

Le Sueur County, MN

Thursday, July 16, 2015 Regular Session

Item 4

Conlon-Christian Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT:

Michelle & Jerome Conlon

OWNER:

Christian Family LP

911 ADDRESS:

NEW Willow Road, St Peter MN

VARIANCE REQUEST:

To allow the applicant to construct a single-family dwelling 39 feet from the road Right-Of-

Way (Willow Road-formerly named Valleyview drive) and 44 feet from the road Right-Of-

Way (Hunters Road).

VARIANCE NUMBER:

15125

PARCEL NUMBER:

05.455.0190

SITE INFORMATION

LOCATION:

Lot 6, Block 2, Emily Heights, Section 27, Kasota Township

ZONING & PURPOSE:

Urban/Rural Residential "R1"

The Urban/ Rural Residential (R1) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GENERAL SITE

DESCRIPTION:

Residential

ACCESS:

New off Willow Road

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 road ROW:

39 & 44 feet

65 feet

Section 9, Subdiv. 5. B.3.

9-6

- 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.
- 6. 'Valleyview Drive' was the original name of the road when the property was platted. Now the road is Willow Road.

CONSIDERATIONS

Page 1 of 2

- 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.
 - Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CONDITIONS

- 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

				THE RESIDENCE OF THE PARTY OF THE PARTY.			
APPLICATION OF THE APPLICATION O	JII DILLE.	6/2016 P 15/2015	ERMIT NUMBE	R 15125	FEE:	\$796.00	
	: MICHELLE & JE 1509 ROCKBENI ST PETER MN 507-720-2099	EROME CONLOND PKWY ZIP: 56082	PROPERTY OV ADDRESS: CITY: STATE: PHONE:	PO BOX 156 LE CENTER MN 507-357-2278	TIAN FAM	56057	
PARCEL NO:	05.455.0190	TOWNSHII	: KASOTA	911: NEW	MILLOW	ST PETER	(20124)
SEC:	27	SUBDIV:	EMILY HEIGHTS				(mem)
TWP:	110	LOT:	6	ZONE:	NIEST #	R1 27079C0237D	
RANGE:	26	BLOCK:	2	FEMA PA		X OUTSIDE	
Q/Q:		ROAD:	TWP	FLOOD Z	MINISTER AND DESCRIPTIONS	-	
petition your Ho following facts a	onorable Bodies to go re presented: on for Requeste ALLOW THE APP	grant a variance, a ed Variance: LICANT TO CON	the property described is hereinafter designat STRUCT A SINGLE-F AND 44 FEET FROM T	ed, and in suppor	NG 39 FEE	T FROM	
 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: 							
7 Mic	APPLICANT/I	PROPERTY OWN	NER	· A	DATE	2015	
- Ver	hille /	outer		- Gun	DATE.	JU	
LE SUPUR C	OUNTY PLANNI	NG AND ZONIN	IG AUTHORITY	/	DATE		
(** FEES ARE NON-REFUNDABLE**						
	ON-SI	TE TOUR DA	TE:	/2015			
PUBLIC	HEARING DA	ГЕ:	7/16/2015	ACTION:			
	AS WRITTEN			WITH C	CONDITION	IS	
	BOARD OF ADJU	STMENT CHAIL	RMAN		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: MICHELLE & JEROME CONLON

Variance # 15125

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 39 FEET FROM THE ROAD ROW (VALLEYVIEW DR) AND 44 FEET FROM THE ROAD ROW (HUNTERS RD).

- 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?	JM JW JD CH FC
				Explain	
	Y	N	2.	Is the alleged practical difficulty unique to the property?	JM JW JD CH FC
				Explain	
	Y	N	3.	Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?	JM JW JD CH FC
				Explain	
	Υ	N	4.	Will the issuance of the Variance maintain the essential character of the locality?	JM JW JD CH FC
				Explain	
	Υ	N	5.	Does the alleged practical difficulty involve more than economic considerations?	JM JW JD CH FC
				Explain	that of the official controls
F.	Va	riar	ces	shall only be permitted when they are in harmony with the general purposes and i	ntent of the official controlor
				Is the Variance consistent with and supported by the statement of purposes, policies,	goal and objectives in
	Υ	N	6	the Ordinance?	
				Explain	JM JW JD CH FC
				7. Is the Variance consistent with the Comprehensive Plan?	JM JW JD CH FC
	1	r	'	Is the validation consistent markets	3111 011 05
				Explain	STUDYE DEEN MET
G.	ı	FΑ	LL 1	THE ANSWERS ARE " <u>YES",</u> THE CRITERIA FOR GRANTING THE VARIANC	E HAVE BEEN WILL.
		_	-		
		() A	PPROVED () DENIED	
		CO	NDI	TIONS:	
			NO		
		Αį	plic	cant response to conditions: Agree () Disagree ()	
		F	easo	ons:	
		*//			
				Date	
200		-		of Adjustment Chairman	

Le Sueur County

Va	riance Application
I.	Applicant: Name Michelle Conlon & Jerome Conlon Mailing Address 1509 Rockbend PKWY City 6+ Peter State MN Zip 56082 Phone # 507-720-2099 Phone # 507-381-1830
II.	Land Owner (s), if different from above: Name
III.	Parcel Information: Parcel Number <u>05.455.0190</u> Parcel Acreage <u>1.25</u> Legal Description-Full legal description must be attached (not from tax statement), Heights Sub Division Lot Lo Block 2
	Variance Request: 39 39 'Setback instead of 65' from Willow Road and West Setback instead of 65' from Hunters Road
V.	Township Notification: Township must be notified of proposed request prior to application. Lasta Township notified on Sunc 2 2015

VI. Quantities and Submittal Formats:

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted, if in <u>color</u>, an <u>aerial</u>, or <u>larger than 8.5" x 11" in size</u>,
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.
- e. 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**.
- f. All required information must be correct and submitted <u>at the time of application</u>, or the application will not be accepted.
- g. 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
- Lakes
- Existing structures (within and adjacent to project area)

- Setbacks
- Rivers
- Proposed Structures

- Property linesRoad Right-Of-Way
- Wetlands
- Lot DimensionsSeptic System

- Easements
- StreamsPonds
- Septic SysWell

- Access
- i ondo
- 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.

VIII. Attachments shall include but not limited to:

a. Site Plan-survey

d. Floor plans and/or blue prints (For structures)

☑ b. Full legal description

e. Septic System Compliance Inspection

c. Access approval

f. Erosion control plan

g. Surveyor Certification

🛮 🗹 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. Due to the unique to pography of this lot a low spot that iBan hold water has been created this is forcing the placement of the home and spotic to be such that a variance is necessary to meet all other setback + covenant requirement
2.	What are the unique circumstances of this property that prevent compliance with the
	Zoning Ordinance that will result in a practical difficulty? The to paraphy with the low spot dictates the placement of the homeland septic system to comply, be the least intrusive to the environment, and in doing so meet all otherset backs except for the request.
3.	Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner. As other landowners have put in culverts and due to the topography there is a low spot on the property that can have water in it. In trying to meet the covenant requirements of a 3 car garage and 170000 ft on the main floor of disingle story home and all other and 170000 ft on the main floor of disingle story home and call other
4.	and 1700 sq ff on the main floor of a single story have a second road on the septic regire ments it has been a challenge; there is also a second road on the How will the request maintain the essential character of the locality? Plat that regires addition that this variance we will not have to disturb the woods set back or creek on the back half of the property and allows us to keep the home in compliance with neighborhood covenants
5.	Does the alleged practical difficulty involve more than economic considerations? Yes this is not about finances in any way the low area pushes the home forward and to the Left
6.	Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? V13, Coal 1, 2+3 have no effect Coal 4 Would be met and Coal 5, 6+7 have no effect
7.	Describe how the request is consistent with the Comprehensive Land Use Plan. This property was meant to be that for a single family dwelling. To date it has been left vacant because of these hardships. By allowing the variance this parcel may finally be permitted to fulfill its parpase through boal #4 and provide the opportunity for Urbans Rural Housing Development it is already designated as. Describe the properties current, and any proposed, onsite sewage treatment and water
8.	We have allowed for a primary + secondary septic drainfield site
9.	setbacks as well as placing them on virgin soil and away from the lowspot on the property. Also creek setback is maintained + least amount of disturbance to trees.

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. Applidant signature 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 OFFICE USE ONLY Feedlot within 500' Date received \(\(\(\lambda - \lambda \) \(\lambda - \lambda \) Present Zoning Classification Erosion Control Plan Lake Classification _ Water courses FEMA Panel #270790257D Flood Zone ____ Bluff CI / DESIGN Septic map Ordinance Surveyor Certificate Fee \$ 6 40 ATF / SPEC MTG Access approval Site Plan -survey

Blue Prints

Written Detail of Var

☐ Other _

Application complete

Full legal

04-15-13

Written Detail of Variance

We are asking for a variance on two setbacks for the lot located in the Emily Heights Subdivision Lot 6 Block 2. This lot is one of only two lots left in this subdivision. Other parties have declined purchasing this lot due to the hardships it presents. Our hope is that with this variance the said lot may finally be used for the purpose which it was designated as a single family dwelling homestead.

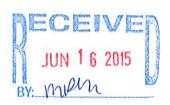
The lot is 1.25 acres but is ½ trees and creek. In addition the topography has a low spot that is unbuildable due to water that stands in this location after it rains. The location of the low spot forces the home to be placed at the front left of the property with the septic behind. This location is:

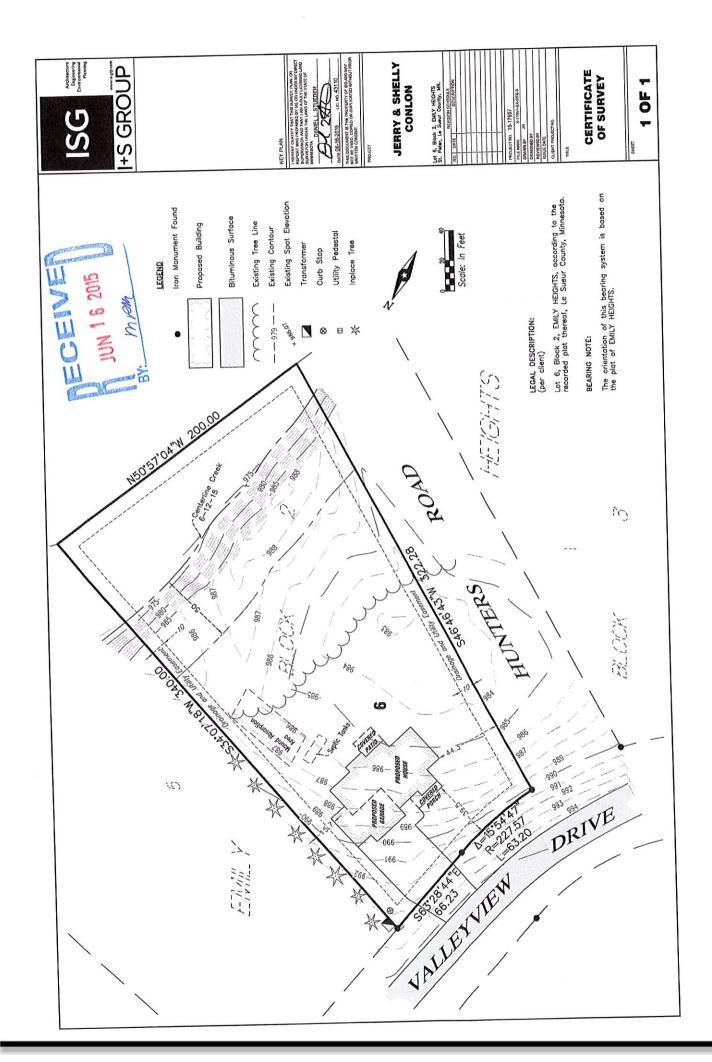
- the least intrusive to the natural vegetation occurring on the property along the creek
- meeting all other setbacks for the creek
- allowing the septic to be placed without variance
- avoiding the low area
- asking the least variance possible to still meet the covenant requirements for a one story home in this subdivision of a 3 stall garage and a minimum of 1700 square feet on the main floor.

The variance requested is:

- a 39' setback instead of a 65' from the Willow Road right of way on the front property line and
- a 44' setback instead of a 65' from the Hunter's Road right of way which only exists on the plat

We are requesting this variance before we purchase the property to assure its viability since others have not been willing to pursue this process.





Le Sueur County

Sui	rveyor Certification				
l.	Applicant: Name Trady + Michrus Conton				
II.	Property Owner (s), if different from above: Name				
III.	Parcel Number				
IV.	 Quantities and Submittal Formats: a. One reproducible 8.5" x 11" copy of the request and all other supporting documents. b. If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted. c. Electronic version of any supporting documents, if available. d. Additional copies may be requested as deemed necessary by the Planning & Zoning Department. e. All required information must be correct and submitted at the time of application, or the application will not be accepted. 				
٧.	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 I lakes Property lines Property lines Property lines Prod right-of-way Easements Well Proposed structures Proposed structu				
VI.	The proposed improvements have been physically staked onsite then surveyed on 6/12/15, 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. Surveyor's signature Date Lic #				
	OFFICE USE ONLY				
	Planning & Zoning Authority signature				
10-01	UN 1 6 2015				

1

Mettler, Michelle

From:

Joseph Kienlen [joe@kienlenfarms.com]

Sent:

Monday, June 15, 2015 12:58 PM Mettler, Michelle

To: Subject:

Conlon driveway

Michelle,

This is concerning Jerry and Shelly Conlon's lot on Willow Rd, Skyview Ridge, Kasota township. The driveway can be no closer than 15 feet to the property line, and no wider than 30 feet. Please call me at 507-995-4006 to let me know that you received this message.

Thanks, Joe



Direct Dial: 507-357-8538 Fax: 507-357-8541

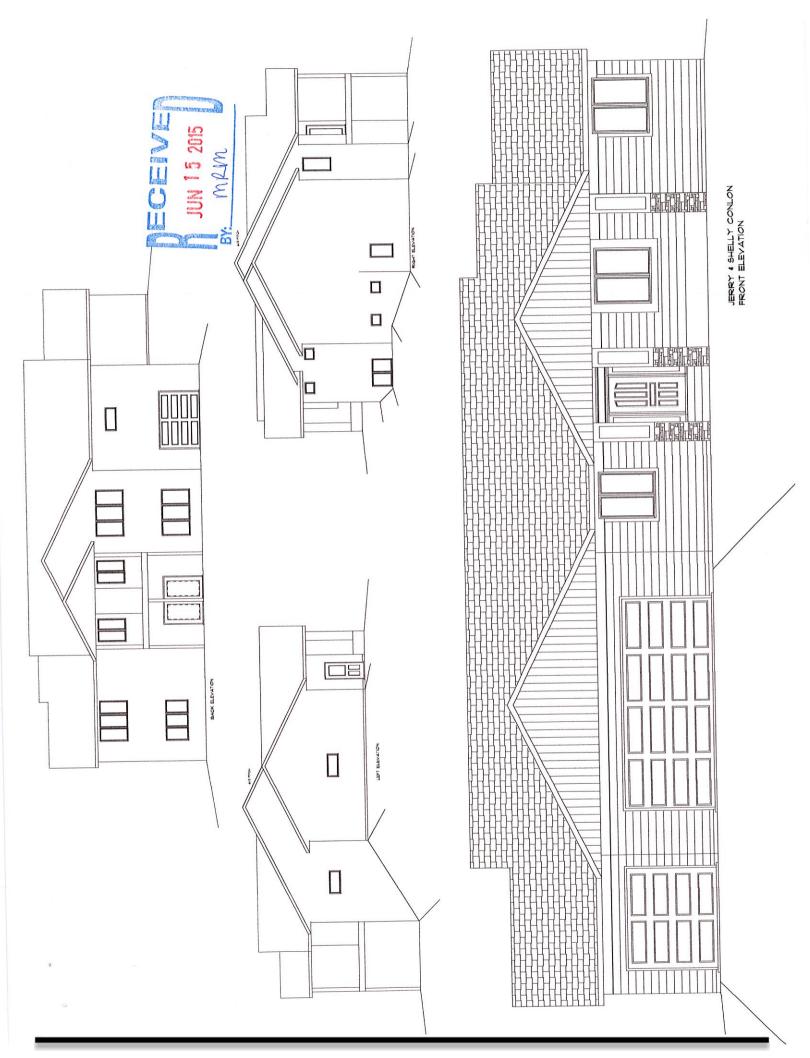
Property Owner:	Jerry + Schell;	Coulon	
Property Address:	05.455,0190		
Parcel Number:	03.753,0110		
N			
		30 8/wff	
		-50	Cacok
>50 to any Neigh	aboving wells	2201	
>20' to road righ	+-ot-ways	346	
>10' to all prop. lines	50/3000	20	
750' to creek ditch	29° 210 110 110 110	stole 30	Set back
	7,500		/cx
2	770	-septic tauk(5)	
	716		
	<i>'</i>	may determ which from 13 of the bear half	
	garage	neceiver	
	\	JUN 1 5 2015	CHARLES COMMANDE
	House	BY: MRM	1-of-nast
		D1.	8 49/1
		line	28
14.		property	
City M.		BY: MRM Frop live 1000 Rose	
1 36	Mario Peneral Manuschia (Manuschia)		
I hereby certify as a State	e of Minnesota Licensed Septic Co	ontractor that the subsurface sewage tre	Saurioni System

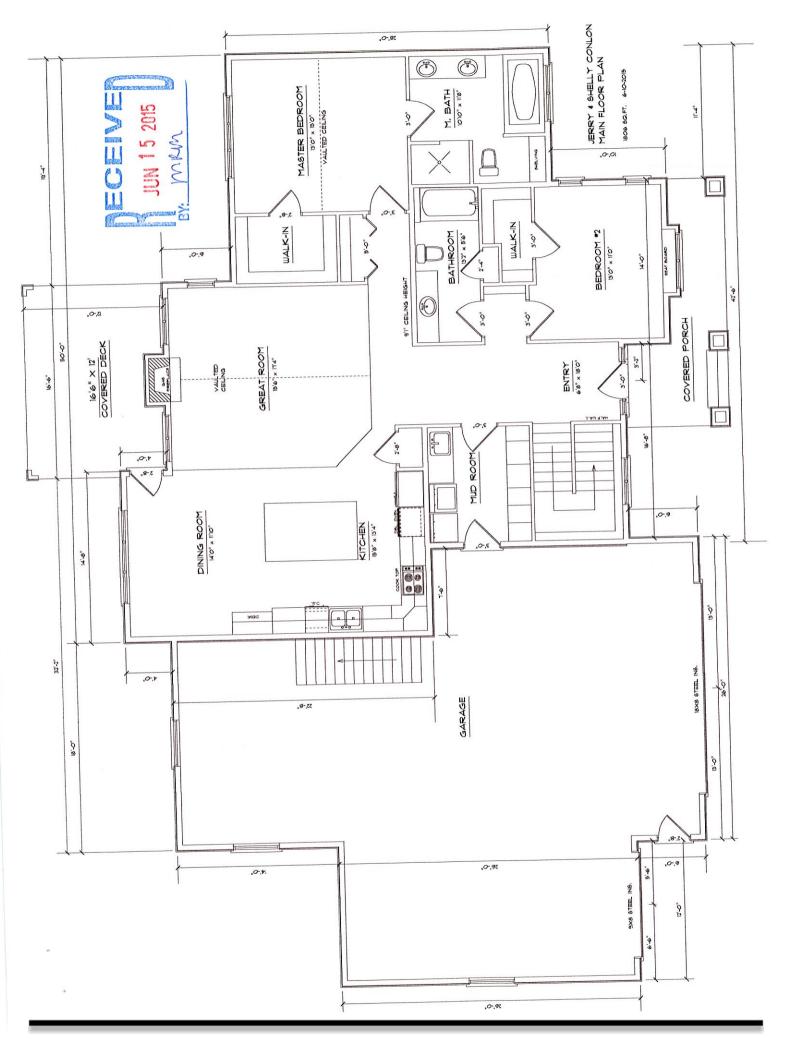
I hereby certify as a State of Minnesota Licensed Septic Contractor that the subsurface sewage treatment system diagramed above was designed/installed in accordance with all applicable requirements of MN Rules Chapters 7080 &/or 7081 and the Le Sueur County Zoning Ordinance. The drawing is accurate as of the date at the bottom of this form for the site identified at the top of this form. No determination of the future hydraulic performance can be made due to future water usage over the life of the system.

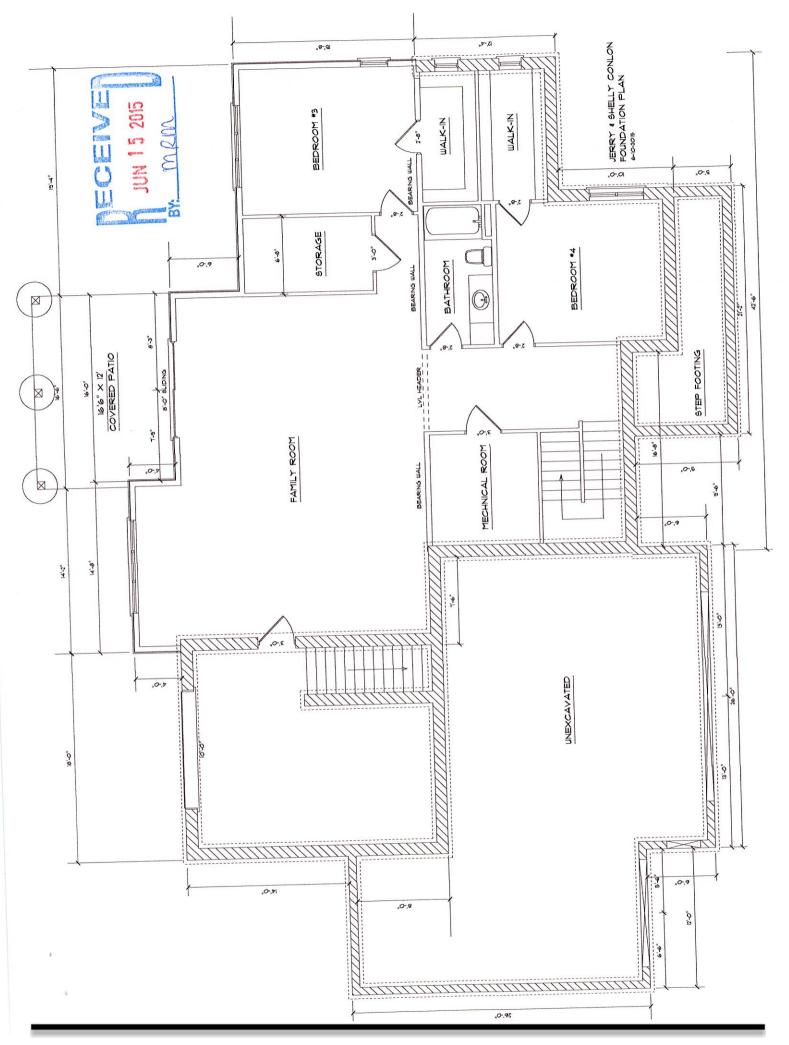
Septic Designer Signature:	Glen Schilling	Ila dilling
Septic Designer Company:	St. Peter Well	
License Number: 3467	Certification Number: 3218	Date: 6 - 15 - 15
Septic Installer Signature:	*	
Septic Installer Company:		
License Number:	Certification Number:	Date:

Mailing: 88 South Park Avenue Le Center, MN 56057 Physical: 515 South Maple Avenue Le Center MN 56057

Revised: 2/2012







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: Christian Family Limited Partnership PID:

Mailing Address: Po Bek 156, Le Centen, Ma 56057

Property Address: Emily Heights Sub Div Lot 6 Block 2

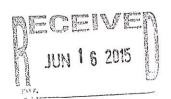
Phone: (507) 357-2278 Mobile/Cell: (

Responsible party for Implementation/Inspection: Jerome + Michelle Conton

Address: 1509 Recikhead fray 57. Poter Ma 56083
Phone: (507) 720-2099 Mobile/Cell: (507) 331-1830

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.
- 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.
- Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
- 5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
- 6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
- 7. Limit construction equipment to designated areas to control soil compaction.
- 8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
- 9. Install straw bale checks or rock check dams in areas of concentrated flow.
- 10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.



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

2:1 slopes or steeper

Straw/Coconut Blanket or High Velocity Wood Blanket

3:1 slopes or steeper

Wood or Straw Blanket with net on both sides

4:1 slopes or steeper

Wood or Straw Mulch blanket with net on one side

Flat areas

Straw Mulch w/disc anchoring

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

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

Inspection and Maintenance

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

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

(Property Owner)

6/15/1

(Date)

(Person Responsible for Implementation)

//5 //3 (Date)

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

JUN 1 6 2015

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

Urban/Rural Residential

c-outside

NAME: PID: DATE: FIRM #: F-Zone: RFPE:

Conlon/Christian

District:

Railroad Centerline Road Centerline Road ROW Vac call other values> Railroad ROW Easement Line Contours 2 ft Sub Line 400 Geo Twp Line Pol Twp Line Road ROW Section Line Incorporated County Line Parcel Line Townships Corp Line Misc Line Sections Gov Lot Water Parcel Cadastral_Line **AlphaTag**

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, Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps *These maps should not be used for navigational, engineering, legal, or any other site-specific use. development methodology, interpretation of source data, and other circumstances. The maps are date specific and are intended for use only at the published scale. 8 4

> 0 4

> > ω

12 13 4

9

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet Photo dated April/May 2013 32/283 없 36

28 27

29

30

35

Created By: MRM

ENVIRONMENTAL SERVICES

507-357-8538

LE SUEUR COUNTY

Le Sueur County