



Le Sueur County, MN

Thursday, July 16, 2015

Regular Session

Item 2

Podratz Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Karl Podratz
911 ADDRESS: 49145 Sportsman LN, Waterville MN
VARIANCE REQUEST: To allow the applicant to install a holding tank 2 feet from the road Right-Of-Way (ROW).
VARIANCE NUMBER: 15117
PARCEL NUMBER: 04.780.0060

SITE INFORMATION

LOCATION: Lot 9, Tetonka Beach Sudivision, Section 24, Elysian Township
ZONING & PURPOSE: Recreational Residential & Flood Fringe Flood Plain Overlay

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.

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 off Sportsman Lane
LAKE: Lake Tetonka, 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, Letter from the Dept of Health

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. Septic tank to road ROW:	2 feet	10 feet	Section 17, Subdiv. 4. D. 4.	17-9
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

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.
3. **Additional Considerations:**
 - a. A Variance was granted to Mr. Podratz from the Department of Health on May 22, 2015. The Variance was granted to place the proposed sewage holding tank no closer than 38 feet from the water-supply well located at 49153 Sportsman Lane and no closer than 39 feet from the shared well serving the subject property but located at 49129 Sportsman Lane.

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: 6/10/2015 PERMIT NUMBER 15117 FEE: \$646.00
60 DAY RULING DATE: 8/11/2015

APPLICANT: KARL PODRATZ
ADDRESS: 130 SALEM DR
CITY: ROCHESTER
STATE: MN
PHONE: 507-286-9075

ZIP: 55902

PROPERTY OWNER: KARL PODRATZ
ADDRESS: 49 145 SPORTSMAN LN
CITY: WATERVILLE
STATE: MN
PHONE: 507-286-9075

ZIP: 56096

PARCEL NO: 780.0060 TOWNSHIP: ELYSIAN 911: 49145 SPORTSMAN LANE WATERVILLE
SEC: 24 SUBDIV: TETONKA BEACH SD
TWP: 109 LOT: 9 ZONE: RR/FF
RANGE: 24 BLOCK: FEMA PANEL #: 27079C0425D
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 APPLICANT INSTALL A HOLDING TANK 2 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

6/10/15
DATE


LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

7-16-15
DATE

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

ON-SITE TOUR DATE: 7/16/2015	
PUBLIC HEARING DATE: 7/16/2015	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

DATE

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

VARIANCE FINDINGS OF FACT

Name of Applicant: KARL PODRATZ

Variance # 15117

Variance Request: TO ALLOW THE APPLICANT INSTALL A HOLDING TANK 2 FEET FROM THE ROAD ROW.

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

Explain _____

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

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

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

Explain _____

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

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

Explain _____

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

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

() APPROVED

() DENIED

CONDITIONS:

Applicant response to conditions:

Agree ()

Disagree ()

Reasons:

Board of Adjustment Chairman

Date

Le Sueur County

Variance Application

I. Applicant:

Name Karl Podratz
Mailing Address 130 Salem Dr.
City Rochester State MN Zip 55902
Phone # 507-286-9075 Phone # _____

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

Name _____
Property Address 49145 Sportsman Lane
City Waterville State MN Zip 56096
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 04.780.0060 Parcel Acreage _____
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:

To install 1500 gallon holding tank needing a 2' road setback.

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

Elysian Township notified on 6/5/15
(Township Name) (Date)

Board Member Steve Tolman 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.

Can't fit anything else on the lot

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

The lot is too small for a conventional septic system. There is only room for a holding tank

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

Lot size has not changed over the years. It was purchased this size, we are just trying to conform to code with what we have.

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

The use of the cabin property will be up to code. Looks of the lot can stay with the character of the other cabins on the road.

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

Yes - septic does not meet code. Upgrade is necessary to comply with current code.

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

Installing the holding tank will protect the residents, health, safety, & welfare

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

This will meet water quality goals

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

The current system does not meet current code or water quality. The new holding tank will meet all current code

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

We have a well setback to meet, lake setback to meet, road setback to meet. There is no room on the lot for anything else.



XII. Signatures:

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

[Signature] 5/13/2015
Applicant signature Date

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

[Signature] 5/13/2015
Land Owner signature Date

OFFICE USE ONLY

Date received 6-10-15 Present Zoning Classification RR/FF Feedlot within 500' 1000' (N)
Meeting date 7-16-15 Lake Classification RD Erosion Control Plan Y (N)
60 Day 8-11-15 Lake Tetonka Water courses Y (N)
FEMA Panel # 27079(04250) Flood Zone AE-100 YR Bluff Y (N)
☐ Surveyor Certificate ☒ Ordinance ☒ Septic CI / DESIGN
☒ Site Plan -survey ☐ Access approval ☒ Fee \$ 646 ATF / SPEC-MTG
☒ Full legal ☐ Blue Prints ☐ Other _____
☒ Application complete ☒ Written Detail of Var

[Signature] 6-10-15 1917
Planning & Zoning Department Signature Date Permit #

04-15-13

RFPE : 1006.08

RECEIVED
JUN 10 2015
BY: mem

6/8/15

Variance request for 49145 Sportsmen Lane, Waterville: PID: 04.780.0060

We are asking for a variance to bring our current non-compliant septic system up to code.

We need a variance for installation of a holding tank because nothing else will fit. We have gotten a variance from the State of Minnesota, for 2 well setbacks of 39' and 38'. We need a 2' road setback to make the tank fit in the only area that the State requested us to install it. We have no other option for placement of the holding tank.

Karl Podratz

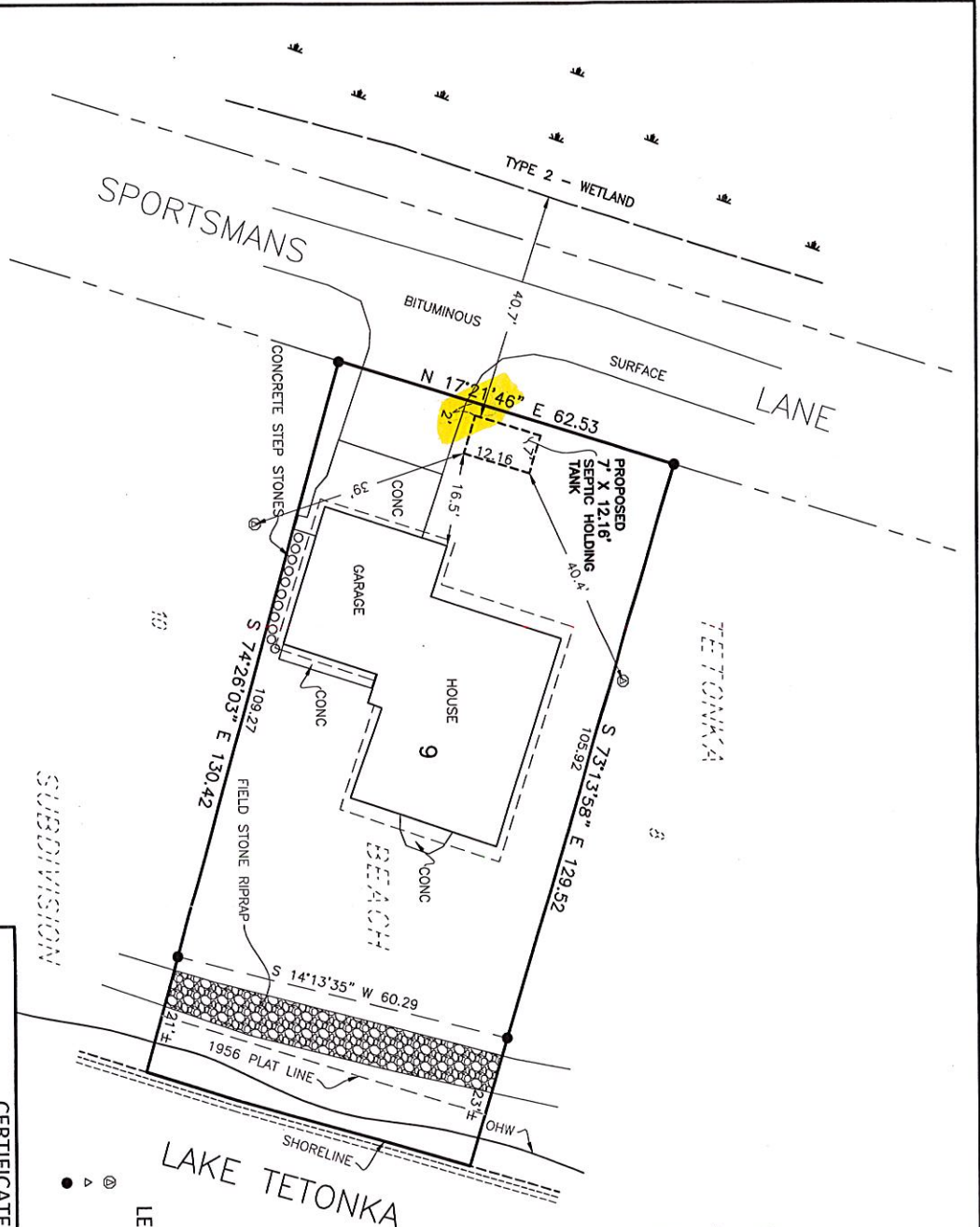


BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

LOT 9, TETONKA BEACH SUBDIVISION, SECTION 24,
TOWNSHIP 109 NORTH, RANGE 24 WEST, 1E
SUEUR COUNTY, MINNESOTA

FOR: KARL PODRATZ



LEGEND

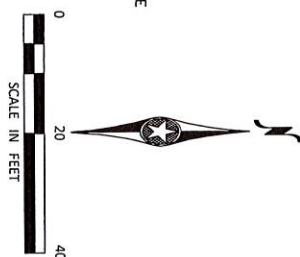
⊙ WELL
△ CONTROL POINT
● MONUMENT FOUND

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

5-14-15
Date



OWNER
KARL PODRATZ
130 SALEM PT DRIVE
ROCHESTER, MN 55902

SITE ADDRESS
49145 SPORTSMANS LANE
WATERVILLE, MN 56096

TOTAL LOT AREA	
7697 SQ FT	
EXISTING IMPERVIOUS SURFACES	
HOUSE W/ OVERHANG	1880 SQ FT
CONCRETE STEP STONES	19 SQ FT
BITUMINOUS SURFACE	283 SQ FT
CONCRETE SURFACES	267 SQ FT
TOTAL	2428 SQ FT (31.5%)

PID 04.780.0060

RECEIVED
MAY 19 2015
BY: mclm

Le Sueur County

Surveyor Certification

- I. Applicant:
Name KARL PODRATZ
- II. Property Owner (s), if different from above:
Name _____
Property Address _____
City _____ State _____ Zip _____
- III. Parcel Information:
Parcel Number 04.780.0060
- 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 5/11/15, 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 Juma
Surveyor's signature

6/4/15
Date

19789
Lic #

OFFICE USE ONLY

6-9-15
Date received

Michelle R. Meeth
Planning & Zoning Authority signature

10-01-11



Protecting, maintaining and improving the health of all Minnesotans

May 22, 2015

Refer to: TN 5202



Mr. Wayne James
James Brothers Construction, Inc.
43963 43rd Street
P.O. Box 59
Elysian, Minnesota 56028

Mr. Karl Podratz
130 Salem Point Drive
Rochester, Minnesota 55902

Dear Mr. James and Mr. Podratz:

Subject: Variance from Minnesota Rules, Chapter 4725, for Construction of a Subsurface Sewage Treatment System (SSTS) Holding Tank on the Karl Podratz Property at 49145 Sportsmans Lane, Waterville, Located in the NE ¼ of the NE ¼ of the NE ¼ of Section 24, Township 109 North, Range 24 West, Elysian Township, Le Sueur County Minnesota, Property Identification Number 04.780.0060

This letter is in response to your request for a variance from Minnesota Rules, chapter 4725, to install a sewage holding tank on the subject property not less than 38 feet from the existing water-supply well on the neighbor's property to the south at 49153 Sportsmans Lane and not less than 39 feet to the shared well on the adjacent property to the north at 49129 Sportsmans Lane. The holding tank would replace an existing noncompliant on-site sewage system.

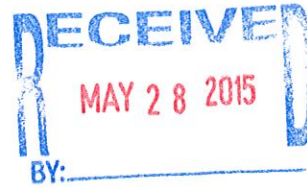
Minnesota Rules, part 4725.4450, subpart 1, item E requires that a water-supply well must be located at least 50 feet from a watertight sewage holding tank. Minnesota Statutes, section 103I.205, subdivision 6 requires that a person may not place, construct, or install an actual or potential source of contamination any closer to a well than the isolation distances prescribed by the commissioner of health by rule unless a variance has been prescribed by rule.

Information provided in the variance application indicates that the proposed sewage holding tank would replace the existing sewage system, which consists of a tank and possibly a drainfield. The existing system would be removed from service when the new tank is installed.

Mr. Peter Zimmerman of the Minnesota Department of Health (MDH) Rochester district office and Mr. Andrew Nicolin of Le Sueur County inspected the subject site on May 11, 2015. Mr. Zimmerman reported that there is no location on the subject property for the proposed holding tank that satisfies all of the isolation distance requirements of Minnesota Rules, chapter 4725. The proposed location seems to be the best possible location for the tank given the existing layout and locations of the well, buildings, and Tetonka Lake. Installation of the new sewage holding tank would allow for the removal of the existing sewage system, which would result in a net reduction in contaminant loading to the environment.

General Information: 651-201-5000 • Toll-free: 888-345-0823 • www.health.state.mn.us
An equal opportunity employer

Mr. Wayne James
Mr. Karl Podratz
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TN 5202



Information provided in the variance application indicates that the well serving the subject property is shared with 49129 Sportsmans Lane and is a 5-inch diameter well and is finished at an unknown depth. The well head for the well at 49153 Sportsmans Lane is buried and is also a 5-inch diameter steel cased well. There are no construction records on file at the MDH for these wells. According to Mr. Brian Bemis of Bemis Well Drilling LLP, most wells on Sportsmans Lane were installed by cable tool method by his father, but his father did not keep records on the construction of these wells. Mr. Bemis indicated that the wells installed on Sportsmans Lane were screened just above the rock or were installed into the rock at depth of between 80 and 100 feet. A nearby recently drilled well, Minnesota Unique Well Number 781485, located at 49335 Sportsmans Lane, shows the local geology to consist of topsoil from 0 to 1 foot deep, sand from 1 to 7 feet, clay and sand from 7 to 19 feet, clay from 19 to 42 feet, sand from 42 to 45 feet, clay from 49 to 74 feet and limestone from 74 to 120 feet deep.

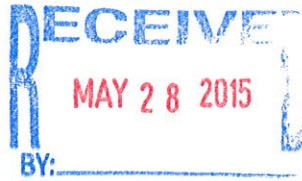
Based on Mr. Zimmerman's inspection, information provided in the variance request, information provided in the survey completed by Bolton & Menk, Inc, dated 5-14-15, and in accordance with Minnesota Rules, chapter 4725, **your request for a variance is granted to place the proposed sewage holding tank no closer than 38 feet from the water-supply well located at 49153 Sportsmans Lane and no closer than 39 feet from the shared well serving the subject property but located at 49129 Sportsmans Lane.** The variance is granted because there is no feasible alternative location on the subject property that will satisfy all required isolation distances. The proposed location for the sewage holding tank maximizes the available separation from the well.

Because the isolation distance between the proposed holding tank and the existing well is less than required in rule, additional construction methods and precautions are required in order to reduce the potential for contamination of the well and groundwater. Adherence to the following list of additional conditions and requirements should provide the necessary additional protection for the well and groundwater.

The variance is granted with the following conditions:

1. You must contact Mr. Zimmerman at 507-206-2737 and Mr. Nicolin of Le Sueur County Community Health at 507-357-8231 at least 24 hours prior to beginning installation of the sewage holding tank so that an inspector may be present during this work.
2. The well casing for the shared well located at 49129 Sportsmans Lane must be extended to a minimum of 12-inches above the ground surface and the shallow manhole around the well must be filled with soil. The casing extension materials and methods must comply with Minnesota Rules, chapter 4725.

Mr. Wayne James
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TN 5202

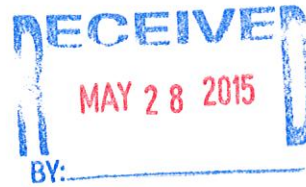


3. The holding tank must be located as far as practicable, but not less than 38 feet from the existing water-supply well at 49153 Sportsmans Lane and not less than 39 feet from the well serving the subject property but located at 49129 Sportsmans Lane, and not less than 50 feet from any other water-supply well.
4. The installation and operation of the proposed sewage holding tank must be in accordance with all state and local permitting and construction requirements. The owner must maintain a contract for regularly scheduled pumping of the holding tank, or the holding tank must have an alarm device to minimize the chance of accidental sewage overflows, in accordance with Minnesota Rules, part 7080.2290.
5. Any new or replacement buried sewer pipe for the proposed SSTs system must be located a minimum of 50 feet from a water-supply well, except that a buried sewer pipe may be located a minimum of 20 feet from a water-supply well if the sewer pipe is cast-iron or plastic pipe that meets the materials and pressure testing specifications of Minnesota Rules, parts 4715.0530 and 4715.2820 (Minnesota Plumbing Code). Approved materials include cast-iron pipe, or plastic pipe with ASTM designations D2665, D3034 or F891 for PVC or ASTM designations D2661, D2751, or F628 for ABS pipe as prescribed in the Minnesota Plumbing Code. A successful pressure test must be performed in the presence of an MDH representative or local zoning or health official, or the pressure test must be performed and documented by a bonded plumber. Documentation must be signed by the tester, and must identify the sewer materials and verify that the sewer was successfully tested at a uniform pressure of 5 pounds per square inch for 15 minutes, as per Minnesota Rules, part 4715.2820.

Enclosed for your convenience is a "Documentation of Buried Sewer Construction and Pressure Testing" form for reporting the results of the required pressure test and materials verification. Please mail any documentation of the sewer materials and testing to Mr. Andrew Nicolin, Le Sueur County Community Health, 88 South Park Avenue, Le Center, Minnesota 56057.

6. The existing sewage disposal system on the subject property must be permanently removed from service in accordance with applicable state and local requirements. All solid and liquid contents of the existing tank must be removed and properly disposed. A nonwatertight tank must be removed, together with any visibly contaminated soil. Excavated materials must be properly disposed of, and the portion of the excavated area that is not used for the new system must be filled with clean fill.
7. All other provisions of Minnesota Rules, chapter 4725, are in effect.

Mr. Wayne James
Mr. Karl Podratz
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May 22, 2015
TN 5202



Alternative measures or conditions attached to a variance have the force of law and effect of applicable rule. If a party violates the alternative measures or conditions attached to the variance, the party is subject to enforcement actions and penalties provided in the applicable law or rule.

This variance is conditioned upon the applicable acceptance of and compliance with the conditions of the variance. Failure by the applicant to comply with the conditions prescribed in the variance will result in the immediate expiration of the variance.

If you have any questions, please contact Mr. Zimmerman at 507-206-2737 or Mr. Ed Schneider at 651-201-4586.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris D. Elvrum".

Christopher D. Elvrum, Manager
Well Management Section
Environmental Health Division
P.O. Box 64975
St. Paul, Minnesota 55164-0975

CDE:PJZ:dg

Enclosure

cc: Andrew Nicolin, Le Sueur County Community Health

No. One



Abstract of Title

TO
THE FOLLOWING DESCRIBED REAL ESTATE
SITUATED IN

Lot Numbered Nine(9), of Tetonka Beach Subdivision of a part of Section Numbered Twenty-Four(24), in Township Numbered One Hundred Nine(109), North, of Range Numbered Twenty-Four(24), West of the Fifth P.M., according to the Plat of such Subdivision on file and of record in the Office of the Register of Deeds in and for said County and State, Subject to, and with the benefits of, the Restrictions, regulations and provisions attached to and made a part of such Subdivision, in LeSueur County and State of Minnesota.

RECEIVED
MAY 18 2015
BY: _____

NAME: Podratz
PID: 04.780.0060
DATE: 7-7-15
FIRM #: 27079C0425D
F-Zone: AE-100 YR FP
RFPE: 1006.08
District: Recreational Residential
Flood Fringe



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.



Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
507-357-8538

Sanders Slough	33	32	KILKENNY
German Rice	2	1	6
5	4	10	11
8	9	Sassaparilla	7
Roerhilds	16	15	14
ELYSIAN	20	21	22
20	21	22	23
Round	28	27	Peach
29	Francis	RAY	ELYSIAN
32	33	ELYSIAN (Main Lake)	31

- | 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 | |