



Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 6

Tiede Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Rusty Tiede

OWNER: Rusty & Nancy Tiede Revocable Trust

911 ADDRESS: 32787 221st Ave, Le Center MN

VARIANCE REQUEST: To allow the applicant to construct a 40,000 bushel grain bin 48 feet from the road ROW.

VARIANCE NUMBER: 15061

PARCEL NUMBER: 03.027.7550

SITE INFORMATION

LOCATION: Part of the SW 1/4 Section 27, Derrynane Township

ZONING & PURPOSE: 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

ACCESS: Existing off 221st Avenue

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:

- | 1. <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---------------------------|-----------------|------------------|---------------------------|--------------|
| a. Structure to road ROW: | 48 feet | 75 feet | Section 8. Subdiv. 5.B.2. | 8-7 |
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: 4/21/2015
60 DAY RULING DATE: 6/20/2015

PERMIT NUMBER 15061

FEE: \$646.00

APPLICANT: RUSTY TIEDE

PROPERTY OWNER: RUSTY & NANCY TIEDE REVOCAB

ADDRESS: 34415 2221ST AVE

ADDRESS: 32787 221ST AVE

CITY: LE CENTER

CITY: LE CENTER

STATE: MN

ZIP: 56057

STATE: MN

ZIP: 56057

PHONE: 507-357-4329

PHONE: 507-357-4329

PARCEL NO: 03.027.7550

TOWNSHIP: DERRYNANE

911: 32787 221ST AVE LE CENTER

SEC: 27

SUBDIV: NA

TWP: 112

LOT: NA

ZONE: A

RANGE: 24

BLOCK: NA

FEMA PANEL #: 27079C0175D

Q/Q: SW 1/4

ROAD: CR 121

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 40,000 BU GRAIN BIN 48 FEET FROM THE ROAD ROW.

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

3.) Special Conditions of Variance:

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



APPLICANT/PROPERTY OWNER

4-21-15
DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4-21-15
DATE

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

ON-SITE TOUR DATE: 5/21/2015

PUBLIC HEARING DATE: 5/21/2015

ACTION: _____



AS WRITTEN



WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

DATE

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

VARIANCE FINDINGS OF FACT

Name of Applicant: RUSTY TIEDE

Variance # 15061

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 40,000 BU GRAIN BIN 48 FEET FROM THE ROAD ROW.

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

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

Explain _____

JM	JW	JD	CH	FC
<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: _____

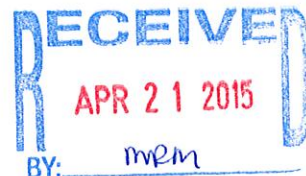
Board of Adjustment Chairman

Date

Le Sueur County

Variance Application

- I. Applicant:
Name Rusty Tiede
Mailing Address 34415 221st Ave
City Le Center State Mn Zip 56057
Phone # 507-357-4329 Phone # 507-323-5072
- II. Land Owner (s), if different from above:
Name Rusty + Nancy Tiede Revocable Living Trust
Property Address 327870 221st Ave
City Le Center State Mn Zip 56057
Phone # 507-357-4329 Phone # 507-323-5072
- III. Parcel Information:
Parcel Number 03 027 7550 Parcel Acreage 115.22
Legal Description-Full legal description must be attached (not from tax statement)
- IV. Variance Request:
See attached IV. Variance Request
Construct Grain Bin 48' from Right away
- V. Township Notification: Township must be notified of proposed request prior to application.
Derryname Township notified on 4-20-15
(Township Name) (Date)
Board Member Cindy Jirak 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
- ☒ 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.

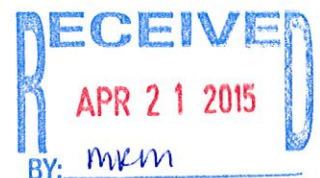
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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:



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

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

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

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

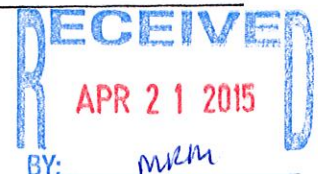
5. Does the alleged practical difficulty involve more than economic considerations?

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

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

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

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



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.

Rusty Tiede
Applicant signature

4-18-15
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.

Rusty Tiede
Land Owner signature

4-18-15
Date

OFFICE USE ONLY

Date received 4-21-15 Present Zoning Classification A Ext Feedlot Feedlot within 500' 1000' (N)
Meeting date 5-21-15 Lake Classification — Erosion Control Plan Y (N)
60 Day 6-20-15 Lake — Water courses Y (N)
FEMA Panel # 27019C01750 Flood Zone x-outside Bluff Y (N)
☒ Surveyor Certificate ☒ Ordinance ☐ Septic NA CI / DESIGN
☒ Site Plan -survey ☐ Access approval ☒ Fee \$ 6460- ATF / SPEC MTG
☒ Full legal ☐ Blue Prints ☐ Other _____
☒ Application complete ☒ Written Detail of Var

Michelle R Muttter
Planning & Zoning Department Signature

4-21-15
Date

15061
Permit #

04-15-13



Le Sueur County

Variance Application

IV. Variance Request:

Construction of a proposed grain bin to include in my farm operation site which consists of two (2) existing grain bins and barn forty-eight (48) feet from Le Sueur County Road 121 which is at variance with the required set back of seventy-five (75) feet from Le Sueur County Road 121 as required by Le Sueur County Ordinances, Section 8, Subdivision 5.B.2.

I currently grind all the feed for the pigs on this farm. We can currently stop in one spot and put all my ingredients in at stop. With the expansion of my feed lot last year I need ~~to~~ more corn storage to hold 1 year worth of corn to feed all the pigs on this site.

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

The variance request is reasonable to the ordinance requirement. The set back variance is twenty-seven (27) feet. The proposed grain bin would adjoin to two (2) existing grain bins parallel to and also forty-eight (48) feet from Le Sueur County Road 121. The purposed grain bin would be consistent with the existing farm site operation by constructing the proposed grain bin within the farm site operation.

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

There are circumstances that prevent compliance with the Zoning Ordinance in order to expand the farm site operation with the proposed grain bin. It would allow for usage of the auxiliary farm equipment for grain storage thereby providing cost savings and an expansion of the farm site operation consistent with the existing grain bins and farm.

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

The circumstances prompting the variance request were not created by someone other than the applicant/landowner. The existing grain bin, located to the south, is forty-eight (48) feet from Le Sueur County Road 121. It was constructed before the seventy-five (75) foot set back requirement from Le Sueur County Road 121. The existing grain bin, located north of and adjacent to the grain bin to the south, was constructed after the Board of Adjustment and Department granted a variance allowing a forty-eight (48) foot set back from Le Sueur County Road 121.

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

A grant of variance to allow for a forty-eight (48) foot set back will not adversely affect the essential character of the locality. Applicant's property, as well as the surrounding property, is agricultural, some of which include farm operation sites similar to the Applicant's farm operation site.

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

The practical difficulty primarily involves economic consideration to construct the proposed grain bin adjacent to the existing grain bins. However, allowing the construction of the proposed grain bin next to the existing grain bins will minimize the transfer of the auxiliary equipment to another site, which, in turn, will raise safety concerns for the Applicant and other people on the site when grain is moved in and out of the grain bins.

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



Yes.

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

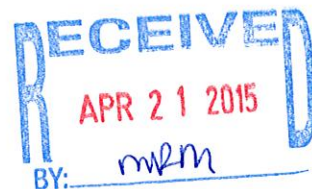
The variance to allow a forty-eight (48) foot set back from Le Sueur County Road 121 will be consistent with the Applicant's farm site operation. It consolidates the grain bins into one (1) area of the farm site operation.

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

The Applicant's variance request will not have an impact on the property's septic system and water usage.

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

The Applicant's variance request is the minimum variance amount needed to consolidate the proposed grain bin with the two (2) existing grain bins which are forty-eight (48) feet from Le Sueur County Road 121.



Le Sueur County

Surveyor Certification

- I. Applicant:
Name RUSTY TIEDE
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 03.027.7550
- IV. Quantities and Submittal Formats:
- One reproducible 8.5" x 11" copy of the request and all other supporting documents.
 - If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
 - Electronic version of any supporting documents, if available.
 - Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
 - All required information must be correct and submitted at the time of application, or the application will not be accepted.

V. Site Plan-must be a survey:

BUILDING SITE SHALL BE PHYSICALLY STAKED BY THE SURVEYOR OR THE APPLICATION WILL BE TABLED.

Site plan shall include but not limited to:

- North point
- setbacks
- property lines
- road right-of-way
- easements
- current & proposed impervious surface-Itemized with percentages (if in shoreland)
- landscape, screening and buffering (if applicable)
- location of significant trees to be removed (if applicable)
- note how disturbed areas will be restored (if applicable)
- lakes
- rivers
- wetlands, ponds
- streams
- well
- existing structures (within and adjacent to project area)
- proposed structures
- lot dimensions
- septic system
- access

- VI. The proposed improvements have been physically staked onsite then surveyed on 4/9/15, to reflect an accurate account of current and proposed conditions of the property identified above.

STAKED PROPOSE BIN

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.

Rusty Tiede
Surveyor's signature

4/10/15
Date

19789
Lic #

OFFICE USE ONLY

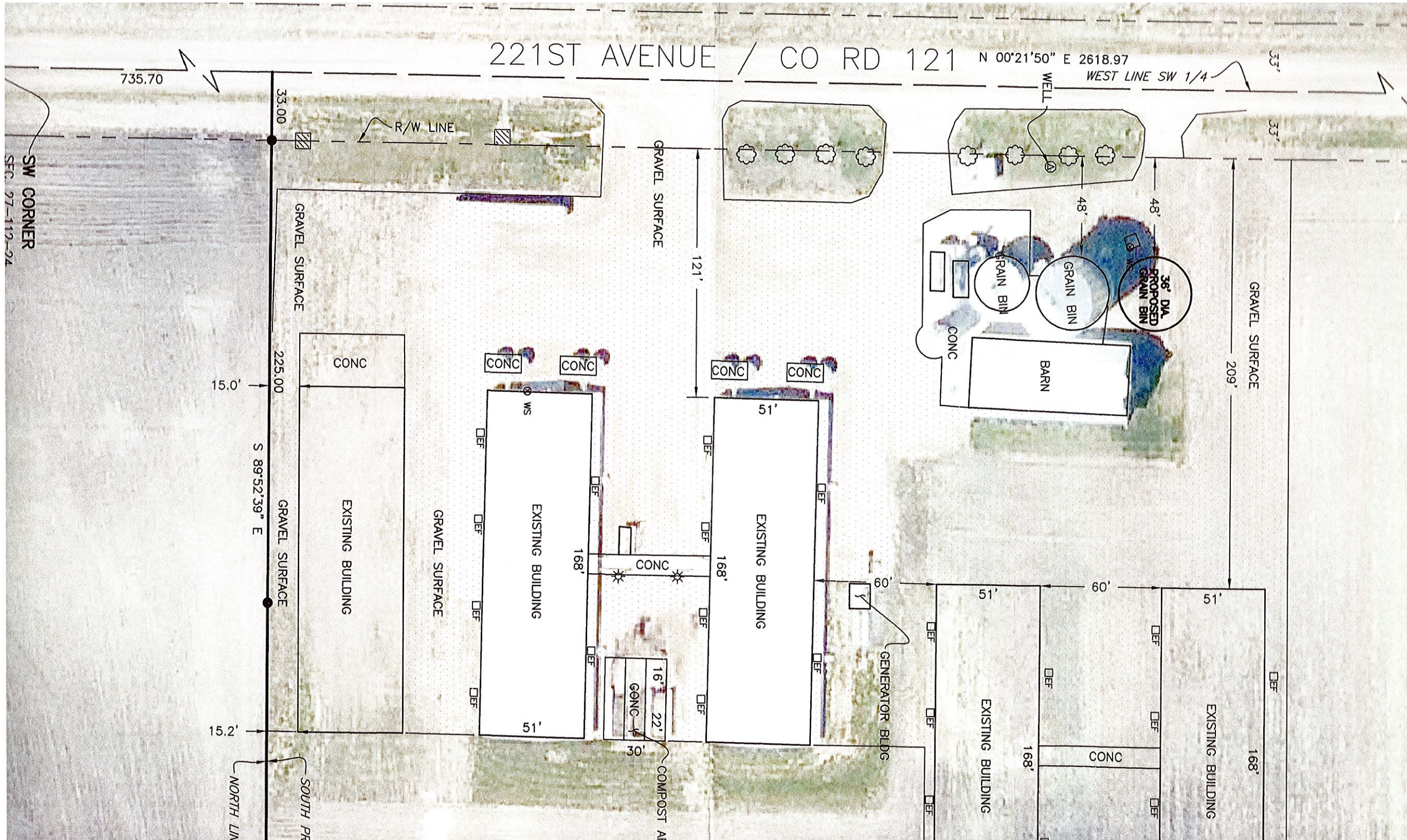
4-10-15
Date received

mkh
Planning & Zoning Authority signature

10-01-11



1



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Tiede
 PID: 03.027.7550
 DATE: 5-5-15
 FIRM #: 27079C0175D
 F-Zone: X-Outside
 RFPE: na
 District: Agricultural



127	8	9	10	11	12	7	8	9	
18	17	16	15	14	13	18	17	16	
19	20	BERRYNAE	22	23	24	HEIDELBERG	21		
30	29	28	27	26	25	LAVESBURGH	30	29	28
31	32	33	34	35	36	31	32	33	
1	6	5	4	3	2	1	6	5	4
7	8	LEXINGTON	11	12	13	MONTGOMERY	18	17	16
18	17	16	15	14	13	MONTGOMERY	18	17	16

0 100 200 400 600 800 Feet

Map Disclaimer

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



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

Cadastral Line	<all other values>
AlphaTag	
Corp Line	
County Line	
Easement Line	
Geo Twp Line	
Gov Lot	
Misc Line	
Parcel Line	
Pol Twp Line	
Railroad Centerline	
Railroad ROW	
Road Centerline	
Road ROW	
Road ROW Vac	
Section Line	
Sub Line 400	
Water	
Parcel	

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538