



Le Sueur County, MN

Thursday, July 16, 2015

Regular Session

Item 1

APPROVED 5-21-15 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
May 21, 2015**

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

MEMBERS ABSENT: Colin Harris

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

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

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.**

Mark Orager of I&S Engineering representing the applicant was present for application. Township: No comments, applicant notified the township per the application process. DNR: No comments. Letters submitted: none.

Discussion was held regarding; due to the road right of way and lake setback over laps the applicants felt this was the best fit on property, looked at several options for the placement of the detached garage, location of well on the property, power lines, checked with MVEC in regards to the movement of the power poles and the power company stated they would need to have a complete realignment in the area, storage of boat, pontoon and watercraft, changed the size and overhang of the garage plans, removal and replacement of trees on the property, aesthetics of the property.

Public Comments: no public comment.

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

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.**

Randy Vargason was present for application. Township: No comments, applicant notified the township per the application process. DNR: N/A Letters submitted: none.

Discussion was held regarding: reduced the impervious surface on the property; moved back from the lake, time frame for construction, house on the property is being moved to the adjacent property to the east, garage will be moved off site, adding additional drainfield to the existing septic system, current home has no foundation, need more space, attached garage, some tree removal for construction of the home, commended for reducing impervious surface.

PUBLIC COMMENT: no comments.

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

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.**

Eric Lomen was present for application. Township: No comments, applicant notified the township per the application process. . DNR: N/A. Letters submitted: none.

Discussion was held regarding: plan to retire at the lake home, garage with storage space needed, contractor indicated that in order to have 8’ doors a 22’ peak height is necessary, would like to have the height in order to park a conversion van in the future, needs to added height for exercise equipment, questioned the roof line height of the structure vs. the height of the dwelling, 6’ ceilings would not work, no living space allowed in accessory structures, heated garage, scaled down the original garage, wants a nice garage with 9’sidewalls, no practical difficulty, wants useable space for storage, lights shining into house from the roadway.

PUBLIC COMMENT: no comments.

Motion was made by Jim Mladek to table the application in order to allow the applicant to reconfigure the garage. Seconded by John Wolf. Motion approved. Motion carried.

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.**

Mark Seely was present for application. Township: No comments, applicant notified the township per the application process. . DNR: N/AS. Letters submitted: none.

Discussion was held regarding: started with a single wide manufactured home, went to a double wide manufactured home, running out of room, therefore would like to construct a new home, purchased additional property from mother due to property line conflicts, detached garage will remain as it is on a floating slab, this is the best use of the property, current home is only 11 feet from the right of way, place of septic system, will utilize the existing tanks.

PUBLIC COMMENT: no comments.

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

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.**

Mike Volk was present for application. Township: No comments, applicant notified the township per the application process. . DNR: no comments. Letters submitted: none.

Discussion was held regarding; remove an existing 14x16 shed and replace it with a 12x18 shed; moving to be outside the bluff impact zone, due to septic location, no other area on the lot to place the storage shed.

PUBLIC COMMENT: no comments.

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

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.**

Rusty Tiede was present for application. Township: No comments, applicant notified the township per the application process. DNR: N/A. Letters submitted: none.

Discussion was held regarding: Established farm site since the 1920's, established grain bin sites as variance granted in 2008 to construct a grain bin 48 ft. from the road right of way.

PUBLIC COMMENT: no comments.

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

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.**

Cory Atherton was present for application. Township: No comments, applicant notified the township per the application process. DNR: N/A. Letters submitted: none.

Discussion was held regarding: some removal of impervious pavers and replace with pervious pavers, due to heavy rains last summer in the area, blocked culvert, drainage to the area came across their property and destroyed the patio/retaining walls, drainage issue has been resolved, erosion control methods in place, conditional use permit is required for grading, filling and excavating.

PUBLIC COMMENT: no comments.

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

Minutes: Additions or corrections-None. Motion to approve minutes by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.

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

Meeting Adjourned.

Respectfully submitted,

May 21, 2015

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