



**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: MAY 21, 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 Baumann Packet

ITEM #4 Vargason Packet

ITEM #5 Lomen Packet

ITEM #6 Seely Packet

ITEM #7 Volk Packet

ITEM #8 Tiede Packet

ITEM #9 Walsh Packet

ITEM #10 04-16-15 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 May 21, 2015.

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



Le Sueur County, MN

Thursday, May 21, 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: MAY 21, 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 **MAY 12, 2015**.

ITEM #1: BERNARD & HELEN BAUMANN, SHAKOPEE, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 26 x 36 detached garage 63 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District and a Flood Plain Flood Fringe "FF" Overlay District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lots 32, 33 & 34, Tetonka Beach Subdivision, Section 24, Elysian Township. **VARIANCE IS FOR OHWL SETBACK. APPLICATION WAS TABLED AT THE FEBRUARY 19, 2015 MEETING.**

ITEM #2: RANDALL & ANN VARGASON, OWATONNA, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 44 feet from a private road Right-Of-Way (ROW), an existing septic tank 4 feet from the property line, new pump tank 5 feet from the property line, existing drainfield absorption area 7 feet from the proposed attached garage, new drainfield absorption area 16 feet from the attached garage and 5 feet from the property line in a Recreational Residential "RR" District, Flood Plain Flood Fringe "FF" Overlay District, and a Mineral Resources "MR" Overlay District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 5, Auditor's Subdivision Lots 3 & 4, Section 28, Waterville Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #3: ERIC & DIANA LOMEN, ST PAUL, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a story and 1/2 detached garage with a 22-foot peak height to include a basement tuck-under garage in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township. **VARIANCE IS FOR PEAK HEIGHT.**

ITEM #4: MARK & VALERIE SEELY, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 40 feet from a private road Right-Of-Way (ROW) and 4 feet from an existing septic tank in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township. **VARIANCE IS FOR ROAD ROW AND SEPTIC SETBACKS.**

ITEM #5: MIKE VOLK, ST PETER, MN, (APPLICANT); ROSEMARY VOLK, ST PETER, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 12 x 26 accessory structure 80 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 2 & 3, Edgewater Terrace, Section 3, Cleveland Township. **VARIANCE IS FOR OHWL SETBACK.**

ITEM #6: RUSTY TIEDE, LE CENTER, MN, (APPLICANT); RUSTY & NANCY TIEDE, REVOCABLE TRUST, LE CENTER, MN (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 40,000 bushel grain bin 48 feet from the road Right-Of-Way (ROW) in an Agricultural "A" District. Property is located in the SW 1/4, Section 27, Derrynane Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #7: TIMOTHY & ANN WALSH, CLIVE, IA, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to create impervious surface within the shore impact zone and create 43% impervious surface in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Frances. Property is located at Lot 11, Warner's Subdivision, Section 33, Elysian Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT May 21, 2015.
KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, May 21, 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: May 21, 2015

Meeting Time: 3:00 pm

Onsite Date: May 21, 2015

Onsite Time: 11:15 am

ITEM #1: Baumann

ITEM #2: Vargason

ITEM #3: Lomen

ITEM #4: Seely

ITEM #5: Volk

ITEM #6: Tiede

ITEM #7: Walsh

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, 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.

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.
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 + 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.

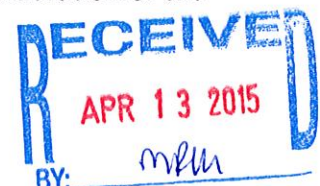
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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.

S. H. Hannon
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.

S. H. Hannon
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

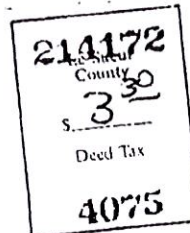
(reserved for recording data)

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):

Siegal, 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()

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

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

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

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

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

CERTIFICATION:

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

Inspector's Name Lauren Klement Certification #: 8634

Inspectors Signature

Lauren Klement

COMMENTS:

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



Le Sueur County

Surveyor Certification

- I. Applicant:
Name BERNARD + HELEN BAUMANN
- II. 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 #

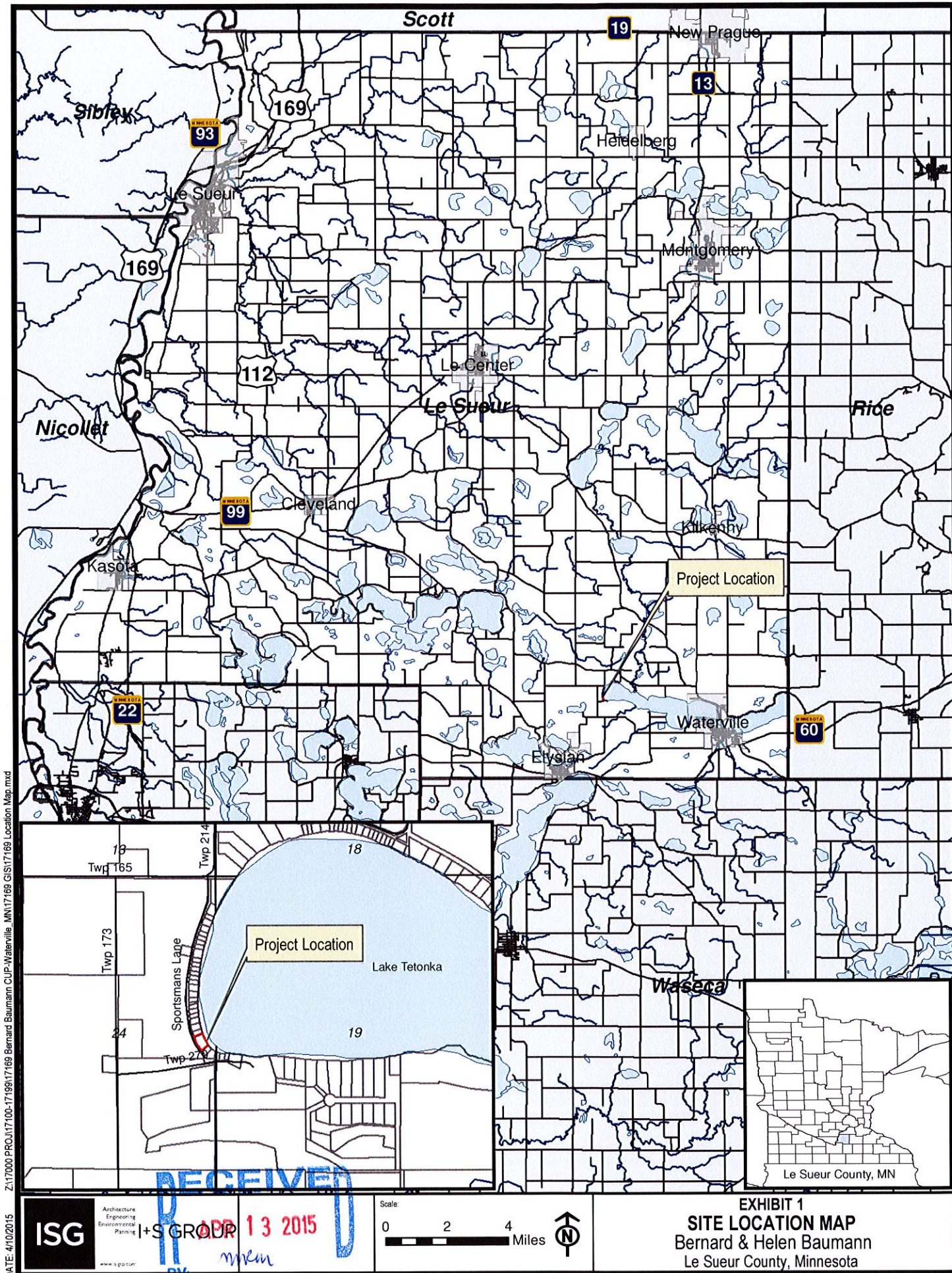
OFFICE USE ONLY

4-13-15
Date Received

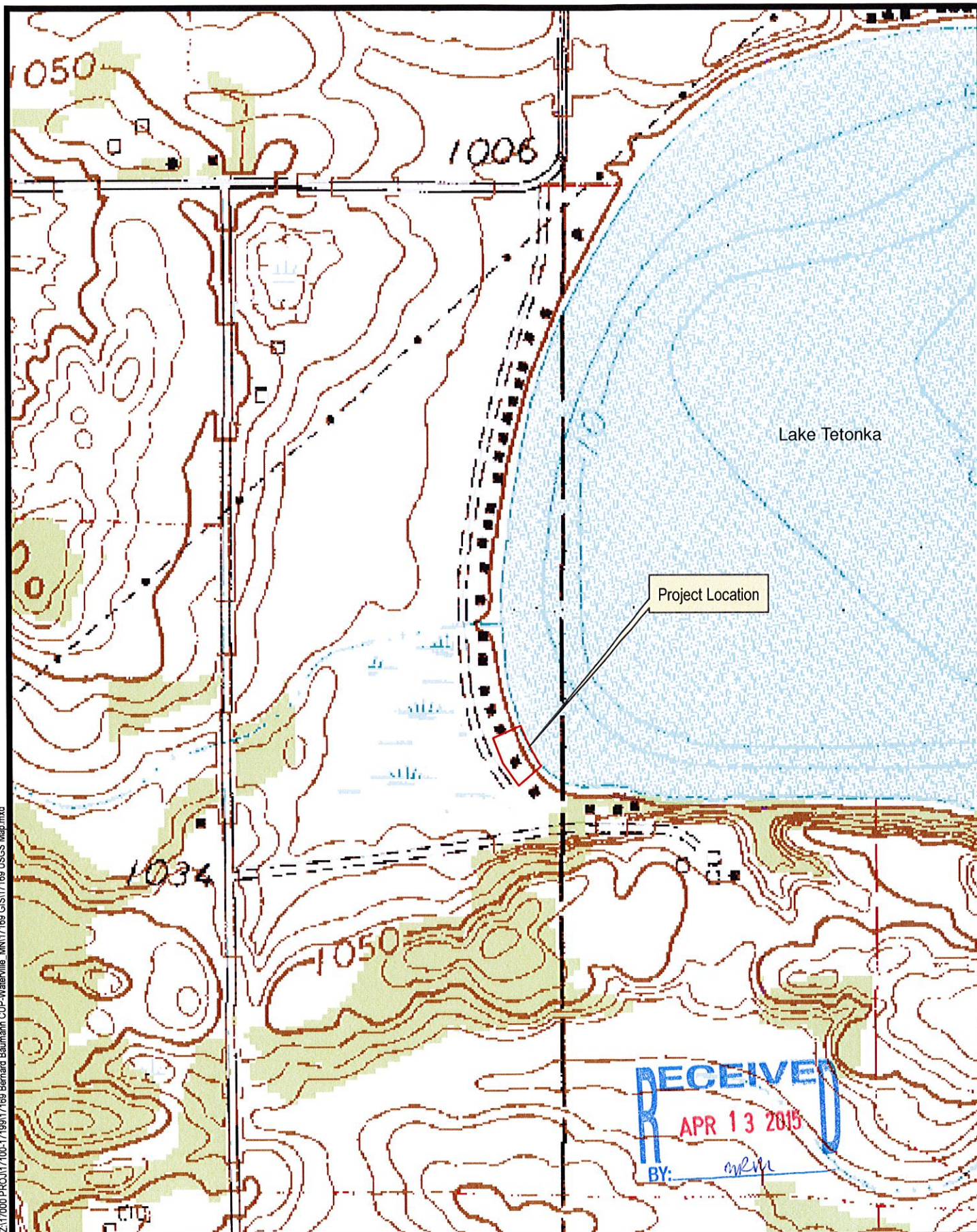
04-15-13

[Signature]
Planning & Zoning Department Signature

RECEIVED
APR 13 2015
BY: mem



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



ISG

Architecture
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

DATE: 4/10/2015 Z:\17000 PROJ\17100-17199\17199 Bernard Baumann CUP-Waterville, MN\17169 GIS\17169 Aerial.mxd



Project Location

Lake Tetonka

Sportsmans Lane

Observed Existing Wetland

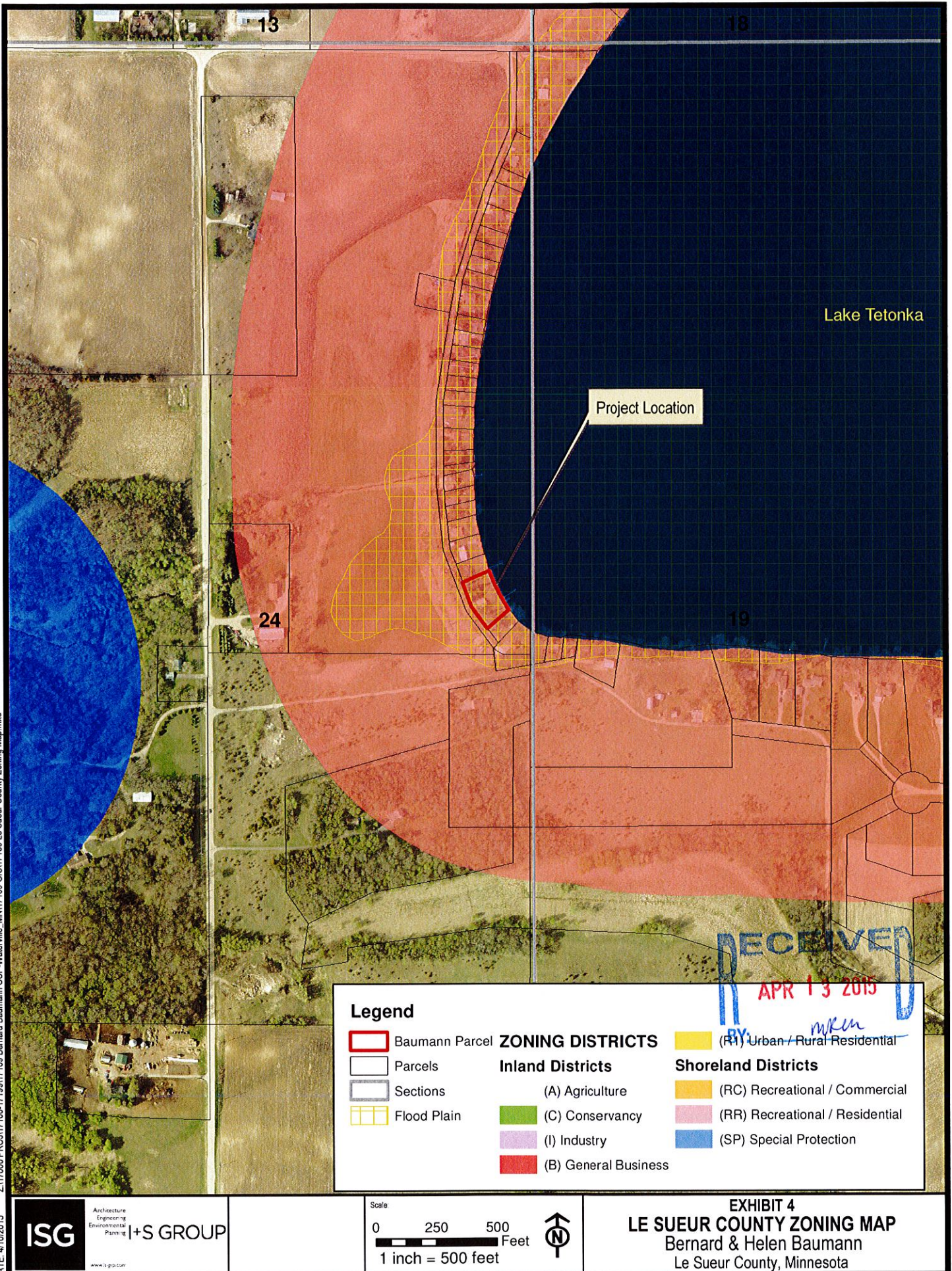
ISG
Architecture
Engineering
Environmental
Planning
+S GROUP
www.isg.com

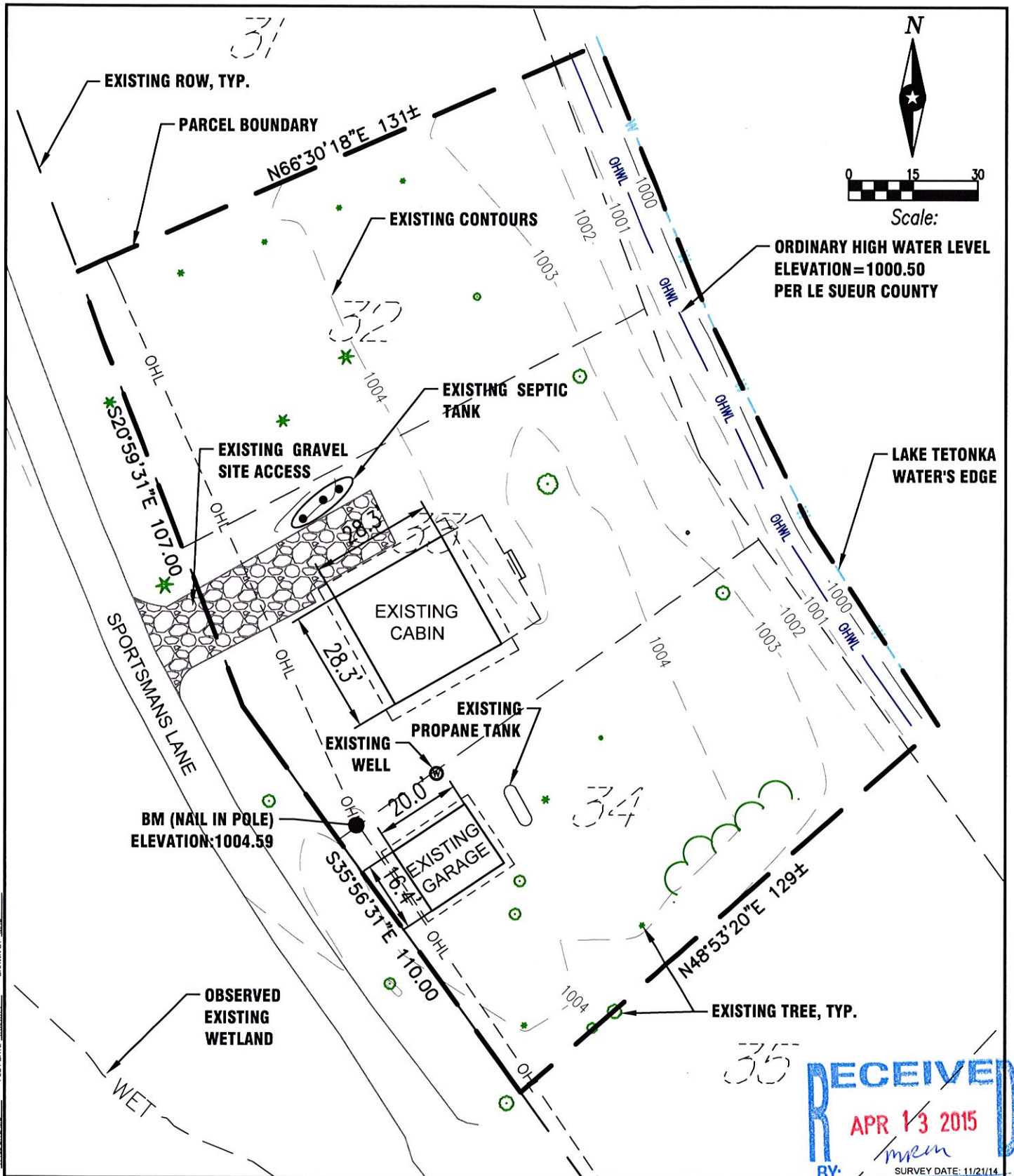
Scale
0 25 50 Feet
1 inch = 50 feet
N

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

RECEIVED
APR 13 2015
BY: *mem*

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

ISG

Architecture
Engineering
Environmental
Planning

www.is-gp.com

THIS DOCUMENT IS THE
PROPERTY OF I+S GROUP,
INC. THEY MAY NOT BE
USED, COPIED OR
DUPLICATED WITHOUT
PRIOR WRITTEN CONSENT.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

DATE _____ LIC NO. _____

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.

DANIEL L. STUEBER

DS

DATE 4/10/15 LIC NO. 43110

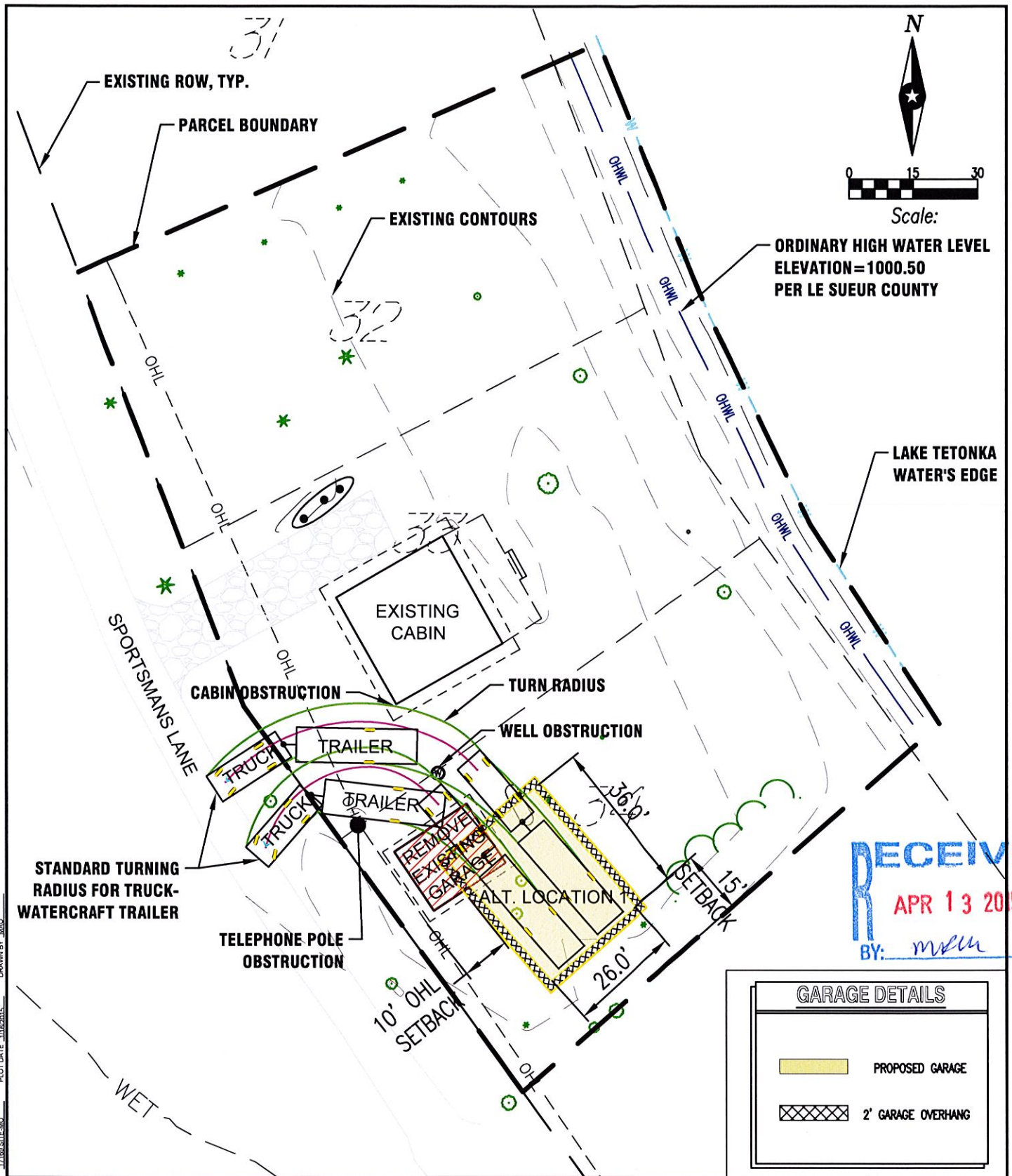
PROJECT

**BERNARD & HELEN
BAUMANN**

EXHIBIT 5

SHEET

35
RECEIVED
APR 13 2015
RY: *men*
SURVEY DATE: 11/21/14



RECEIVED
 APR 13 2015
 BY: *mm*

GARAGE DETAILS	
	PROPOSED GARAGE
	2' GARAGE OVERHANG

PROPOSED ALTERNATIVE LOCATION 1

ISG

Architecture
 Engineering
 Environmental
 Planning

www.is-gp.com

I+S GROUP

THIS DOCUMENT IS THE PROPERTY OF I+S GROUP, INC. THEY MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE _____ LIC. NO. _____

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.

DANIEL L. STUEBER

DS

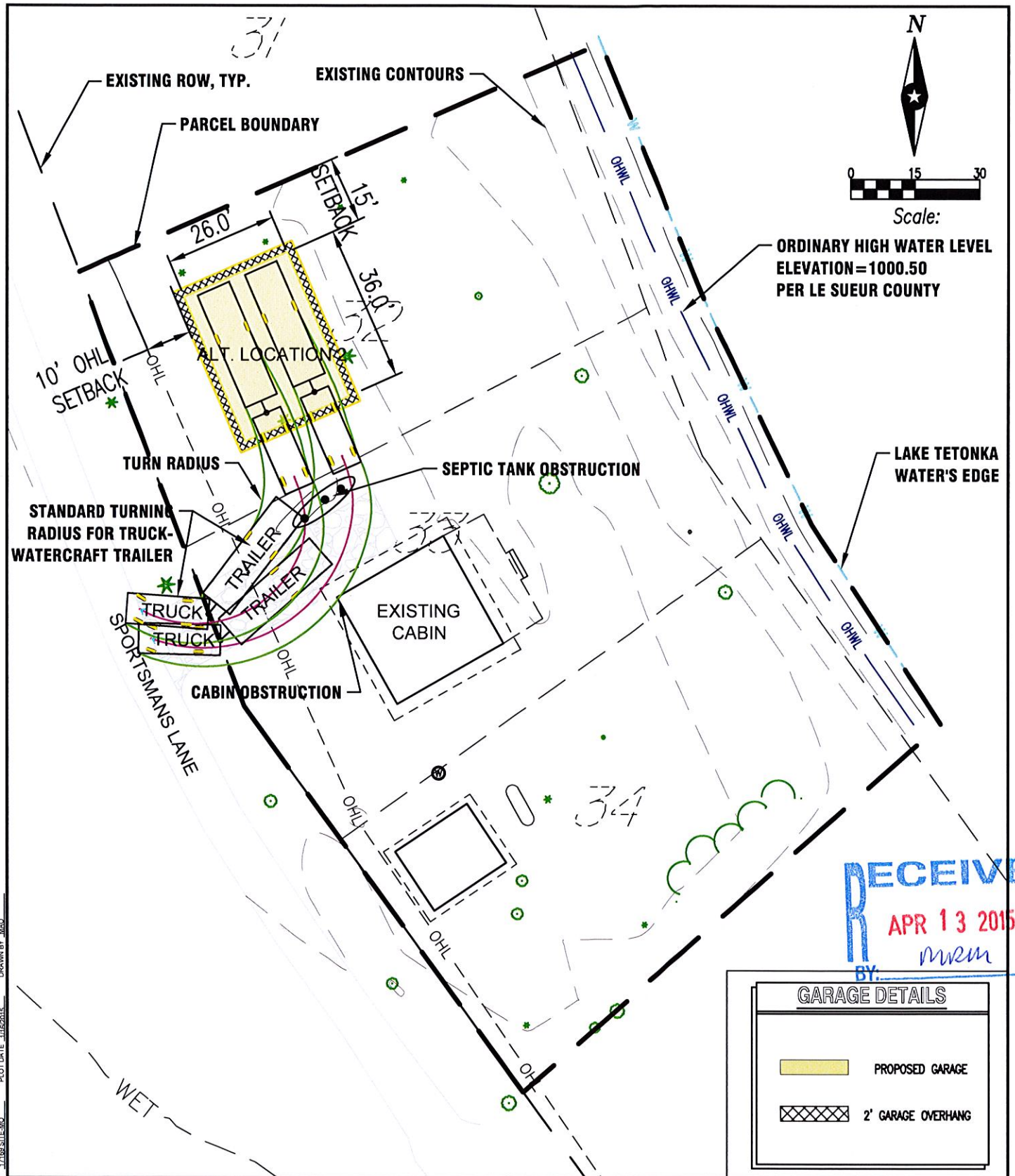
DATE 4/10/15 LIC. NO. 43110

PROJECT

**BERNARD & HELEN
 BAUMANN**

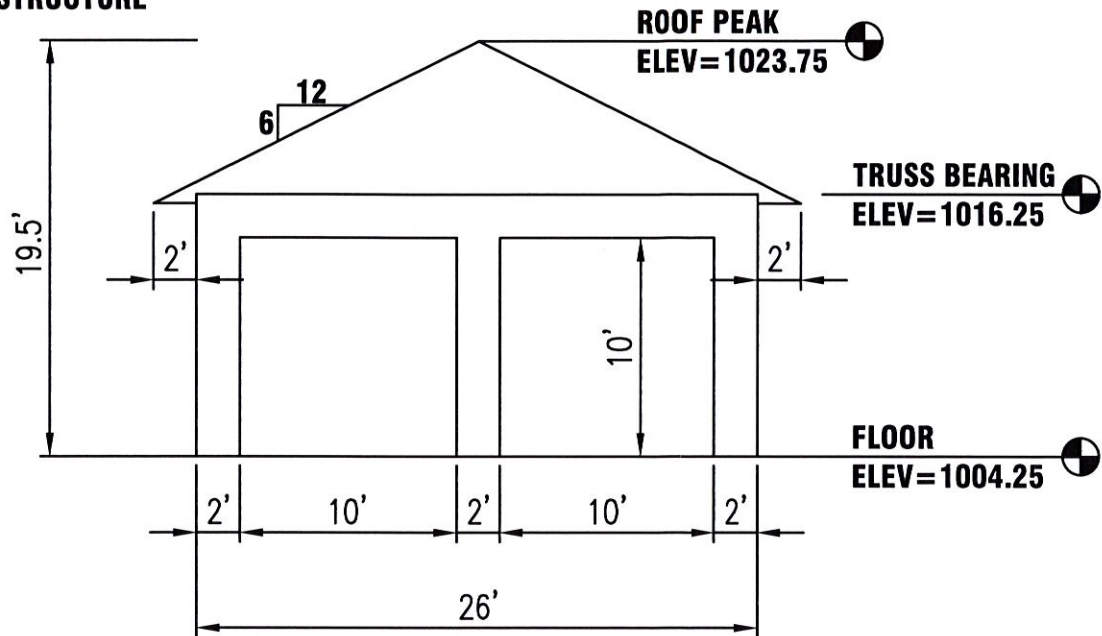
EXHIBIT 7A

SHEET

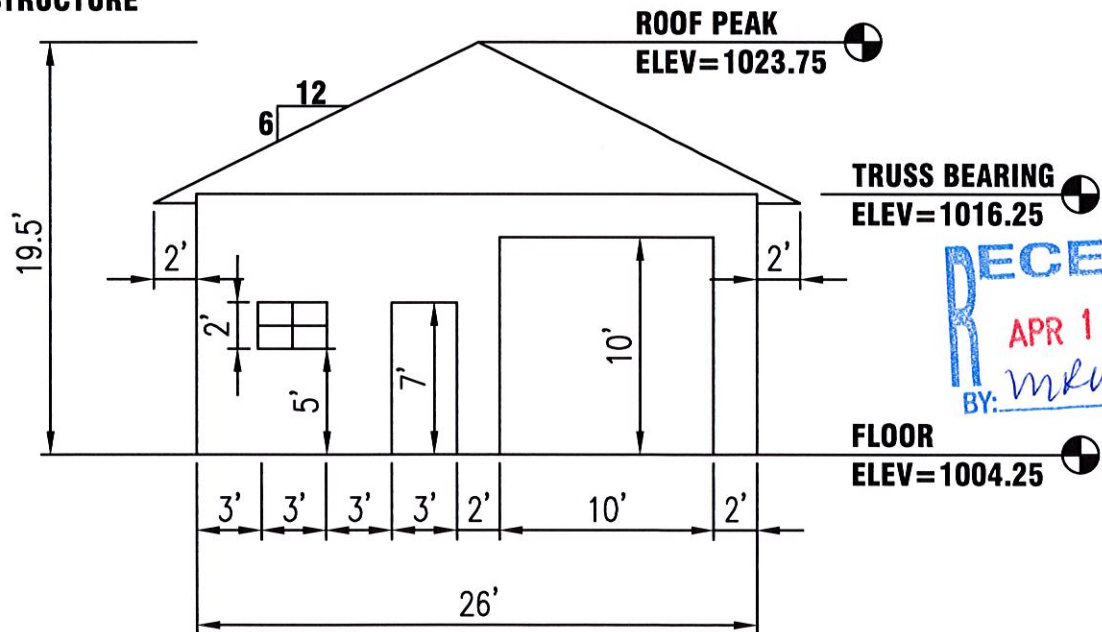


<p>ISG</p> <p>Architecture Engineering Environmental Planning</p> <p>www.isg.com</p>	<p align="center">PROPOSED ALTERNATIVE LOCATION 2</p>		<p>PROJECT BERNARD & HELEN BAUMANN</p> <p>EXHIBIT 7B</p>
	<p>THIS DOCUMENT IS THE PROPERTY OF I+S GROUP, INC. THEY MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.</p>	<p>I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p>DANIEL L. STUEBER</p> <p><i>DS</i></p> <p>DATE: 4/10/15 LIC NO: 43110</p>	

**FRONT VIEW
WEST SIDE OF STRUCTURE**



**REAR VIEW
EAST SIDE OF STRUCTURE**



RECEIVED
APR 13 2015
BY: *mkm*

PROPOSED STRUCTURE DETAILS

ISG

Architecture
Engineering
Environmental
Planning

www.is-gp.com

THIS DOCUMENT IS THE
PROPERTY OF I+S GROUP,
INC. THEY MAY NOT BE
USED, COPIED OR
DUPLICATED WITHOUT
PRIOR WRITTEN CONSENT.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

CHARLES J. BRANDEL

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.

DATE _____ LIC. NO. _____

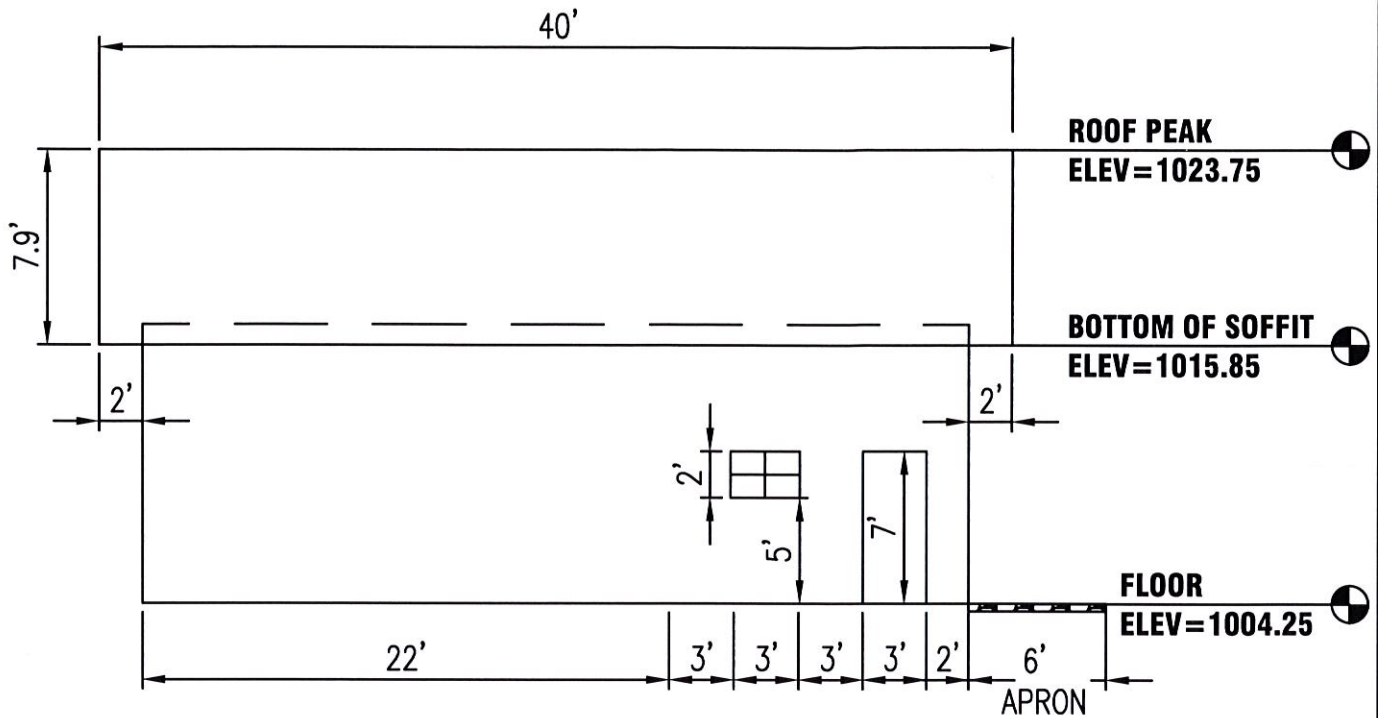
PROJECT

**BERNARD & HELEN
BAUMANN**

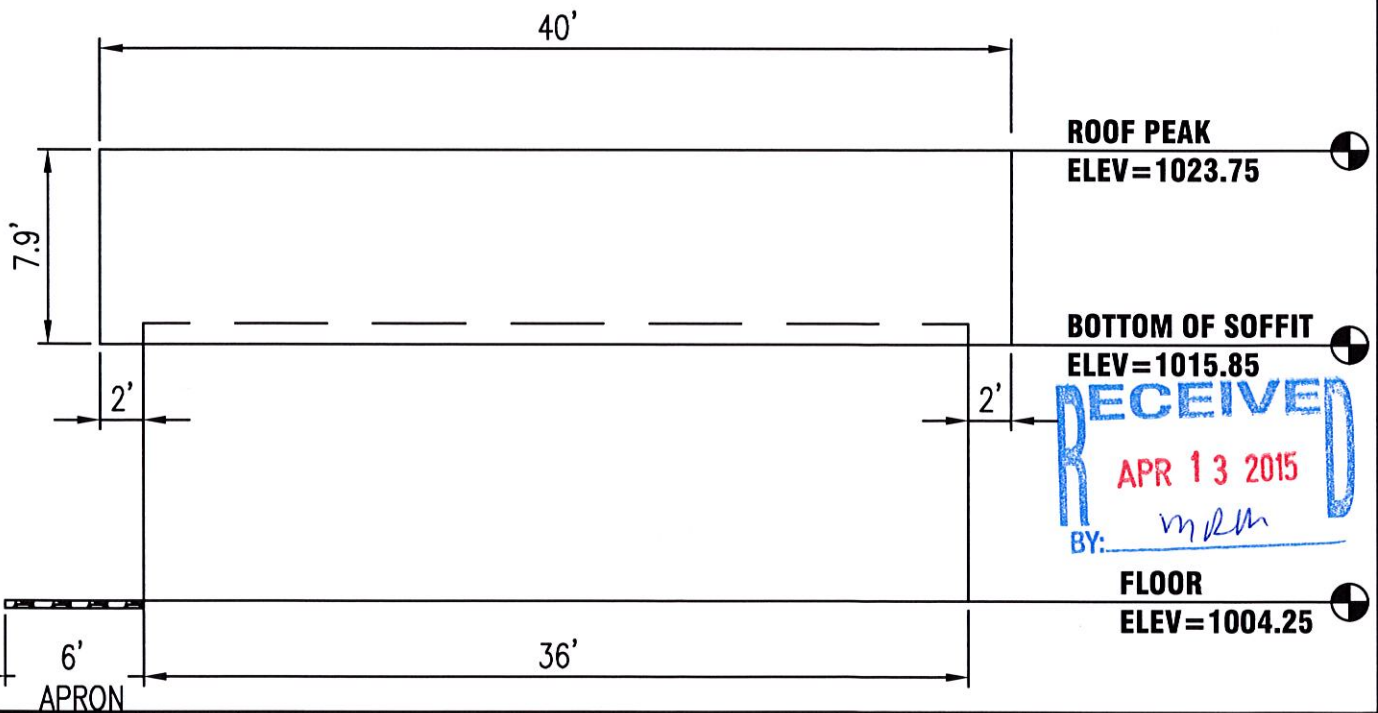
EXHIBIT 8

SHEET

**NORTH SIDE VIEW
NORTH SIDE OF STRUCTURE**



**SOUTH SIDE VIEW
SOUTH SIDE OF STRUCTURE**



RECEIVED
APR 13 2015
BY: *mrlm*

PROPOSED STRUCTURE DETAILS



Architecture
Engineering
Environmental
Planning

www.isg.com

THIS DOCUMENT IS THE
PROPERTY OF I+S GROUP,
INC. THEY MAY NOT BE
USED, COPIED OR
DUPLICATED WITHOUT
PRIOR WRITTEN CONSENT.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

CHARLES J. BRANDEL

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.

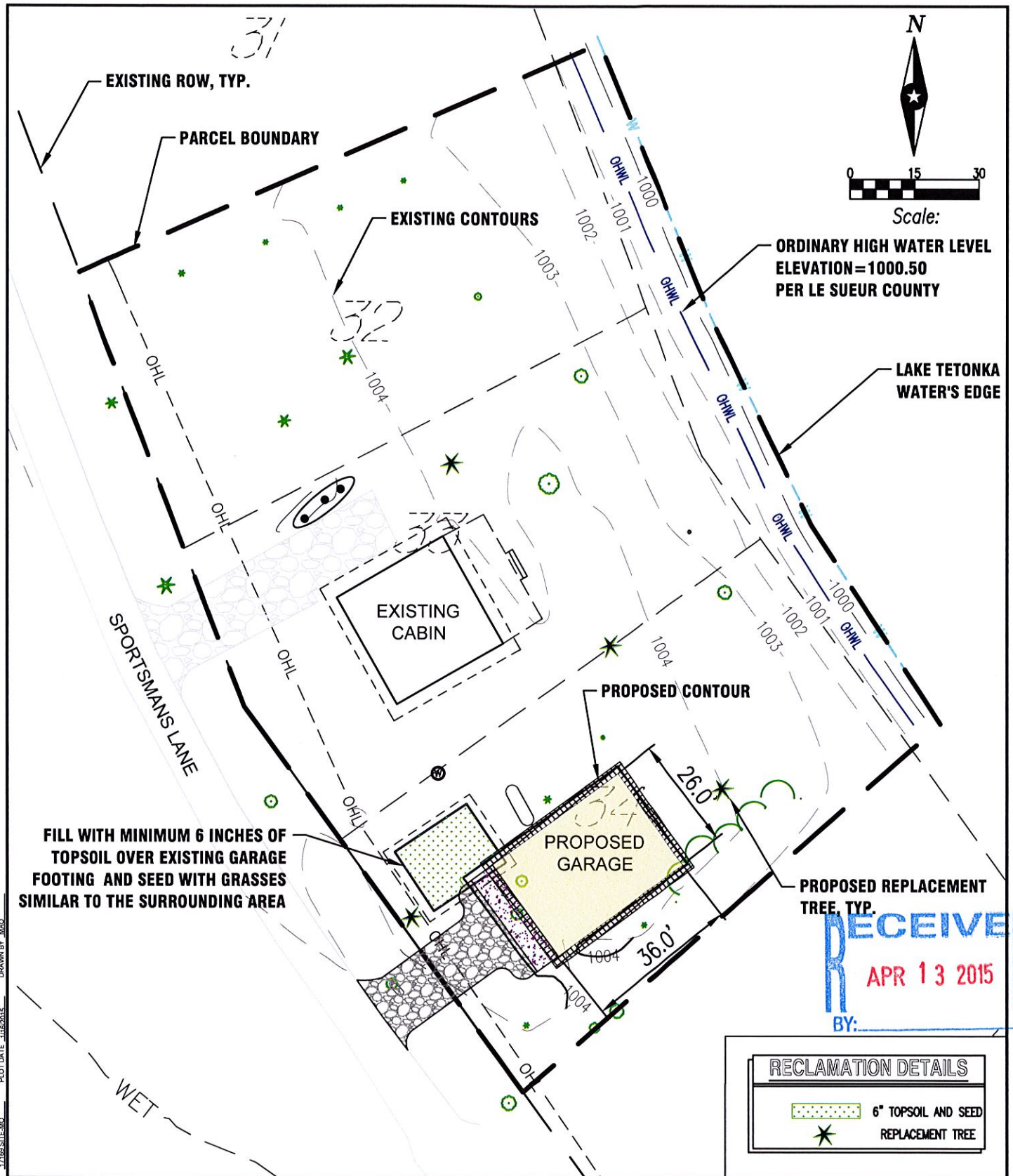
DATE _____ LIC. NO. _____

PROJECT

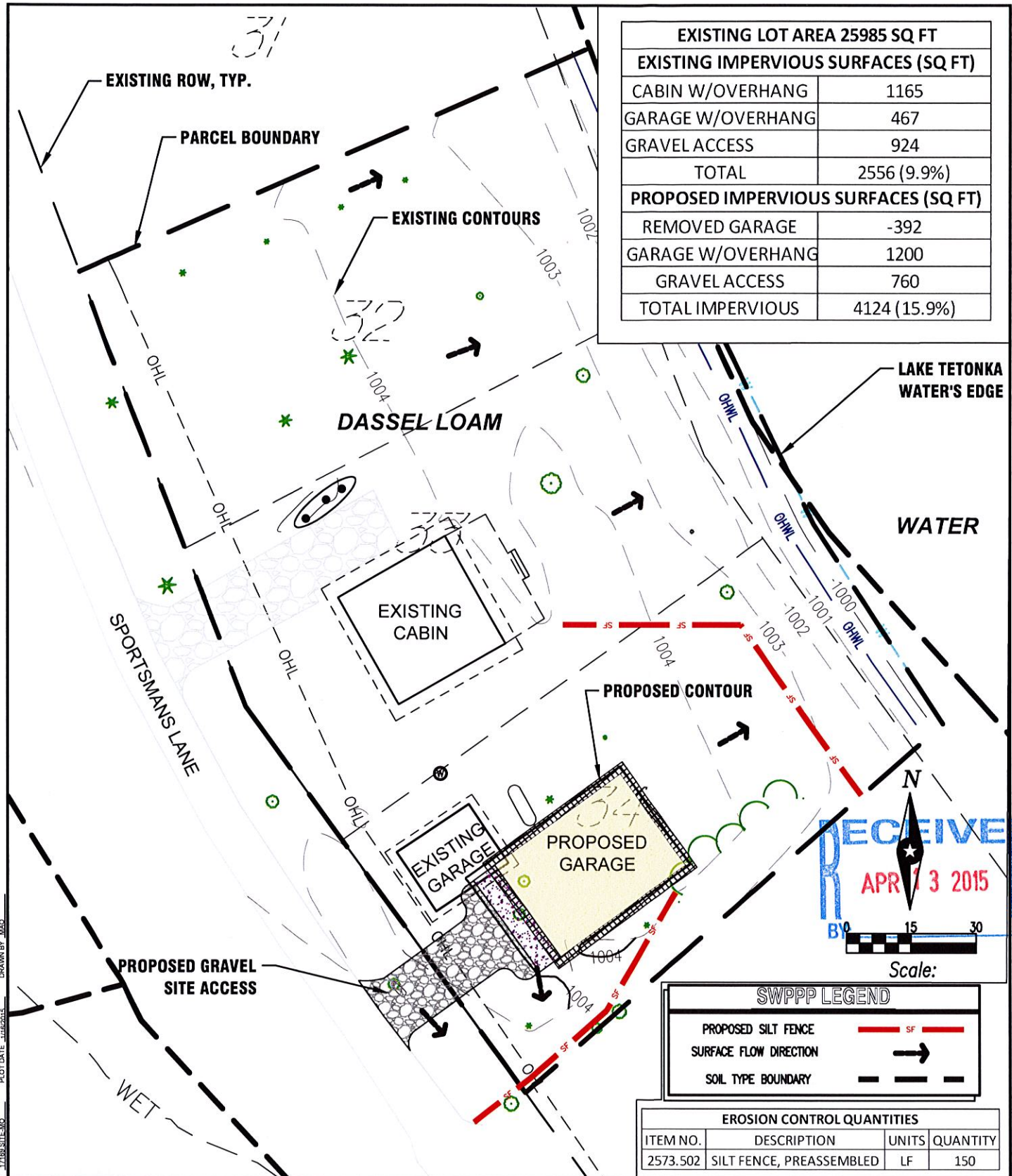
**BERNARD & HELEN
BAUMANN**

EXHIBIT 8

SHEET



<p>ISG 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>BERNARD & HELEN BAUMANN</p>
		<p>THIS DOCUMENT IS THE PROPERTY OF I+S GROUP, INC. THEY MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.</p>	<p>I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p>DATE _____ LIC. NO. _____</p>	<p>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.</p> <p>DANIEL L. STUEBER</p> <p><i>DS</i></p> <p>DATE <u>4/10/15</u> LIC. NO. <u>43110</u></p>



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

 ISG Architecture Engineering Environmental Planning www.is-grp.com	EROSION CONTROL PLAN		PROJECT BERNARD & HELEN BAUMANN EXHIBIT 10
	THIS DOCUMENT IS THE PROPERTY OF I+S GROUP, INC. THEY MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. CHARLES J. BRANDEL DATE 4/10/15 LIC. NO. 43359	

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

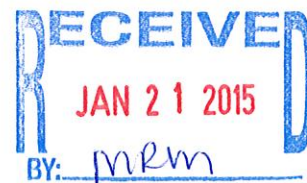
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

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 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.

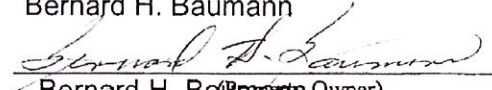
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

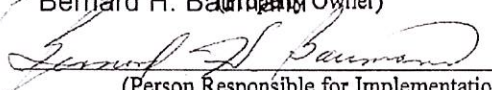
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out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

Bernard H. Baumann


Bernard H. Baumann (Property Owner)

1/21/2015
(Date)


(Person Responsible for Implementation)

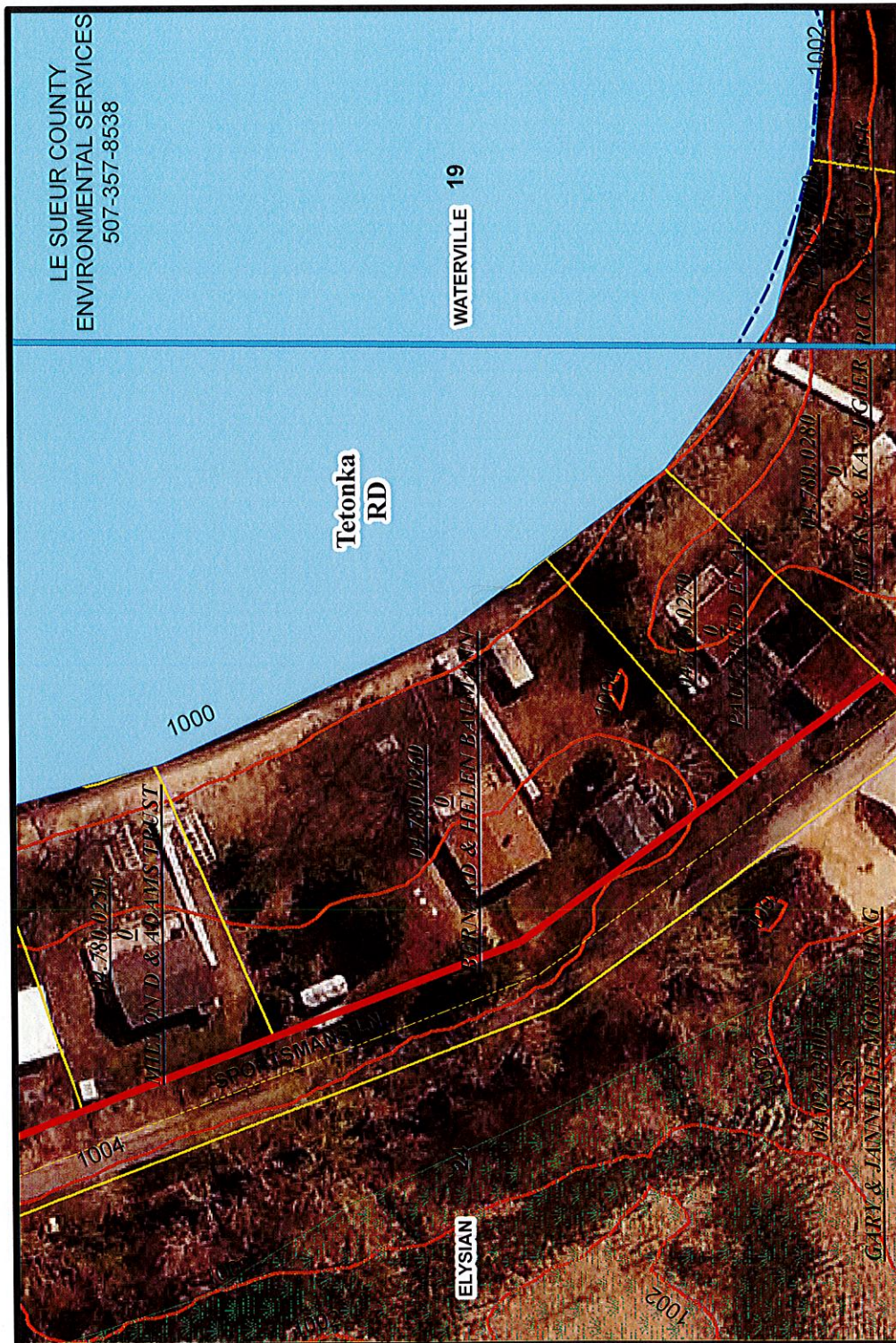
1/21/2015
(Date)

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				Kirkland			
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

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
 Incorporated
 Townships
 Sections
 Lakes
 Wetlands
CIRC39
 Type 1
 Type 2
 Type 3
 Type 4
 Type 5
 Type 6
 Type 7
 80
 90
 98
 Parcel
 Contours 2 ft



Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 2

Vargason Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **Randall & Ann Vargason**

911 ADDRESS: **50373 Moores Ln, Waterville MN**

VARIANCE REQUEST: **To allow the applicant to construct a single-family dwelling 44 feet from a private road ROW, an existing septic tank 4 feet from the property line, a new pump tank 5 feet from the property line, an existing septic drainfield absorption area 7 feet from the proposed attached garage, new drainfield absorption area 16 feet from the proposed attached garage and 5 feet from the property line.**

VARIANCE NUMBER: **15053**

PARCEL NUMBER: **14.420.0050**

SITE INFORMATION

LOCATION: **Lot 5, Auditor's Subdivision Part of Government Lots 3 & 4 Section 28, Township 109 North, Range 23 West, Le Sueur County, Minnesota.**

ZONING & PURPOSE: 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.

The **Mineral Resources Overlay District** is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.

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**

ACCESS: **Existing access off Moore's Lane**

LAKE: **Recreational Development**

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.**

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Septic Certificate of Compliance, House plans, Erosion control plan

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: | 44 feet | 65 feet | Section 13. Subdiv. 5.B.3. | 13-43 |
| b. Structure to road ROW: | 44 feet | See Ordinance | Section 13, Subdiv. 5.B.10 | 13-44 |
| c. Septic tank to property line: | 4 feet | 10 feet | Section 17, Subdiv. 4.D.2. | 17-9 |
| d. Pump tank to property line: | 5 feet | 10 feet | Section 17, Subdiv. 4.D.2. | 17-9 |
| e. Drainfield absorption area to prop line: | 5 feet | 10 feet | Section 17, Subdiv. 4.D.2. | 17-9 |
| f. Drainfield absorption area to structure: | 7 feet | 20 feet | Section 17, Subdiv. 4.D.1.a. | 17-9 |
| g. Drainfield absorption area to structure: | 16 feet | 20 feet | Section 17, Subdiv. 4.D.1.a. | 17-9 |
2. Refer to DNR Guidance Letters:
- a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 - b. Limiting Impervious Surface pg. 15
 - c. Non-conforming Lots of Record in Shoreland Areas pg. 19
 - d. 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.
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.

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: 4/17/2015
60 DAY RULING DATE: 6/15/2015

PERMIT NUMBER 15053

FEE: \$646.00

APPLICANT: RANDALL & ANN VARGASON
ADDRESS: 2102 6TH AVE NE
CITY: OWATONNA
STATE: MN
PHONE: 651-485-2015

ZIP: 55060

PROPERTY OWNER: RANDALL & ANN VARGASON
ADDRESS: 2102 6TH AVE NE
CITY: OWATONNA
STATE: MN
PHONE: 651-485-2015

ZIP: 55060

PARCEL NO: 14.420.0050

TOWNSHIP: WATERVILLE

911: 50373 MOORES LANE WATERVILLE M

SEC: 28

SUBDIV: AUDITOR'S SD Lots 3+4

TWP: 109

LOT: 5

ZONE: RR/FF/MR

RANGE: 23

BLOCK:

FEMA PANEL #: 27079C0430D

Q/Q:

ROAD: PVT

FLOOD ZONE: AE

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 applicants to construct a SFD 44' to the ROW of a private road.

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:

Randall W Vargason Ann J Vargason
APPLICANT/PROPERTY OWNER

4-17-15
DATE

Kathy Brockway
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4-17-15
DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 5/21/2015	
PUBLIC HEARING DATE: 5/21/2015	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: RANDALL & ANN VARGASON

Variance # 15053

Variance Request: To allow the applicants to construct a SFD 44' to the ROW of a private road.

- 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 ()

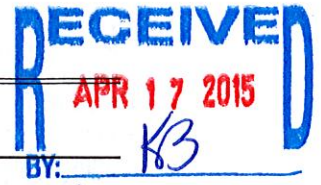
Reasons: _____

Board of Adjustment Chairman

Date

Le Sueur County

Variance Application



I. Applicant:

Name Randall W. + Ann J. Vargason
Mailing Address 2102 6th Ave NE
City Owatonna State MN Zip 55060
Phone # 651-485-2015 Phone # 507-456-6307

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

Name RANDALL W. + Ann J. Vargason
Property Address 50373 moore's Ln
City Waterville State MN Zip 50696
Phone # 651-485-2015 Phone # 507-456-6307

III. Parcel Information:

Parcel Number 14.420.0050 Parcel Acreage .43
Legal Description-Full legal description must be attached (not from tax statement)
See Attached

IV. Variance Request:

To Construct a new dwelling with an attached garage 44 feet from the private road on the south side of the property versus the 65 feet required per the ordinance.

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

Waterville Township Township notified on 4-16-15
(Township Name) (Date)

Board Member Fritz Cummins 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.**

VIII. The 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 *Emailed*
- ☒ f. Erosion control plan
- ☒ g. Written Detail of Variance

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

Variance: \$ 600
Filing Fee: \$ 46

After-The-Fact meeting fees are doubled.

Additional Fees:

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

X. Procedure:

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

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

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

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

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

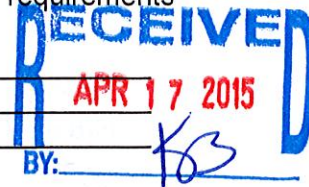
A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.

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

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

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

See Attached



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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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.

Randall W. Vargen
Applicant signature

Date

4-16-15

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.

Randall W. Vargen
Land Owner signature

Date

4-16-15

OFFICE USE ONLY

Date received 4/16/15 Present Zoning Classification RR/ME Feedlot within 500' 1000' (N)
Meeting date 5/21/15 Lake Classification RD Erosion Control Plan (Y) N
60 Day 6/15/15 Lake Tetonka Water courses (Y) N
FEMA Panel # 27079C0430 Flood Zone X outside / AE Bluff Y (N)
☒ Surveyor Certificate ☒ Ordinance ☒ Septic (C) DESIGN
☒ Site Plan -survey ☒ Access approval ☒ Fee \$ 646 ATF / SPEC MTG
☒ Full legal ☒ Blue Prints ☐ Other _____
☒ Application complete ☒ Written Detail of Var
K. Brockway 4/16/15 15053
Planning & Zoning Department Signature Date Permit #

04-15-13

HK 1003.08
RFPE 1006.08
OHWL 1000.5

Written Detail of Variance:

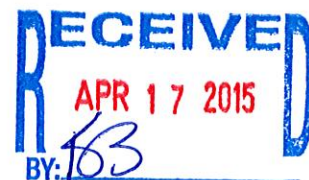
We would like to construct a new dwelling with attached garage on our lot that currently contains a dwelling and a detached garage. In determining the placement of the new structure, we took into consideration the required setbacks from the north (lake side), on the east and west side, the septic system, well placement and existing trees that would be affected. Based on the fact that we would potentially lose 5 mature oak trees on the north side of the house, and to stay back from the setback line, we determined the best placement of the new structure would be approximately 24 feet behind the NW corner and 14 feet behind the NE corner of the existing structure. This would save the five oak trees on the north side and would mean that three pine trees, one ash (nearly dead) and one oak on the south side plus one hollow and leaning oak on the east side would come down. In either case we would lose the trees on the south and east side, thus saving 5 mature oak trees with the proposed placement.

With this placement, the south side of the garage is 44 feet from the private road versus the 65 feet required. The private road is a dead end with minimal traffic use. Beyond our lot to the east, there are only 4 homes.

We feel the placement of the structure as proposed further back from the lake provides a greater buffer zone to the lake. Keeping the mature trees on the lake side will result in less disturbance of the soil.

In addition we have made the commitment to use pervious products to replace concrete and gravel for the driveway and other surfaces, thus being able to meet the 25% impervious requirement.

Currently we have a 2 stall detached garage that is within less than 10 feet of the road. This will be demolished as part of this project.



Variance Application Questions & Answers - Vargason

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

This request for the setback from the road to be 44 feet allows the lakeside setback to be increased providing additional green space and buffer zone from the lake. In addition, 5 mature oak trees are saved on the lake side.

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

In order to meet setback requirements on the lake side, there is just simply not enough depth of the lot to meet the 65 setback to the road.

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

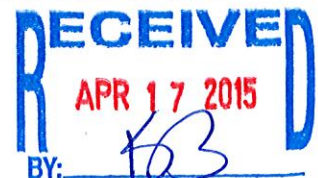
The sizing of the original lot many years ago created a footprint that makes complying with setback rules that were changed since the original structures were built very difficult to comply with.

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

On the lake side, it will be enhanced by adding additional green space with the proposed setback of the new dwelling. We will also be able to save the 5 oak trees on the lakeside. On the south side, both the existing garage and gravel parking area will be replaced by either grass or pervious surface.

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

Yes, choosing the setback from the lake with all of its benefits versus the setback from road.



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

Yes, *this house is being built in a residential district.*

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

The increased green space with the set back on the lake side will provide additional buffer zone for run off before it gets to the lake.

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

The current septic system is compliant for the existing structure and James Brothers have reviewed the plans for the new structure and will submit a plan at the time of the Zoning Application. The existing well is under the current structure and will be sealed. A new well will be drilled by Bemis Well Drilling.

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

Based on the depth of the lot and the positive environmental impact by having increased lakeside setback of the new structure, we feel this is the minimum variance amount to afford relief.



Le Sueur County



Surveyor Certification

I. Applicant: Name RANDALL VARGASON

BY: KB

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

Name _____
Property Address _____
City _____ State _____ Zip _____

III. Parcel Information:

Parcel Number 14.420.0050

IV. Quantities and Submittal Formats:

- One reproducible 8.5" x 11" copy of the request and all other supporting documents.
- If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.
- Electronic version of any supporting documents, if available.
- Additional copies may be requested as deemed necessary by the Planning & Zoning Department.
- All required information must be correct and submitted at the time of application, or the application will not be accepted.

V. Site Plan-must be a survey:

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

Site plan shall include but not limited to:

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

VI. The proposed improvements have been physically staked onsite then surveyed on 1/22/15 to reflect an accurate account of current and proposed conditions of the property identified above.

HOUSE STAKING to be done By May 8, 2015

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.

Roy Jensen
Surveyor's signature

4/15/15
Date

19789
Lic #

4/16/15
Date received

OFFICE USE ONLY
KBrockway
Planning & Zoning Authority signature

10-01-11

EXISTING CONDITIONS

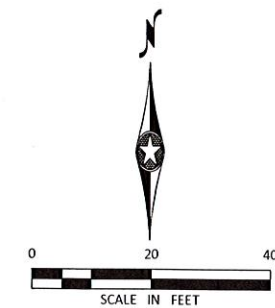
TOTAL LOT AREA (RANDY VARGASON)
19,524 SQ FT TO OHW

EXISTING IMPERVIOUS SURFACE	
HOUSE W/ OVERHANG	1585 SQ FT
GARAGE W/ OVERHANG	725 SQ FT
DECK	1022 SQ FT
BOAT HOUSE	634 SQ FT
GRAVEL SURFACE	1678 SQ FT
BOAT HOUSE DECK	145 SQ FT
RETAINING WALL 1	33 SQ FT
RETAINING WALL 2	25 SQ FT
RETAINING WALL 3	9 SQ FT
CONCRETE & CONCRETE W/STEPS	520 SQ FT
TOTAL	6376 SQ FT (32.6%)

REGULATORY FLOOD PLAIN
ELEVATION (RFPE = 1006.1)

LEGEND

- 3/4" IRON PIPE MONUMENT SET
MARKED BY REG. NO. 19789
- MONUMENT FOUND
- ★ CONIFEROUS TREE
- ⊗ DECIDUOUS TREE
- ⊙ SANITARY MANHOLE
- ⊞ ELECTRIC PEDESTAL
- OU — UTILITY OVERHEAD
- UTILITY POLE



SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789

4-15-15
Date

Horizontal Datum: HARN 1996 County Coordinate System

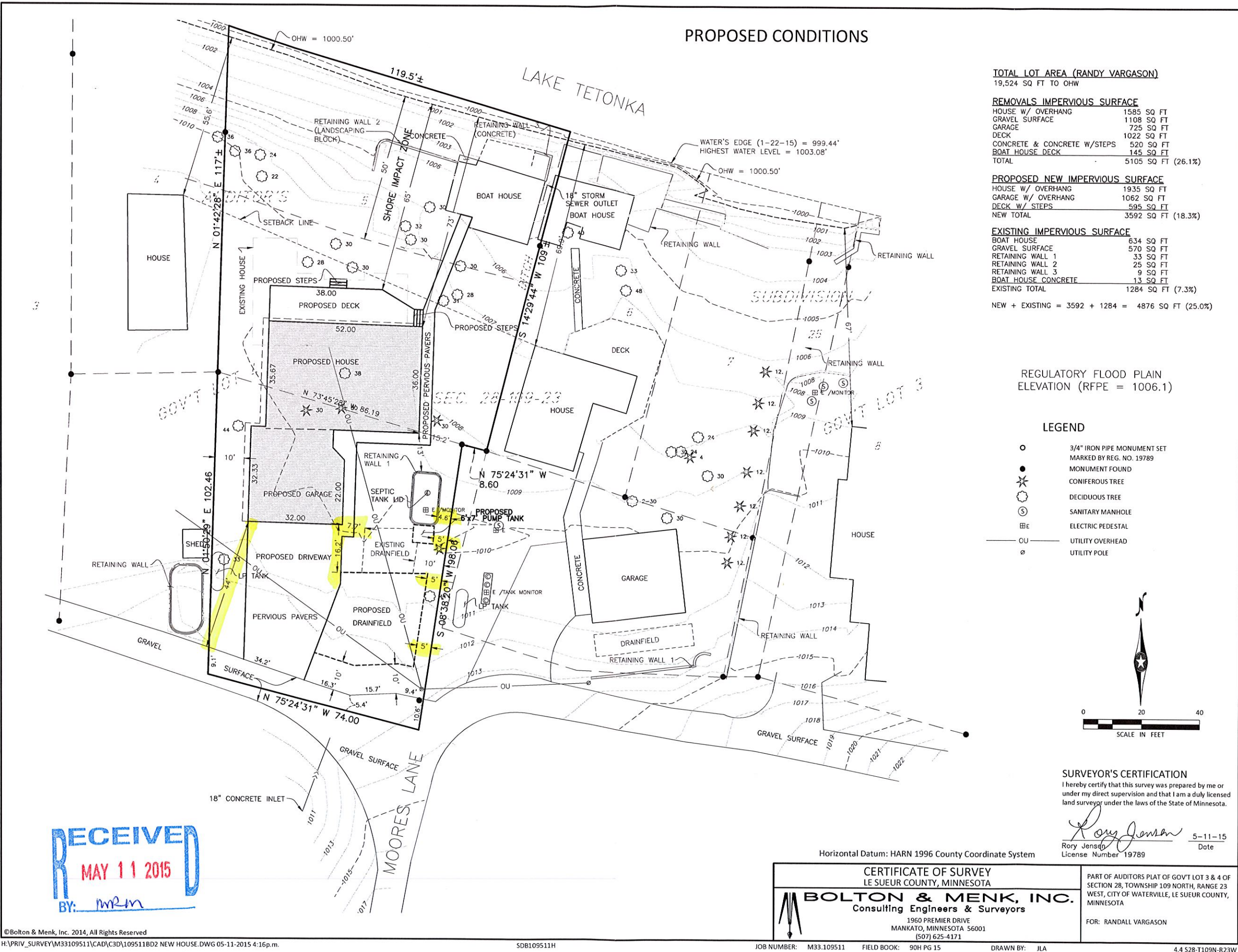
CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF AUDITORS PLAT OF GOVT LOT 3 & 4 OF
SECTION 28, TOWNSHIP 109 NORTH, RANGE 23
WEST, CITY OF WATERVILLE, LE SUEUR COUNTY,
MINNESOTA

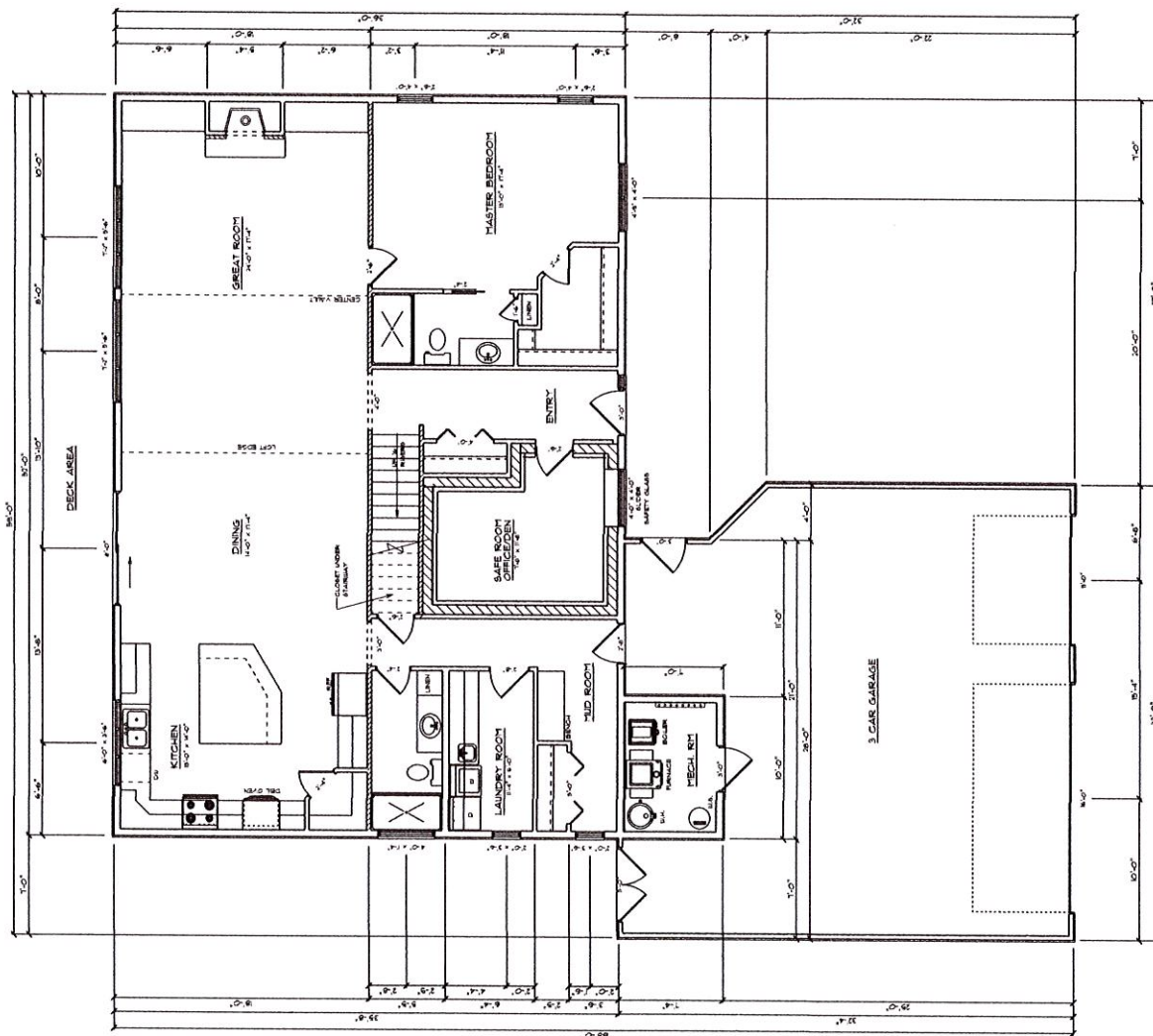
FOR: RANDALL VARGASON

PROPOSED CONDITIONS

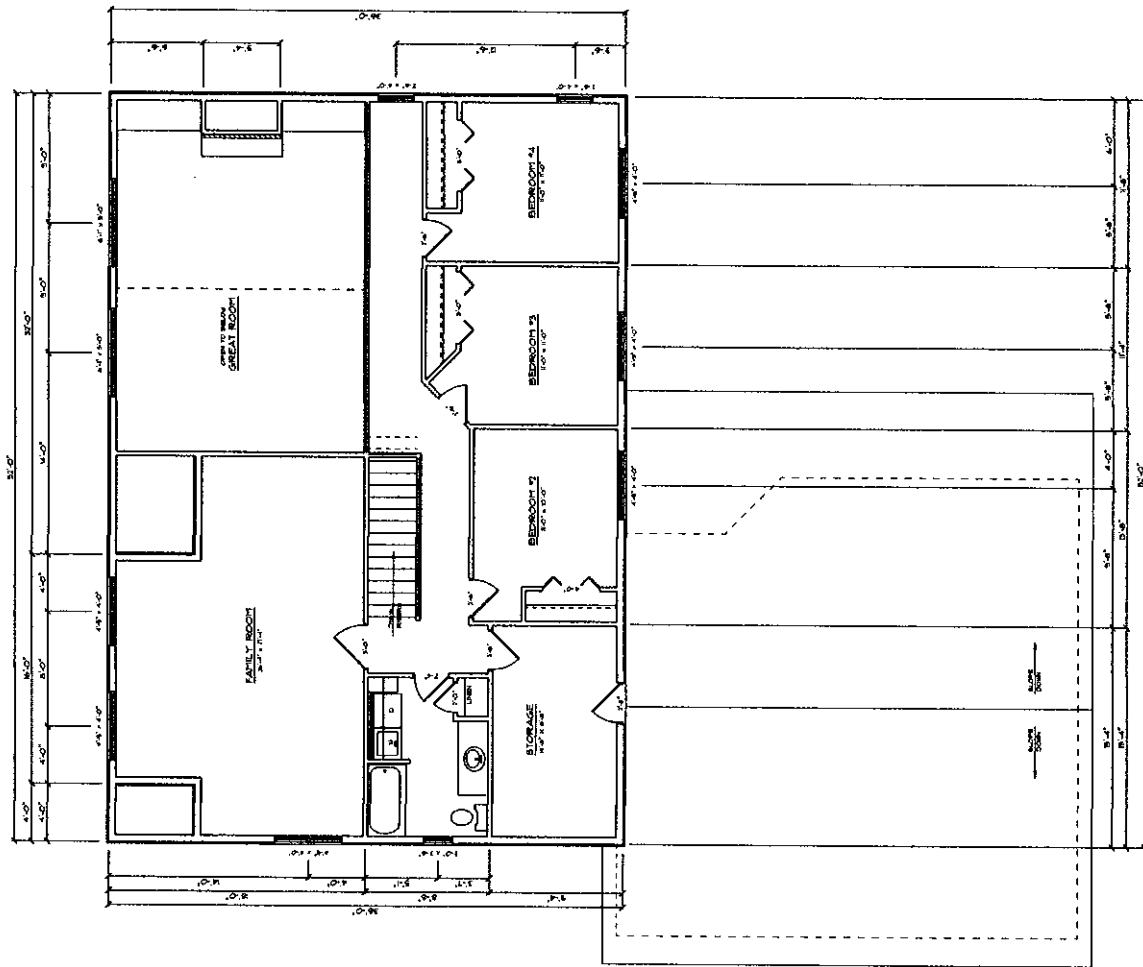




RECEIVED
 APR 17 2015
 BY: *[Signature]*



MAIN FLOOR PLAN
 1ST FLOOR --- 1872 SQ. FT.
VARGASON RESIDENCE
 2-13-15



SECOND FLOOR PLAN
 2ND FLOOR --- 1422 SQ. FT.
VARGASON RESIDENCE
 2-13-15

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

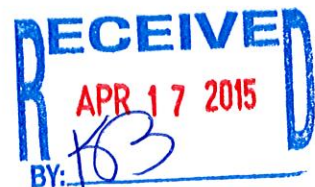
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Randy Vargas PID: 14 420, 0050
Mailing Address: 2012 6th Ave NE, Watertown
Property Address: 58373 Mares Lane, Waterville
Phone: (651) 485 2015 Mobile/Cell: (507) 217 9774 / 507-6307

Responsible party for Implementation/Inspection: Steve James - James Bros Const.
Address: PO Box 59 Elysian
Phone: (507) 267-4789 Mobile/Cell: (507) 380-6326

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.

Randy Vergason
(Property Owner)

Steve Johnson
(Person Responsible for Implementation)

4-15-15
(Date)

4/15/15
(Date)

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



EROSTON CONTROL MAP

Silt Fence



RECEIVED
APR 17 2015
BY: *[Signature]*

Vargason Legal Description for Parcel 14.420.0050

in the County of Le Sueur, State of Minnesota, to wit:

Lot Five (5) and that parcel of ground lying between Lots Five (5) and Six (6) designated as "Ditch" on the Plat of Auditor's Sub Division of a part of Government Lots Three (3) and Four (4), Section No. Twenty-eight (28), Township One Hundred Nine (109) North, Range Twenty-three (23) West, LeSueur County, Minnesota and that part of Government Lot Four (4) in

Section Twenty-eight (28) Township One Hundred Nine (109) North Range Twenty-three (23) West, described as:

Beginning at the Southwest corner of Lot Five (5) of said Auditor's Sub Division; thence South One Degrees Seventeen Minutes Zero Seconds ($01^{\circ}17'00''$) West (assumed bearing) along the Southerly extension of the Westerly line of said Lot Five (5), a distance of One Hundred and Zero Hundredths (100.00) feet; thence South Seventy-five Degrees Fifty-eight Minutes Zero Seconds ($75^{\circ}58'00''$) East, along a line parallel with the Southerly line of said Lot Five (5), a distance of Seventy-four and Zero Hundredths (74.00) feet; thence North Eight Degrees Four Minutes Fifty-one Seconds ($08^{\circ}04'51''$) East, Ninety-eight and Six Hundredths (98.06) feet to the Southeasterly corner of said Lot Five (5); thence South Seventy-five Degrees Fifty-eight Minutes Zero Seconds ($75^{\circ}58'00''$) East, along the Southerly line of the "Ditch" according to said Auditor's Sub Division, Eight and Sixty Hundredths (8.60) feet to the Southwesterly corner of Lot Six (6) of said Auditor's Sub Division; thence North Fourteen Degrees Four Minutes Sixteen Seconds ($14^{\circ}04'16''$) East, along the Westerly line of said Lot Six (6), a distance of One Hundred (100) feet, more or less, to a point on the Southerly water's edge of Lake Tetonka; thence Westerly along said Southerly water's edge, One Hundred Twenty (120) feet, more or less, to the intersection with the Westerly line of Lot Five (5), Auditor's Sub Division; thence South One Degrees Seventeen Minutes Zero Seconds ($01^{\circ}17'00''$) West, along said westerly line, One Hundred Ten (110) feet to the point of beginning.

Together with and subject to a non-exclusive easement for access purposes over and across the existing driveway, described as:

An easement for access purposes Thirteen and Zero Hundredths (13.00) feet in width lying over and across that part of Government Lot Four (4) in Section Twenty-eight (28), Township One Hundred Nine (109) North Range Twenty-three (23) West, LeSueur County, Minnesota, the center line of which is described as:

Commencing at the Southwesterly corner of Lot Five (5), Auditor's Sub Division of a part of Government Lots Three (3) and Four (4), Section No. Twenty-eight (28), Township One Hundred Nine (109) North, Range Twenty-three (23) West, Le Sueur County, Minnesota; thence South One Degrees Seventeen Minutes Zero Seconds ($01^{\circ}17'00''$) West, (assumed bearing) along the Southerly extension of said Westerly line of said Lot Five (5), a distance of Ninety-six and Ninety-one Hundredths (96.91) feet to a point on the center line of the existing driveway; said point being the

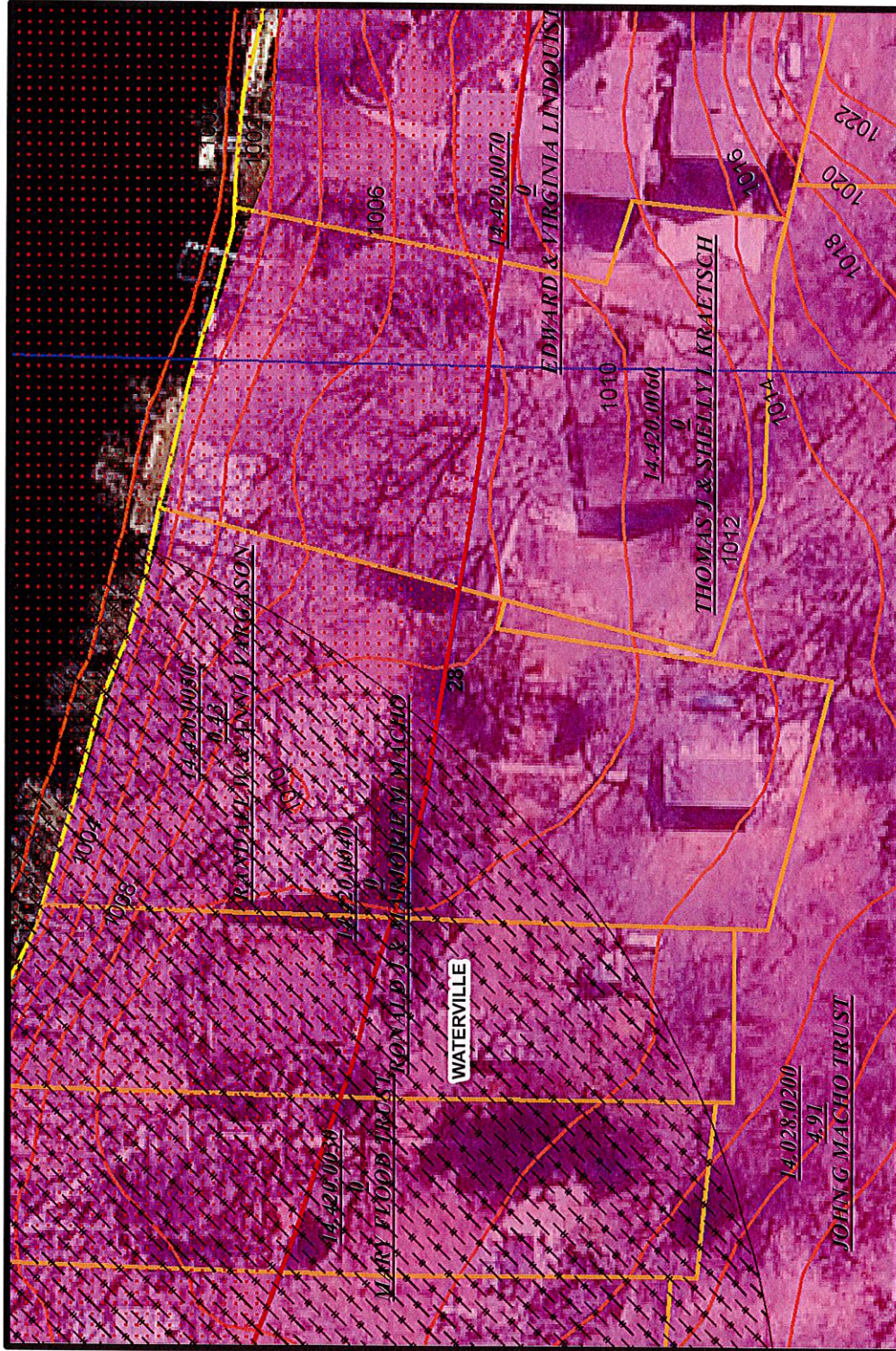


point of beginning; thence South Sixty-nine Degrees Forty-two Minutes Nineteen Seconds (69°42'19") East, along said center line, Thirteen and Thirty-two Hundredths (13.32) feet; thence South Fifty-six Degrees Forty-six Minutes Fifty-five Seconds (56°46'55") East, along said center line, Twenty-nine and Forty Hundredths (29.40) feet; thence South Forty-one Degrees Fifty-three Minutes Fourteen Seconds (41°53'14") East, along said center line, Twenty-seven and Fifty-five Hundredths (27.55) feet; thence South Twelve Degrees Thirty-two Minutes Twelve Seconds (12°32'12") East, along said center line, Thirty-nine and Twenty-six Hundredths (39.26) feet; thence South Eleven Degrees Forty-five Minutes Fifty Seconds (11°45'50") West, along said center line, One Hundred Eighteen and Fifty Hundredths (118.50) feet; thence South Seventeen Degrees Fifty-three Minutes Forty Seconds (17°53'40") West, along said center line, Five Hundred Thirty-two and Sixty Hundredths (532.60) feet; thence South Zero Degrees Twenty-two Minutes Forty-nine Seconds (00°22'49") West, along said center line, Forty-two and Ninety-one Hundredths (42.91) feet to the point of intersection with the center line of County Highway No. 14 and there terminating.



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Vargason
 PID: 14.420.0050
 DATE: 5-4-15
 FIRM #: 27079C0430D
 F-Zone: AE-100 yr Flood Zone
 RFPE: ELEVATION
 District: ZONING DISTRICT



Map Disclaimer

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

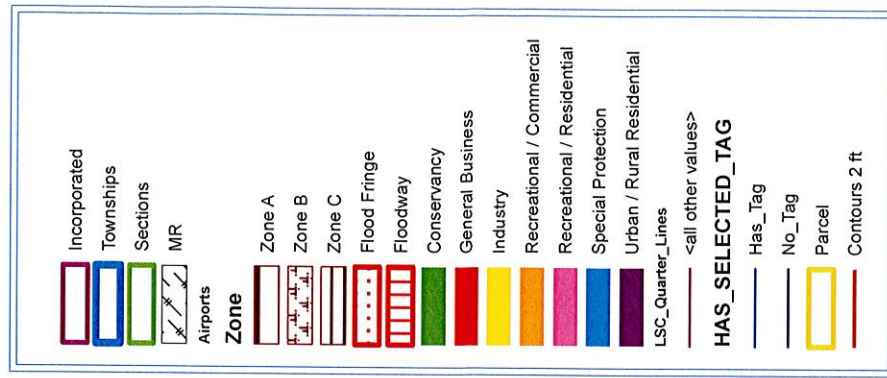
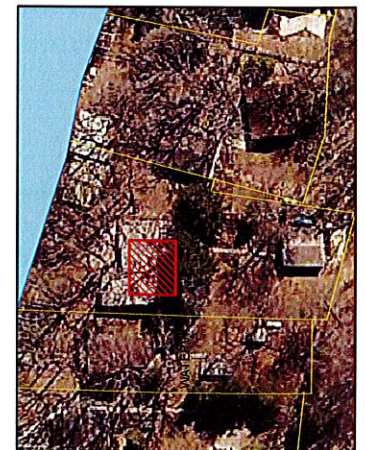


Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538





Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 3

Lomen Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Eric & Diana Lomen

911 ADDRESS: 50452 Sunset LN, Waterville

VARIANCE REQUEST: To allow the applicant construct a story & ½ detached garage with a 22 foot peak height to also include a basement tuck-under garage.

VARIANCE NUMBER: 15055

PARCEL NUMBER: 14.028.2600

SITE INFORMATION

LOCATION: Government Lot 2, Section 28, Waterville Township

ZONING & PURPOSE: Recreational Residential

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.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing driveway off the new Sunset Lane. (Old access was off Blue Bay Lane).

LAKE: Tetonka

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.

ATTACHMENTS

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

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 height: | 22 feet | 20 feet | Section 13.2 Subdiv.4.A.1. | 13-41 |
2. **STRUCTURE, ACCESSORY** - A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure. An accessory structure shall not contain living space.
3. **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 |

4. 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.
5. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
6. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
7. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Accessory structure height reduced during ordinance revisions.
 - b. Walkout language was erroneously added to structure height rather than dwelling height during ordinance revisions.
 - c. Proposed structure is for main level, upper level and lower level.

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: 4/17/2015 PERMIT NUMBER 15055 FEE: \$646.00
60 DAY RULING DATE: 6/15/2015

APPLICANT: ERIC & DIANA LOMEN
ADDRESS: 1216 SCHEFFER AVE
CITY: ST PAUL
STATE: MN
PHONE: 651-698-5280

ZIP: 55116

PROPERTY OWNER: ERIC & DIANA LOMEN
ADDRESS: 1216 SCHEFFER AVE
CITY: ST PAUL
STATE: MN
PHONE: 651-698-5280

ZIP: 55116

PARCEL NO: 14.028.2600 TOWNSHIP: WATEVILLE 911: 50452 SUNSET LANE WATERVILLE M
SEC: 28 SUBDIV: NA
TWP: 109 LOT: NA ZONE: RR
RANGE: 23 BLOCK: NA FEMA PANEL #: 27079C0430D
Q/Q: PT GOV ROAD: PVT 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 story and 1/2 detached garage with a 22 ft peak height to also include a basement tuck-under garage

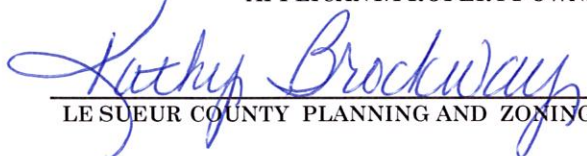
2.) Reasons for Approval or Denial of Request as Listed in Findings.

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



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4/17/15

DATE

4-17-15

DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 5/21/2015	
PUBLIC HEARING DATE: 5/21/2015	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: ERIC & DIANA LOMEN

Variance # 15055

Variance Request: To allow the applicant to construct a story and 1/2 detached garage with a 22 ft peak height to also include a basement tuck-under garage

- 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 ERIC & DIANA LOMEN
Mailing Address 1216 SCHEFFER AVE
City ST. PAUL State MN Zip 55116
Phone # 651-698-5280 Phone # 612-280-3577 CELL

II. **Land Owner (s), if different from above:**
Name Same
Property Address 50452 SUNSET LANE
City WATERVILLE State MN Zip 55096
Phone # Same Phone # _____

III. **Parcel Information:**
Parcel Number 14.028.2600 Parcel Acreage 0.81
Legal Description-Full legal description must be attached (not from tax statement)

IV. **Variance Request:** TO build a 22' Garage ON a lot less than 2 acres in an R-1 district.

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

WATERVILLE Township notified on 7/16/2014
(Township Name) (Date)

Board Member Fritz Cummins regarding the proposed request.
(Name)

AL Gehrke

left voice mail 4/16/15.

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.

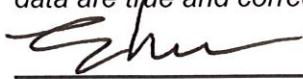
It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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 ordinance is 20' for Height. We wish to have a storage area in the rafters. We also require 8 doors to accommodate a conversion van. According to my builder, we need 22' to accomplish this.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
Our present cabin is small and due to the sloping lot it would be hard to add on to. We intend to retire here and will need more storage place.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
The slope of the lot limits the options for an addition.
4. How will the request maintain the essential character of the locality?
The garage will be essentially the same configuration as my house is now. Walk out on a slope.
5. Does the alleged practical difficulty involve more than economic considerations?
Yes, in order to have a storage space and an 8' overhead door the overall height needs to be 22'.
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
Building on this site will reclaim an area that is presently subject to erosion. It will be a good use of existing space.
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
It will help stabilize the sloped area and the runoff that is presently eroding the slope.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
One of the requirements for a building permit was to upgrade my sewage treatment which has been completed. It will have no effect on the water.
9. Explain why this request is the minimum variance amount to afford relief.
22' is the minimum variance amount that will allow us to accomplish our goals.

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.

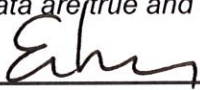


Applicant signature

4/17/15

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.




Land Owner signature

4/17/15

Date

OFFICE USE ONLY

Date received 4/17/15 Present Zoning Classification RR Feedlot within 500' 1000' N
Meeting date 5/21/15 Lake Classification RD Erosion Control Plan Y N
60 Day 4/15/15 Lake RD Water courses Y N
FEMA Panel # 2707900430D Flood Zone X outside Bluff Y N
☒ Surveyor Certificate ☐ Ordinance ☐ Septic new CI / DESIGN
☒ Site Plan - survey ☐ Access approval ☐ Fee \$ 1046 ATF / SPEC MTG
☒ Full legal ☒ Blue Prints ☐ Other _____
☒ Application complete ☒ Written Detail of Var
 4/17/15 16055
Planning & Zoning Department Signature Date Permit #

04-15-13

Eric Lomen

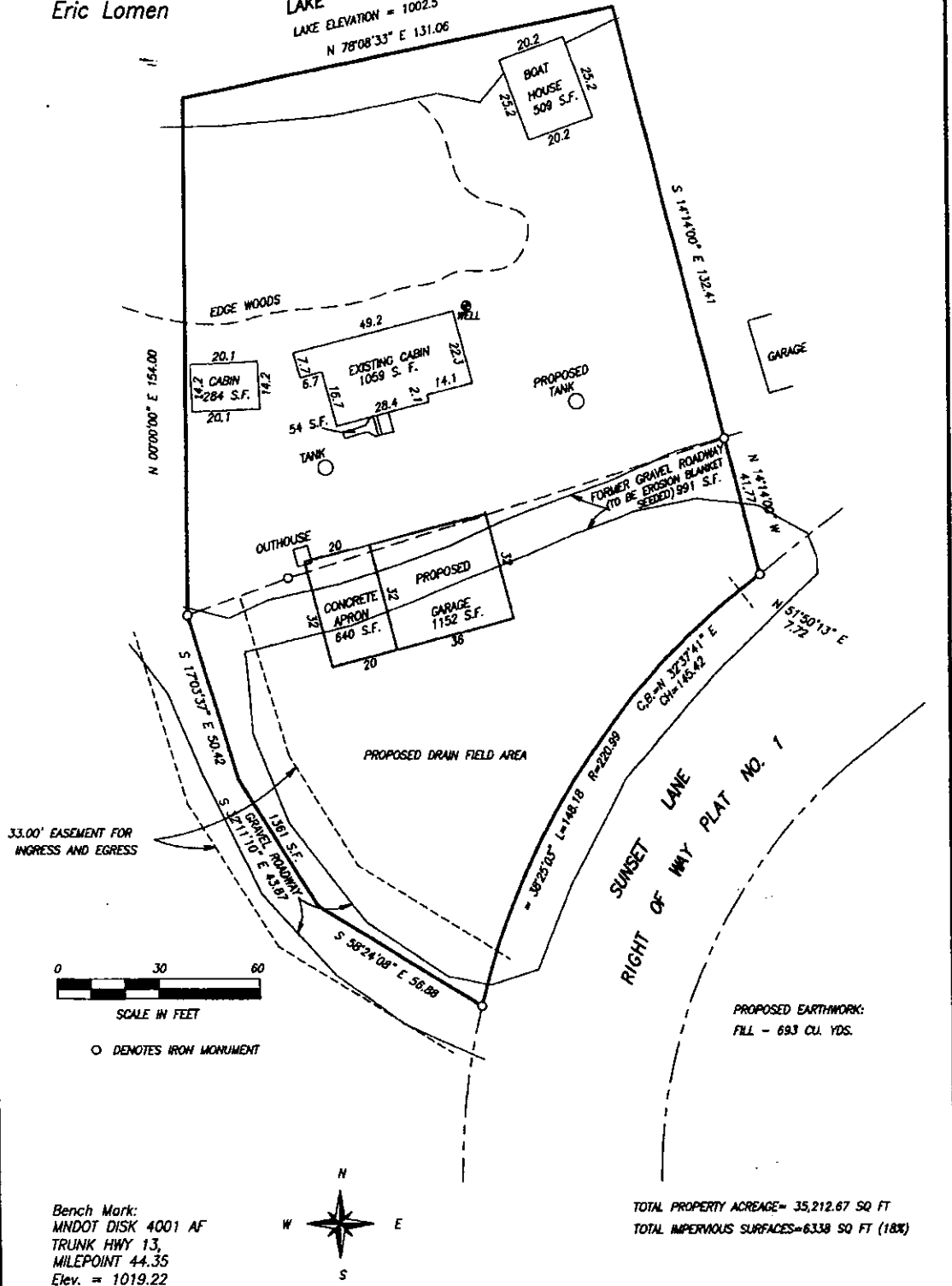
From: <rjswantz@frontiernet.net>
Date: Thursday, April 16, 2015 12:20 PM
To: "Eric Lomen" <elomen@lomen.com>
Attach: DOG HOUSE DORMER VIEW.jpg; END VIEW.jpg; LIFT DORMER VIEW.jpg; LOMAN BASIC ROOF TRUSS.pdf; LOMAN LOWER ROOF LAYOUT.pdf; LOMAN ROOF LIST.pdf; LOMAN UPPER ROOF LAYOUT.pdf
Subject: Garage

Eric: Truss layouts, basic truss profile, list & 3d views attached. In order to keep the total height @ 20'-0", you will not be able to use 8'-0" high garage doors. If fact, 7'-0" high doors would require low headroom hardware. I do not recommend using this set up because you will have a lot of trouble with that hardware. If you could raise the wall height by only 2'-0" all these problems go away. Thank-you, Ralph / Lloyd Truss Systems.

4/16/2015

Certificate for:
Eric Lomen

LAKE TETONKA
LAKE ELEVATION = 1002.5
N 78°08'33" E 131.06



RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
KENYON, MN 55946
(507) 789-5366

DRAWN BY: DGR	DATE: 07-23-14	PROJECT NO. D1463
SCALE: 1" = 30'	SHEET 1 of 1 sheet	BOOK/PAGE 32/48

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

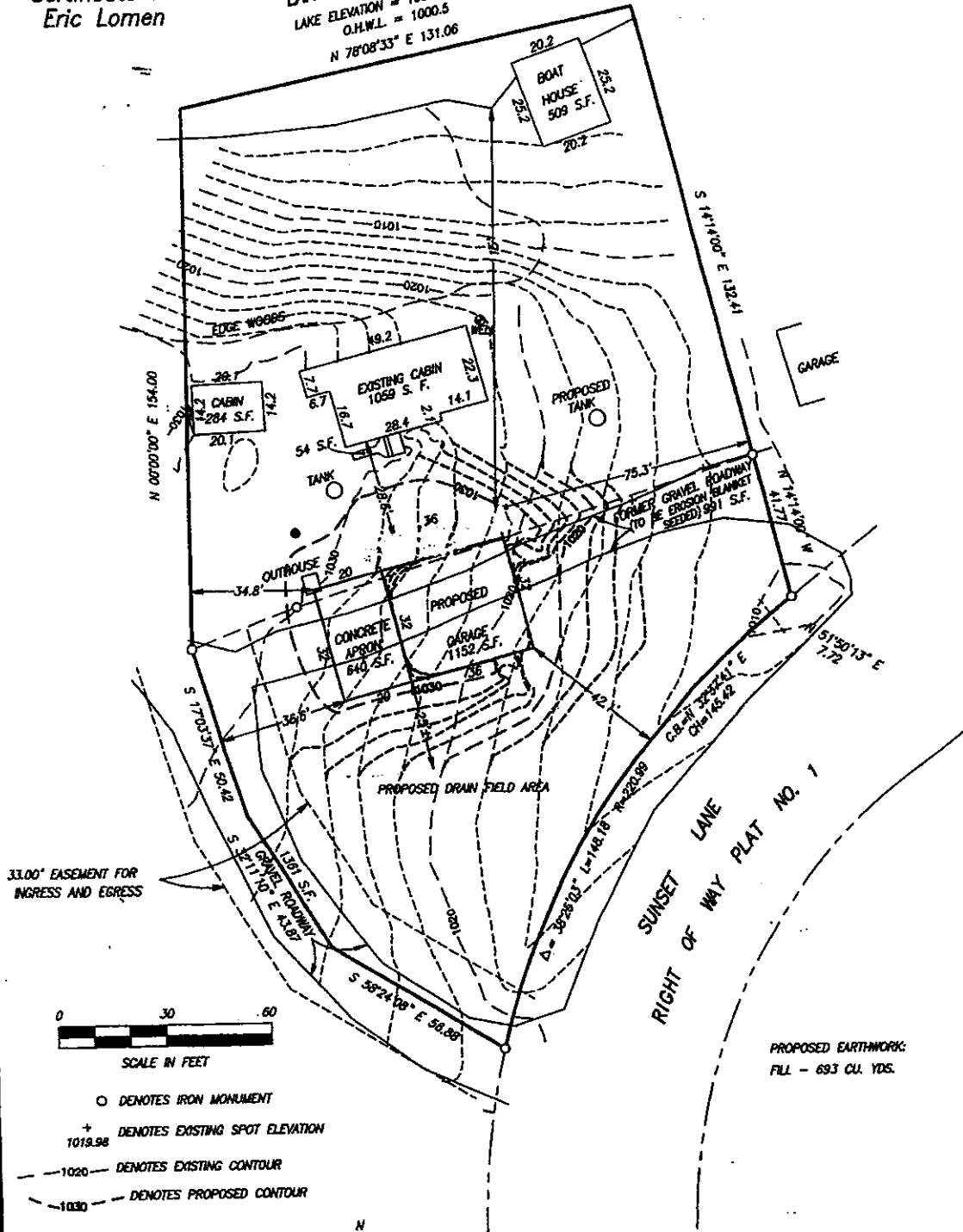
July 23, 2014

Dated:

David G. Rapp
David G. Rapp
Minnesota Registration No. 22044

Certificate for:
Eric Lomen

LAKE TETONKA
LAKE ELEVATION = 1002.5
O.H.W.L. = 1000.5
N 78°08'33" E 131.06

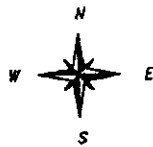


33.00' EASEMENT FOR
INGRESS AND EGRESS



- DENOTES IRON MONUMENT
- + DENOTES EXISTING SPOT ELEVATION
1019.98
- - - 1020 - - - DENOTES EXISTING CONTOUR
- - - 1030 - - - DENOTES PROPOSED CONTOUR

Bench Mark:
MNDOT DISK 4001 AF
TRUNK HWY 13,
MILEPOINT 44.35
Elev. = 1019.22



TOTAL PROPERTY ACREAGE = 35,212.67 SQ FT
TOTAL IMPERVIOUS SURFACES = 6338 SQ FT (18%)

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
KENYON, MN 55946
(507) 789-5366

DRAWN BY: DGR	DATE: 07-28-14	PROJECT NO. D1463
SCALE: 1" = 30'	SHEET 1 of 1 sheet	BOOK/PAGE 32/48

I hereby certify that this survey, plan or report
was prepared by me or under my direct supervision
and that I am a duly Registered Land Surveyor
under the laws of the State of Minnesota.

July 28, 2014
Dated:

David G. Rapp
David G. Rapp
Minnesota Registration No. 22044

Le Sueur County

Surveyor Certification

I. Applicant: Name ERIC LOMEN

II. Land Owner (s), if different from above:
Name ERIC LOMEN
Property Address 50452 SUNSET LANE
City WATERVILLE State MINN. Zip 56096

III. Parcel Information:
Parcel Number 14.028.2600

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
- 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.

VI. The proposed improvements have been physically staked onsite then surveyed on July 10, 2014 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.

Daniel B. Rapp
Surveyor's signature

7-28-14
Date

MN#22044
Lic #

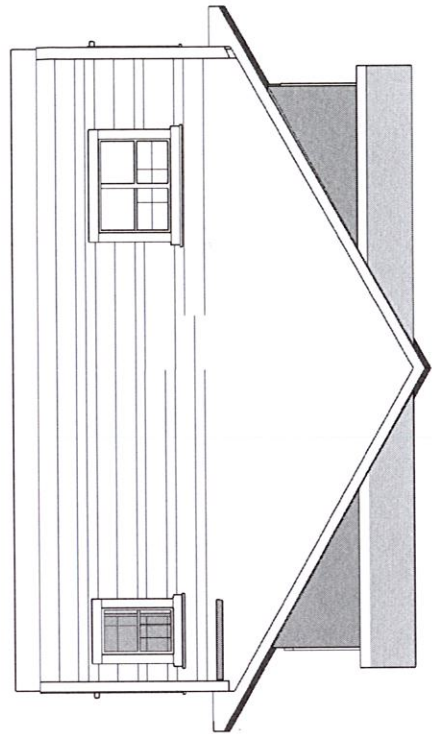
OFFICE USE ONLY

Date Received

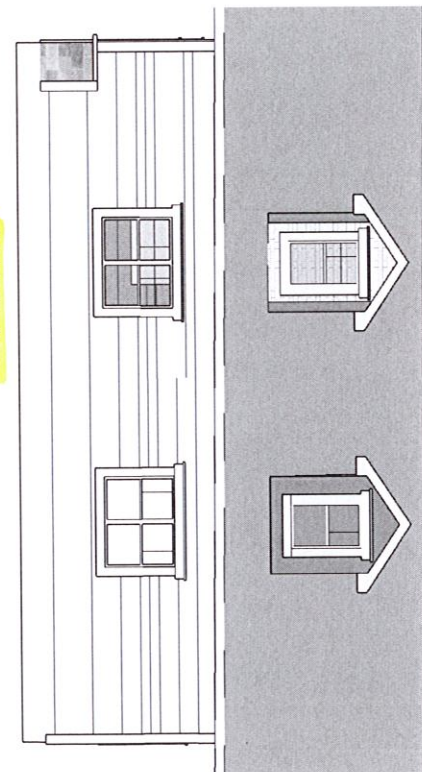
04-15-13

Planning & Zoning Department Signature

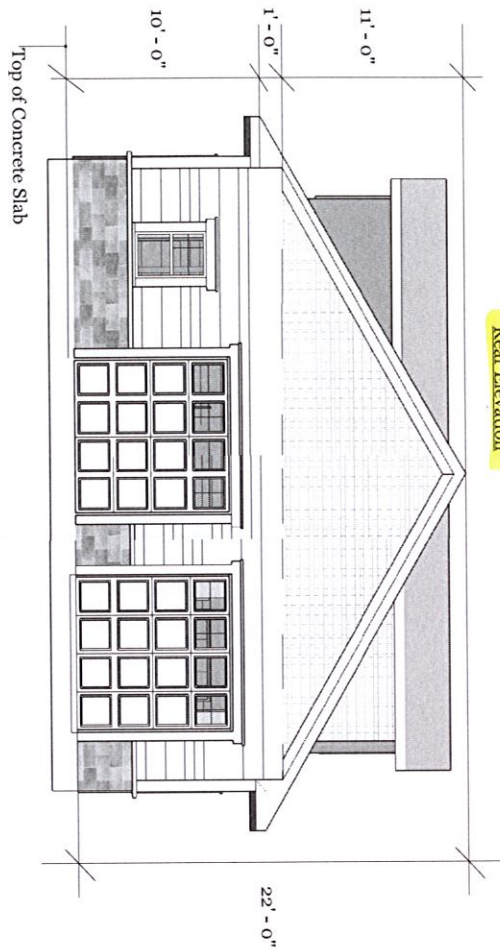
1



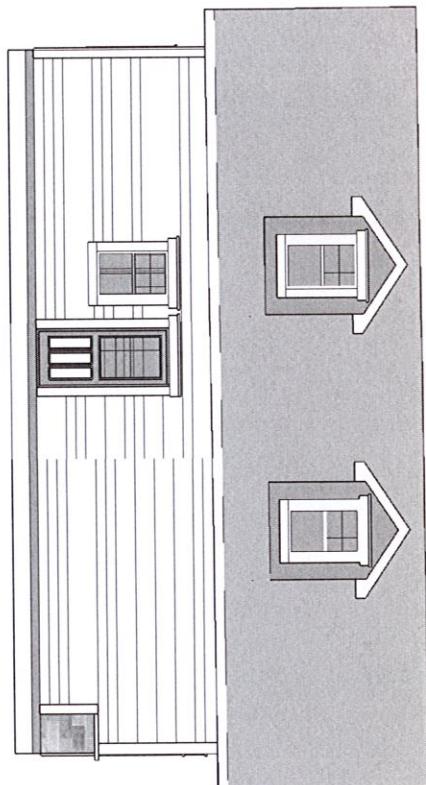
Rear Elevation



Right Elevation



Front Elevation



Left Elevation

Exterior Elevations

Scale 1/4" = 1'-0"

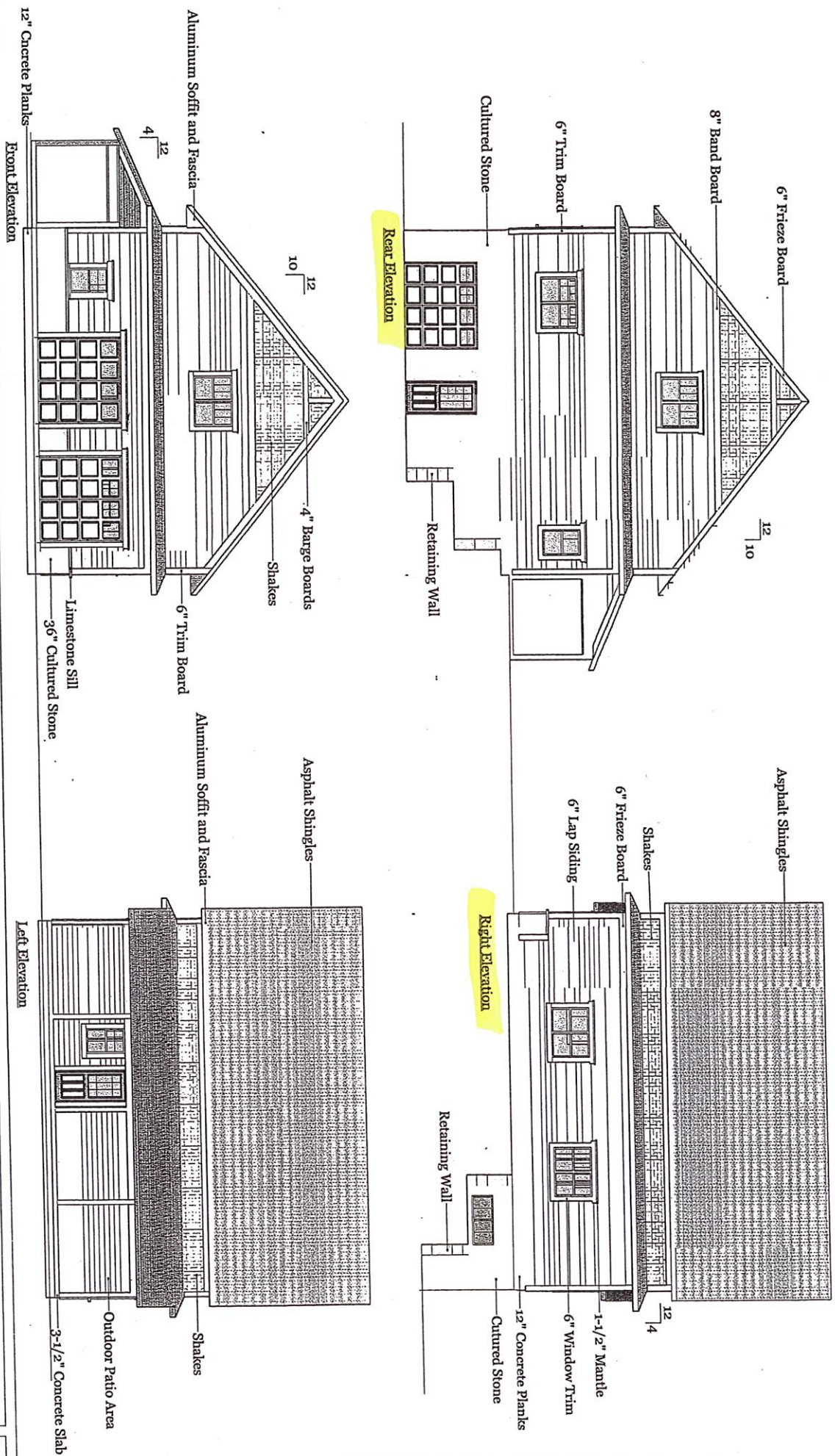
Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

REVISIONS		DATE	BY	REASON
1	05/21/2015	Eric Lomen	Initial	Initial
2	05/21/2015	Eric Lomen	Revised	Revised
3	05/21/2015	Eric Lomen	Revised	Revised
4	05/21/2015	Eric Lomen	Revised	Revised
5	05/21/2015	Eric Lomen	Revised	Revised

* SHOWN FOR LOWEST LEVEL

COPY FROM CONDITIONAL USE PERMIT



Exterior Elevations

Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

RECEIVED
JUL 28 2014
BY: mkm

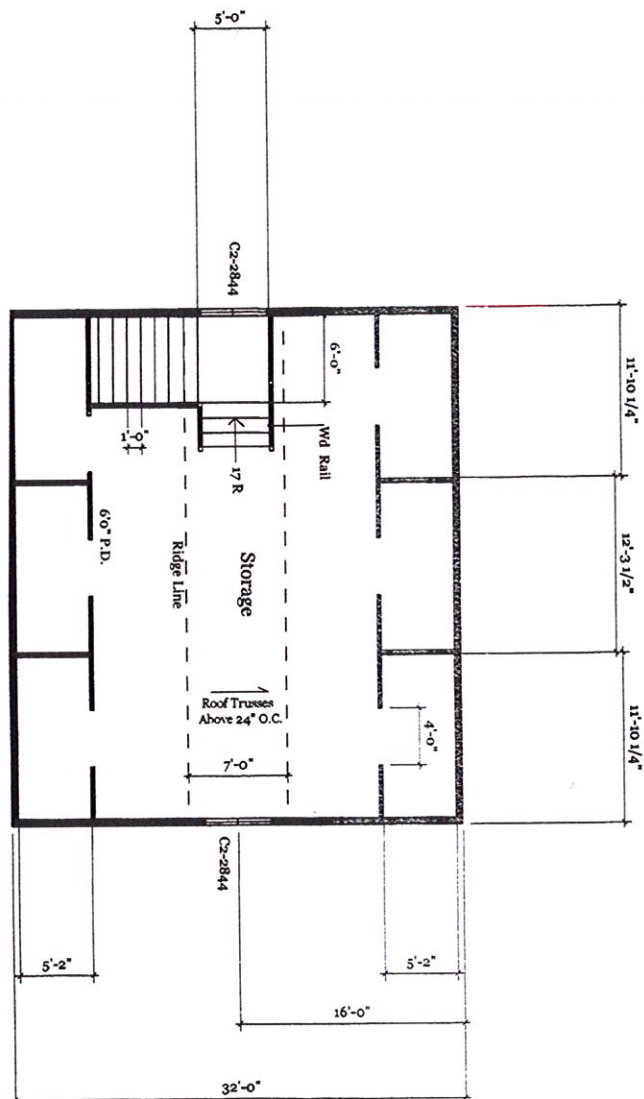
Upper Level Floor Plan 8' Ceiling / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

REVISIONS		DATE	BY	DESCRIPTION
1		08/20/15	KL	Initial
2		08/20/15	KL	Revised
3		08/20/15	KL	Revised
4		08/20/15	KL	Revised

Page 4 of 6



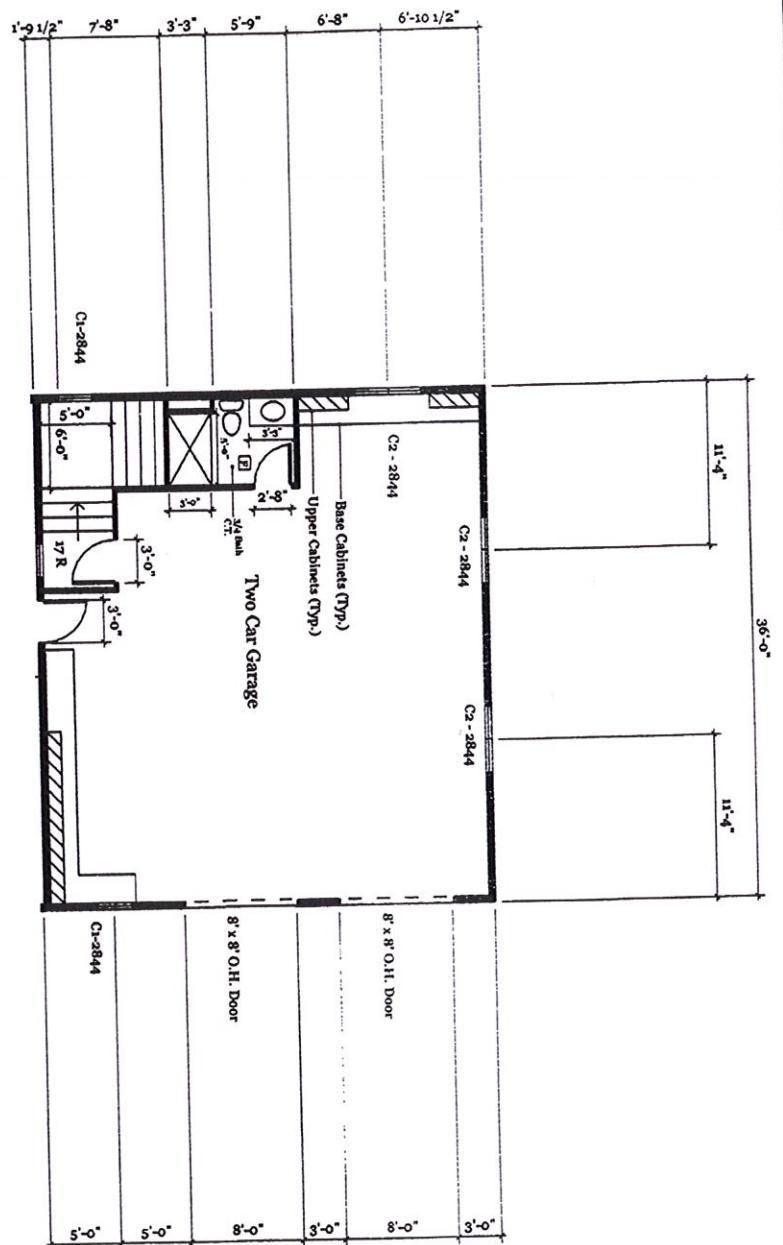
Main Level Floor Plan 10' Ceiling / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16538 Bayview Ln, Waterville MN 55096

REVISIONS		DATE
1	Initial	10/20/16
2	Revised	11/17/16
3	Revised	12/1/16
4	Revised	12/1/16
5	Revised	12/1/16

Page 3 of 6



* SHOWN FOR LOWEST LEVEL
COPY FROM CONDITIONAL USE PERMIT

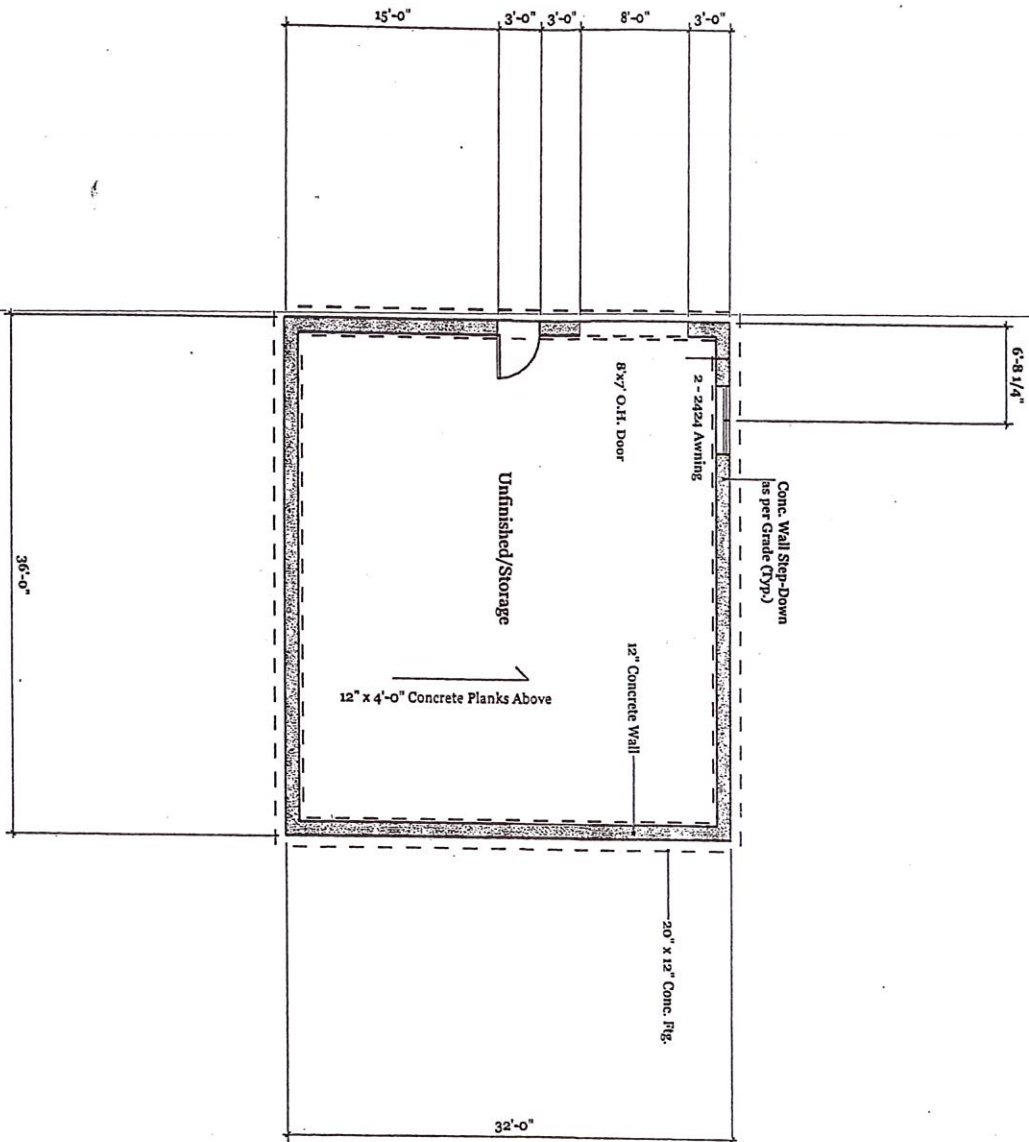
Lower Level Floor Plan
9' Poured Walls / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

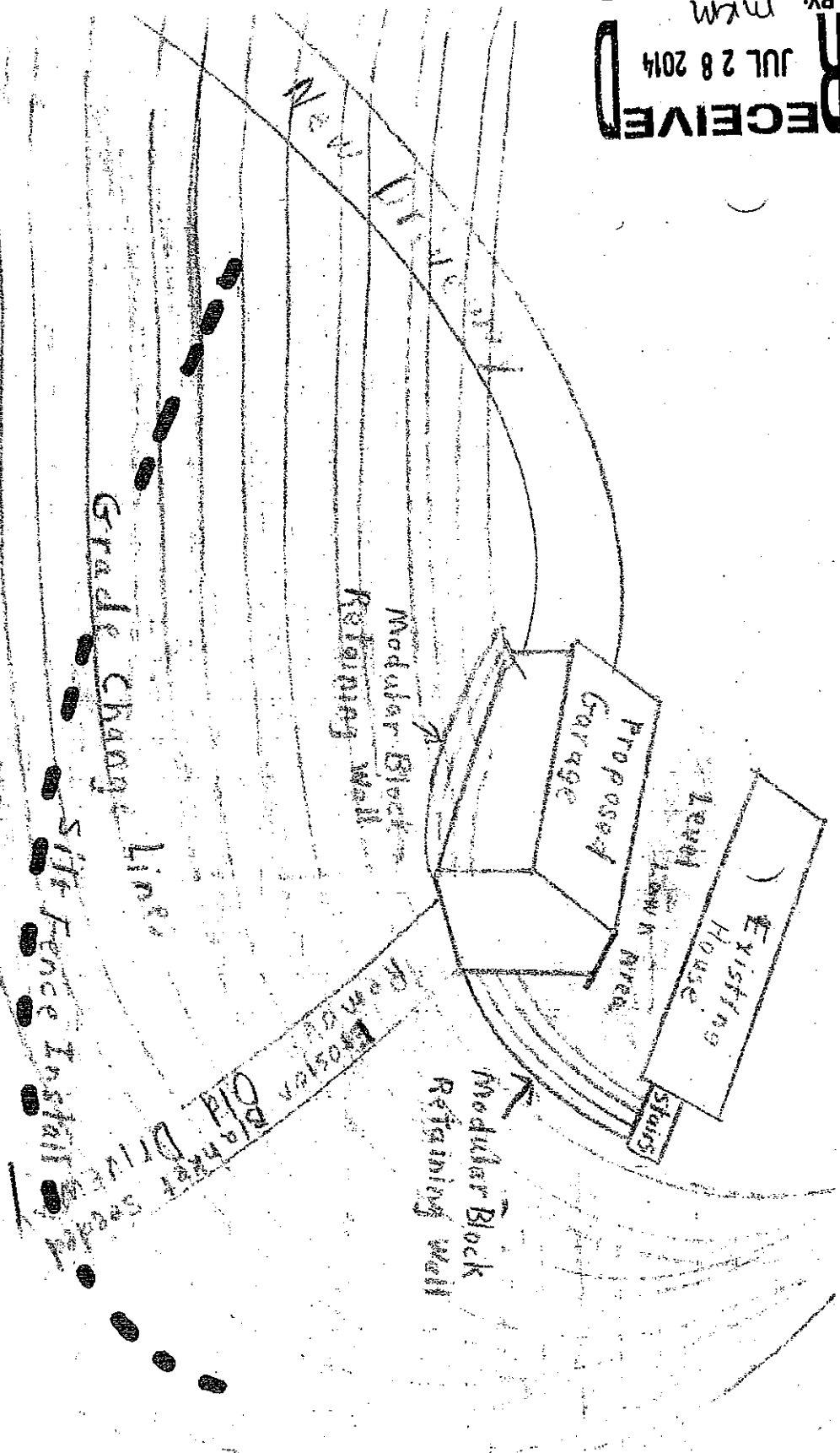
REVISION	
NO.	DESCRIPTION
1	As Shown
2	As Shown
3	As Shown
4	As Shown
5	As Shown

Page 2 of 6

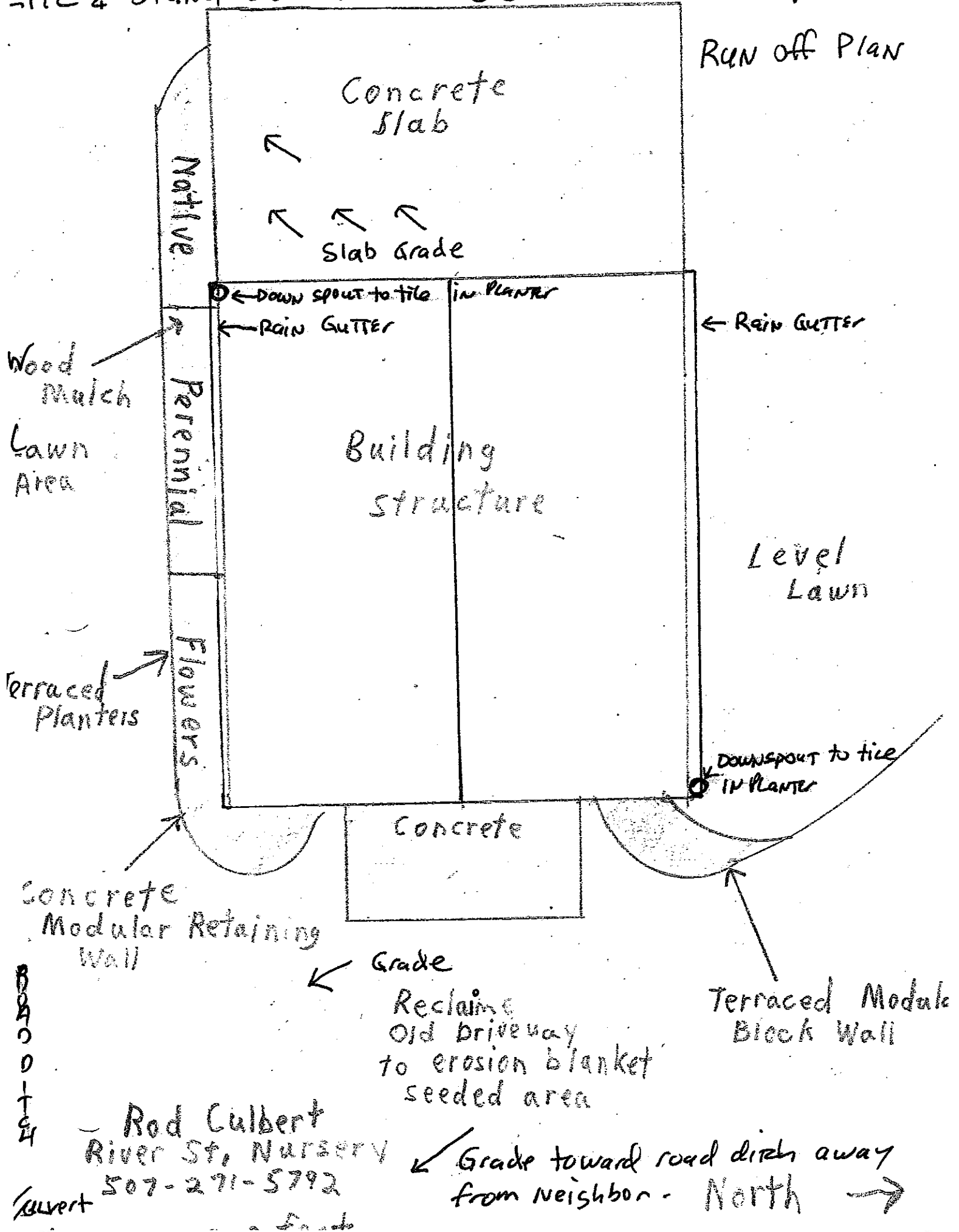


RECEIVED
JUL 28 2014
DIV. AN & MN

RECEIVED
JUL 28 2014
BY: MWM



Run off Plan



Legal description

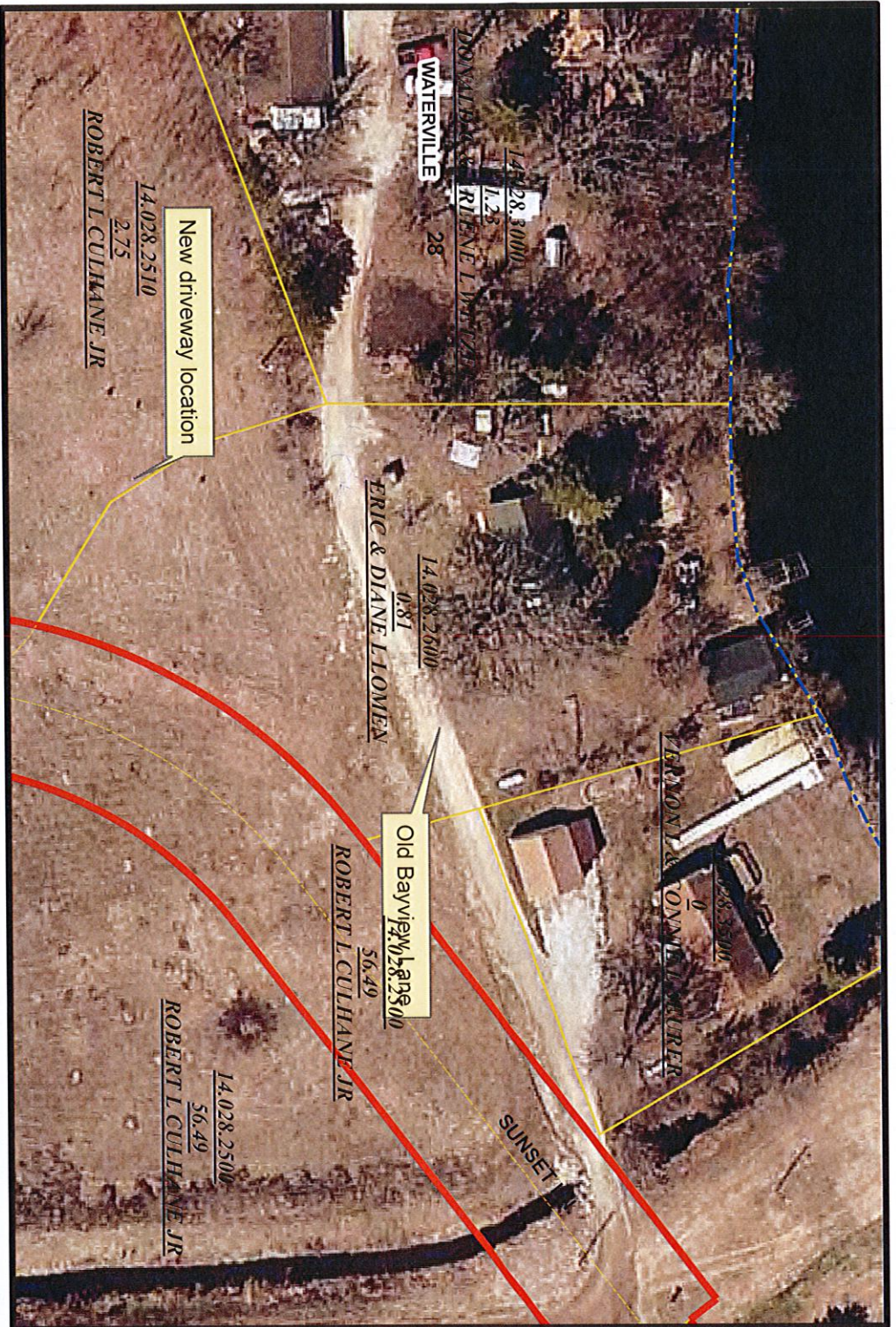
That part of Government Lot No. 2, Section 28, Township 109, Range 23, Le Sueur County, Minnesota, described as follows: Commencing at the center of said Section 28; thence on an assumed bearing of North along the west line of said Government Lot No. 2, a distance of 512.50 feet; thence on a bearing of East, a distance of 268.00 feet to a point 21.00 feet due South of a concrete monument with brass center, set by A. F. Scheid; thence North 72 degrees 20 minutes 00 seconds East 137.30 feet to the point of beginning of the land to be described; thence South 72 degrees 20 minutes 00 seconds West along last described course, 137.30 feet; thence South 70 degrees 00 minutes 00 seconds West 31.92 feet; thence South 17 degrees 03 minutes 36 seconds East 50.42 feet; thence South 32 degrees 11 minutes 09 seconds East 43.87 feet; thence South 58 degrees 24 minutes 06 seconds East 56.88 feet to the northwesterly right of way line of Le Sueur County Right of Way Plat No. 1, according to the recorded plat thereof; thence northeasterly along said northwesterly right of way line to an intersection with a line bearing South 14 degrees 14 minutes 00 seconds East from said point of beginning; thence North 14 degrees 14 minutes 00 seconds West

Subject to and together with a 33.00 foot easement for ingress and egress over and across part of Government Lot No. 2, Section 28, Township 109, Range 23, Le Sueur County, Minnesota, the centerline of which is described as follows: Commencing at the center of said Section 28; thence on an assumed bearing of North along the west line of said Government Lot No. 2, a distance of 512.50 feet; thence on a bearing of East, a distance of 268.00 feet to a point 21.00 feet due South of a concrete monument with brass center, set by A. F. Scheid; thence South 70 degrees 00 minutes 00 seconds West 31.92 feet to the point of beginning of the centerline to be described; thence South 17 degrees 03 minutes 36 seconds East 50.42 feet; thence South 32 degrees 11 minutes 09 seconds East 43.87 feet; thence South 58 degrees 24 minutes 06 seconds East 56.88 feet to the northwesterly right of way line of Le Sueur County Right of Way Plat No. 1, according to the recorded plat thereof, said centerline there terminating.

The sidelines of said 33.00 foot easement shall be lengthened or shortened to terminate on said northwesterly right of way line and on the north line of the above described parcel.

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Lomen
 PID: 14.028.2600
 DATE: 08-11-14
 FIRM #: 27079C0430D
 F-Zone: X-Outside
 RFPE: 1006.08
 District: Recreational
 Residential



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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

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



Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 4

Seely Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Mark & Valerie Seely

911 ADDRESS: 46329 Spruce Lane, Cleveland MN

VARIANCE REQUEST: To allow the applicant to construct a single-family dwelling 40 feet from the private road ROW and 4 feet from the septic tank.

VARIANCE NUMBER: 15059

PARCEL NUMBER: 01.103.3700

SITE INFORMATION

LOCATION: Part of Government Lot 1, Section 3, Cleveland Township

ZONING & PURPOSE: 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.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Spruce lane

LAKE: Lake Jefferson, 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: 1022.86 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:

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Structure to septic tank:	4 feet	10 feet	Section 17. Subdiv.4.D.1.b.	17-9
b. Structure to road ROW:	40 feet	65 feet	Section 13.Subdiv.5.3.	13-43
c. Structure to road ROW exemption:	44 feet	See ordinance	Section 13. Subiv.5.10	13-44
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

Page 1 of 2

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.
2. **Additional Considerations:**
 - a. Proposed impervious surface is 9.28%.
 - b. Proposed dwelling is farther from the road ROW than the existing dwelling.
 - c. Proposed dwelling is farther from the OHWL than the existing dwelling.

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		PERMIT NUMBER 15059	FEE: \$646.00
60 DAY RULING DATE: 6/19/2015			
APPLICANT: MARK AND VALERIE SEELY		PROPERTY OWNER: MARK AND VALERIE SEELY	
ADDRESS: 46329 SPRUCE LANE		ADDRESS: 46329 SPRUCE LANE	
CITY: CLEVELAND		CITY: CLEVELAND	
STATE: MN	ZIP: 56017	STATE: MN	ZIP: 56017
PHONE: 507-995-2923		PHONE: 507-995-2923	
PARCEL NO: 01.103.3700		TOWNSHIP: CLEVELAND	911: 46329 SPRUCE LANE
SEC: 3	SUBDIV:		
TWP: 109	LOT:	ZONE:	RR
RANGE: 25	BLOCK:	FEMA PANEL #:	27079C0270D
Q/Q:	ROAD: PVT	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 applicants to construct a SFD 40' from the private road right away and utilize an existing septic tank ⁴ ft from the new dwelling.

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:

Valerie Seely
APPLICANT/PROPERTY OWNER

4-21-15
DATE

Kathy Brockway
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4/21/15
DATE

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

ON-SITE TOUR DATE: _____	
PUBLIC HEARING DATE: <u>5/21/2015</u>	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: MARK AND VALERIE SEELY

Variance # 15059

Variance Request: To allow the applicants to construct a SFD 40' from the private road right away and utilize an existing septic tank 8 ft from the new dwelling.

- 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

Use Variance Application

- I. **Applicant:**
Name Mark + Valerie Seely
Mailing Address 46329 Spruce Lane
City Cleveland State mn Zip 56017
Phone # 507-995-2923 Phone # _____
- II. **Land Owner (s), if different from above:**
Name _____
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____
- III. **Parcel Information:**
Parcel Number 01.103.3700 Parcel Acreage _____
Legal Description-Full legal description must be attached (not from tax statement)

- IV. **Variance Request:**
Constructed new Dwelling - 40' from road r.o.w.
+ required 35' setback - Dwelling is 30'x70' w/
front + rear attached / covered porches
- V. **Township Notification:** Township must be notified of proposed request prior to application.
Ext. Septic tank 165'
45' from new dwelling.
Cleveland Township notified on 4/16/2015
(Township Name) (Date)
Board Member Susan Ely 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.
We are changing the location/position of our current home to better meet setbacks from driveway and lake. (We are replacing current manufactured home with new ~~GBE~~ Home + Foundation)
Utilize ext. septic tank 8' from new home.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
New right of way mapping impedes on property. Project is to replace existing home with new home and foundation farther away than current setbacks
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
New classification of "driveway" is a "road" created new setback requirement.
4. How will the request maintain the essential character of the locality?
No change except for home positioning to better meet setback requirements
5. Does the alleged practical difficulty involve more than economic considerations?
Yes - Adding full foundation and septic for environmental and safety benefits
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
Yes, SFD allowed in RR District.
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
NO change to current usage.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
Current: "Fessel Aerobic Septic" as installed. (Failed)
New: "Mound" to be installed upon approval by P&Z.
No well on site - shared.
Utilize ext. tank 8' from SFD.
9. Explain why this request is the minimum variance amount to afford relief.
The home will be at the optimum position to avoid the lakeshore setback all together while still increasing the driveway setback from current home.

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.

Valerie Seely
Applicant signature

4/21/15
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.

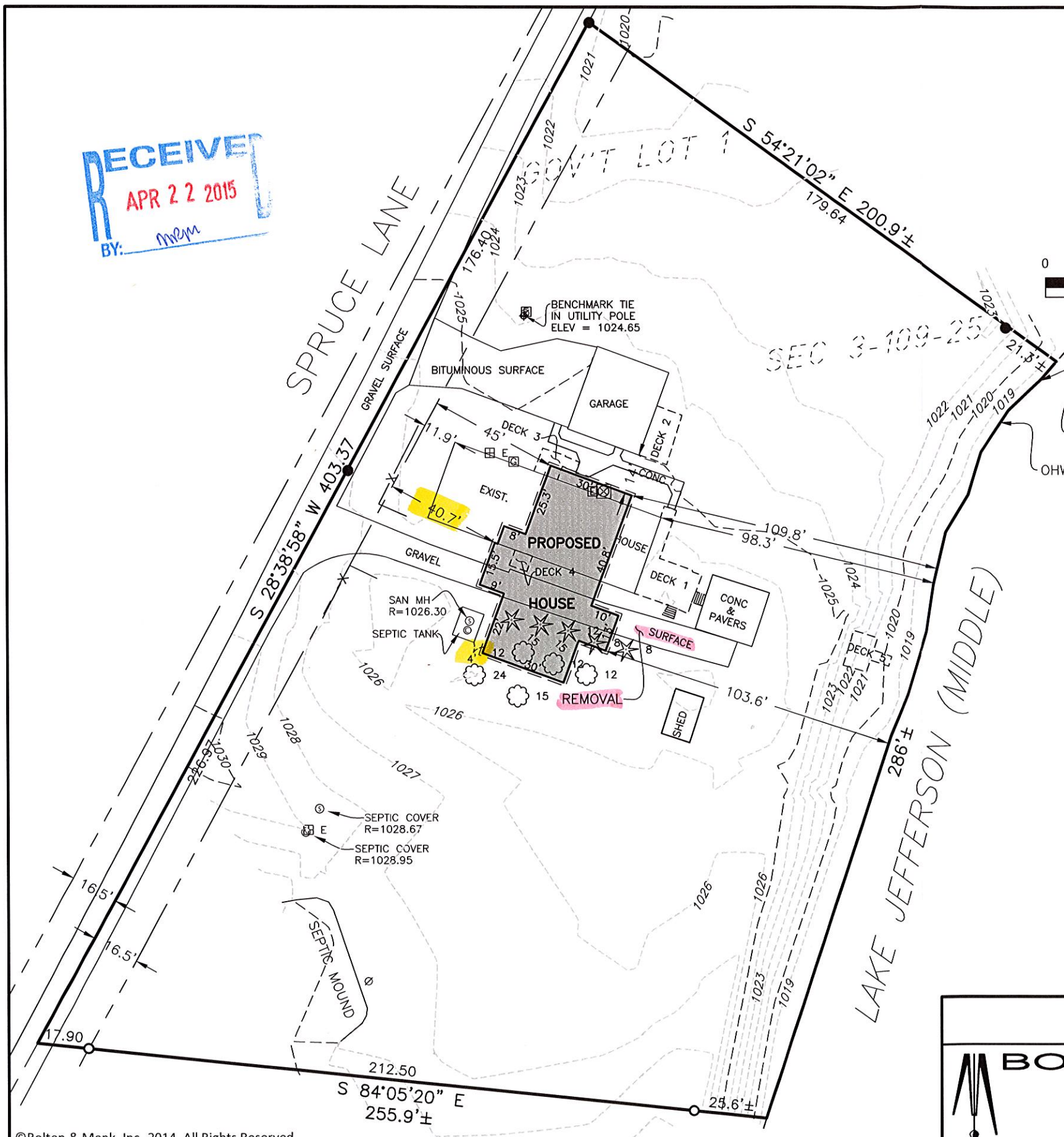
M Seely
Land Owner signature

4/21/15
Date

OFFICE USE ONLY			
Date received <u>4/21</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>N</u>	
Meeting date <u>5/21</u>	Lake Classification <u>RD</u>	Erosion Control Plan Y N	
60 Day <u>6/19</u>	Lake _____	Water courses Y N	
FEMA Panel # _____	Flood Zone _____	Bluff Y N	
<input type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Septic _____	CI / <u>DESIGN</u>
<input checked="" type="checkbox"/> Site Plan -survey	<input checked="" type="checkbox"/> Access approval <u>Ext</u>	<input type="checkbox"/> Fee \$ <u>646.</u>	ATF / SPEC MTG
<input checked="" type="checkbox"/> Full legal	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Application complete	<input type="checkbox"/> Written Detail of Var		
<u>K Brockway</u>	<u>4/21/15</u>		
Planning & Zoning Department Signature	Date	Permit #	

04-15-13

RECEIVED
APR 22 2015
BY: *mem*



TOTAL LOT AREA
73100 SQ FT

EXISTING IMPERVIOUS SURFACE

HOUSE W/ OVERHANG	2335 SQ FT
GARAGE W/ OVERHANG	898 SQ FT
BITUMINOUS SURFACE	1271 SQ FT
DECKS	736 SQ FT
CONCRETE SURFACE & PAVERS	643 SQ FT
GRAVEL SURFACE	2077 SQ FT
SHED	171 SQ FT
TOTAL	8131 SQ FT (11.12%)

IMPERVIOUS SURFACE REMOVALS

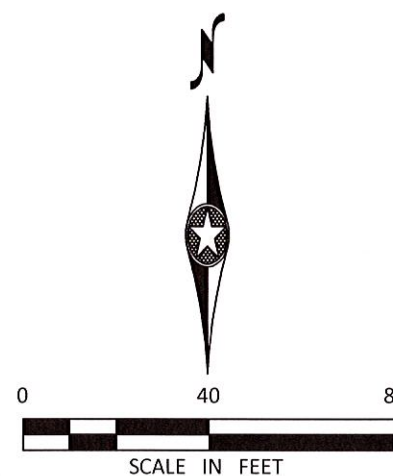
EXISTING HOUSE W/ OVERHANG	2335 SQ FT
GRAVEL SURFACE	1528 SQ FT
DECK 3	88 SQ FT
DECK 4	33 SQ FT
TOTAL	3984 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	2642 SQ FT
TOTAL	2642 SQ FT

TOTALS

EXISTING	8131 SQ FT
REMOVALS	-3984 SQ FT
PROPOSED	+2642 SQ FT
TOTAL IMPERVIOUS SURFACE	6789 SQ FT (9.28%)



WATER'S EDGE (6-2-14)
ELEV = 1018.35'
OHW LINE = 1018.5
RFPE = 1022.86

LEGEND

- MONUMENT FOUND
- ⊕ BENCH MARK
- ⊞ ELECTRIC METER
- ⊘ UTILITY POLE
- ⊞E ELECTRIC PEDESTAL
- ⊞ GAS METER
- ⊞ AIR CONDITIONER
- ⊙ SANITARY MANHOLE
- ⊙ CLEAN OUT
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE

OWNER

MARK SEELY
46329 SPRUCE LANE
CLEVELAND, MN 56017

SITE ADDRESS

46329 SPRUCE LANE
CLEVELAND, MN 56017

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789

4/21/15
Date

VARIANCE EXHIBIT
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF GOV'T LOT 1 OF SECTION 3, TOWNSHIP
109 NORTH, RANGE 25 WEST, CLEVELAND
TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

FOR: MARK SEELY

©Bolton & Menk, Inc. 2014, All Rights Reserved

H:\PRIV_SURVEY\M33108310\CAD\C3D\108310BD3.DWG 04-21-2015 11:22a.m. SDB108310H

JOB NUMBER: M33.108310

FIELD BOOK: 90G PG 40

DRAWN BY: JLA

4.0 S3-T109-R25

Le Sueur County

Surveyor Certification

I. Applicant:

Name MARK SEELY

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

Name _____

Property Address _____

City _____

State _____

Zip _____

III. Parcel Information:

Parcel Number 01.103.3700

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
- lakes
- existing structures (*within and adjacent to project area*)
- setbacks
- rivers
- proposed structures
- property lines
- wetlands, ponds
- lot dimensions
- road right-of-way
- streams
- septic system
- easements
- well
- access
- 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*)

- VI. The proposed improvements have been physically staked onsite then surveyed on 7/02/14, to reflect an accurate account of current and proposed conditions of the property identified above.

VII. Signatures:

We will stake the new house by MAY 8, 2015.

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.

Rory Jensen
Surveyor's signature

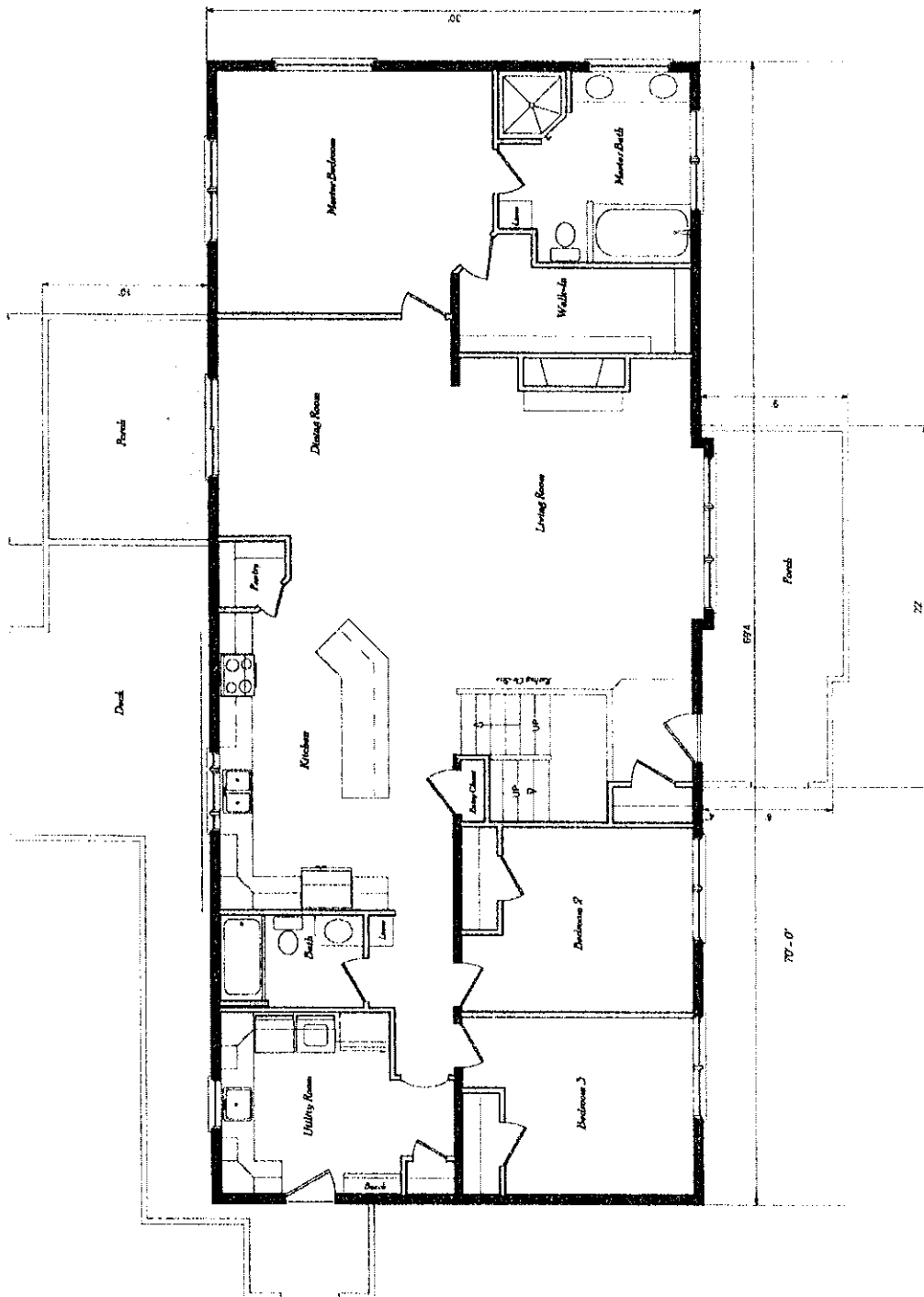
4/21/15
Date

19789
Lic #

4/21/15
Date received

OFFICE USE ONLY
K. Brockway
Planning & Zoning Authority signature

10-01-11



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Seely
 PID: 04-21-15
 DATE: 5-5-15
 FIRM #: 27079C0270D
 F-Zone: X-Outside
 RFPE: 1022.86
 District: Recreational Residential



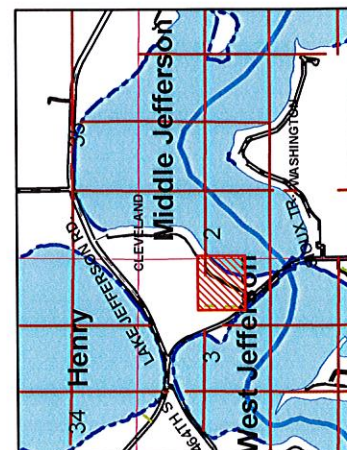
Map Disclaimer
 *Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, 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>
Alpha Tag	
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



Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 5

Volk Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Mike Volk
OWNER: Rosemary Volk
911 ADDRESS: 46511 Evergreen LN, Cleveland MN
VARIANCE REQUEST: To allow the applicant to construct a 12 x 26 accessory structure 80 feet from the OHWL.
VARIANCE NUMBER: 15058
PARCEL NUMBER: 01.550.0030

SITE INFORMATION

LOCATION: Lots 2 & 3, Edgewater Terrace, Section 3, Cleveland Township

ZONING & PURPOSE: 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.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing off Evergreen Lane

LAKE: Lake Jefferson, 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: 1022.86 Lowest floor must meet RFPE.

ATTACHMENTS

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

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:	80 feet	100 feet	Section 13.2 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. Bluffs and Steep Slopes				pg. 11
c. Non-conforming Lots of Record in Shoreland Areas				pg. 19

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.
2. **Additional Considerations:**
 - a. Proposed impervious surface calculation is 16.65%.
 - b. Removal of existing accessory structure out of bluff impact zone.
 - c. Meeting OHWL setback will put shed 2 feet from the absorption area of the septic system drainfield, in which would be necessary.

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: 4/20/2015
60 DAY RULING DATE: 6/19/2015

PERMIT NUMBER 15058

FEE: \$646.00

APPLICANT: MIKE VOLK
ADDRESS: 38186 FORT RD
CITY: ST PETER
STATE: MN
PHONE: 507-469-9154

ZIP: 56082

PROPERTY OWNER: ROSEMARY VOLK
ADDRESS: 432 SIOUX LN
CITY: ST PETER
STATE: MN
PHONE: 507-469-9153

ZIP: 56082

PARCEL NO: 01.550.0030 TOWNSHIP: CLEVELAND 911: 46511 EVERGREEN LN CLEVELAND
SEC: 3 SUBDIV: EDGEWATER TERRACE
TWP: 109 LOT: 2 & 3 ZONE: RR
RANGE: 25 BLOCK: FEMA PANEL #: 27079C0265D
Q/Q: ROAD: PVT 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 12 X 26 ACCESSORY STRUCTURE 80 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:

Mike Volk
APPLICANT/PROPERTY OWNER

4/20/15
DATE

Michelle R Muttler
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

4-20-15
DATE

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

ON-SITE TOUR DATE: <u>5/21/2015</u>	
PUBLIC HEARING DATE: <u>5/21/2015</u>	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: MIKE VOLK

Variance # 15058

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 12 X 26 ACCESSORY STRUCTURE 80 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

Le Sueur County

Variance Application

I. Applicant:

Name MIKE VOLK
Mailing Address 381 Edg Fort Road
City St. Peter State MN Zip 56082
Phone # (507) 469-9154 Phone # _____

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

Name Rosemary Volk
Property Address 732 Sioux Lane
City St. Peter State MN Zip 56082
Phone # (507) 469-9153 Phone # _____

III. Parcel Information:

Parcel Number 01.550.0030 ^{mm} Parcel Acreage _____
Legal Description-Full legal description must be attached (not from tax statement)
see attached ^{mm}

IV. Variance Request:

To re-build a structure outside the bluff impact zone, but still not 100' away from Lake because the downfield is installed there. Request to build 80 ft from the water level.

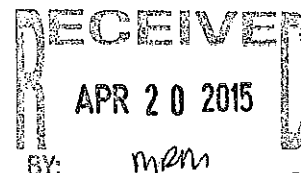
V. Township Notification: Township must be notified of proposed request prior to application.

Cleveland Township notified on 4/20/15
(Township Name) (Date)

Board Member Art Davis 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
- ☒ d. Surveyor Certification
- ☐ e. Floor plans and/or blue prints *(For structures)*
- ☒ f. Septic System Compliance Inspection
- ☒ g. Erosion control plan
- ☐ h. Written Detail of Variance

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

Variance: \$ 600
Filing Fee: \$ 46

After-The-Fact meeting fees are doubled.

Additional Fees:

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

X. Procedure:

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

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

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

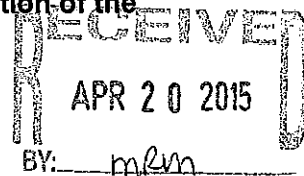
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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

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

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

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



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

We are rebuilding the new structure outside the bluff impact zone but also have the septic bed under to consider too.

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

If the structure were to be built 100' from the lake ~~that~~ it would have to be built on the septic drain field.

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

We did not own the property when the shed was originally built or when the septic was redone.

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

We are moving the structure out of the bluff impact zone.

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

Yes, there are 3 set backs we are trying to conform with and nothing is possible with all 3.

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

Yes, we are conforming to 2 of the 3 setbacks. Current bldg conforming with 1. No structures on the lake conform to all 3? or at least not many.

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

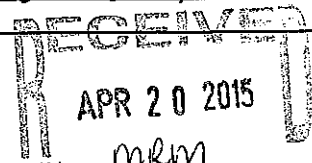
The structure now will be out of the bluff impact zone.

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

The septic system is compliant and was inspected a year ago.

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

To avoid building the structure on the drained bed we could only move the structure back out of the bluff impact zone.



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.

Mike Volk
Applicant signature

4/20/15
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.

Rosemary F. Volk
Land Owner signature

04/20/2015
Date

OFFICE USE ONLY

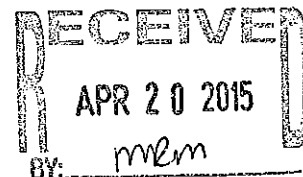
Date received 4-20-15 Present Zoning Classification RR Feedlot within 500' 1000' (N)
Meeting date 5-21-15 Lake Classification RD Erosion Control Plan (Y) (N)
60 Day 6-19-15 Lake Lypson Water courses (Y) (N)
FEMA Panel # 27079C02450 Flood Zone X-outside Bluff (Y) (N)
☒ Surveyor Certificate ☒ Ordinance ☒ Septic 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 Mettler
Planning & Zoning Department Signature

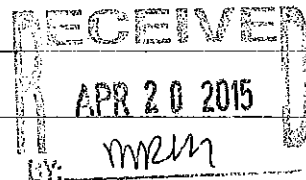
4-20-15
Date

15058
Permit #

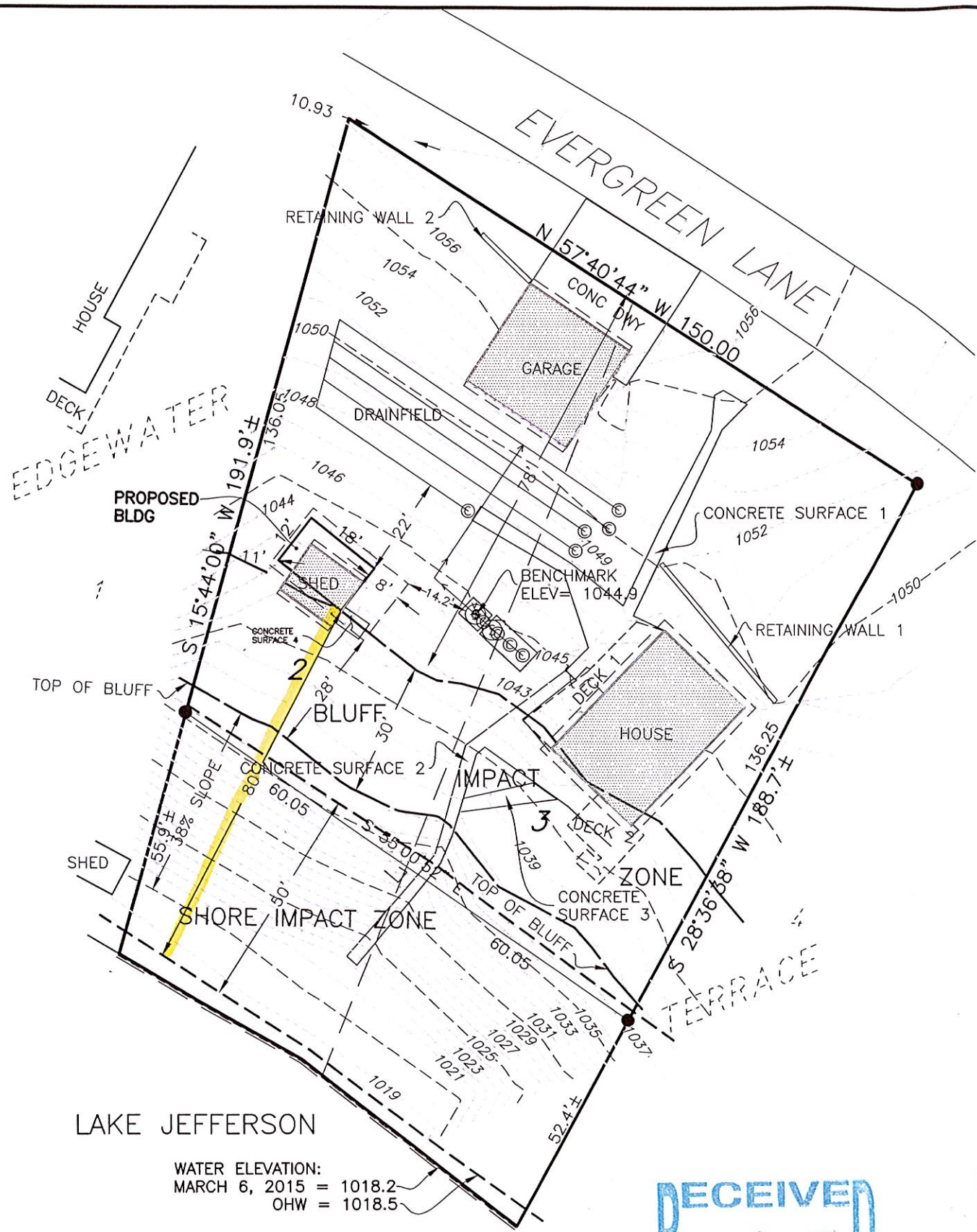
04-15-13



There is a existing storage shed on our property that is very rotten & has not been maintained. We would like to re-build the structure and will move the new building back out of the bluff impact zone. Set backs will be met from property line & from the septic system. By meeting all of those set backs we are not able to be 100' away from the lake. That is why we are requesting a variance.



PID 01.550.0030

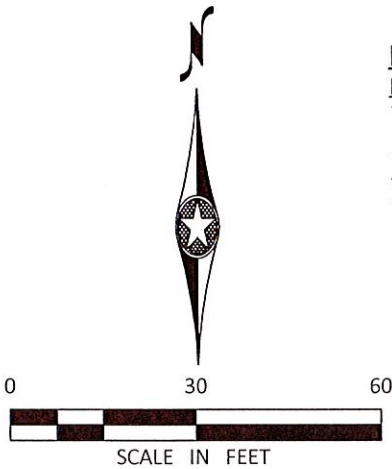


TOTAL LOT AREA	
23293 SQ FT	
EXISTING IMPERVIOUS SURFACES	
HOUSE W/ OVERHANG	1132 SQ FT
GARAGE W/ OVERHANG	746 SQ FT
SHED W/ OVERHANG	207 SQ FT
CONCRETE DRIVEWAY	302 SQ FT
CONCRETE SURFACE 1	429 SQ FT
CONCRETE SURFACE 2	392 SQ FT
CONCRETE SURFACE 3	71 SQ FT
CONCRETE SURFACE 4	28 SQ FT
RETAINING WALL 1	40 SQ FT
RETAINING WALL 2	15 SQ FT
DECK 1	175 SQ FT
DECK 2	146 SQ FT
TOTAL	3683 SQ FT (15.8%)

REMOVALS IMPERVIOUS SURFACES	
SHED W/ OVERHANG	207 SQ FT
CONCRETE SURFACE 4	28 SQ FT
TOTAL	235 SQ FT (-1.00%)

PROPOSED NEW BUILDING	
BUILDING W/ OVERHANG	432 SQ FT
TOTAL	432 SQ FT (1.85%)

TOTALS
3683 - 235 + 432 = 3880 SQ FT (16.65%)



OWNER
ROSEMARY VOLK
732 SIOUX LANE
SAINT PETER, MN 56082

SITE ADDRESS
46511 EVERGREEN LANE
CLEVELAND, MN 56017

- LEGEND
- MONUMENT FOUND
 - ⊙ CLEAN OUT
 - Ⓢ SANITARY MANHOLE

SURVEYOR'S CERTIFICATION
I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789

4-16-15
Date

EXHIBIT DRAWING
LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

LOTS 2 & 3 OF EDGEWATER TERRACE, BEING IN GOV'T LOT 4 & 5 OF SECTION 3, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA
FOR: VOLK BUILDING

©Bolton & Menk, Inc. 2015, All Rights Reserved

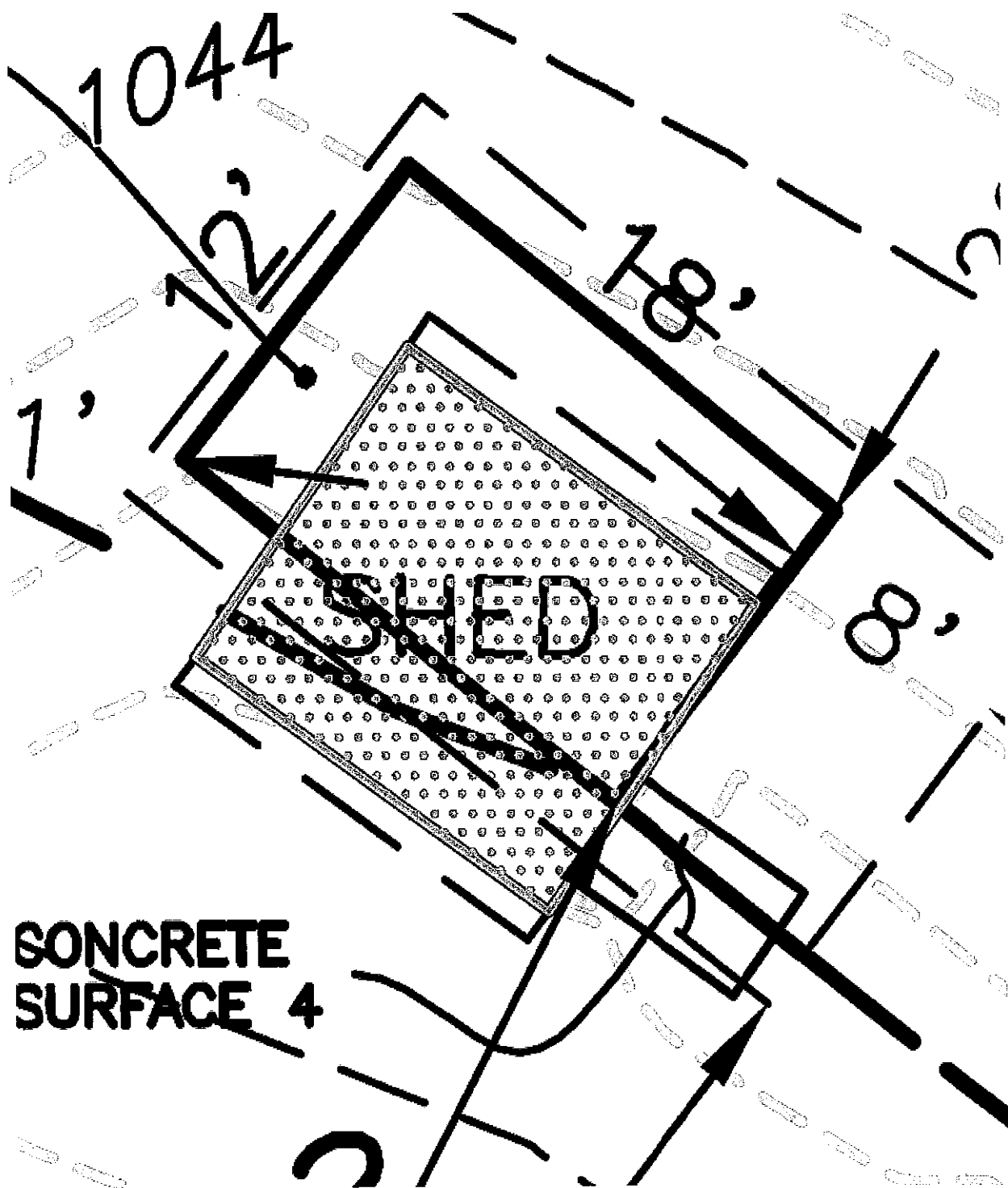
H:\PRIV_SURVEY\M31109745\CAD\C3D\109745BD1.DWG 04-16-2015 11:28a.m. SDB109745H

JOB NUMBER: M31.109745

FIELD BOOK: 90G PG 74

DRAWN BY: JLA

4.0 S3-T109N-R25W



Le Sueur County

Surveyor Certification

- I. Applicant:
Name MIKE VOLK
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 01.550.0030
- 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
- lakes
- existing structures (within and adjacent to project area)
- setbacks
- rivers
- proposed structures
- property lines
- wetlands, ponds
- lot dimensions
- road right-of-way
- streams
- septic system
- easements
- well
- access
- 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)

- VI. The proposed improvements have been physically staked onsite then surveyed on 3/6/2015 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.

Kory Jensen
Surveyor's signature

4/16/15
Date

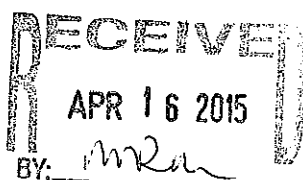
19789
Lic #

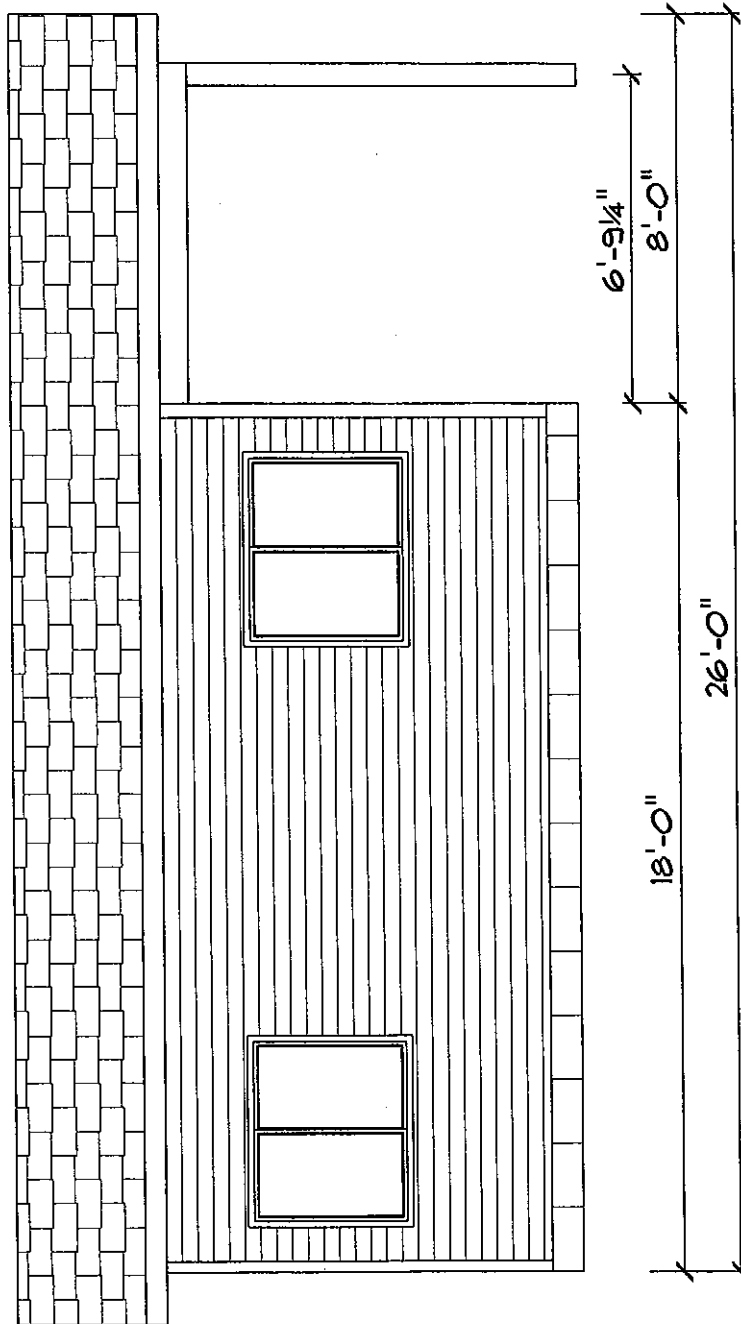
OFFICE USE ONLY

4-16-15
Date received

Michelle R Mettles
Planning & Zoning Authority signature

10-01-11

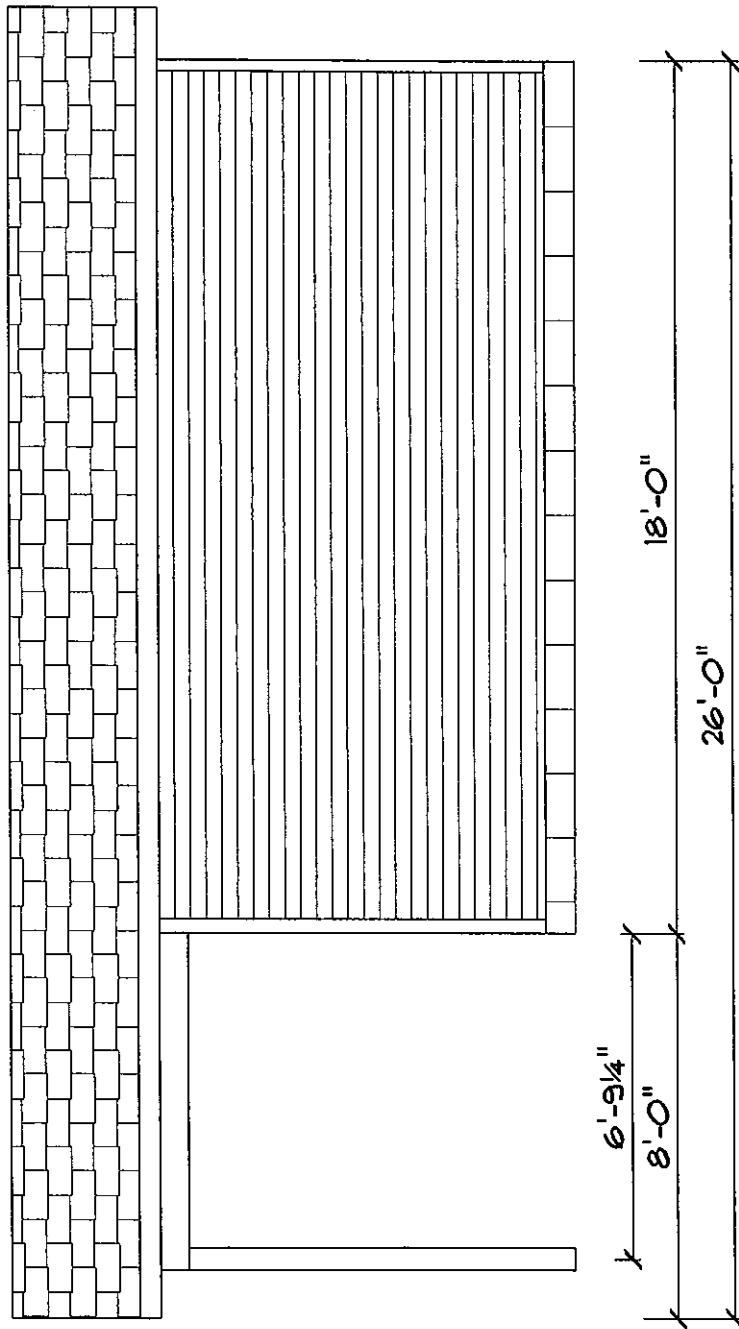




SCALE: 1/4" = 1'-0"

SOUTH ELEVATION

RECEIVED
APR 20 2015
BY: mm2-m



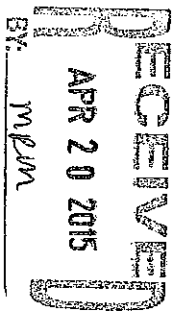
NORTH ELEVATION

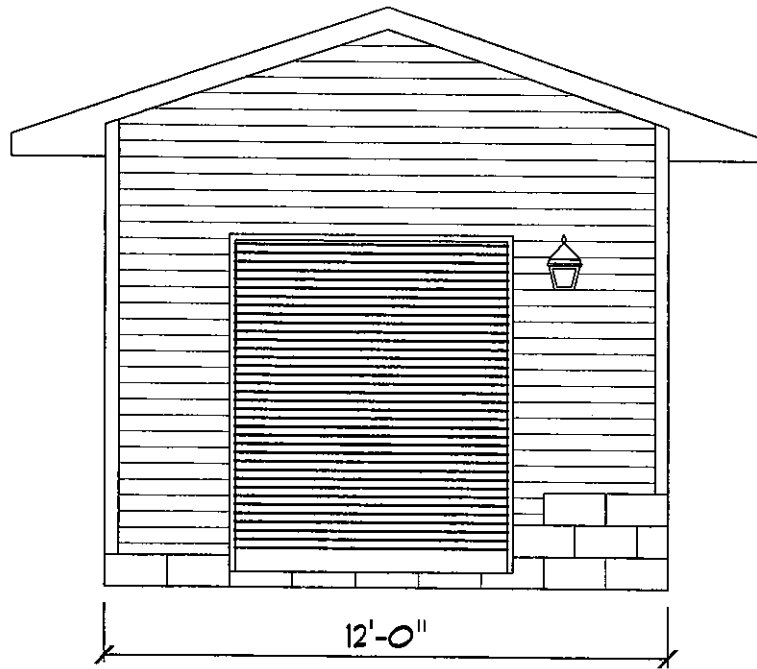
RECEIVED
APR 20 2015
BY: *mkm*



EAST ELEVATION

SCALE: 1/4" = 1'-0"



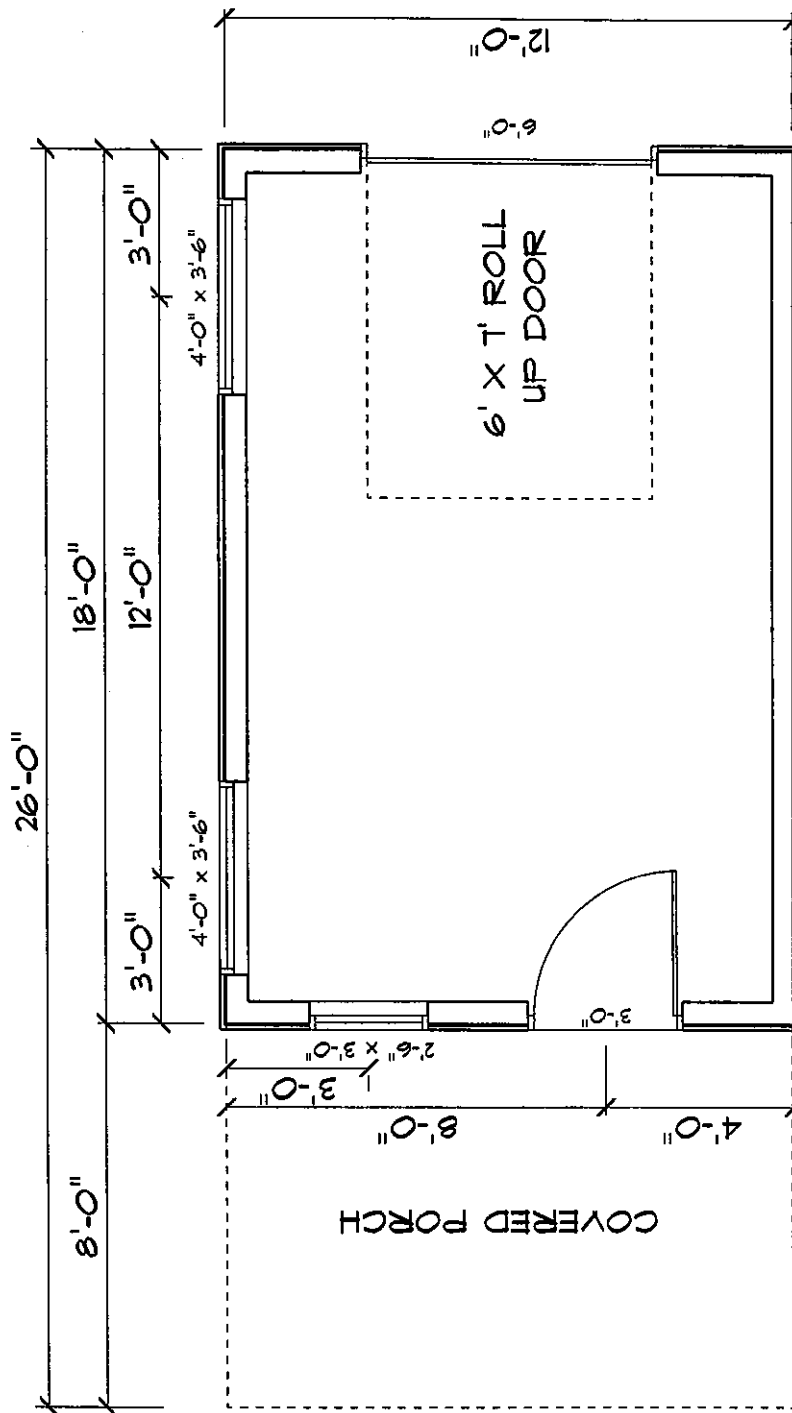


WEST ELEVATION

SCALE: 1/4" = 1'-0"

RECEIVED
APR 20 2015
BY: MPM

LAKE SIDE



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

ROSIE VOLK
46511 EVERGREEN LANE
CLEVELAND MN.

RECEIVED
APR 20 2015
BY: mmm

Technical drawing of a rectangular frame assembly. The drawing shows a cross-section of the frame, which consists of an inner rectangular opening, a middle frame layer, and an outer frame layer. The overall dimensions are 18'-0" in height and 12'-0" in width. The inner opening is 12'-0" wide and 12'-0" high. The middle frame layer is 2'-0" thick. The outer frame layer is 4'-0" thick. The drawing includes detailed views of the frame's construction, showing the inner frame, the middle frame, and the outer frame. The dimensions are given in feet and inches. The drawing is oriented vertically, with the height dimension on the left and the width dimension on the top.

SCALE: 1/4" = 1'-0"

RECEIVED
APR 20 2015
BY: mzm

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: Rosemary Volk PID: 01.550.0030
Mailing Address: 732 Sigma Lane St Peter, MN 56082
Property Address: 4651 Evergreen Lane
Phone: () Mobile/Cell: (507) 469-9153

Responsible party for Implementation/Inspection: MIKE VOLK
Address: 38186 Forest Road St Peter MN 56087
Phone: () Mobile/Cell: (507) 469-9154

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.

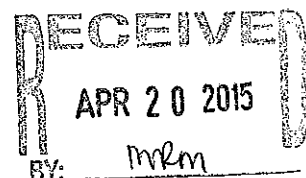
Rosemary F. Volk
(Property Owner)

04/20/2015
(Date)

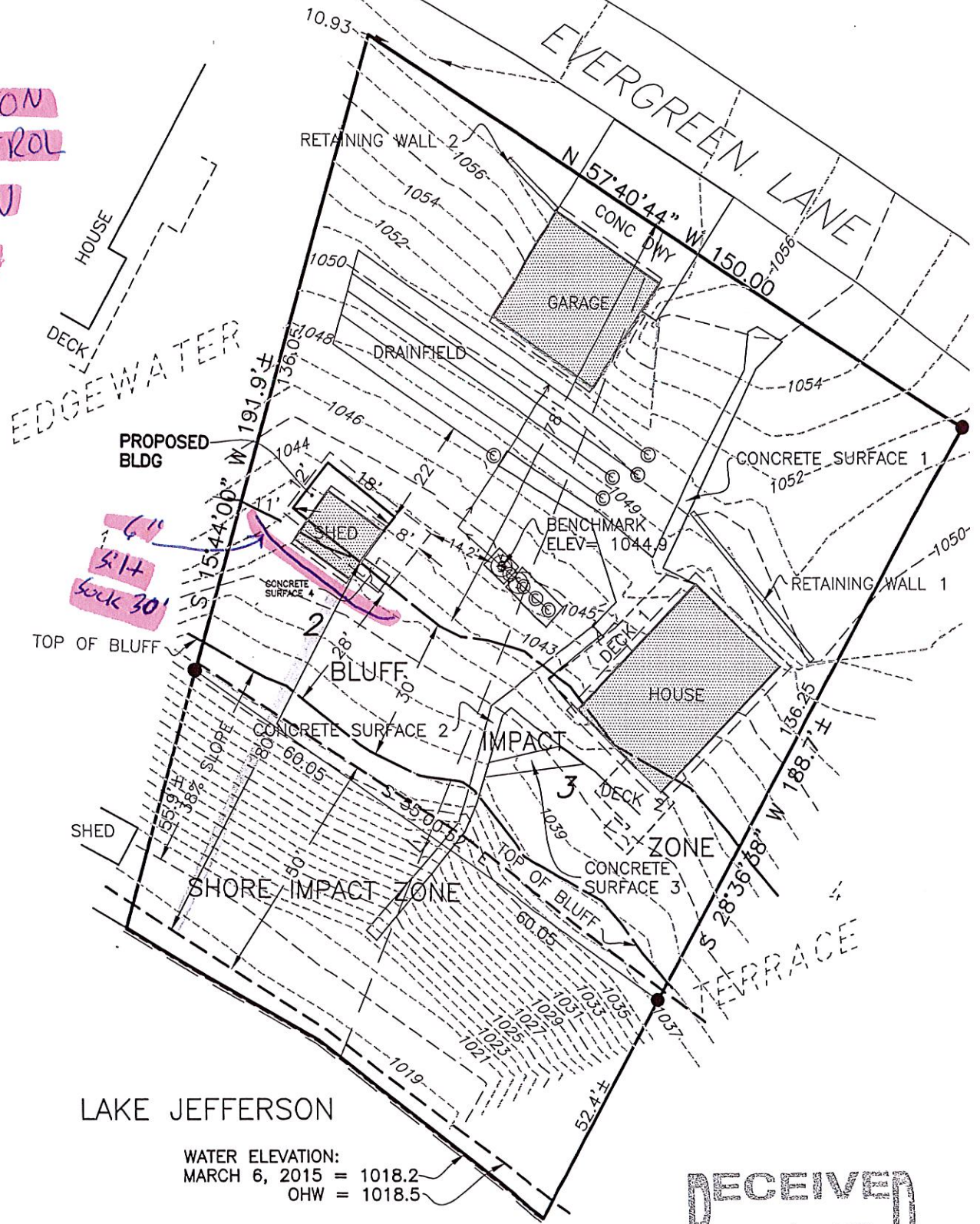
Mike Volk
(Person Responsible for Implementation)

4/20/15
(Date)

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



**EROSION
CONTROL
PLAN
MAP**



LAKE JEFFERSON

WATER ELEVATION:
MARCH 6, 2015 = 1018.2
OHW = 1018.5

RECEIVED
APR 16 2015
BY: *mky*

©Bolton & Menk, Inc. 2015, All Rights Reserved

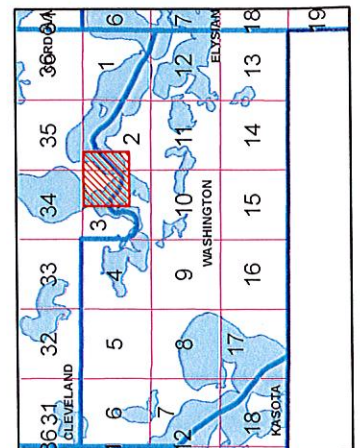
H:\PRIV_SURVEY\M31109745\CAD\C3D\109745BD1.DWG 04-16-2015 11:28a.m. SDB109745H

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Volk
 PID: 01.550.0030
 DATE: 4-20-15
 FIRM #: 27079C0265D
 F-Zone: Xoutside
 RFPE: 1022.86
 District: Recreational Residential



Cadastral_Line	<all other values>
AlphaTag	
Corp Line	—
County Line	—
Easement Line	—
Geo Twp Line	—
Gov Lot	---
Misc Line	---
Parcel Line	---
Pol Twp Line	---
Railroad Centerline	---
Railroad ROW	---
Road Centerline	---
Road ROW	---
Road ROW Vac	---
Section Line	---
Sub Line 400	---
Water	---
Incorporated	---
Townships	---
Sections	---
Parcel	---



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

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



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: _____
<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: 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
☐ ☐ ☐ ☐ ☐

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:

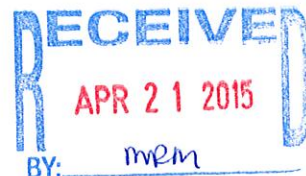
Board of Adjustment Chairman

Date

Le Sueur County

Variance Application

- I. **Applicant:**
Name 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.

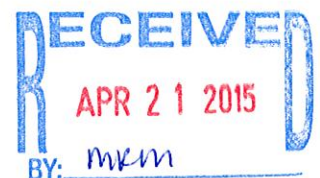
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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?

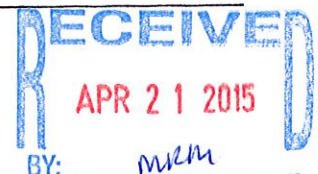
5. Does the alleged practical difficulty involve more than economic considerations?

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 Fiedle
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 Fiedle
Land Owner signature

4-18-15
Date

OFFICE USE ONLY

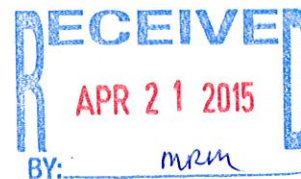
Date received 4-21-15 Present Zoning Classification A Ext Feedlot
Meeting date 5-21-15 Lake Classification — Erosion Control Plan Y (N)
60 Day 6-20-15 Lake — Water courses Y (N)
FEMA Panel # 27019C01750 Flood Zone x-outside Bluff Y (N)
☒ Surveyor Certificate ☒ Ordinance ☐ Septic NA CI / DESIGN
☒ Site 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.

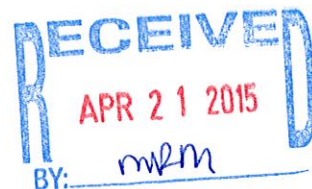
The variance to allow a forty-eight (48) foot set back from Le Sueur County Road 121 will be consistent with the Applicant's farm site operation. It consolidates the grain bins into one (1) area of the farm site operation.

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
31	32	33	34	35	36	31	32	33
1	6	5	4	3	2	1	6	5
7	8	LEXINGTON	11	12	13	MONTGOMERY	18	17
18	17	16	15	14	13	MONTGOMERY	18	17

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



Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 7

Walsh Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Timothy & Anne Walsh

911 ADDRESS: 22146 Warner LN, Elysian MN

VARIANCE REQUEST: To allow the applicant to create impervious surface in a shore impact zone and to create 43% impervious surface.

VARIANCE NUMBER: 15062

PARCEL NUMBER: 04.800.0110

SITE INFORMATION

LOCATION: Lot 11, Warner's Subdivision, Section 33, Elysian Township

ZONING & PURPOSE: Recreational Residential

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.

GENERAL SITE DESCRIPTION: Shoreland, residential

ACCESS: Existing access off Warner Lane

LAKE: Lake Frances, 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: 1024.5

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, photographs, Erosion control plan, legal description

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>Allowed:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Impervious surface:	In shore impact zone	None	Sec. 13. Subdiv. 5.A.10.d	13-15
b. Impervious surface of lot:	43%	25%	Sec. 13. Subdiv. 5.A.10.a	13-15
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Bluffs and Steep Slopes				pg. 11

Page 1 of 2

c. Limiting Impervious Surface

pg. 15

d. Non-conforming Lots of Record in Shoreland Areas

pg. 19

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. Existing structure currently has rain gutters.
8. Proposed pervious pavers between new retaining wall and deck, 372 square feet.
9. Project is proposed to remove 258 square feet of existing patio.
10. If the Variance is approved, the applicant will need to apply for a Conditional Use Permit (CUP) for grading, excavating and filling, and for the construction of a retaining wall in the shore impact zone. If the CUP is approved by the Board of County Commissioners, the project will be allowed to move forward.

CONSIDERATIONS

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

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		PERMIT NUMBER 15062	FEE: \$646.00
60 DAY RULING DATE: 5/21/2015			
APPLICANT: TIMOTHY & ANNE WALSH		PROPERTY OWNER: TIMOTHY & ANNE WALSH	
ADDRESS: 13221 CEDARWOOD AVE		ADDRESS: 22146 WARNER LN	
CITY: CLIVE		CITY: ELYSIAN	
STATE: IA	ZIP: 50325	STATE: MN	ZIP: 56028
PHONE: 515-226-0200		PHONE: 515-226-0200	

PARCEL NO: 04.800.0110	TOWNSHIP: ELYSIAN	911: 22146 WARNER LN ELYSIAN
SEC: 33	SUBDIV: WARNERS SUB DIV	
TWP: 109	LOT: 11	ZONE: RR
RANGE: 24	BLOCK:	FEMA PANEL #: 27079C0425D
Q/Q:	ROAD: PVT	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 CREATE IMPERVIOUS SURFACE IN A SHORE IMPACT ZONE
AND CREATE 43 % IMPERVIOUS SURFACE

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:



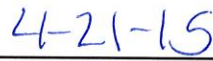
APPLICANT/PROPERTY OWNER



DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY



DATE

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

ON-SITE TOUR DATE: 5/21/2015	
PUBLIC HEARING DATE: 5/21/2015	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: TIMOTHY & ANNE WALSH

Variance # 15062

Variance Request: TO ALLOW THE APPLICANT TO CREATE IMPERVIOUS SURFACE IN A SHORE IMPACT ZONE
AND CREATE 43 % IMPERVIOUS SURFACE

- 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 Timothy and Anne Walsh
Mailing Address 13221 Cedarwood Avenue
City Clive State Iowa Zip 50325
Phone # 515-226-0200 Phone # 515 710 5111
- II. **Land Owner (s), if different from above:**
Name Timothy and Anne Walsh, Trust
Property Address 22146 Warner Lane
City Elysian State MN Zip 56028
Phone # 515 226 0200 Phone # 515 710 5111
- III. **Parcel Information:**
Parcel Number 04.800.0110 Parcel Acreage 0.00
Legal Description-Full legal description must be attached (not from tax statement)
please see attached copy of deed
- IV. **Variance Request:**
To create impervious surface in the shore
impact zone and to create 43' to impervious surface.
mem
- V. **Township Notification: Township must be notified of proposed request prior to application.**
Elysian Township notified on 2-11-2015
(Township Name) (Date)
Board Member Linus 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 *n/a*
- ☒ g. Surveyor Certification
- ☐ d. Floor plans and/or blue prints *(For structures) n/a*
- ☐ e. Septic System Compliance Inspection *n/a*
- ☒ 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.
Request to repair damage to existing
patio and retaining wall structure.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
None that I am aware of at this time.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
Excessive rain caused overflow from land
directly across from property. Culvert structure,
improperly maintained and unable to handle excessive
flow. Culvert has since been repaired by myself and
neighbor.
4. How will the request maintain the essential character of the locality?
Yes, repairs will maintain the essential character of
the locality.
5. Does the alleged practical difficulty involve more than economic considerations?
No, not that I am aware of at this time.
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
Yes, to the best of my knowledge
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
Request is consistent with the Comprehensive
Land Use Plan.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
N/A to this repair.
9. Explain why this request is the minimum variance amount to afford relief.
Request is for 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.

Anne J. Walsh
Applicant signature

3-9-2015
Date

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

Anne J. Walsh
Land Owner signature

3-19-2015
Date

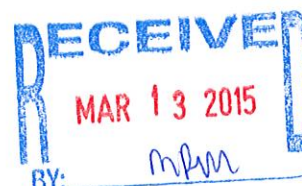
OFFICE USE ONLY		
Date received <u>4-15-15 - Survey</u> <u>3-17-15 - Survey</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' <u>1000'</u> <u>N</u>
Meeting date <u>5-21-15</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>6-20-15</u>	Lake <u>Frances</u>	Water courses <u>Y</u> <u>N</u>
FEMA Panel # <u>27079C42SD</u>	Flood Zone <u>X outside</u>	Bluff <u>new</u> <u>Y</u> <u>N</u>
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Septic <u>11-10-10</u> <u>CI / DESIGN</u> <u>ecor</u>
<input checked="" type="checkbox"/> Site Plan - survey <u>3-17-15</u>	<input checked="" type="checkbox"/> Access approval	<input checked="" type="checkbox"/> Fee \$ <u>6460</u> <u>ATF / SPEC MTG</u>
<input checked="" type="checkbox"/> Full legal	<input checked="" type="checkbox"/> Blue Prints	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Application complete	<input checked="" type="checkbox"/> Written Detail of Var	
<u>Michelle R. Miller</u> Planning & Zoning Department Signature	<u>4-21-15</u> Date	<u>15062</u> Permit #

04-15-13

15-Day - 11-24-14
3-18-15

BFE 1024.7
RFE 1025.7

DHWL 1023.5



March 9, 2015

Michelle R. Mettler
Le Sueur County Environmental Services
Assistant Planning and Zoning Administrator
88 South Park Avenue
Le Center, Minnesota 56057

Parcel Number: 04.800.0110

Dear Michelle,

Attached via email is my Variance and Conditional Use Permit (CUP) application. Per our discussions, I am submitting this material for the April Planning and Zoning Commission meeting.

1. Written Detail or Description of Variance/CUP Variance Application – see below
2. CUP Application
3. Township Notification
4. Full Legal Description
5. Erosion Control Plan

Thank you in advance for your consideration of these applications. I look forward to hearing from you on how to proceed for the April meeting.

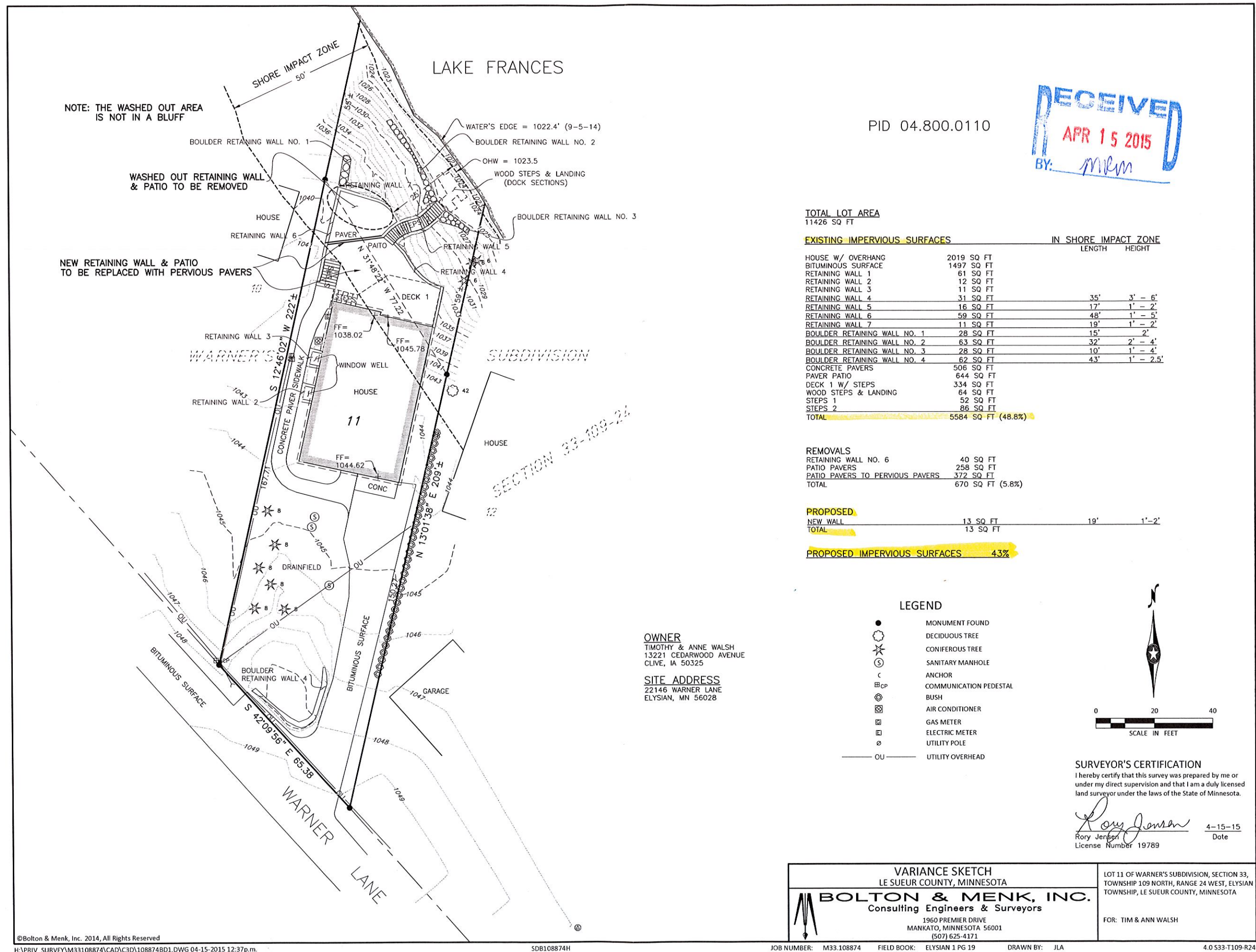
Anne J. Walsh

Anne Walsh
13221 Cedarwood Avenue
Clive, Iowa 50325
Phone: 5152260200
twalsh5@msn.com

Description of Request for CUP and Variance Applications:

Permission to repair a portion of our patio and retaining wall damaged in June 2014. Excessive rain caused overflow from land directly across from property. The culvert structure was determined to be inadequately maintained and therefore unable to handle the volume of water. We have since repaired the culvert at our own expense to eliminate any future incidents.





Le Sueur County

Surveyor Certification

- I. Applicant:
Name TIM & ANNE WALSH
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 04.800.0110
- 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 3-11-15, 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.

Roy Jensen
Surveyor's signature

3/25/15
Date

19789
Lic #



OFFICE USE ONLY

Nichelle R. Smith
Planning & Zoning Authority signature

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

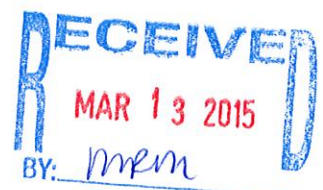
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Timothy & Anne Walsh Trust PID: 04.800.0110
Mailing Address: 13221 Cedarwood Ave, Clive, IA 50325
Property Address: 2246 Warner Lane, Elysian, MN 56028
Phone: (515) 226 0200 Mobile/Cell: (515) 7105111

Responsible party for Implementation/Inspection: Corey Atherton / Anne Walsh
Address: 13221 Cedarwood Ave, Clive, IA 50325
Phone: (515) 226 0200 Mobile/Cell: (515) 7105111

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.

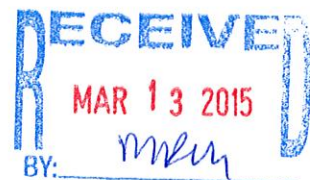
Anne Walsh
(Property Owner)

Anne Walsh
(Person Responsible for Implementation)

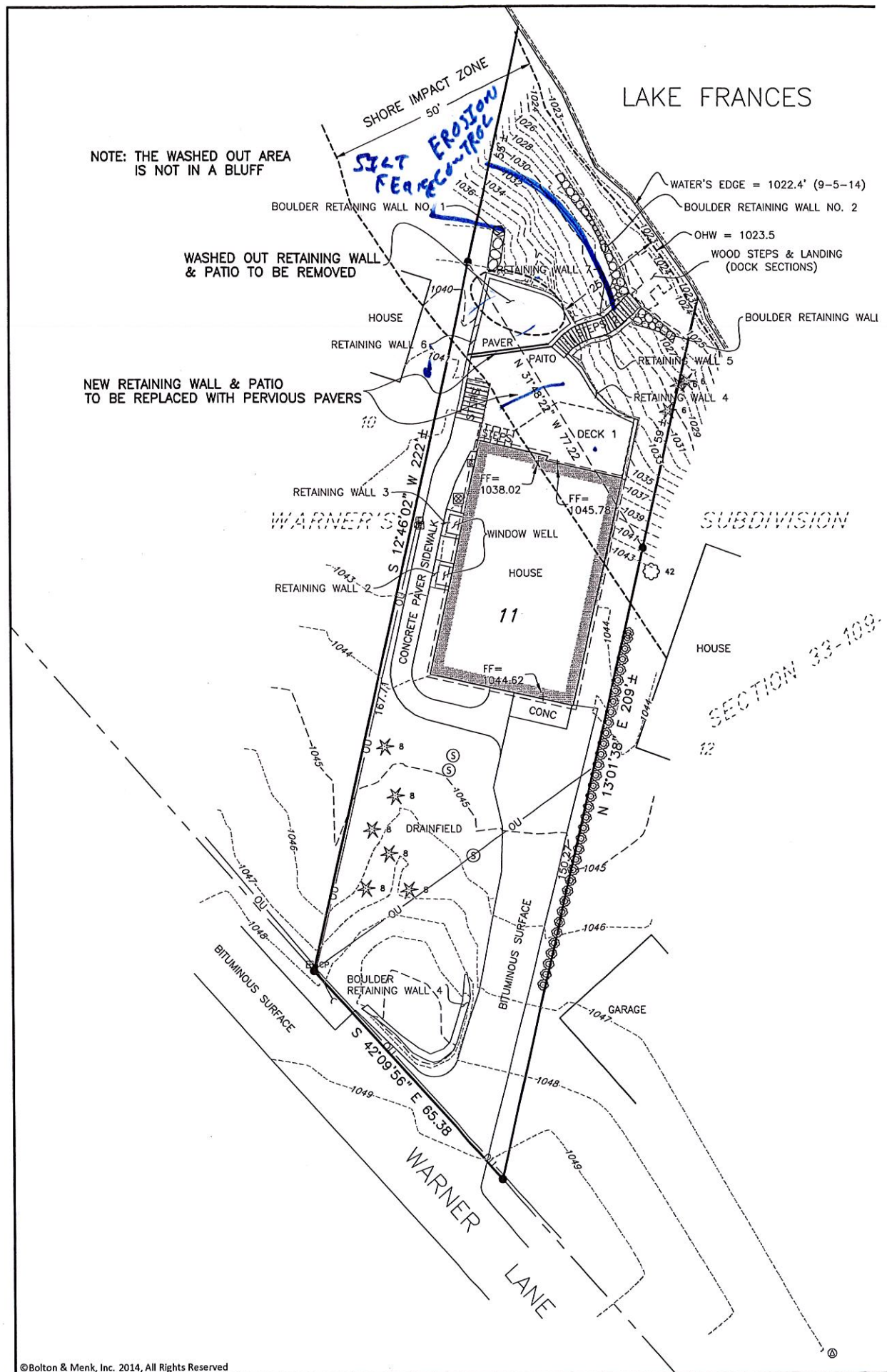
3-9-2015
(Date)

3-9-2015
(Date)

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



EROSION CONTROL MAP



372091

Document # 372091

Office of County Recorder
Le Sueur County, MinnesotaI hereby certify that the within instrument
was filed in this office for record on
December 03, 2010 10:00 AM
Sharon J. Budin, Recorder

Page: 2 AP

State Deed Tax paid \$1.65

TRANSFER ENTERED
This 3 day of Dec 2010
[Signature]
County Auditor
by _____ DeputyQUIT CLAIM DEED
Individual(s) to Individual(s)Minnesota Uniform Conveyancing Blanks
Form 10.3.1 (2010)

DEED TAX DUE: \$ 1.65

DATE: _____
(month/day/year)

FOR VALUABLE CONSIDERATION, Timothy W. Walsh and Anne T. Walsh, husband and wife

(insert name and marital status of each Grantor)

("Grantor"),

hereby conveys and quitclaims to Timothy W. Walsh and Anne T. Walsh, or their Successor(s), as Trustee of the Timothy W. Walsh
(insert name of each Grantee)Revocable Trust U/A/D October 29, 2010, an undivided one-half (1/2) interest, and to * ("Grantee"), real property
in LeSueur County, Minnesota, legally described as follows:

*Anne T. Walsh and Timothy W. Walsh, or their Successor(s), as Trustee of the Anne T. Walsh Revocable Trust U/A/D October 29, 2010, an undivided one-half interest, all our right, title and interest in

Lot 11 of Warner's Subdivision, being a part of the Government Lot 4, and part of the Northeast Quarter of the Southeast Quarter of Section 33-109-24, as per the recorded Plat thereof on file and of record in the Office of the Register of Deeds, in and for LeSueur County, Minnesota,

04.800.0110

together with all hereditaments and appurtenances belonging thereto.

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☒ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

[Signature]
(signature) Timothy W. Walsh*[Signature]*
(signature) Anne T. WalshRECEIVED
MAR 26 2015
RV

Page 1 of 2

State of ~~Minnesota~~, County of Iowa, County of Polk

This instrument was acknowledged before me on 11/2/2010, by Timothy W. Walsh and Anne T. Walsh,
(month/day/year)
husband and wife
(insert name and marital status of each Grantor)

(Seal, if any)

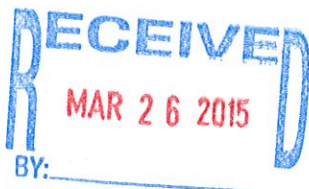
*(signature of notary officer)*Title (and Rank): Universal Banker U.S. BankMy commission expires: 1/26/2012
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Christine B. Long
 Duncan, Green, Brown & Langeness, P.C.
 400 Locust Street, Suite 380
 Des Moines, Iowa 50309-2363
 Telephone: (515) 288-6440
 Telecopier: (515) 288-6448

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
 INSTRUMENT SHOULD BE SENT TO:
(insert name and address of Grantee to whom tax statements should be sent)

Timothy W. and Anne T. Walsh
 13221 Cedarwood Avenue
 Clive, Iowa 50325-8571







LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Walsh
 PID: 04.800.0110
 DATE: 05-12-15
 FIRM #: 27079C0425D
 F-Zone: X-Outside
 RFPE: 1025.7
 District: Recreational Residential



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



Map Disclaimer

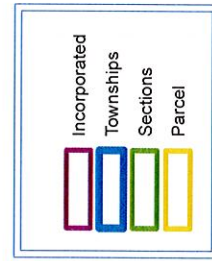
*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional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



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, May 21, 2015

Regular Session

Item 1

04-16-15 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
April 16, 2015**

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

OTHERS PRESENT: Kathy Brockway, Amy Beatty, Commissioner Connolly

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

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.**

Mark Perkins was present for application. Township: Notified through the application process. DNR: None. Letters submitted: Amy Beatty, County Feedlot Officer (see file).

Public Comments: none

Discussion was held regarding: history of parcel, storm damage, allowed to rebuild after tornado, no complaints on file, 3 buildings originally, constructed 1 barn, adding 1 additional barn, expansion requires a conditional use permit.

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

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.**

Mark Perkins was present for application. Township: Notified through the application process. DNR: None. Letters submitted: Amy Beatty, County Feedlot Officer (see file).

Public Comments: none

Discussion was held regarding: history of parcel, storm damage, allowed to rebuild after tornado, no complaints on file, 3 buildings originally, constructed 1 barn, adding 1 additional barn, expansion requires a conditional use permit, checked with neighbors no land available in order to bring lot into compliance, land application will be discussed through the conditional use permit process.

Motion was made by Fritz Cummins to approve the application as written. Seconded by Colin Harris. Motion approved. Motion carried.

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.**

Rob Hermel was present for application. Township: Kilkenny Township contacted through variance process, no objections. DNR: no comments. Letters submitted: none.

PUBLIC COMMENT: none

Discussion was held regarding: explained application, need additional room for family, portion of the home will be removed once the new construction is completed, foundation is crumbling on portion of home that needs to be removed, no other options for the addition.

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

Minutes: Additions or corrections-None. Motion to approve minutes from March 19,2015 meeting by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.

Motion to adjourn meeting by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Kathy Brockway
Secretary

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