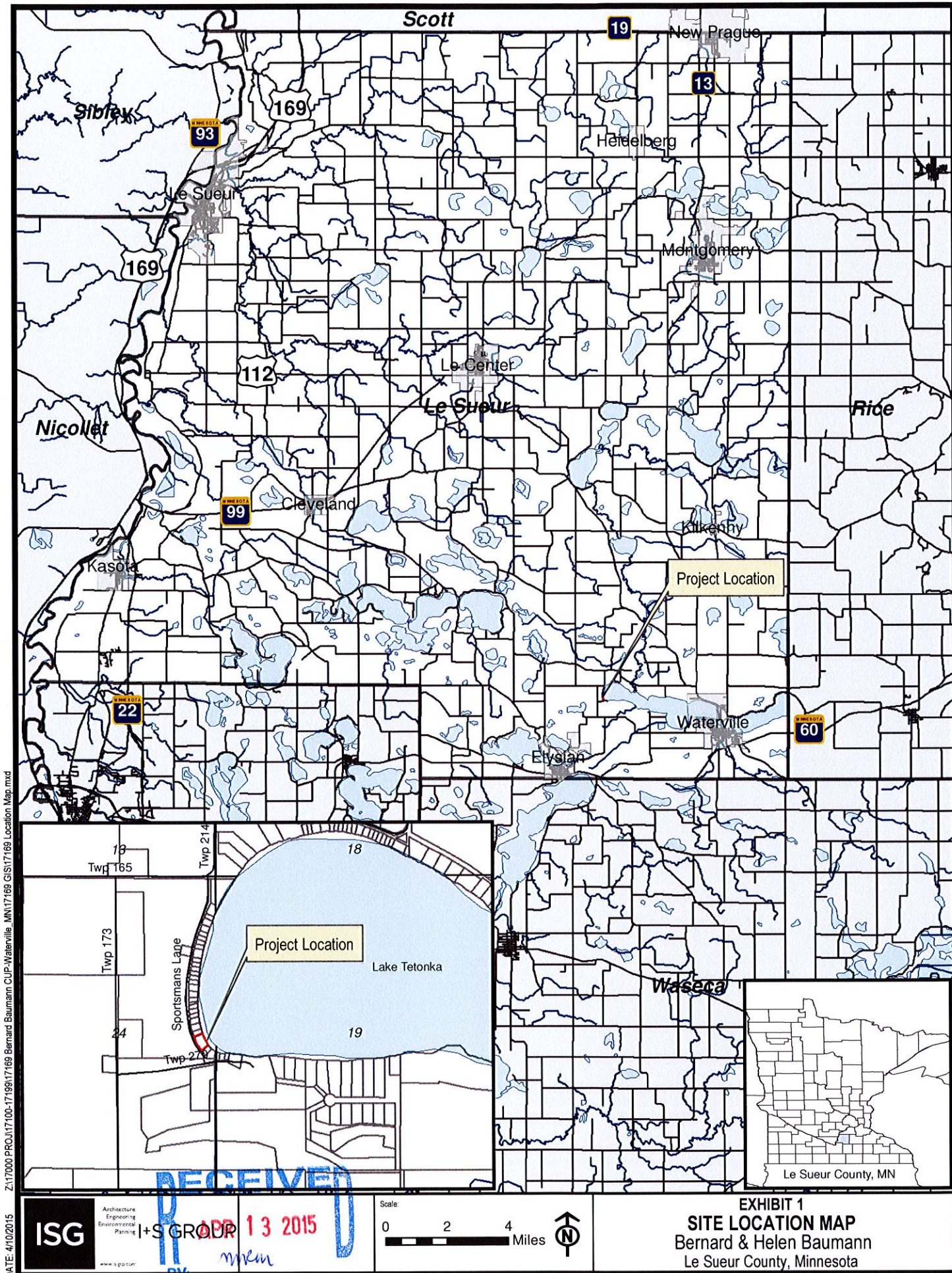
4-13-15  
Date Received

04-15-13

[Signature]  
Planning & Zoning Department Signature

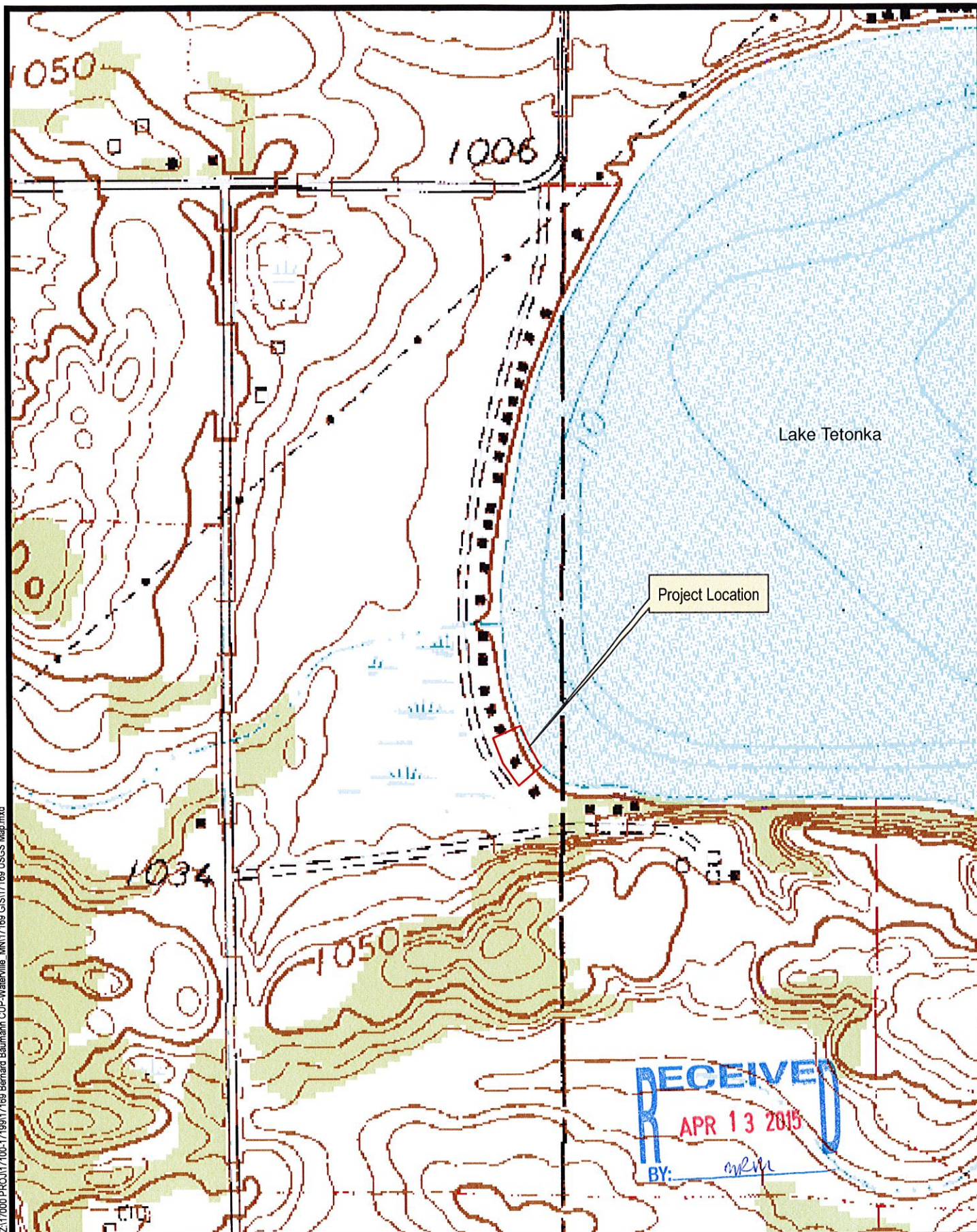
RECEIVED  
APR 13 2015  
BY: mem







DATE: 4/10/2015 Z:\17000 PROJ\1700-17199\17169 Bernard Baumann CUP-Waterville, MN\17169 GIS\17169 USGS Map.mxd



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Engineering  
Environmental  
Planning  
+S GROUP  
www.isg.com

Scale:  
0 250 500 Feet  
1 inch = 500 feet





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



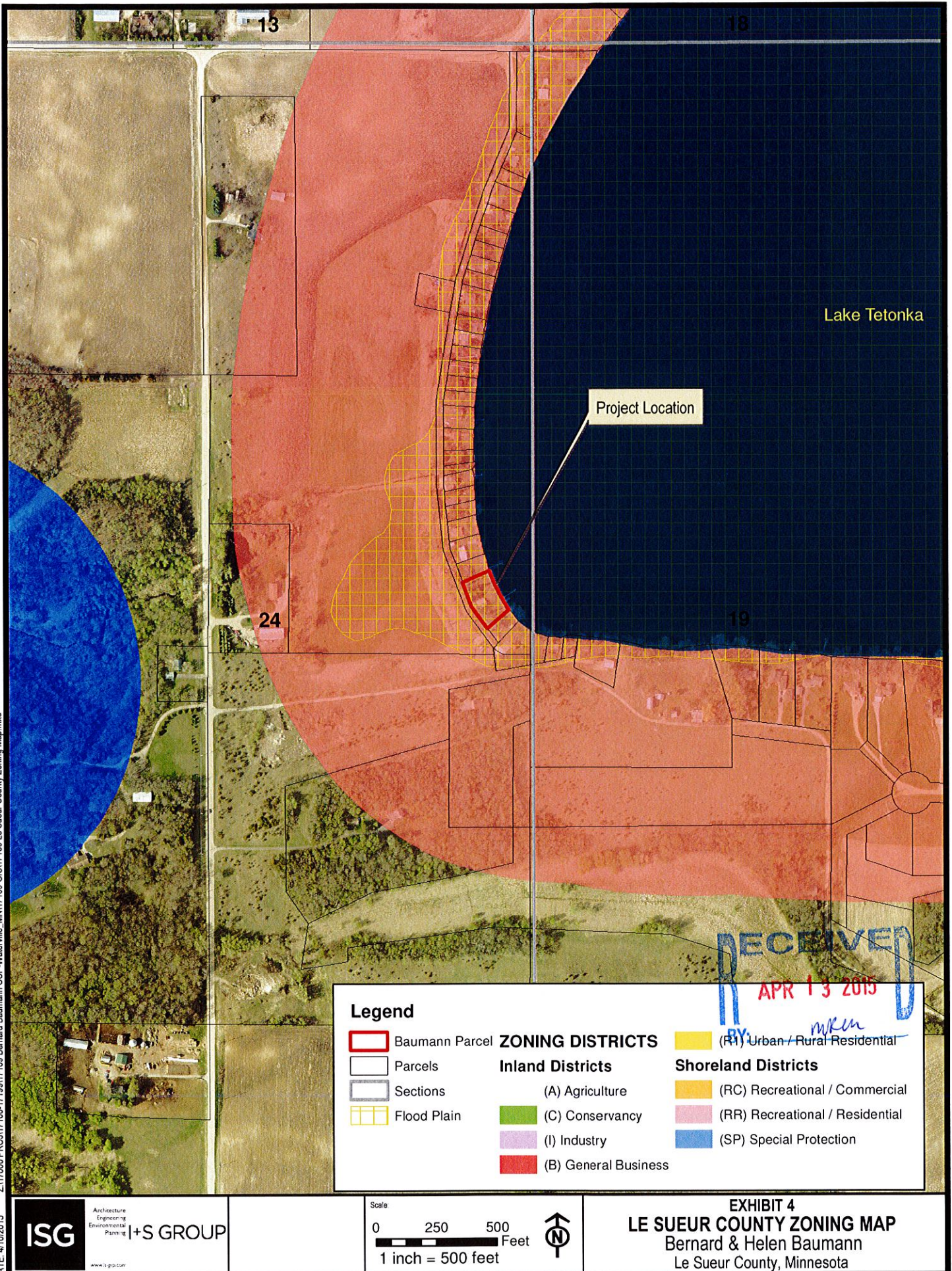
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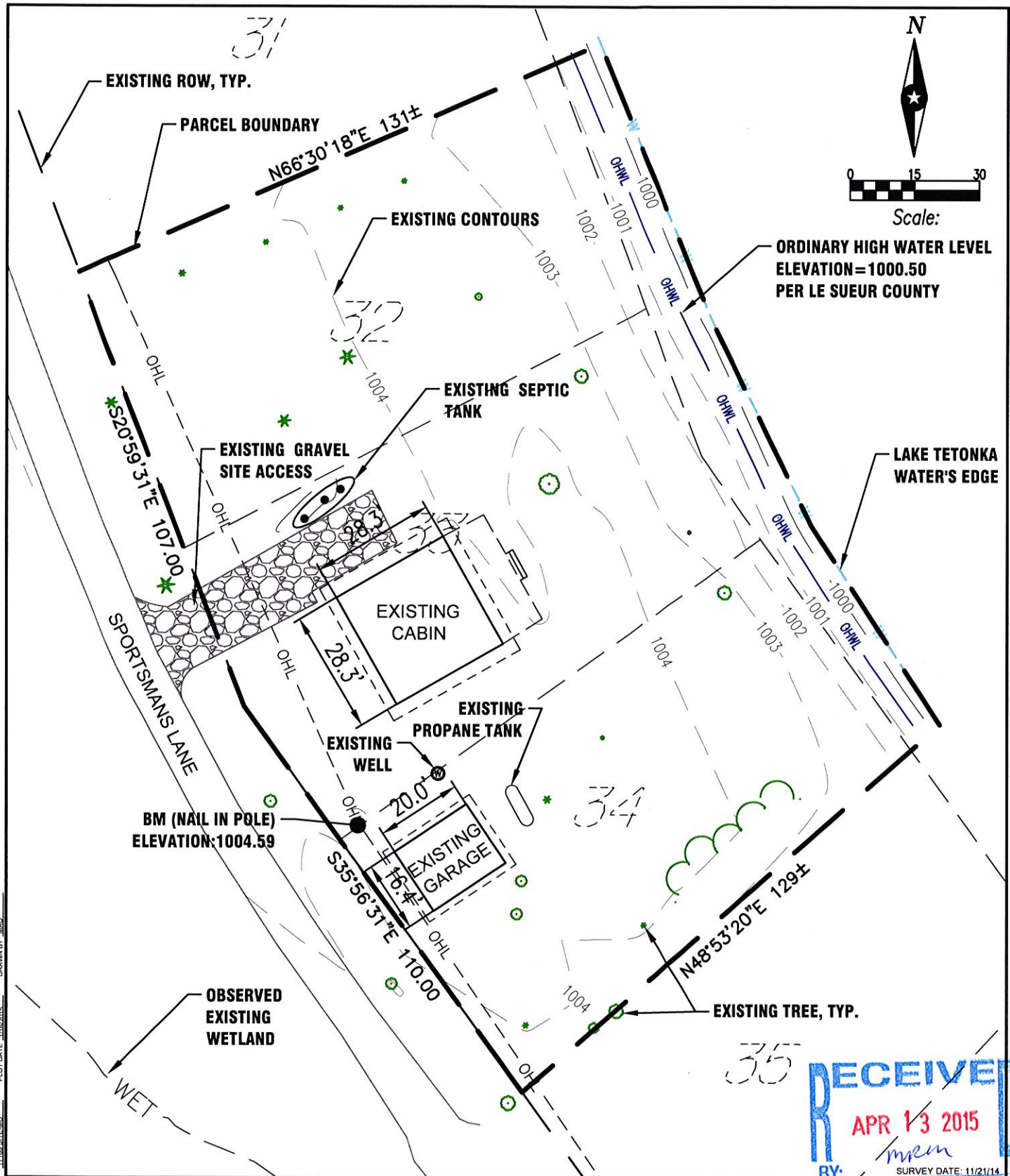
 <p>Architecture Engineering Environmental Planning</p> <p><b>ISG GROUP</b></p> <p><small>www.isg.com</small></p>	<p>Scale</p> <p>0 25 50 Feet</p> <p>1 inch = 50 feet</p> 	<p>EXHIBIT 3</p> <p><b>AERIAL PHOTOGRAPH</b></p> <p>Bernard &amp; Helen Baumann</p> <p>Le Sueur County, Minnesota</p> <p><b>RECEIVED</b></p> <p><b>MAR 13 2015</b></p> <p>BY: <i>mem</i></p>
--	--	--



DATE: 4/10/2015 Z:\17000 PROJ\17100-17198\17169 Bernard Baumann CUP-Waterville, MN\17169 GIS\17169 Le Sueur County Zoning Map.mxd







## EXISTING CONDITIONS

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DANIEL L. STUEBER

*DS*

DATE 4/10/15 LIC NO. 43110

PROJECT

**BERNARD & HELEN  
BAUMANN**

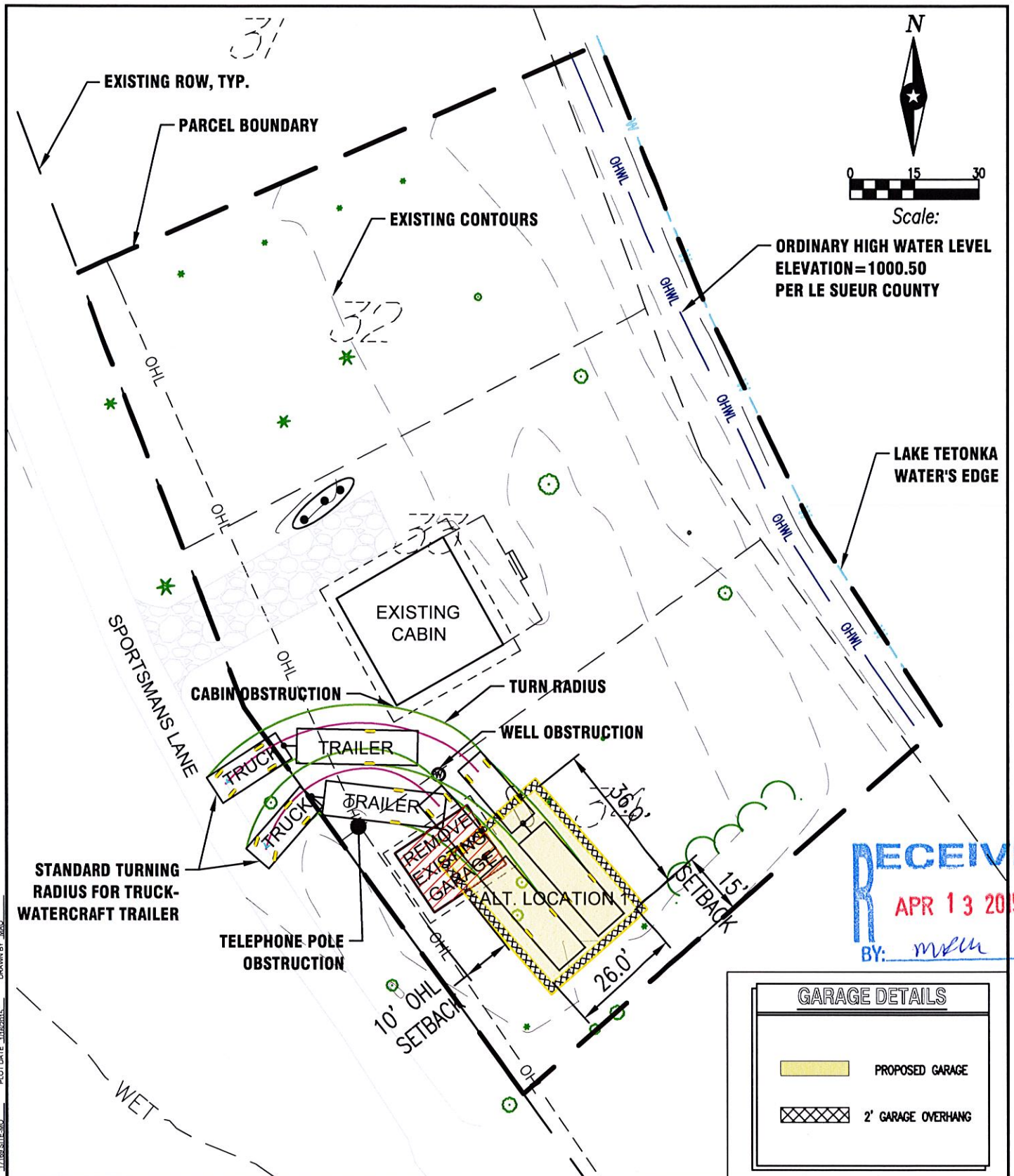
**EXHIBIT 5**

SHEET

35  
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RY: *men*  
SURVEY DATE: 11/21/14







## PROPOSED ALTERNATIVE LOCATION 1



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DANIEL L. STUEBER

*DS*

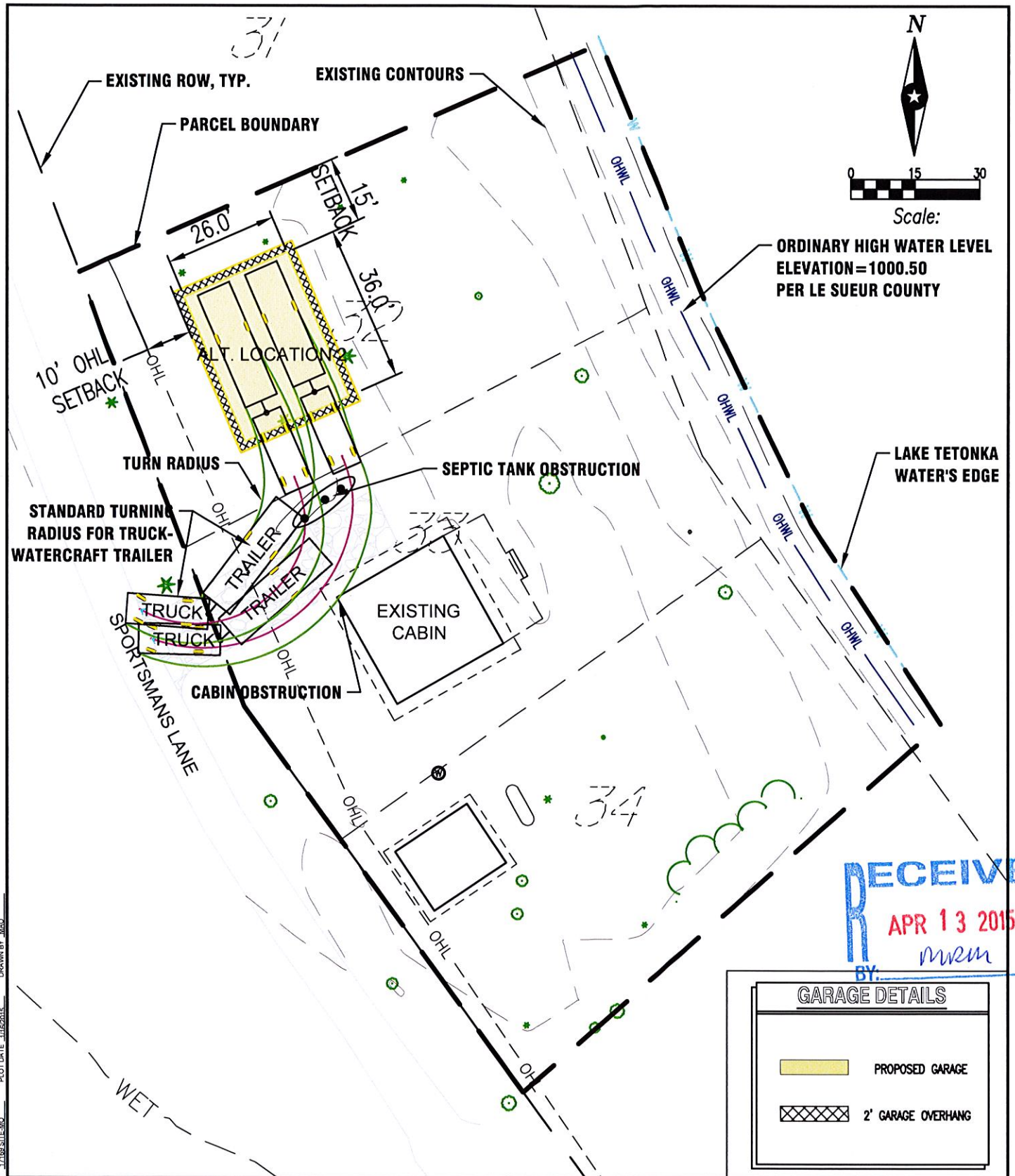
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**BERNARD & HELEN  
BAUMANN**

**EXHIBIT 7A**

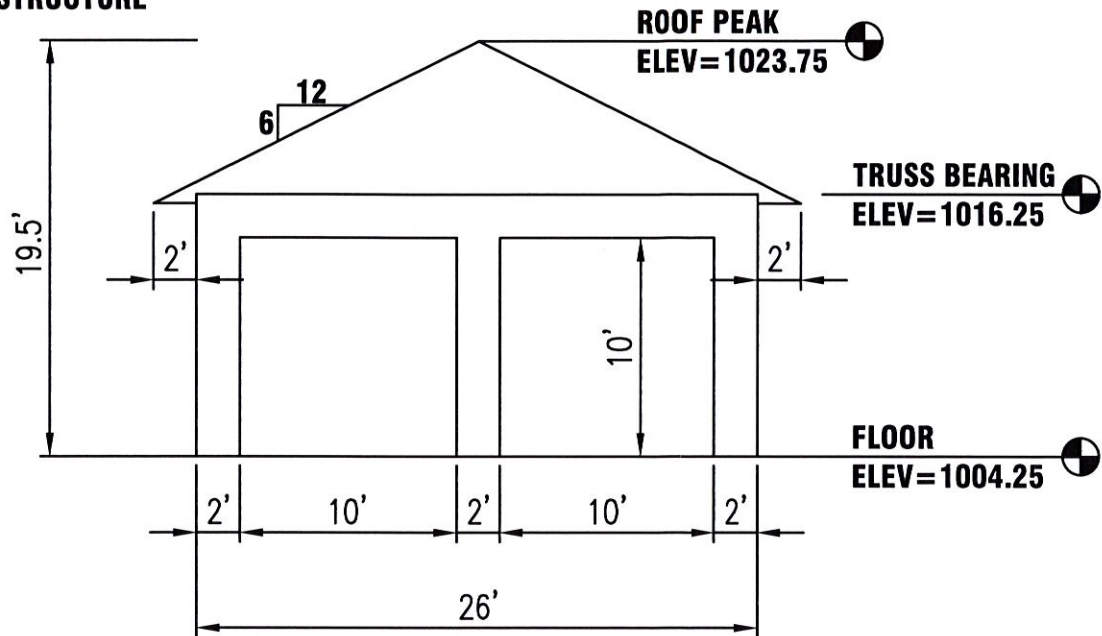
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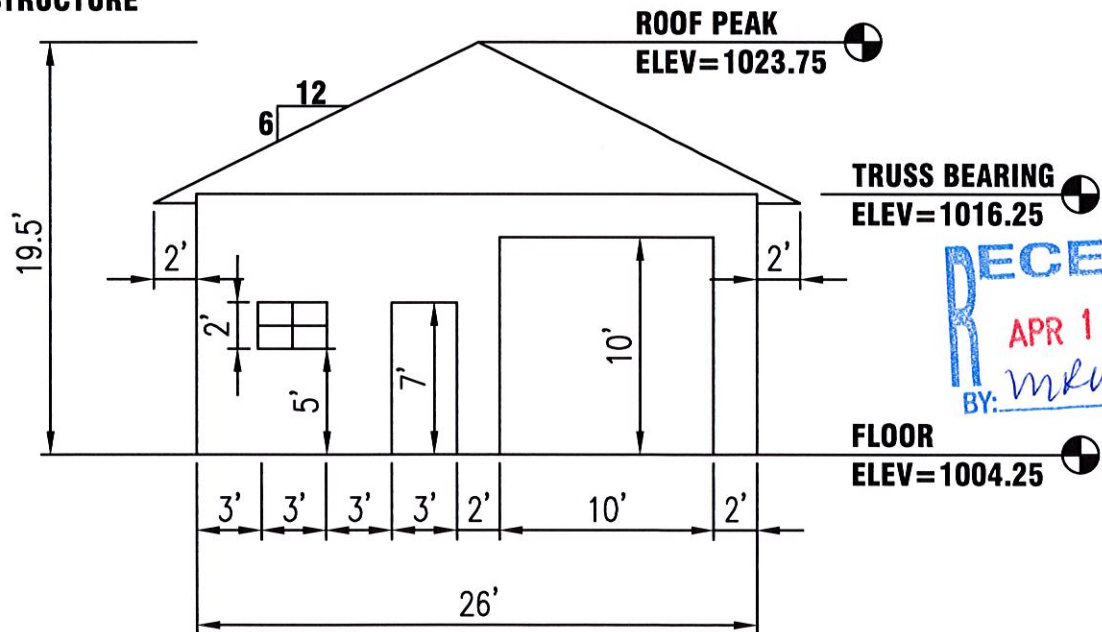
<b>ISG</b> Architecture Engineering Environmental Planning www.is-grp.com	<b>PROPOSED ALTERNATIVE LOCATION 2</b>		PROJECT <b>BERNARD &amp; HELEN BAUMANN</b>
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DATE _____ LIC NO _____	DATE 4/10/15 LIC NO 43110	SHEET	



**FRONT VIEW  
WEST SIDE OF STRUCTURE**



**REAR VIEW  
EAST SIDE OF STRUCTURE**



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**PROPOSED STRUCTURE DETAILS**

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CHARLES J. BRANDEL

*Charles J. Brandel*

DATE 4/10/15 LIC. NO. 43359

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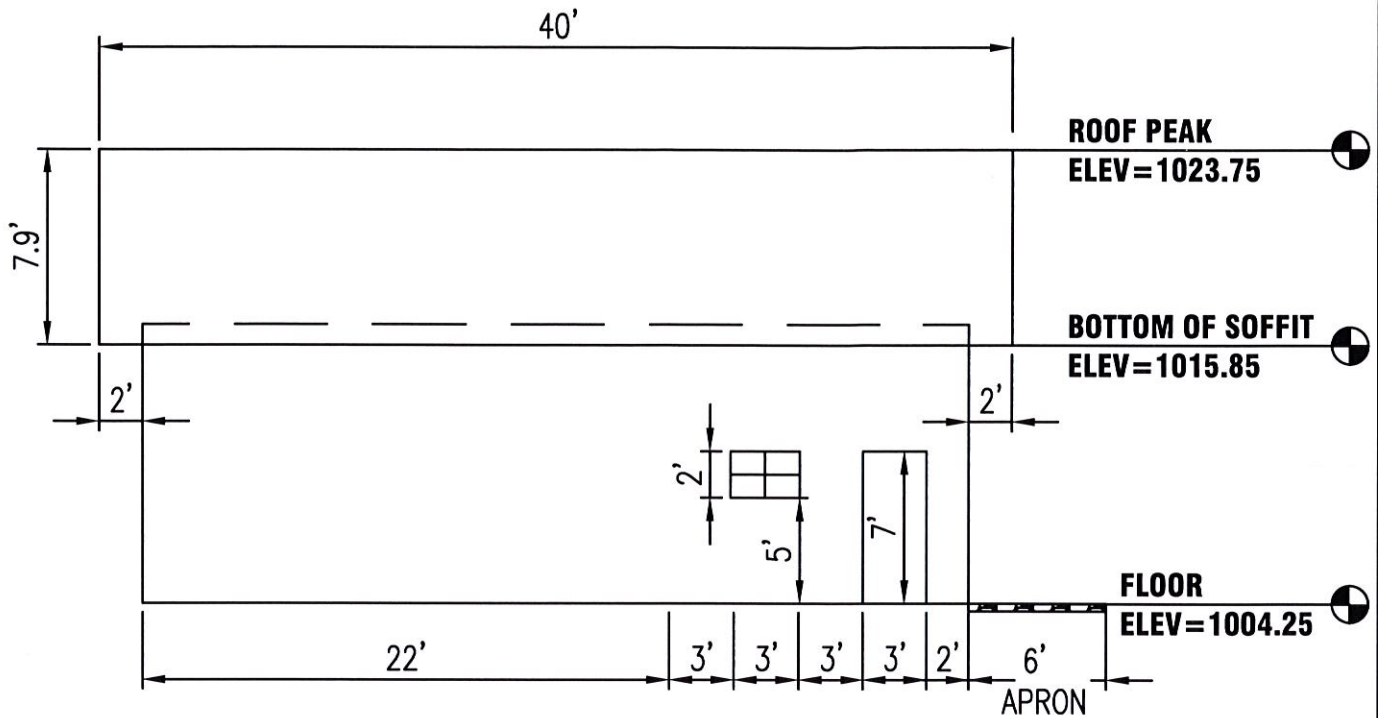
PROJECT

**BERNARD & HELEN  
BAUMANN**

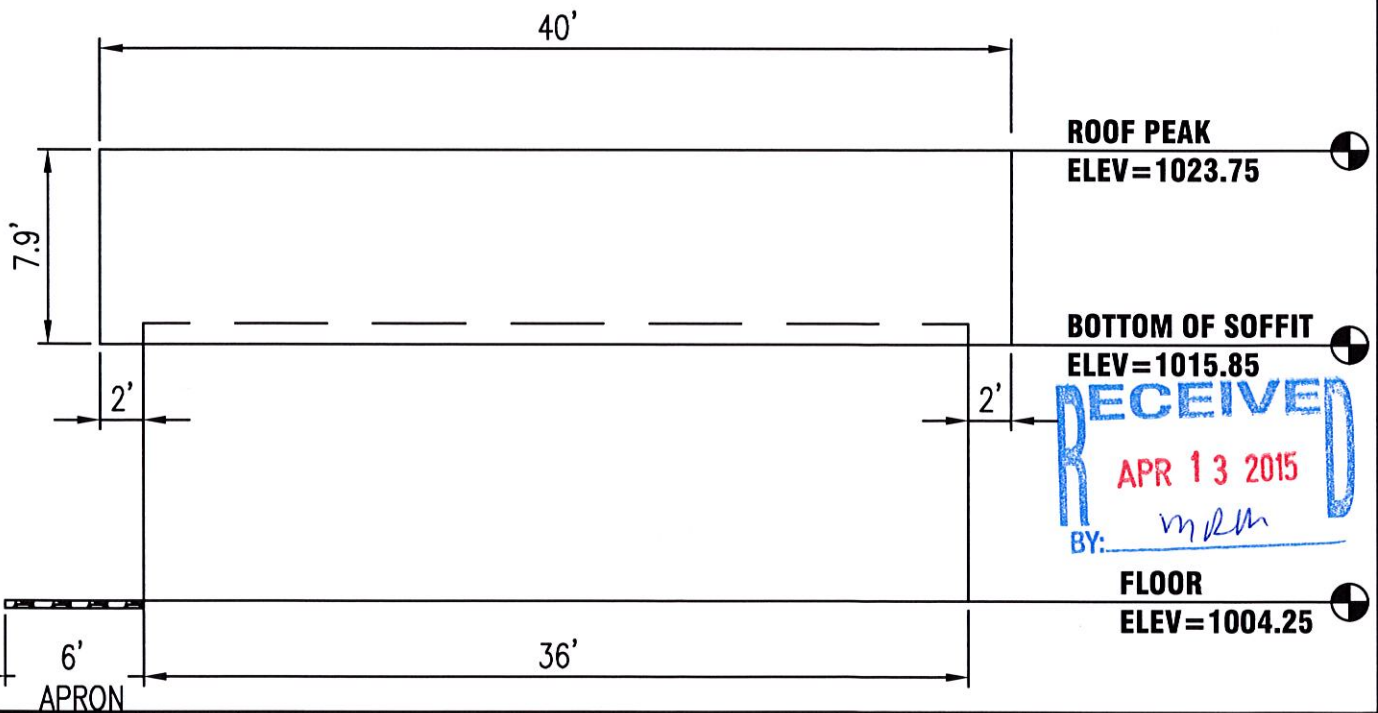
**EXHIBIT 8**

SHEET

**NORTH SIDE VIEW  
NORTH SIDE OF STRUCTURE**



**SOUTH SIDE VIEW  
SOUTH SIDE OF STRUCTURE**



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CHARLES J. BRANDEL

*Charles J. Brandel*

DATE 4/10/15 LIC. NO. 43359

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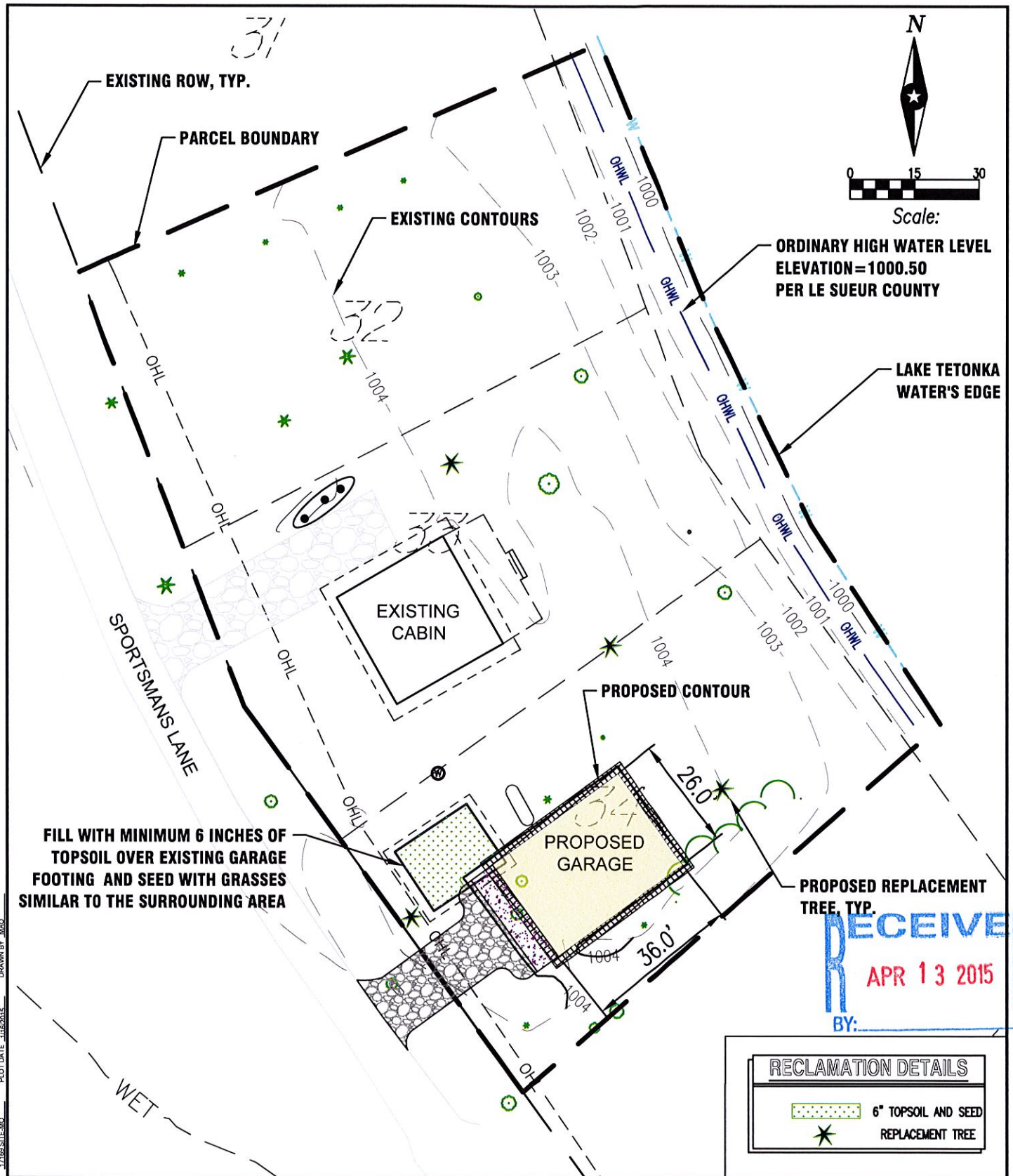
PROJECT

**BERNARD & HELEN  
BAUMANN**

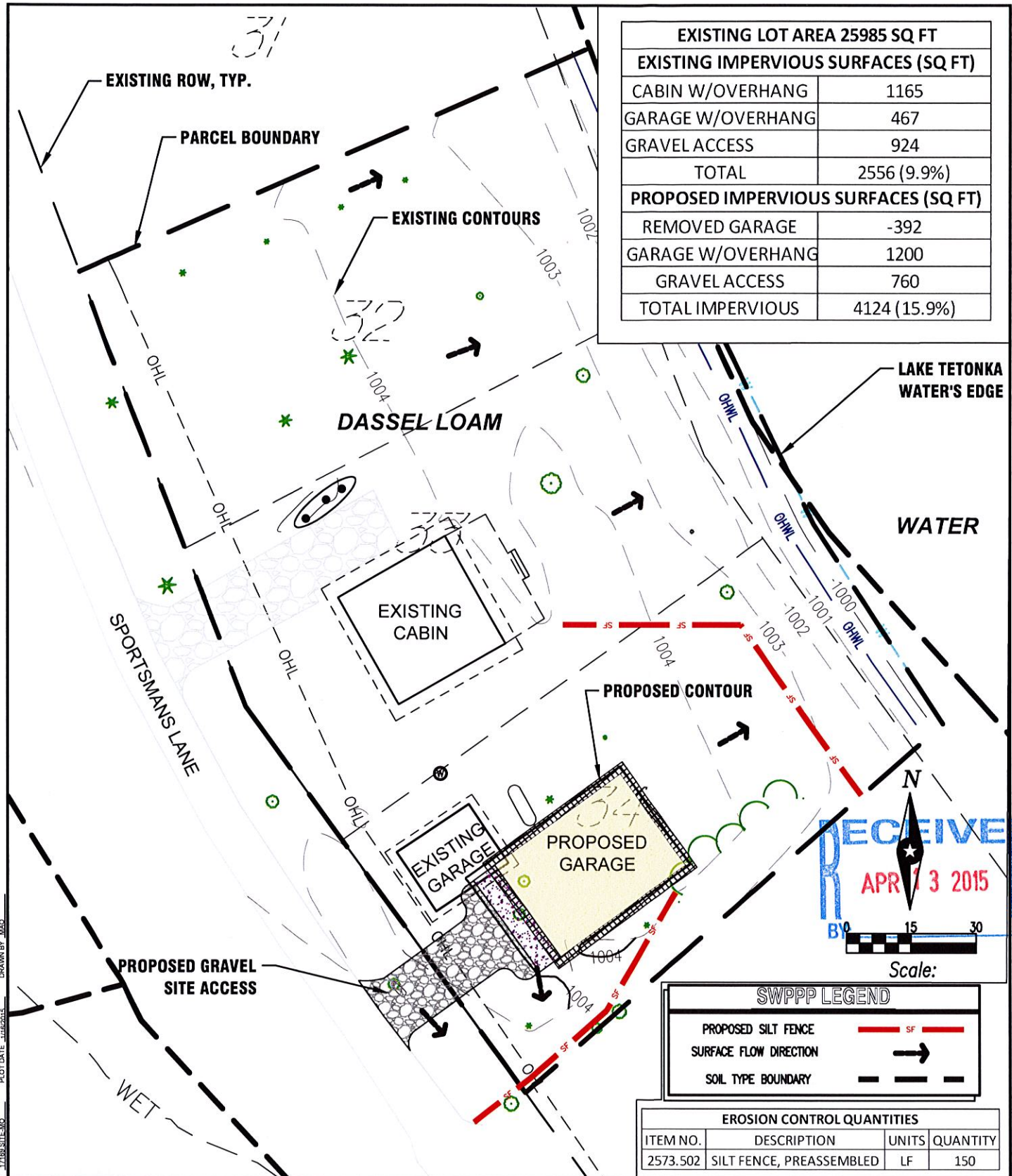
**EXHIBIT 8**

SHEET





<p><b>ISG</b> I+S GROUP</p>	<p>Architecture Engineering Environmental Planning</p> <p>www.is-grp.com</p>	<h2>PROPOSED RECLAMATION PLAN</h2>		<p>PROJECT</p> <p><b>BERNARD &amp; HELEN BAUMANN</b></p>
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EXISTING LOT AREA 25985 SQ FT	
EXISTING IMPERVIOUS SURFACES (SQ FT)	
CABIN W/OVERHANG	1165
GARAGE W/OVERHANG	467
GRAVEL ACCESS	924
TOTAL	2556 (9.9%)
PROPOSED IMPERVIOUS SURFACES (SQ FT)	
REMOVED GARAGE	-392
GARAGE W/OVERHANG	1200
GRAVEL ACCESS	760
TOTAL IMPERVIOUS	4124 (15.9%)

SWPPP LEGEND	
PROPOSED SILT FENCE	SF
SURFACE FLOW DIRECTION	→
SOIL TYPE BOUNDARY	- - -

EROSION CONTROL QUANTITIES			
ITEM NO.	DESCRIPTION	UNITS	QUANTITY
2573.502	SILT FENCE, PREASSEMBLED	LF	150

 <b>ISG</b> Architecture Engineering Environmental Planning	<h2 style="margin: 0;">EROSION CONTROL PLAN</h2>		
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CHARLES J. BRANDEL  DATE 4/10/15 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.	
		PROJECT <b>BERNARD &amp; HELEN BAUMANN</b>	
		SHEET <b>EXHIBIT 10</b>	



**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**

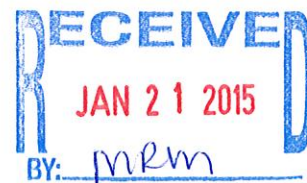
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

**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.

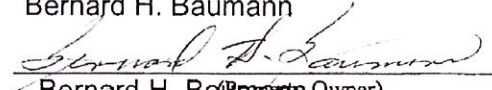
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

#### Inspection and Maintenance

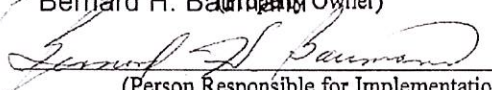
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out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

1/21/2015  
(Date)

  
(Person Responsible for Implementation)

1/21/2015  
(Date)

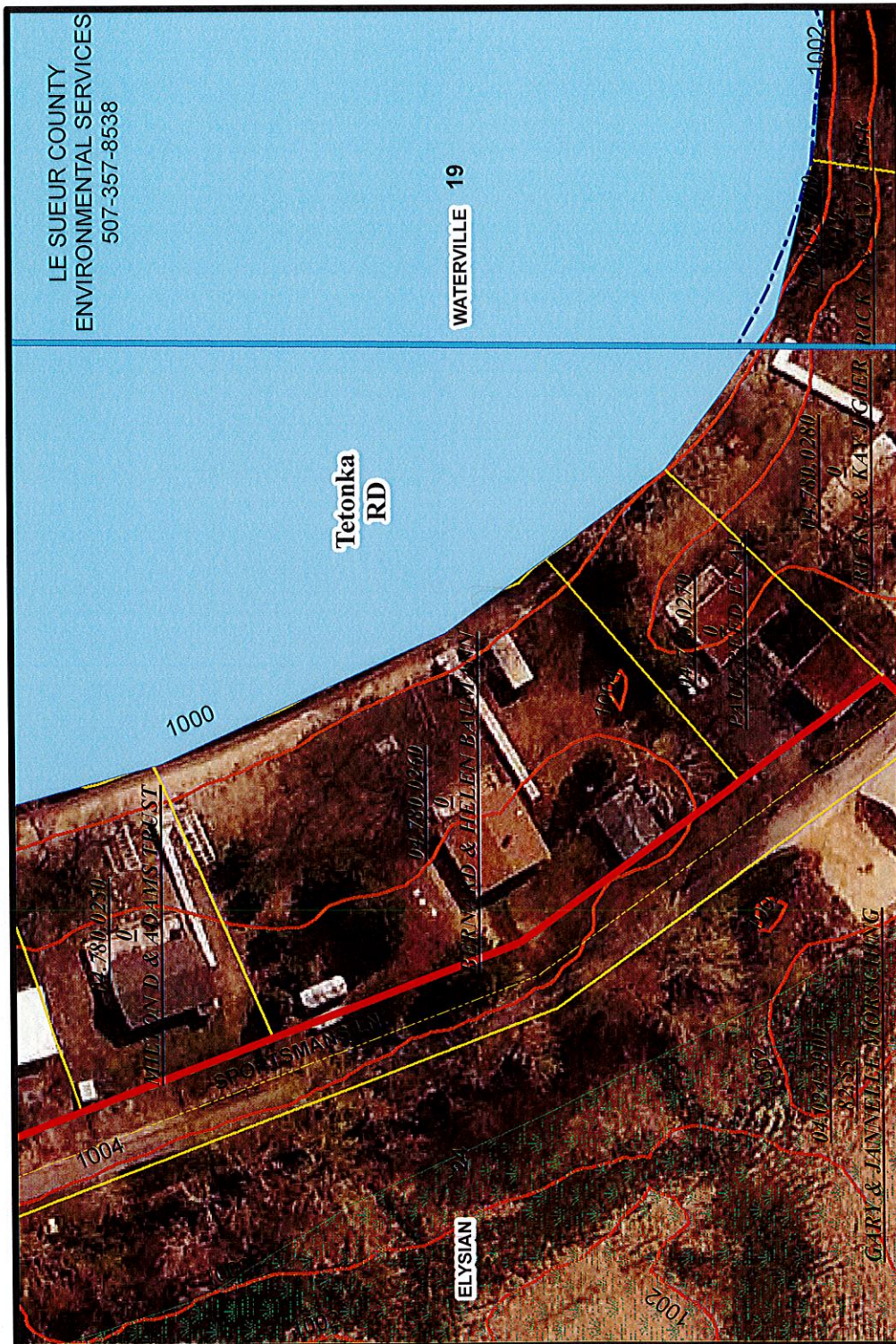
If you have any questions, please contact Environmental Services, at 507-357-8538.





# 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**



Cleveland				Kirkwood			
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56
57	58	59	60	61	62	63	64
65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88
89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104

**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**

