



**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: JULY 16, 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 Lomen Packet

ITEM #4 Podratz Packet

ITEM #5 Seely Packet

ITEM #6 Conlon-Christian Packet

ITEM #7 APPROVED 5-21-15 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 July 16, 2015.

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



Le Sueur County, MN

Thursday, July 16, 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: JULY 16, 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 **JULY 7, 2015**.

ITEM #1: 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 21-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. APPLICATION TABLED AT THE MAY 21, 2015 MEETING.**

ITEM #2: KARL PODRATZ, ROCHESTER, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 2 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 9, Tetonka Beach Subdivision, Section 24, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

ITEM #3: CHRISTOPHER SEELY, CLEVELAND, MN, (APPLICANT/OWNER): Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 50 x 80 shed 192 feet from the Ordinary High Water Level (OHWL) in a Special Protection "SP" District, on a Natural Environment "NE" lake, Lake Henry. NE 1/4 NW 1/4, Section 3, and the SE 1/4 SW 1/4, Section 34, Cleveland Township. **VARIANCE IS FOR OHWL SETBACK.**

ITEM #4: MICHELLE & JEROME CONLON, ST PETER, (APPLICANT); CHRISTIAN FAMILY LP, 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 single-family dwelling 39 feet from the road Right-of-Way (ROW) of Valleyview Dr and 44 feet from the road ROW of Hunters Road in an Urban Rural/Residential "R1" District. Property is located at Lot 6, Block 2, Emily Heights, Section 27, Kasota Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.
ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT July 17, 2015

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



Le Sueur County, MN

Thursday, July 16, 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: July 16, 2015

Meeting Time: 3:00 pm

Onsite Date: July 16, 2015

Onsite Time: 12:30 pm

ITEM #1: Eric & Diana Lomen

ITEM #2: Karl Podratz

ITEM #3: Christopher Seely

ITEM #4: Michelle & Jerome Conlon

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, July 16, 2015

Regular Session

Item 1

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 21 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: | 21 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
60 DAY RULING DATE: 6/15/2015

PERMIT NUMBER 15055

FEE: \$646.00

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
N 56000

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 21' 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

4/17/15

DATE



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: Tabled



AS WRITTEN



WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

DATE

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

VARIANCE FINDINGS OF FACT

Name of Applicant: 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 3517 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 7/16/15

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.

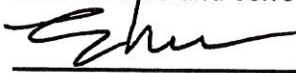
It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.

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.

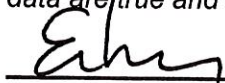


Applicant signature

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 4/21/15

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 \$ 1646 ATF / SPEC MTG

☐ Full legal

☒ Blue Prints

☐ Other

☒ Application complete

☒ Written Detail of Var


Planning & Zoning Department Signature

4/17/15

Date

16055

Permit #

04-15-13



June 15 2015

Dear Board of Adjustment

Thank you for your time. Please note the recent changes to our garage plans.

After our meeting in May I talked to Ralph Swantz (the truss engineer and designer)

He explained that he had already changed the pitch of the roof and lowered the loft area as much as possible when we asked for a 2' variance at our last meeting (please see his attached letter).

We now plan to go with 7' doors (the shortest practical door possible) instead of 8'.

We will still need a 9' sidewall to accommodate the header over the 7' door and the door mechanism (please see attached letter). This will bring the overall height down to 21'.

We realize that with part of the foundation exposed we need to do something to minimize the look of height.

We have included landscape plans that will bring most (North and West) up to level grade. We are building retaining walls with built in planters for trees and native grasses on the South and East sides where there is some exposed foundation. Any exposed foundation will be covered with cultured blue-stone tiles. These planters will also collect and contain any runoff from the roof. The builder suggested an eyebrow feature along the East and West exposures which will break up the tall look of the East side. This is the same configuration as our house and should be a good match. It will also be sided with a cedar tone Hardy board type siding to match the house.

All of my neighbors have been contacted 3 times now over the last 2 years regarding this variance. None of them have any objections, in fact they have all been asking me when we're going to get started.

I believe that we have shown good faith in following your zoning procedures and have put considerable effort and expense to meet the

wishes of the county while still trying to build the garage that I would like to have at my retirement home.

The garage has never been planned for any habitation, it is just a nice garage with a lot of storage.

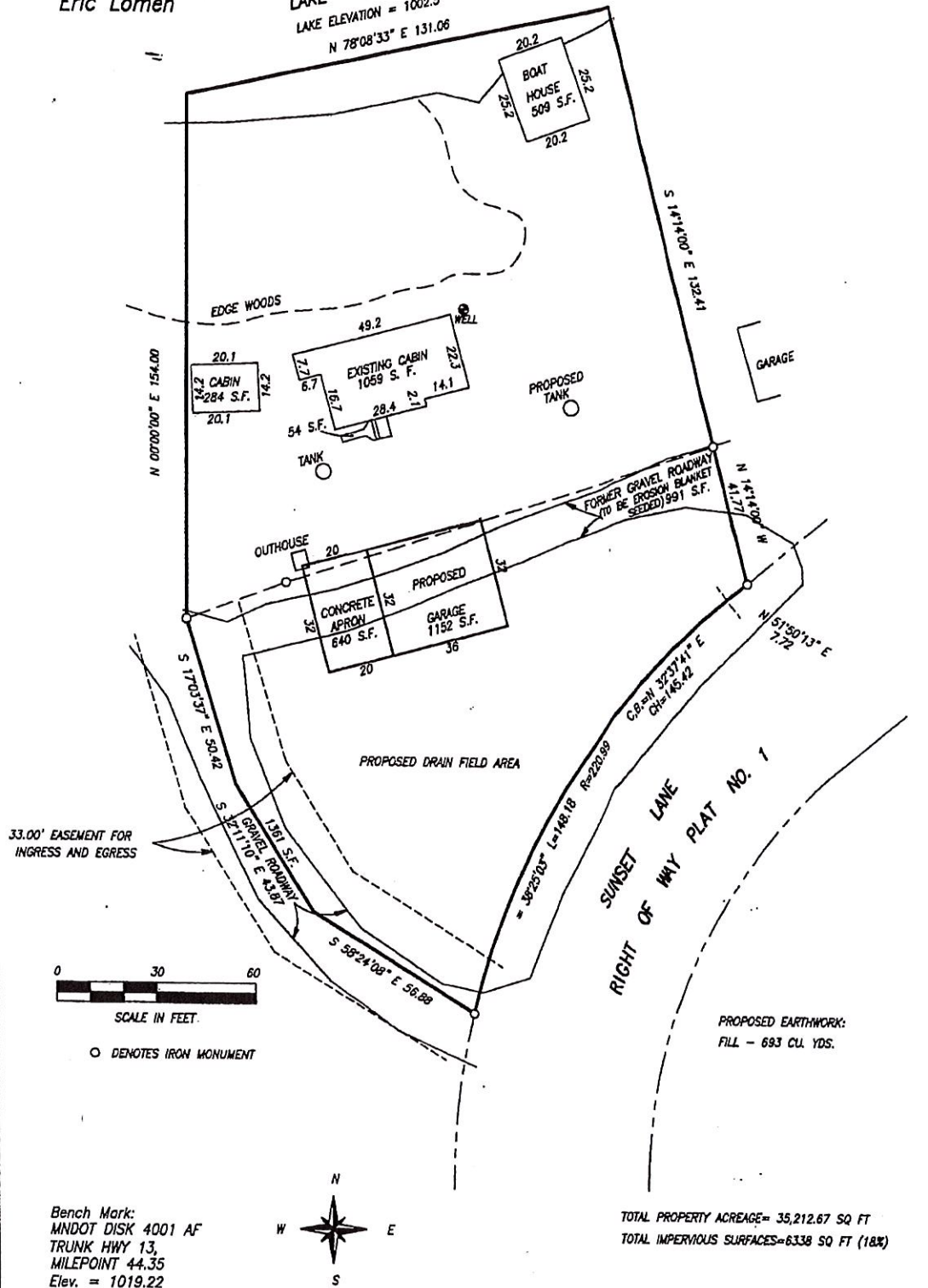
It has been made very clear to us that is not allowed and we would sign a statement to that effect if you would like.

Respectfully

Eric and Diana Lomen

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. 01463 |
| SCALE: 1" = 30' | SHEET 1 of 1 sheet | BOOK/PAGE 32/48 |

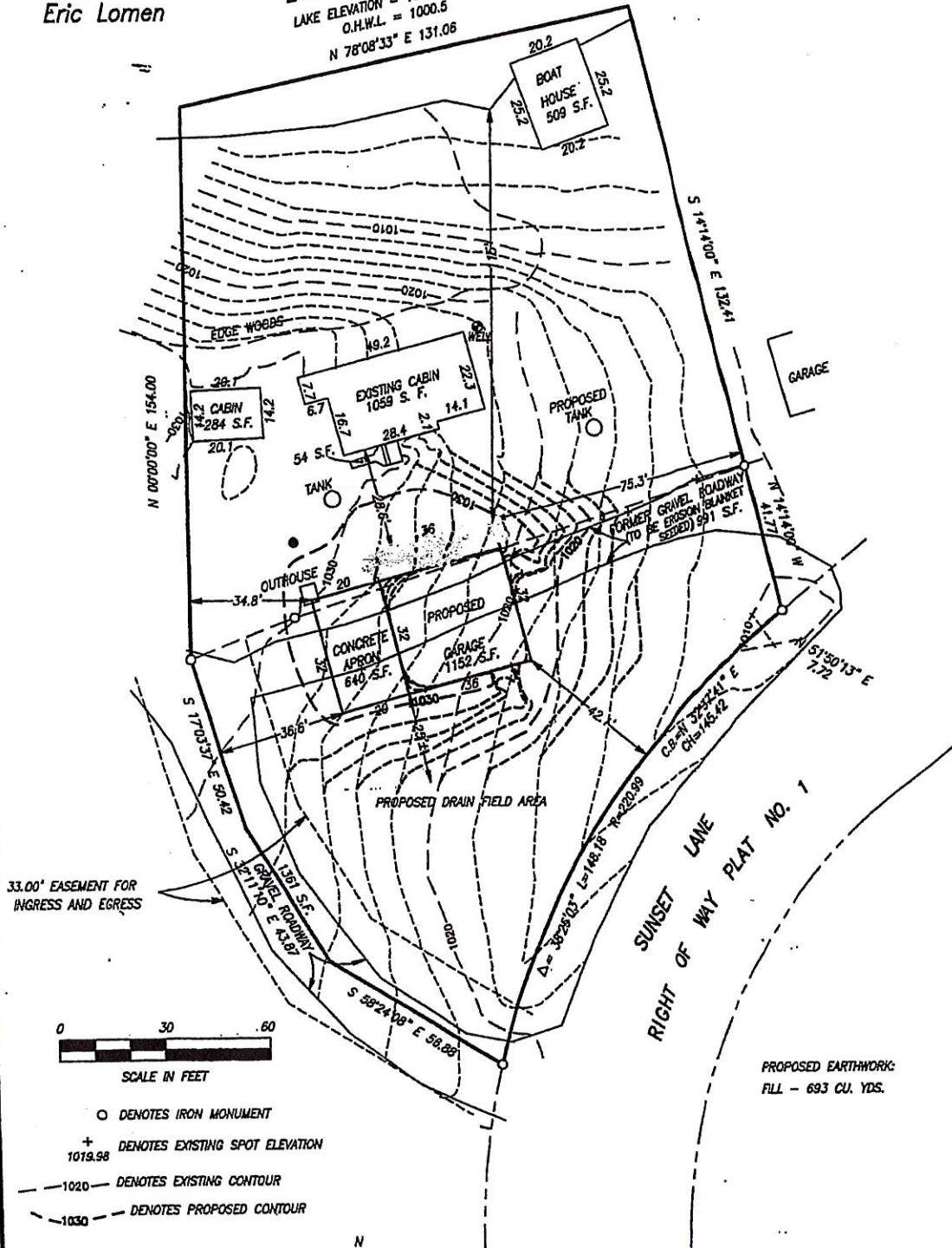
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

July 23, 2014
Dated:

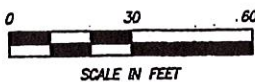
David G. Rapp
David G. Rapp
Minnesota Registration No. 22044

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%)

PROPOSED EARTHWORK:
FILL - 693 CU. YDS.

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:
- 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 color, an aerial, or larger than 8.5" x 11" in size.
 - 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 owner no later than 12 P.M. on the date of application deadline. Appointment is necessary.
 - f. All required information must be correct and submitted at the time of application, or the application will not be accepted.
 - g. 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 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

Letter from truss engineer discussing all the changes that we have made to the design. I can get by with only a 1' height variance.

Eric Lomen

Thank you Eric Lomen

From: "Eric Lomen" <elomen@lomen.com>
Date: Monday, June 08, 2015 2:05 PM
To: "ERIC LOMEN" <elomen@lomen.com>
Subject: Fw: 20' limit

From: rjswantz@frontiernet.net
Sent: Tuesday, May 26, 2015 3:01 PM
To: [Eric Lomen](#)
Subject: Re: 20' limit

Eric: Depending on what garage door manufacturer you use, the hardware room is anywhere from 10" to 12" to 16", the latter being the standard. Low-headroom kits would further reduce these heights, but then the question becomes do you have enough room for the header. I don't see any good options with the roof. The main roof (which normally would be 10/12) has been minimized to 8/12 with a 7'-1 1/8" ceiling (normally 8'-1 1/8"), & the lift dormer roof is already at a 2.53/12 (normally a minimum of 3/12). Check with whomever the doors are coming from as to the exact headroom required. Ralph/Lloyd Truss.

On Monday, May 25, 2015 4:41 PM, Eric Lomen <elomen@lomen.com> wrote:

Hi Ralph

Well I didn't get my height variance yet. Are there any modifications we can do to the trusses to lower it a little?

If I go with 7' doors how much extra would I need to use conventional door hardware?

Eric

612-280-3517

6/10/2015

Truss design Showing pitch change and Headroom lowered.

| | | | | | |
|-----------------|--------------|---------------------|----------|----------|-------------|
| Job S0544-14 | Truss T01 | Truss Type ATTIC | Qty 2 | Ply 1 | LOMAN, ERIC |
|-----------------|--------------|---------------------|----------|----------|-------------|

LLOYD TRUSS SYSTEMS, MANKATO, MN.

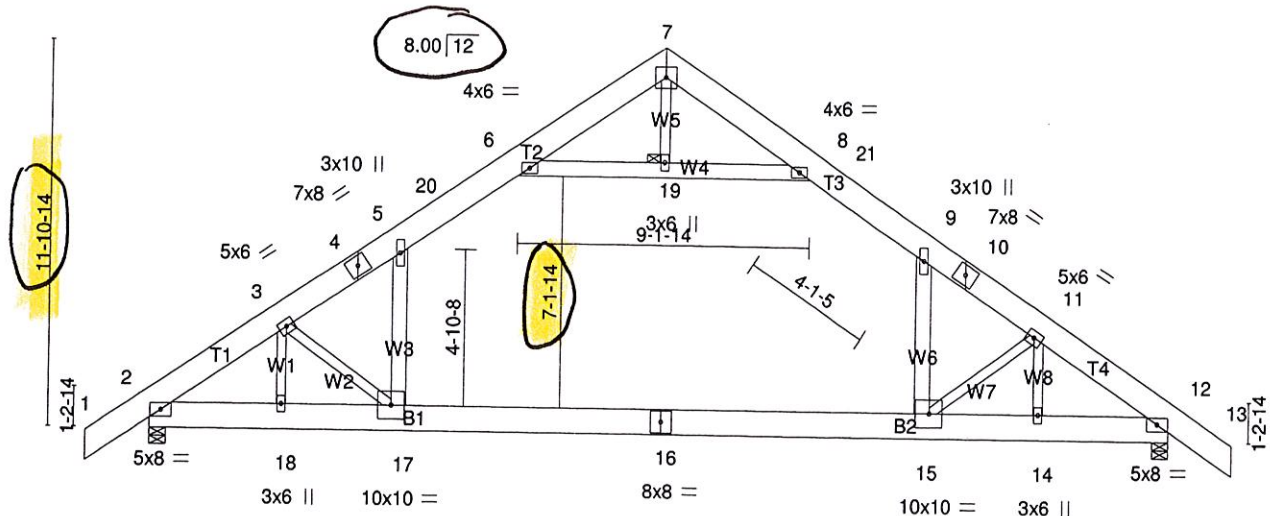
Job Reference (optional)

7.530 s Jul 14 2014 MiTek Industries, Inc. Mon Oct 06 15:08:45 2014 Page 1
ID:OLPBG9FVJCnQkC4csIRcAzyWA62-pltDDBc5Xz5qA3sfRp_A9DiVibze98JgFf_rNmyW5em

| | | | | | | | | | |
|-------|-------|--------|---------|--------|---------|---------|----------|--------|--------|
| 2-0-0 | 4-1-6 | 7-9-4 | 11-9-3 | 16-0-0 | 20-2-13 | 24-2-12 | 27-10-10 | 32-0-0 | 34-0-0 |
| 2-0-0 | 4-1-6 | 3-7-14 | 3-11-15 | 4-2-13 | 4-2-13 | 3-11-15 | 3-7-14 | 4-1-6 | 2-0-0 |

8x8 =

Scale = 1:68.9



| | | | | |
|-------|--------|---------|----------|--------|
| 4-1-6 | 7-9-4 | 24-2-12 | 27-10-10 | 32-0-0 |
| 4-1-6 | 3-7-14 | 16-5-8 | 3-7-14 | 4-1-6 |

| | | | | | |
|-------------------------------|----------------------|------------|-------------------------------|----------------|-------------|
| LOADING (psf) | SPACING | CSI | DEFL | PLATES | GRIP |
| TCLL 35.0 (Roof Snow=35.0) | 2-0-0 | TC 0.48 | in (loc) l/defl L/d | MT20 | 197/144 |
| TCDL 10.0 | Plates Increase 1.15 | BC 0.56 | Vert(LL) -0.37 15-17 >999 240 | | |
| BCLL 0.0 | Lumber Increase 1.15 | WB 0.31 | Vert(TL) -0.53 15-17 >708 180 | | |
| BCDL 10.0 | Rep Stress Incr NO | (Matrix) | Horz(TL) 0.04 12 n/a n/a | | |
| | Code IRC2006/TPI2002 | | Attic -0.26 15-17 761 360 | | |
| | | | | Weight: 362 lb | FT = 10% |

LUMBER-
TOP CHORD 2x10 SP 2400F 2.0E
BOT CHORD 2x10 SP 2400F 2.0E
WEBS 2x4 SPF No.1 or 2x4 SPF No.2 *Except*
W4,W3,W6: 2x6 DF 1800F 1.6E

BRACING-
TOP CHORD
BOT CHORD
JOINTS

Structural wood sheathing directly applied or 5-9-13 oc purlins.
Rigid ceiling directly applied or 10-0-0 oc bracing.
1 Brace at Jt(s): 19

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS. (lb/size) 2=2676/0-6-0, 12=2676/0-6-0
Max Horz 2=260(LC 6)
Max Uplift 2=141(LC 7), 12=141(LC 8)

FORCES. (lb) - Maximum Compression/Maximum Tension
TOP CHORD 1-2=0/139, 2-3=-3448/68, 3-4=-3679/51, 4-5=-3512/58, 5-20=-2669/125, 6-20=-2498/150, 6-7=-254/197, 7-8=-254/197, 8-21=-2498/150, 9-21=-2669/125, 9-10=-3512/57, 10-11=-3679/51,
11-12=-3448/71, 12-13=0/139
BOT CHORD 2-18=-76/2661, 17-18=-77/2648, 16-17=0/2660, 15-16=0/2660, 14-15=0/2648, 12-14=0/2661
WEBS 6-19=-2779/108, 8-19=-2779/108, 5-17=0/1499, 9-15=0/1499, 3-18=-969/63, 11-14=-969/68, 3-17=-195/425, 11-15=-203/425, 7-19=0/183

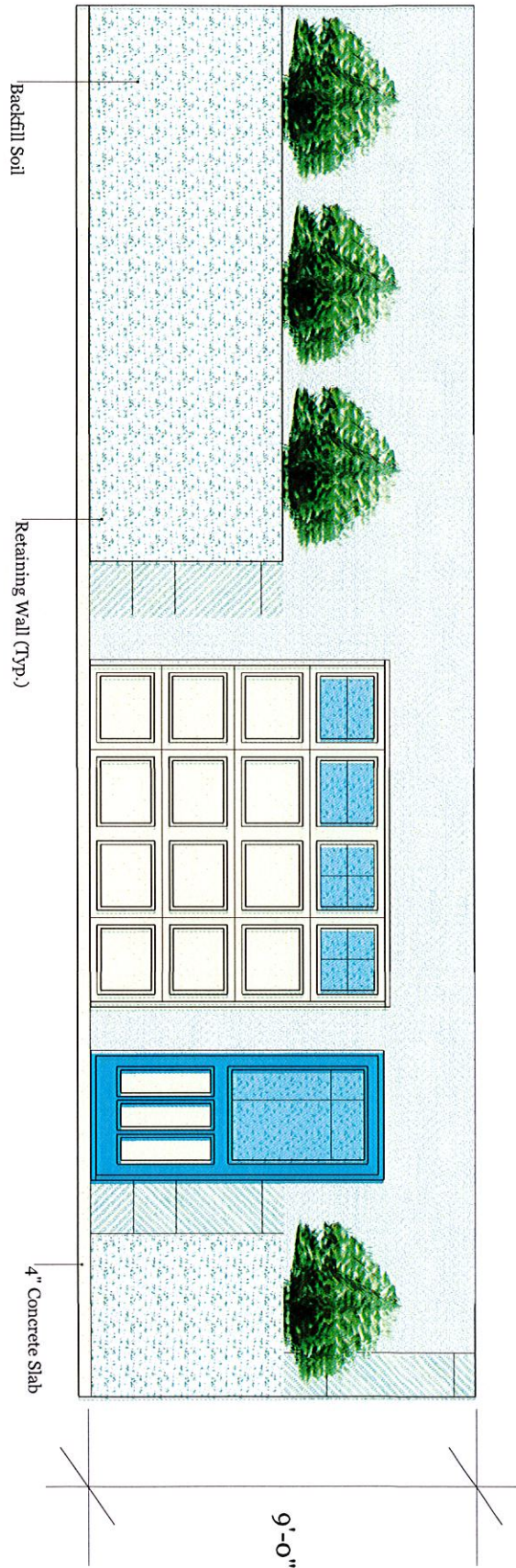
NOTES-

- 1) Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) gable end zone; Lumber DOL=1.33 plate grip
- 2) DOL=1.33
- 3) TCDL: ASCE 7-05; P=35.0 psf (flat roof snow); Category II; Exp B; Fully Exp.; Ct=1.1
- 4) Unbalanced snow loads have been considered for this design.
- 5) This truss has been designed for greater of min roof live load of 16.0 psf or 2.00 times flat roof load of 35.0 psf on overhangs non-concurrent with other live loads.
- 6) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 7) * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
- 8) Ceiling dead load (5.0 psf) on member(s). 5-6, 8-9, 6-19, 8-19
- 9) Bottom chord live load (40.0 psf) and additional bottom chord dead load (0.0 psf) applied only to room. 15-17
- 10) One H2.5A Simpson Strong-Tie connectors recommended to connect truss to bearing walls due to UPLIFT at jt(s) 2 and 12. This connection is for uplift only and does not consider lateral forces.
- 11) This truss is designed in accordance with the 2006 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.
- 12) "Semi-rigid pitchbreaks including heels" Member end fixity model was used in the analysis and design of this truss.
- 13) Attic room checked for U360 deflection.

LOAD CASE(S) Standard

See letter from truss engineer

East lower exposure: Retaining walls and planters to cover most of East end.



Rear Elevation

Exterior Elevations

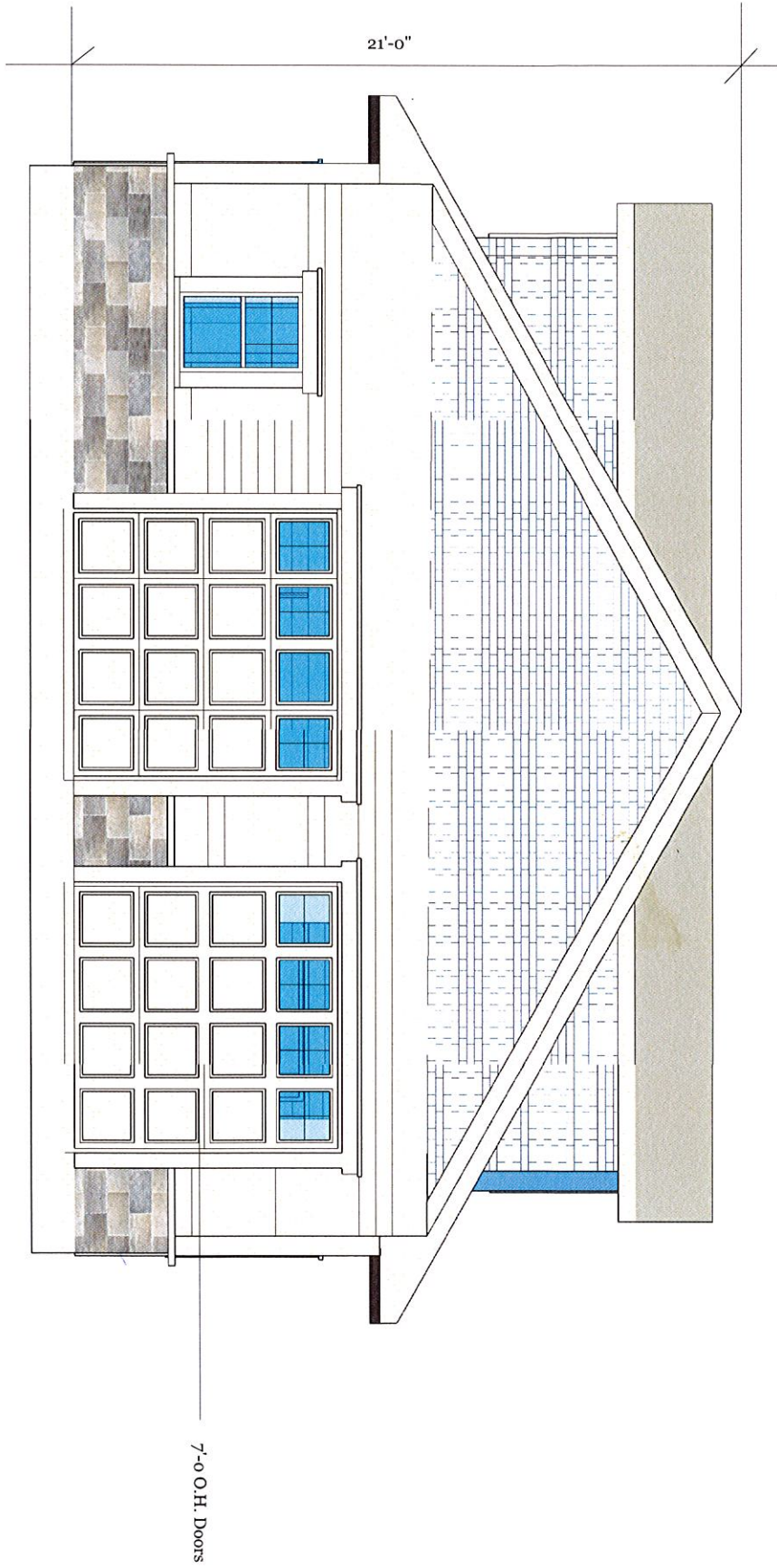
Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

| REVISIONS | | REMARKS | |
|-----------|------|---------|---------|
| NO. | DATE | BY | REMARKS |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

6/12/15 Reconfigured design: 9' sidewall instead of 10', 7' doors instead of 8'. Overall height 21' instead of 22'. More landscaping and building details to minimize the look of height.

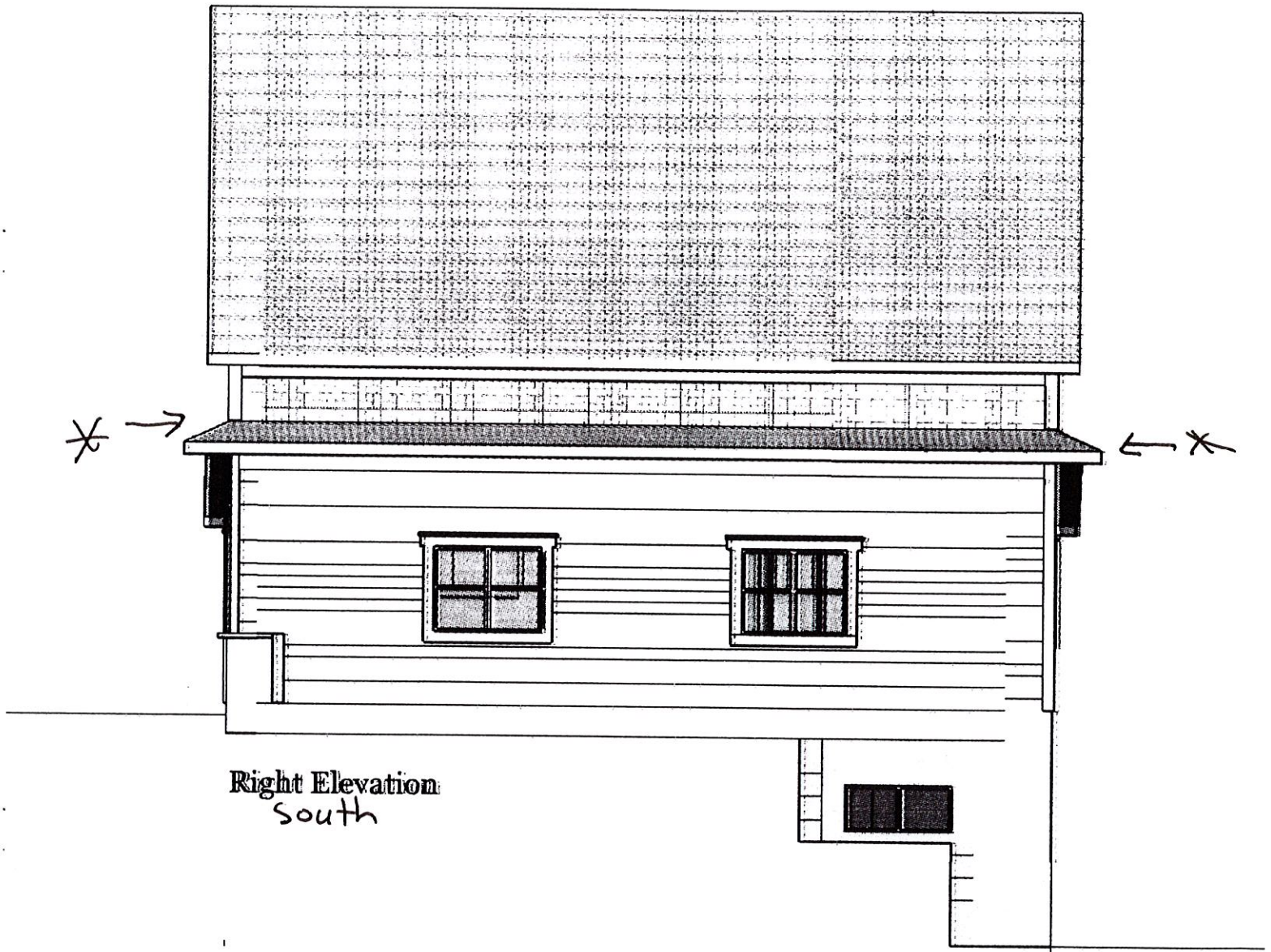


Front Elevation
Scale 1/4" = 1'-0"

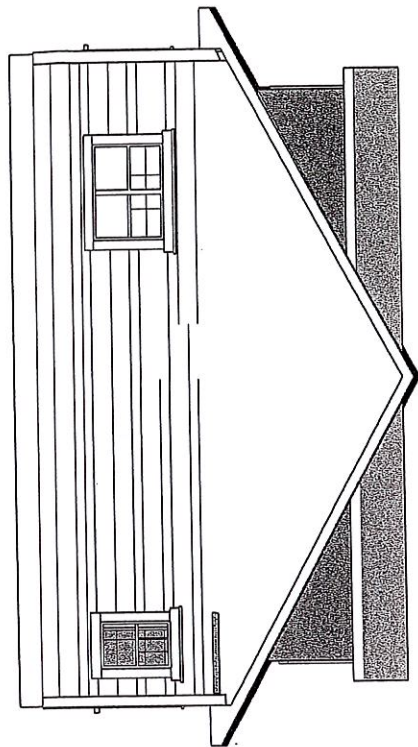
Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

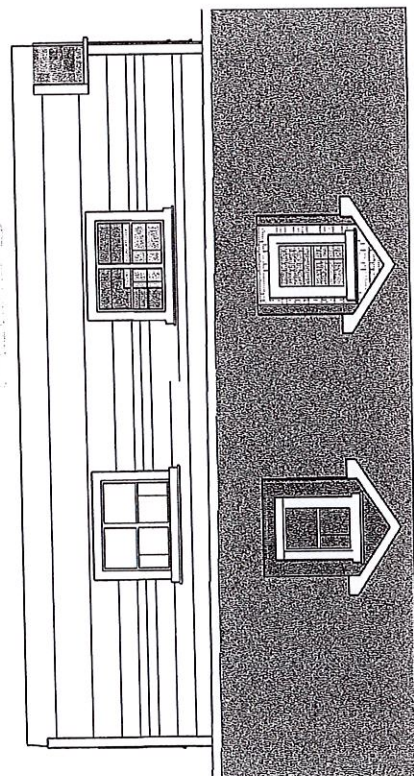
| REVISIONS | | DATE | BY | DESCRIPTION |
|-----------|----------|------|----------|-------------|
| 1 | 06/12/15 | ERL | 06/12/15 | Initial |
| 2 | 06/12/15 | ERL | 06/12/15 | Revised |
| 3 | 06/12/15 | ERL | 06/12/15 | Revised |
| 4 | 06/12/15 | ERL | 06/12/15 | Revised |
| 5 | 06/12/15 | ERL | 06/12/15 | Revised |



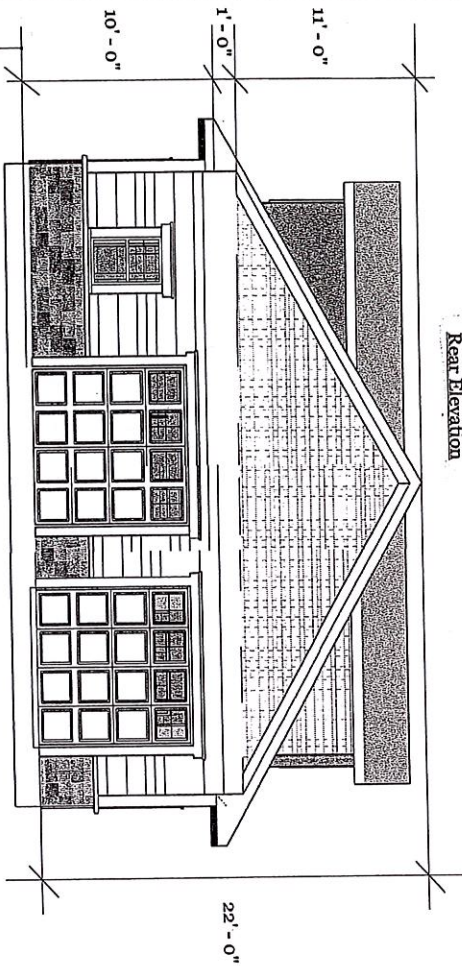
Almost all of foundation
underground by retaining wall and planters.
* Note "eyebrow" feature to help minimize height.



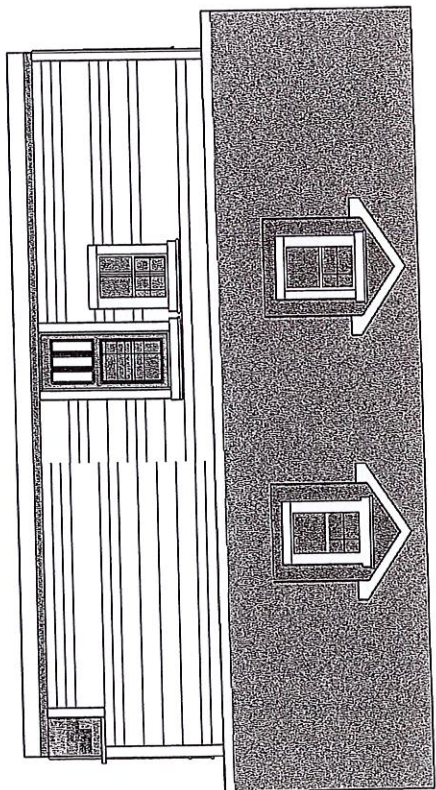
Rear Elevation



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 | DESCRIPTION |
|-----------|----------|------|----|-------------|
| 1 | 04/24/14 | ER | 1 | Initial |
| 2 | 04/24/14 | ER | 2 | Revised |
| 3 | 04/24/14 | ER | 3 | Revised |
| 4 | 04/24/14 | ER | 4 | Revised |

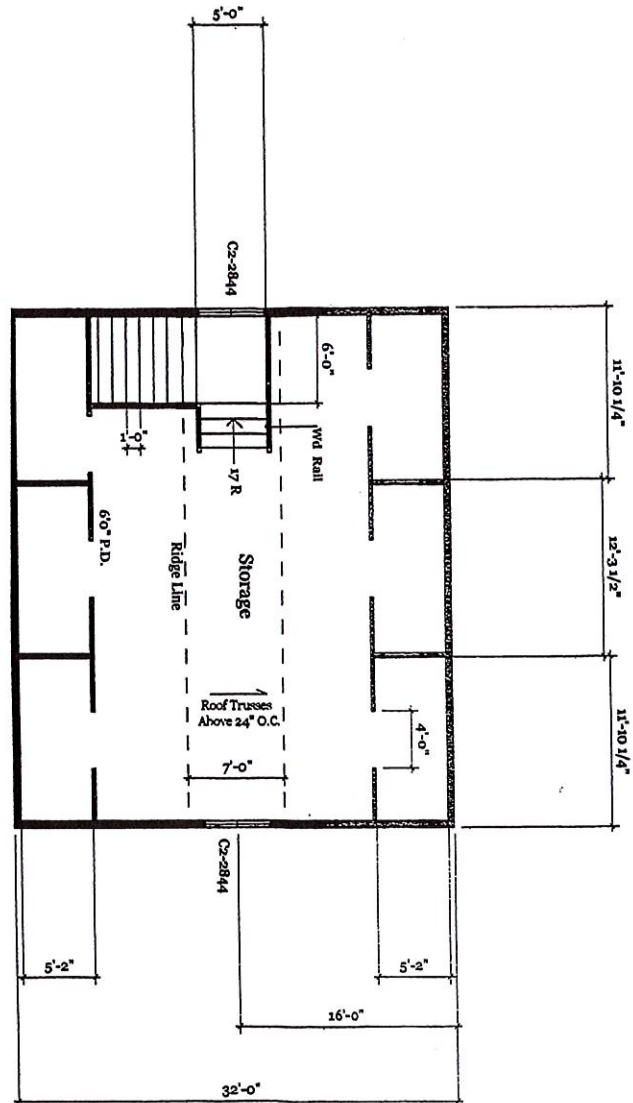
Upper Level Floor Plan 8' Ceiling / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

16558 Bayview Ln, Waterville MN 55096

| REVISIONS | DATE | BY | DESCRIPTION |
|-----------|------|----|-------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

Page 4 of 6



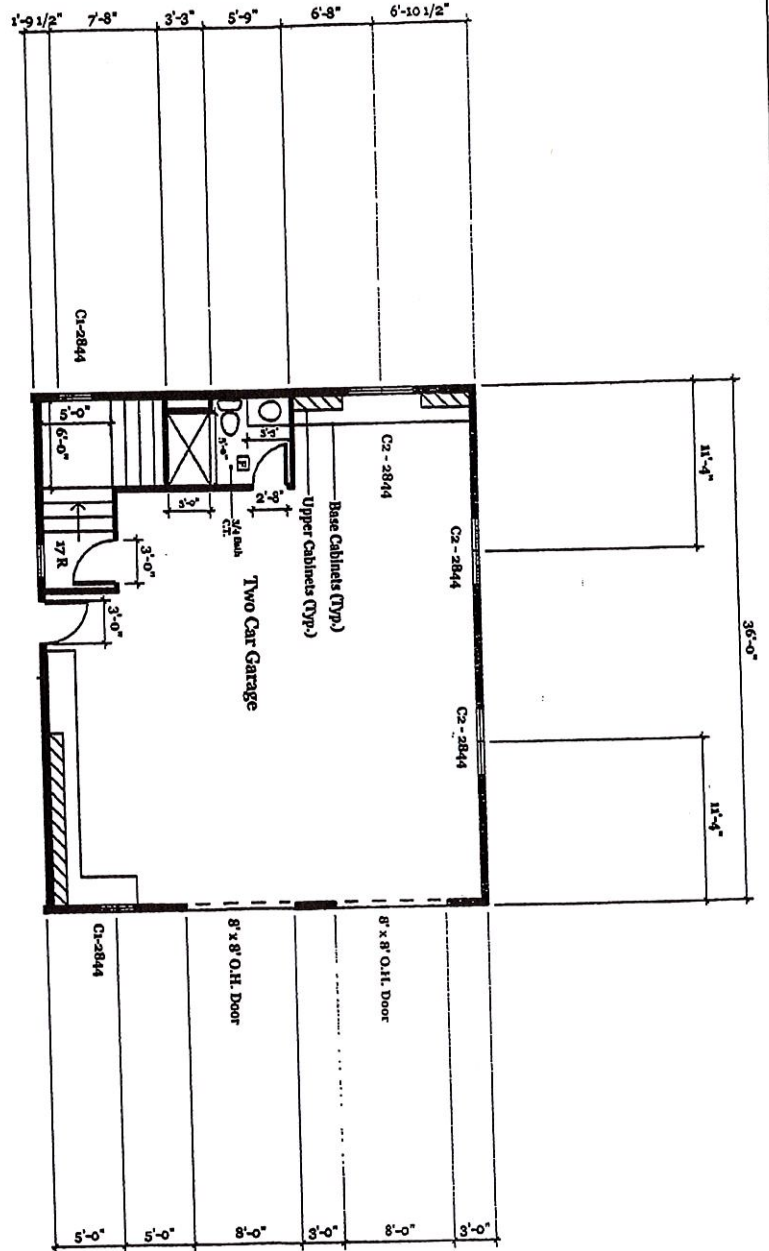
Main Level Floor Plan 10' Ceiling / Scale 1/4" = 1'-0"

Eric and Dianna Lomen - Garage Structure

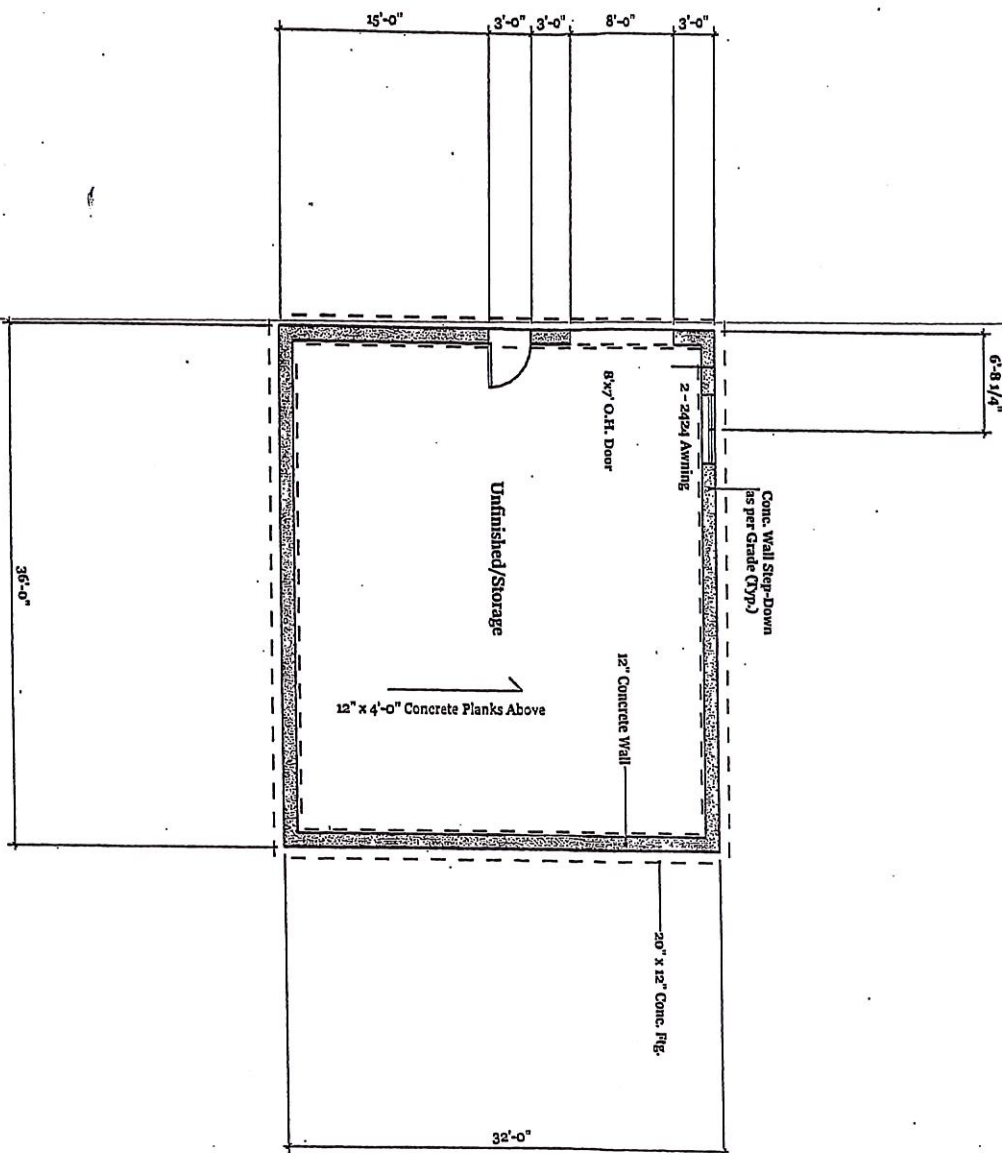
16558 Bayview Ln, Waterville MN 55096

| REVISIONS | |
|-----------|-------------|
| NO. | DESCRIPTION |
| 1 | ISSUED |
| | |
| | |
| | |
| | |
| | |

Page 3 of 6



* SHOWN FOR LOWER 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

| REVISIONS | |
|-----------|-------------|
| NO. | DESCRIPTION |
| 1 | AS SHOWN |
| 2 | BY DATE |
| 3 | BY DATE |
| 4 | BY DATE |
| 5 | BY DATE |

Page 2 of 6

RECEIVED
JUL 28 2014
D.V. ANZILLO

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

July 2, 2015



Le Sueur County Planning and Zoning,

This letter is in regards to a variance that Eric and Diana Lomen are requesting to allow for a 21 foot peak height for the new garage they are building.

Eric and Diana have been our next door neighbors since 2003. You couldn't ask for better neighbors. They are always willing to help and have always been concerned about the environment. Making sure whatever they do to their property has never caused issues/problems to us.

We have seen the plans for the garage project and we have no problem with their request for this variance.

We are writing this letter because we will be out of town the day of the hearing on July 16, 2015.

If you need to contact us with any questions feel free to call 952-652-2420.

Regards,


Vernon L. Seurer


Connie L. Seurer

Vern & Connie
are our
neighbors
immediately
to the east.

Brockway, Kathy

From: perickson@nurseofscottsdale.com
Sent: Wednesday, June 17, 2015 4:34 PM
To: GermanJefferson
Cc: perickson@nurseofscottsdale.com
Subject: RE: property on lake washington

HI,

My name is Patricia J. Erickson, i.e. P Kuzelka from New Prague. I live at 1346E Briarwood Terr Phoenix AZ 85048.

My property is vacant at Red Oat Trail, Cleveland MN 56017.

Sorry it has taken me so long to get you this message. I had a bad car accident in Oct.2014 and having a difficult

time doing most things but improving.

Wish I was in Minn.

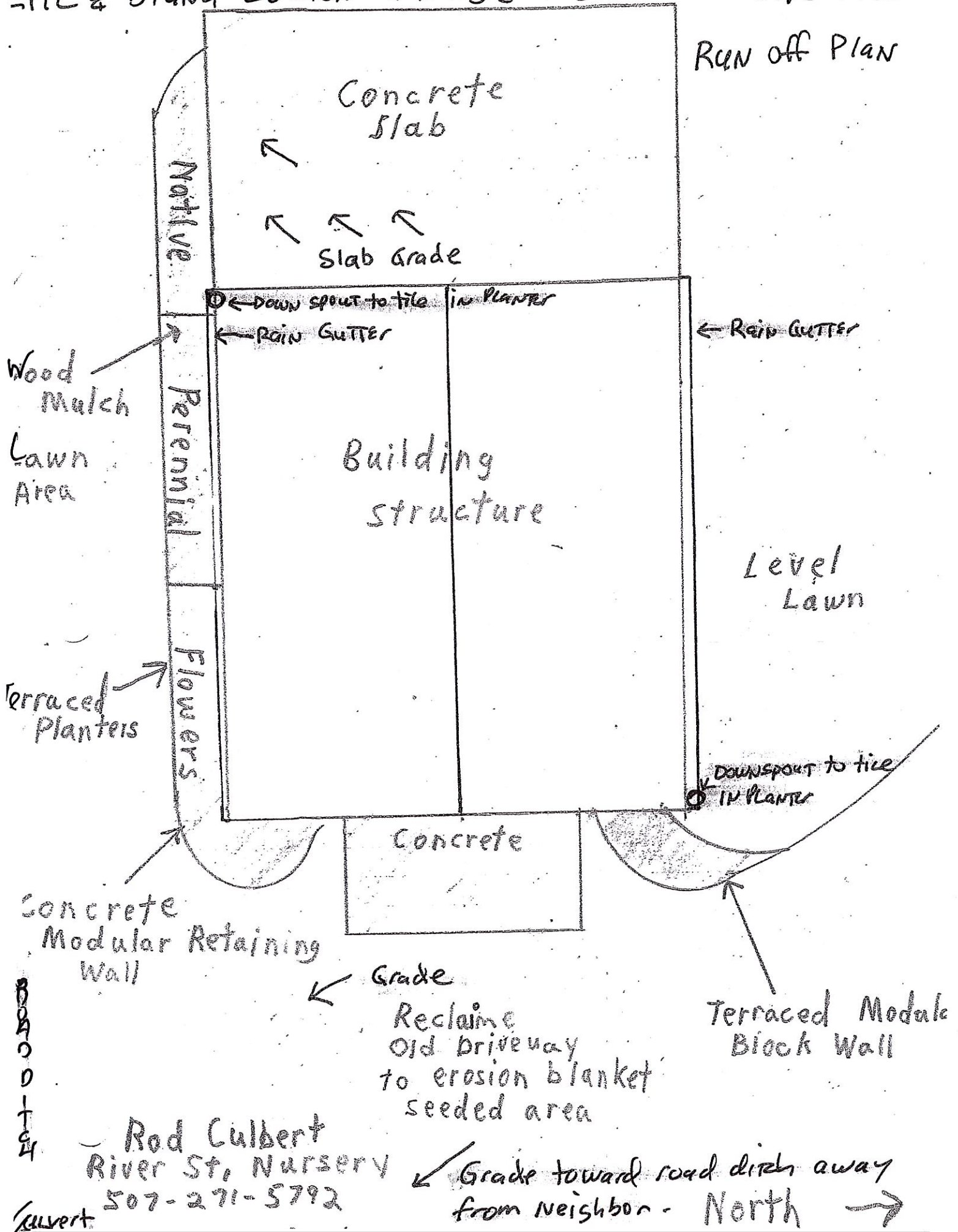
Melting here!!!!

Thanks to you all for your work to improve those great lakes,

Pat Kuzelka Erickson (father George Kuzelka)

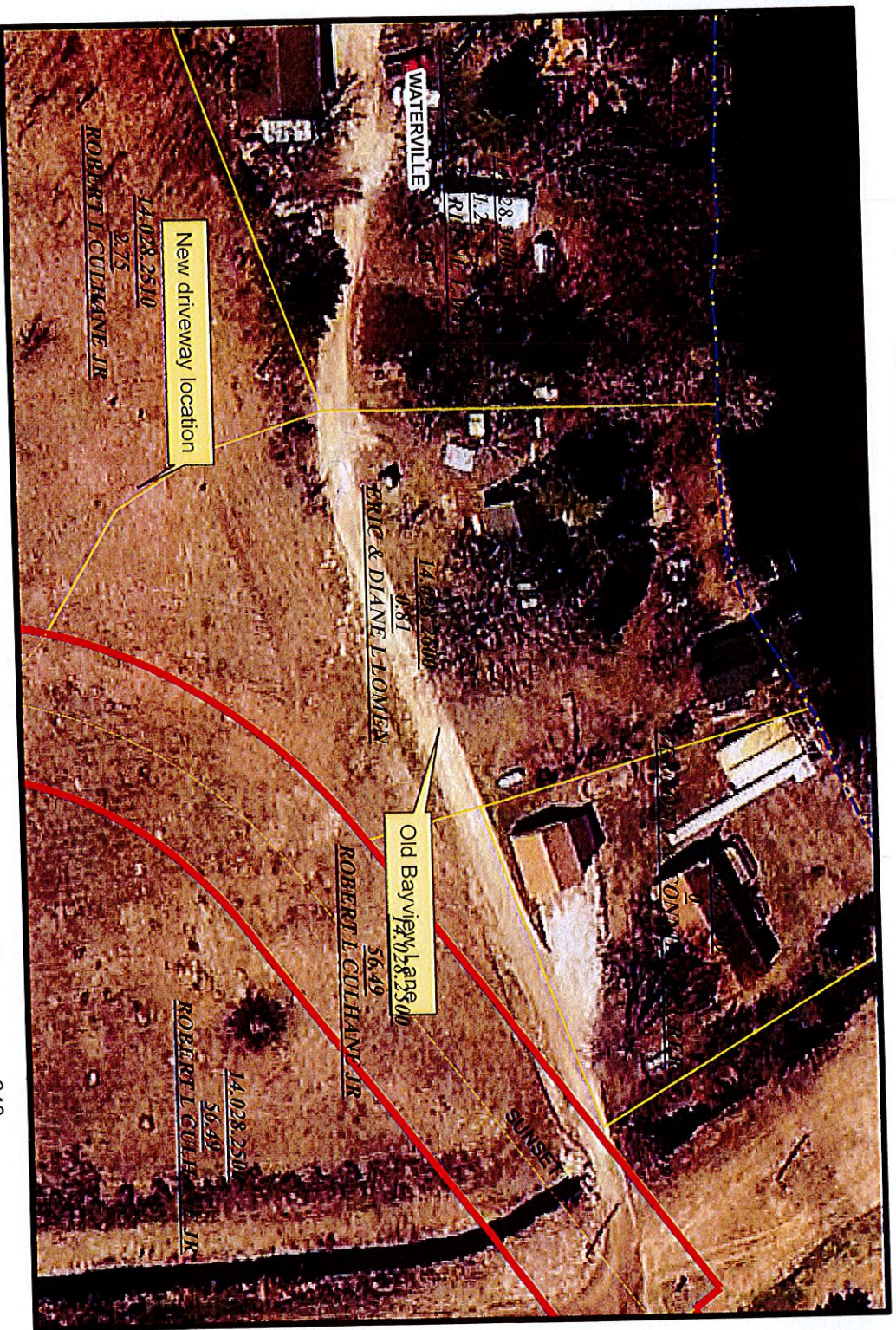
ERIC & DIANA LOMEN GARAGE PROJECT LANDSCAPE PLAN

Run off Plan



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



| | | | | | | | |
|----|----|----|----|----|----|----|----|
| 2 | 1 | 6 | 5 | 4 | 3 | 2 | 1 |
| 12 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 13 | 18 | 17 | 16 | 15 | 14 | 13 | 12 |
| 24 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 25 | 30 | 29 | 28 | 27 | 26 | 25 | 24 |
| 36 | 31 | 32 | 33 | 34 | 35 | 36 | 37 |

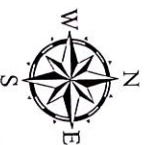
0 30 60 120 180 240 Feet

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 | |
| Le Sueur County | |
| Incorporated | |
| Townships | |
| Sections | |
| Parcel | |

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

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, 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:

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---|-----------------|------------------|------------------------------|--------------|
| 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
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.

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]
Planning & Zoning Department Signature

6-10-15
Date

1917
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

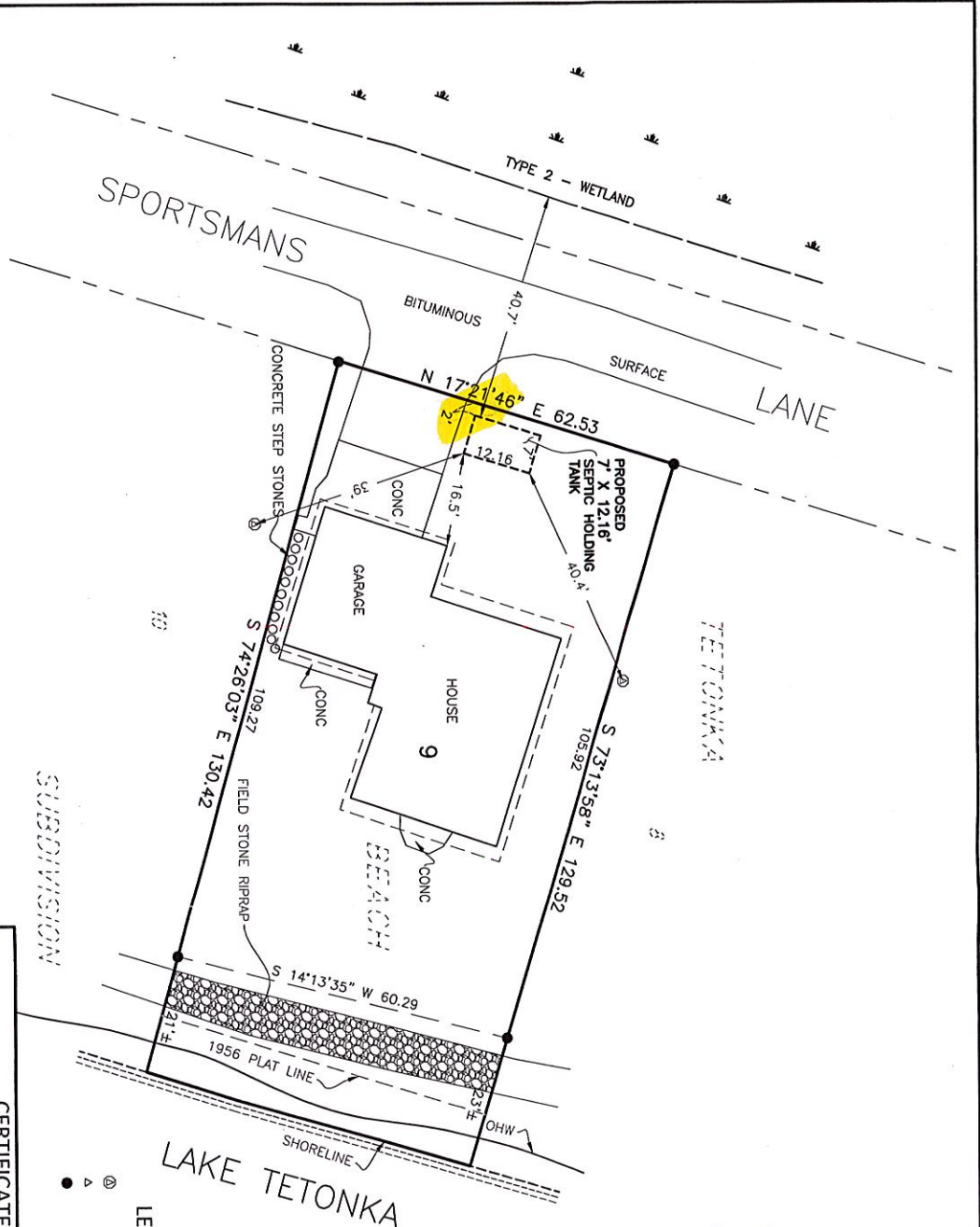


BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

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



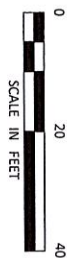
LEGEND

- ⊙ 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
Date 5-14-15



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: *me*

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. Meier
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.

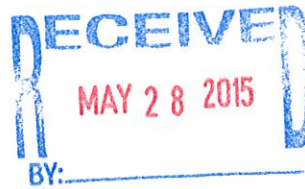
Minnesota Rules, part 4725.4450, subpart 1, item E requires that a water-supply well must be located at least 50 feet from a watertight sewage holding tank. Minnesota Statutes, section 103I.205, subdivision 6 requires that a person may not place, construct, or install an actual or potential source of 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
Page 2
May 22, 2015
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.

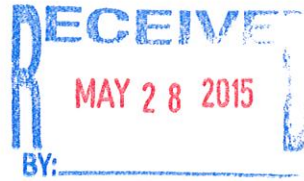
Based on Mr. Zimmerman's inspection, information provided in the variance request, information provided in the survey completed by Bolton & Menk, Inc, dated 5-14-15, and in accordance with Minnesota Rules, chapter 4725, **your request for a variance is granted to place the proposed sewage holding tank 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
Mr. Karl Podratz
Page 3
May 22, 2015
TN 5202

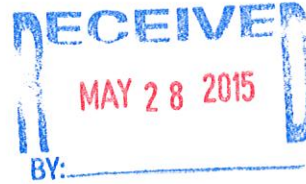


3. The holding tank must be located as far as practicable, but not less than 38 feet from the existing water-supply well at 49153 Sportsmans Lane and not less than 39 feet from the well serving the subject property but located at 49129 Sportsmans Lane, and not less than 50 feet from any other water-supply 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
Page 4
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: _____

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

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



| | | | | | | | | |
|----------------|------|-------|--------|----------|------|---------|------|------|
| Sanders Slough | 30 | 31 | 32 | KILKENNY | | | | |
| German Rice | 2 | 1 | 6 | 5 | 4 | Sunfish | 3 | |
| 5 | 4 | 10 | 11 | 12 | 7 | 8 | 9 | 10 |
| 8 | 9 | Sasse | Unamed | | | | | |
| Roerhildis | | | | | | | | |
| 17 | 16 | 15 | 14 | 13 | 18 | 17 | 16 | 15 |
| ELYSIAN | 20 | 21 | 22 | 23 | 24 | 19 | 20 | 21 |
| Steele | | | | | | | | |
| 20 | 21 | 22 | 23 | 24 | 19 | 20 | 21 | 22 |
| Round | 28 | 27 | 26 | 25 | 30 | 29 | 28 | 27 |
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| 1130 | 1131 | 1132 | 1133 | 1134 | 1135 | 1136 | 1137 | 1138 |
| 1139 | 1140 | 1141 | 1142 | 1143 | 1144 | 1145 | 1146 | 1147 |
| 1148 | 1149 | 1150 | 1151 | 1152 | 1153 | 1154 | 1155 | 1156 |
| 1157 | 1158 | 1159 | 1160 | 1161 | 1162 | 1163 | 1164 | 1165 |
| 1166 | 1167 | 1168 | 1169 | 1170 | 1171 | 1172 | 1173 | 1174 |
| 1175 | 1176 | 1177 | 1178 | 1179 | 1180 | 1181 | 1182 | 1183 |
| 1184 | 1185 | 1186 | 1187 | 1188 | 1189 | 1190 | 1191 | 1192 |
| 1193 | 1194 | 1195 | 1196 | 1197 | 1198 | 1199 | 1200 | 1201 |
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| 1346 | 1347 | 1348 | 1349 | 1350 | 1351 | 1352 | 1353 | 1354 |
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| 1364 | 1365 | 1366 | 1367 | 1368 | 1369 | 1370 | 1371 | 1372 |
| 1373 | 1374 | 1375 | 1376 | 1377 | 1378 | 1379 | 1380 | 1381 |
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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
 Parcel

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



Le Sueur County, MN

Thursday, July 16, 2015

Regular Session

Item 3

Seely Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Christopher Seely

911 ADDRESS: 27684 Lake Jefferson Road, Cleveland MN

VARIANCE REQUEST: To allow the applicant to construct a 50 x 80 shed 192 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 15124

PARCEL NUMBER: 01.103.7610

SITE INFORMATION

LOCATION: Part of Government Lot 1, Section 34, Township 110 North, Range 25 West and part of Government Lot 3, Section 3, Township 109, North Range 25 West, Le Sueur County, Minnesota.

ZONING & PURPOSE: Special Protection

The intent of the Special Protection (SP) District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GENERAL SITE DESCRIPTION: Shoreland, scattered residences

ACCESS: New off Lake Jefferson Road, County Road 15

LAKE: Lake Henry, Natural Environment

Natural Environment Lake - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

RFPE: Regulatory Flood Protection Elevation: 1028.51 Lowest floor must meet RFPE.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Environmental Resource Specialist Letter, Shed plans, erosion control plan, driveway access approval.

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: | 192 feet | 250 feet | Section 13, Subdiv. 5. E. 1. | 13-31 |
| 2. Refer to DNR Guidance Letters: | | | | |
| a. The Role of the Variances in Shoreland Management Ordinances | | | | pg. 9 |

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.

| |
|-------------------|
| 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: 6/16/2015
60 DAY RULING DATE: 8/15/2015

PERMIT NUMBER 15124

FEE: \$646.00

APPLICANT: CHRISTOPHER SEELY
ADDRESS: 27684 LAKE JEFFERSON RD
CITY: CLEVELAND
STATE: MN ZIP: 56017
PHONE: 507-317-2820

PROPERTY OWNER: CHRISTOPHER SEELY
ADDRESS: 27684 LAKE JEFFERSON RD
CITY: CLEVELAND
STATE: MN ZIP: 56017
PHONE: 507-317-2820

PARCEL NO: 01.103.7610 TOWNSHIP: CLEVELAND 911: 27684 LAKE JEFFERSON RD CLEVELAND
SEC: 3 SUBDIV: NA
TWP: 109 LOT: NA ZONE: SP
RANGE: 25 BLOCK: NA FEMA PANEL #: 27079C0265D
Q/Q: ROAD: CR 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 50 X 80 SHED 192 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


DATE



LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY


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: CHRISTOPHER SEELY

Variance # 15124

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A 50 X 80 SHED 192 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
☐ ☐ ☐ ☐ ☐

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 ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1600

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

June 24, 2015

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Christopher D Seely

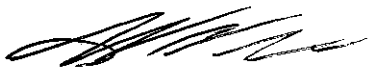
Property owner: Christopher D Seely

Property: 01.103.7610

Description: Request for a Variance from the OHWL setback to construct a 50x80 ft. shed. This project is located near Lake Henry, a Natural Environment lake located in a Special Protection District.

Recommendation: I recommend approval of this Variance from the OHWL setback with the condition that the applicant works with the Environmental Resources Specialist to add some additional screening in between the shed and the lake. This screen will include the planting of hardwood trees, the location, number and species of which must be approved prior to planting.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

Le Sueur County

Variance Application

I. Applicant:

Name Christopher D Seely
Mailing Address 27084 Lake Jefferson Rd
City Cleveland State MN Zip 56017
Phone # 507-317-2820 Phone # 507-312-0167

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

Name _____
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 01.103.7610 Parcel Acreage 5 acres
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:

Building a shed that will not meet required
highwater setback of 250ft in a Special Protection
District on the Environmental Lake Henry.
Request is to build shed 192ft from Ordinary High Water level.

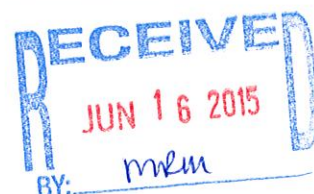
V. Township Notification: Township must be notified of proposed request prior to application.

Cleveland Township notified on 10/28/14
(Township Name) (Date)

Board Member John Kluntz 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.

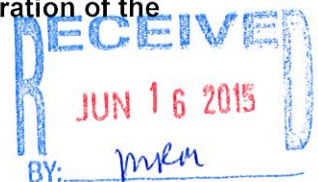
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

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.

I will be requesting to place a shed in a location that is closest to meeting all setbacks required. However, my parcel is not wide enough to meet both the Right of Way and High water setbacks

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

Given the enhanced setbacks for being located in a Special Protection District on a Environmental Lake, my narrow and long parcel has limited space from Right of Way to Highwater mark to reach required setbacks.

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

The enhanced High water setback due to being in a Special Protection District leaves me with very limited options due to my parcel shape.

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

My request will improve curb appeal and give me a chance to clean up my parcel by giving my adequate storage for my belongings. Yet, the building will be far enough away from the shoreline that it will not affect the shoreline's character.

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

Yes, The placement of the accessory building is based on a area that ~~will~~ allows me to be as close as I can be to meeting the necessary setbacks.

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

Yes, I will be continuing the preservation of any significant bluff areas. The building placement shall not affect or have any altercations to the bluff or shoreline.

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

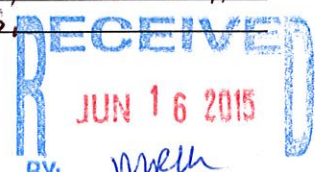
My lot size is 5 acres, therefore I am allowed a 4,000 square foot accessory building with a maximum structure height of 25 feet, and my roof structure shall have no longer than 2 foot overhangs.

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

The current septic system for the house is 1.5 years old and compliant. The accessory building shall have no use for a additional system and can meet required setbacks from the current system.

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

I have placed the accessory building in a area that I believe is closest to meeting the required setbacks while still maintaining curb appeal and road access.



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.

Christopher Seely
Applicant signature

6/14/15
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.

Christopher Seely
Land Owner signature

6/14/15
Date

OFFICE USE ONLY

Date received 6-16-15 Present Zoning Classification SP Feedlot within 500' 1000' N
Meeting date 7-16-15 Lake Classification NE Erosion Control Plan Y N
60 Day 8-15-15 Lake Henry Water courses Y N
FEMA Panel # 27019C02150 Flood Zone X-out Bluff Y N
☒ Surveyor Certificate ☒ Ordinance ☒ Septic COC 5-16-13 **CH/DESIGN**
☒ Site Plan -survey ☒ Access approval ☒ Fee \$ 646 **ATF / SPEC MTG**
☒ Full legal ☒ Blue Prints ☐ Other _____
☐ Application complete ☒ Written Detail of Var

Michelle Ruttler
Planning & Zoning Department Signature

6-16-15
Date

15124
Permit #

04-15-13

RFPE 1028.51



Written Detail of Variance

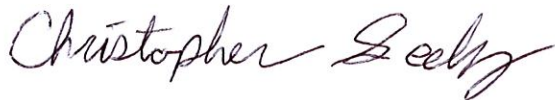
I, (Christopher D. Seely) am requesting a variance for an accessory building, due to inability to meet required setbacks.

I would like to build an accessory building with the dimensions of 50ft X 80ft, equaling 4000sq ft. I would like this accessory building because there is no type of garage or shed on my property. I would like to make an effort to clean up the property and boost curb appeal. To do so I will need the desired sized accessory building to store my belongings.

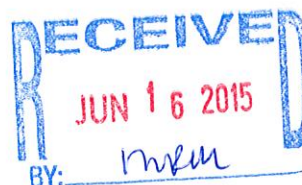
Given the enhanced setbacks for being located in a Special Protection District on an Environmental Lake, my narrow and long lot has limited space from Right of Way to High water mark to reach the required setbacks. I can meet Right of Way set back, septic setback, and property line setback, however I will need a variance because of my inability to meet my high water setback.

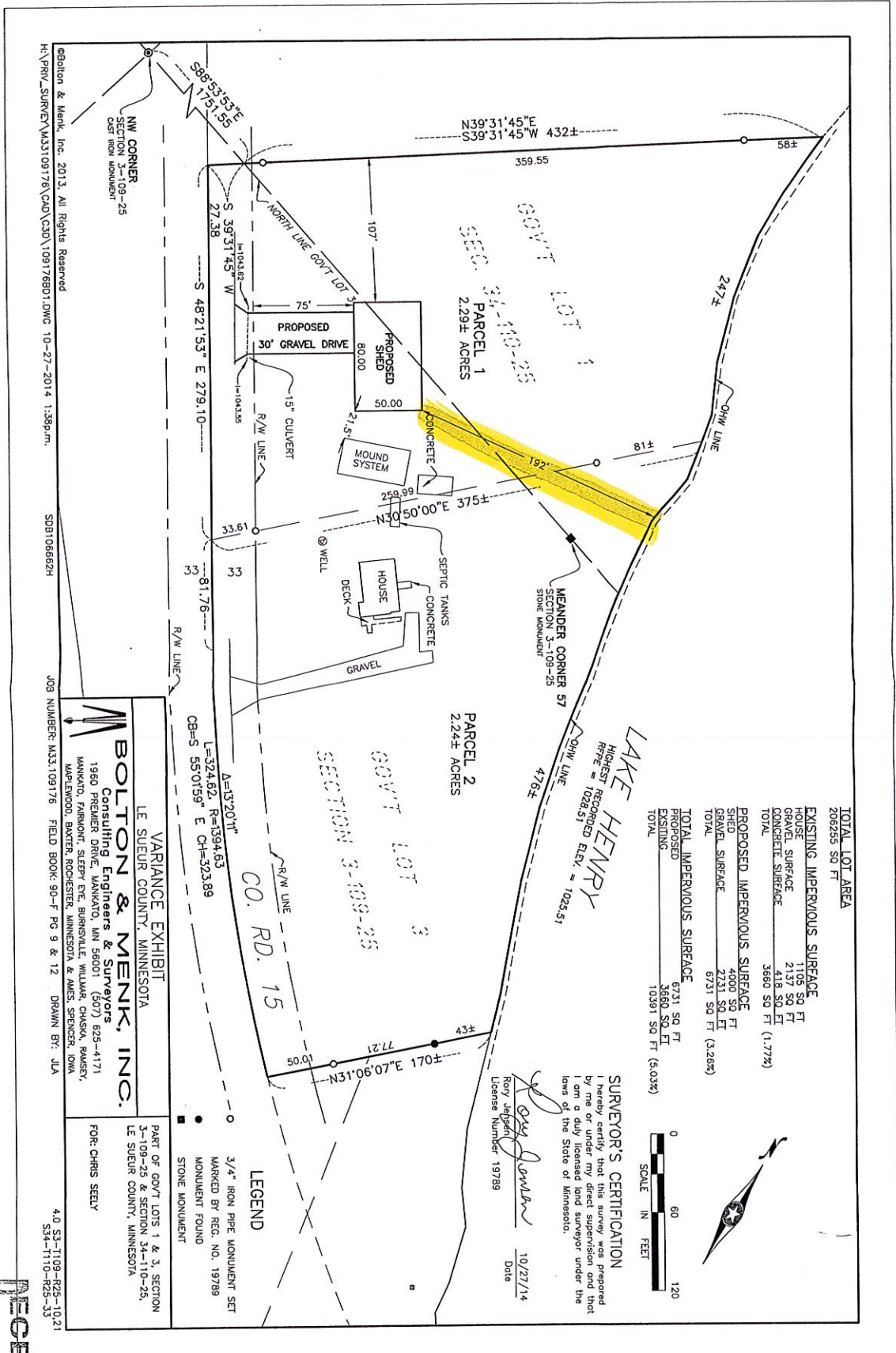
Thank you for your time and consideration.

Sincerely,



Christopher D. Seely





Le Sueur County

Surveyor Certification

- I. Applicant:
Name CHRIS. SEELY
- II. Property Owner (s), if different from above:
Name Chris Seely
Property Address 27684 Lake Jefferson Rd
City Cleveland State MN Zip 56017
- III. Parcel Information:
Parcel Number 01.103.7610
- 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 10/26/2014 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.

Roy Jeman
Surveyor's signature

10/27/2014
Date

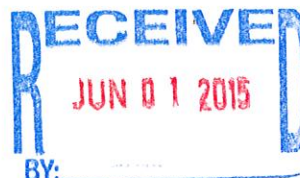
19789
Lic #

OFFICE USE ONLY

6-1-15
Date received

MRM
Planning & Zoning Authority signature

10-01-11





Lani Driscoll
889 Kingsway Drive
Le Sueur, MN 56058

Chris Seely
27684 Lake Jefferson Rd
Cleveland, MN 56017

DEALER INFO.

CUSTOMER INFO.

50'-0" x 80'-1" x 14'-0"
U1
OP121814

(Initials)
DATE: 1/25/2015

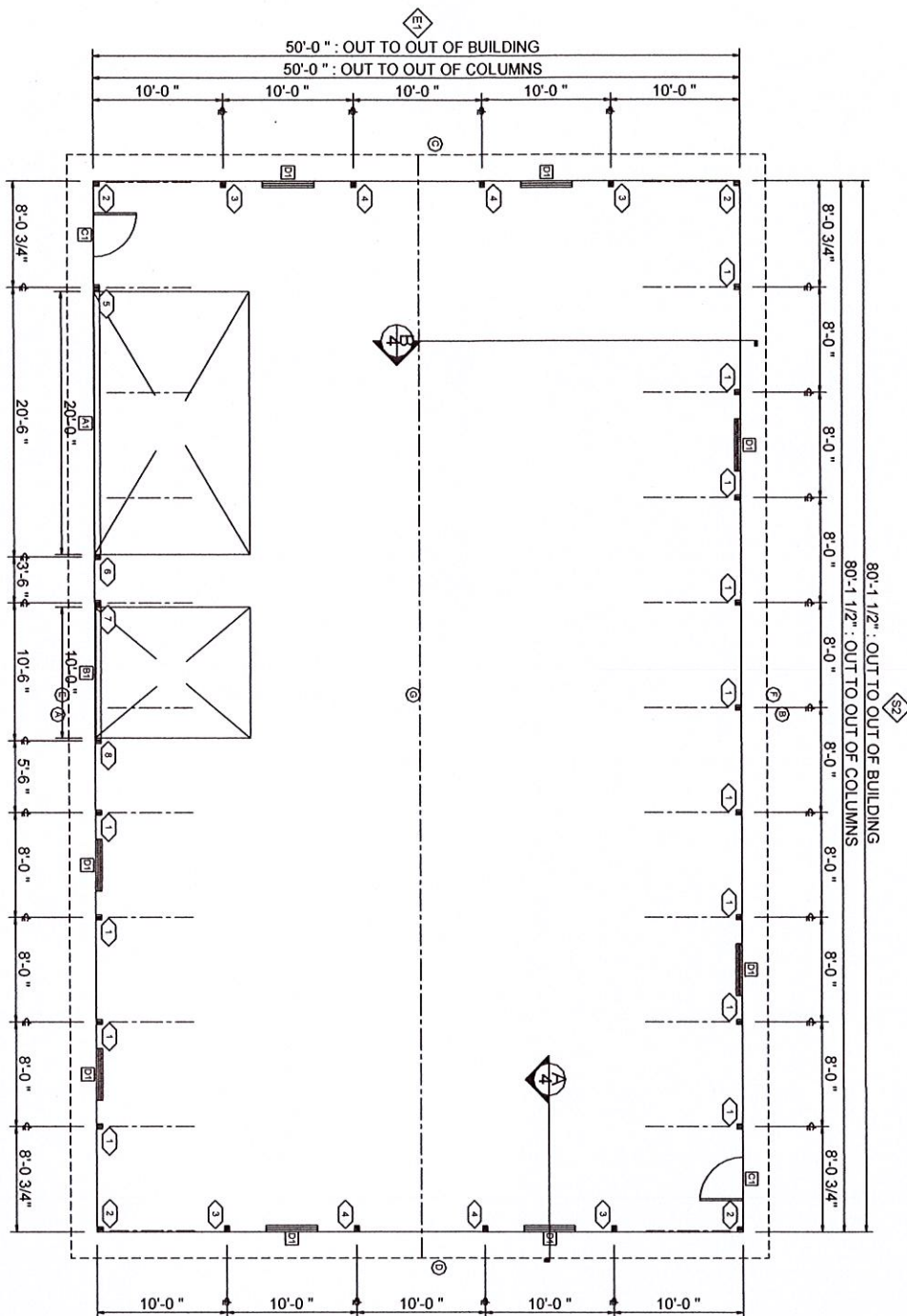
PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes
Not To Scale

Floor Plan

| OPENING SCHEDULE | THICKNESS | COLOR | NOMINAL | ROUGH | FRAME | FINISH |
|--------------------------------|------------|-------|---------|-------|-------------------------|--------|
| A1 12' HIGH OVERHEAD DOOR OPEN | 240x144 | | | | NA | LK424 |
| B1 12' HIGH OVERHEAD DOOR OPEN | 120x144 | | | | NA | LK424 |
| C1 WALK DOOR 7'10" SOLID | 36x60 | | | | KC431/KC430/KC471/KC470 | |
| D1 WINDOW VINYL SLIDER THERMAL | 47'5x65'75 | | | | KH431/KC424/KH451/KH450 | |

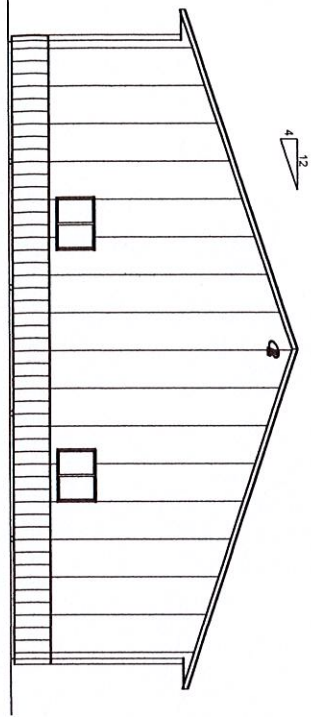
COLUMN SCHEDULE

| ID | PART | SHAPE | LENGTH | BASE | SIZE | TYPE | YDS/BSG | DET | ANCHOR | TYPE | BSG/BLTS | DET |
|----|--------|---------|--------|------|----------|--------------|---------|-------|--------|------|----------|-----|
| 1 | 692170 | FE66 | 20'-0" | -52 | 4 x 17" | PRECAST | 0 | EF201 | BLOCK | 0 | EF211 | |
| 2 | 692220 | FE66 | 20'-0" | -52 | 4 x 17" | PRECAST | 0 | EF201 | BLOCK | 0 | EF211 | |
| 3 | C003 | FE66 | 24'-0" | -52 | 4 x 17" | PRECAST | 0 | EF201 | BLOCK | 0 | EF211 | |
| 4 | C004 | FE66 | 28'-0" | -52 | 4 x 17" | PRECAST | 0 | EF201 | BLOCK | 0 | EF211 | |
| 5 | C005 | FE66/L6 | 20'-0" | -55 | 11 x 24" | PRECAST PLUS | 5 | EF202 | BLOCK | 0 | EF211 | |
| 6 | C006 | J6F566 | 20'-0" | -55 | 9 x 24" | PRECAST PLUS | 4 | EF202 | BLOCK | 0 | EF211 | |
| 7 | C007 | J6F566 | 20'-0" | -52 | 9 x 24" | PRECAST PLUS | 4 | EF202 | BLOCK | 0 | EF211 | |
| 8 | C008 | J6F566 | 20'-0" | -52 | 9 x 24" | PRECAST PLUS | 4 | EF202 | BLOCK | 0 | EF211 | |

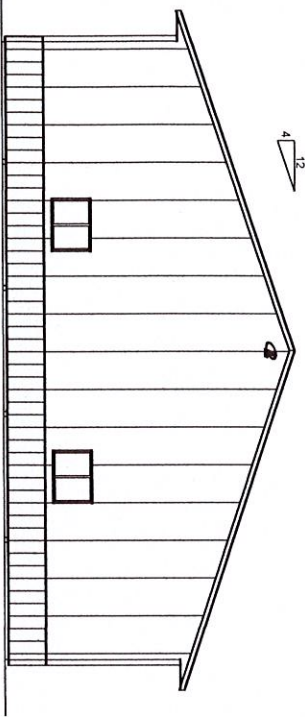


RECEIVED
JUN 16 2015
BY: mblm
Seely 01103, 7611

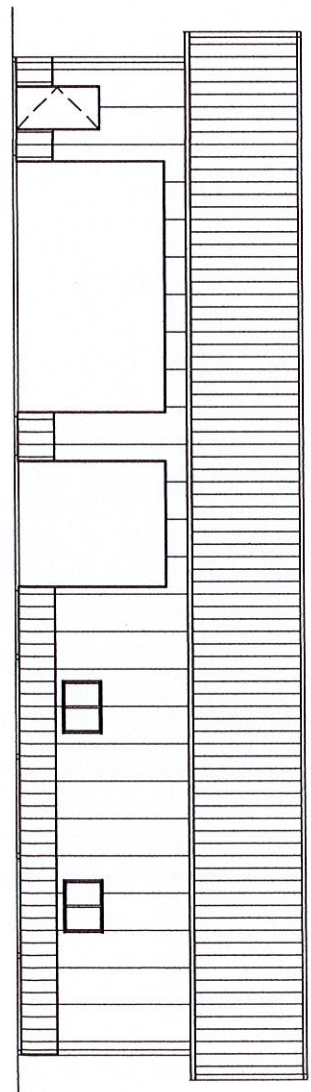
Customer Approval
PROJ: 070A-12211-00-00



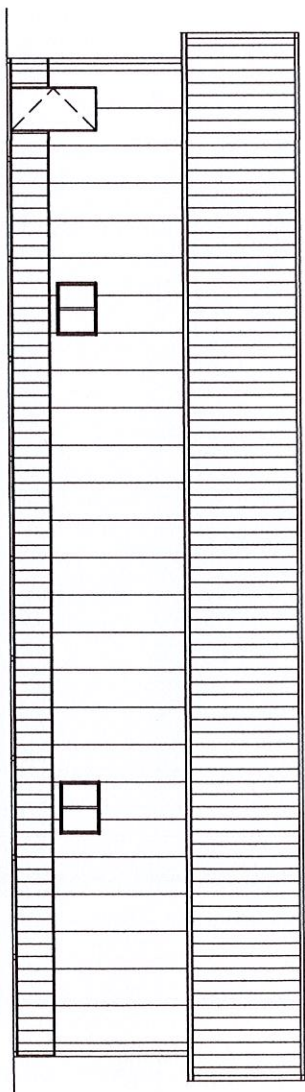
ENDWALL 1



ENDWALL 2




SIDEWALL 1

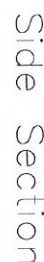


SIDEWALL 2

Seely 0.103.7610

RECEIVED
JUN 16 2015
BY: *mm*

| | | | | | |
|--|--|--|---|---|---|
|  | DEALER INFO. Lani Driscoll 889 Kingsway Drive Le Sueur, MN 56058 | CUSTOMER INFO. Chris Seely 27684 Lake Jefferson Rd Cleveland, MN 56017 | BUILDING DESCRIPTION 50'-0"x80'-1"x14'-0" U1 QP121814 | Customer Approval DATE: 1/25/2015 | PROJ: 070A-12211-00-00 PROPOSAL DRAWINGS ONLY Not Intended for Construction Purposes *Not To Scale* |
|--|--|--|---|---|---|



| END SECTION SCHEDULE | |
|----------------------|---------------|
| ID | Location |
| A | COLUMN |
| B | FOOTING |
| C | WALL GIRT |
| D | SPLASH PLANK |
| E | PURLIN |
| F | GABLE TRUSS |
| G | SOFFIT |
| H | GENERAL ROOF |
| I | GENERAL WALL |
| J | WINDSCOT WALL |
| K | BTM CHD BRACE |

Seely 01.103.71010

PROJ: 070A-12211-00-01

PROPOSAL DRAWINGS ONLY

Not Intended for Construction Purposes

* Not To Scale *

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: Christopher Seely PID: 01.103.2650 ⁷⁶¹⁰
Mailing Address: 27684 Lake Jefferson Rd, Cleveland, MN 56017
Property Address: "
Phone: () Mobile/Cell: (507) 317-2820

Responsible party for Implementation/Inspection: "
Address: "
Phone: () Mobile/Cell: (") "

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.

Christopher Seely
(Property Owner)

Christopher Seely
(Person Responsible for Implementation)

6/15/15
(Date)

6/15/15
(Date)

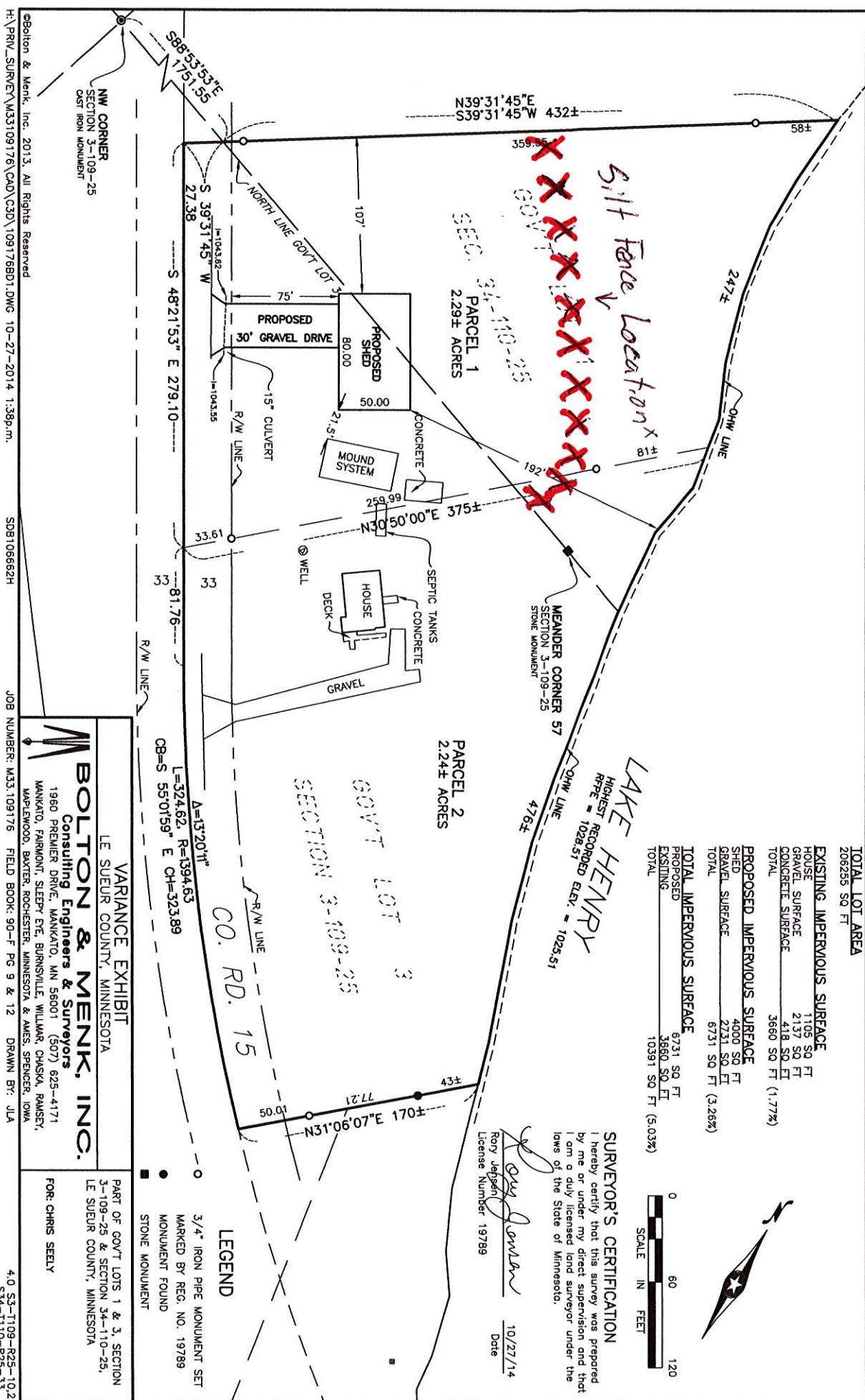
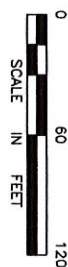
If you have any questions, please contact Environmental Services, at 507-357-8538.

| | |
|-----------------------------|---------------------|
| TOTAL LOT AREA | |
| 206255 | SQ FT |
| <hr/> | |
| EXISTING IMPERVIOUS SURFACE | |
| HOUSE | 1105 SQ FT |
| GRAVEL SURFACE | 2137 SQ FT |
| CONCRETE SURFACE | 418 SQ FT |
| TOTAL | 3660 SQ FT (1.77%) |
| <hr/> | |
| PROPOSED IMPERVIOUS SURFACE | |
| SHED | 4000 SQ FT |
| GRAVEL SURFACE | 2131 SQ FT |
| TOTAL | 6731 SQ FT (3.26%) |
| <hr/> | |
| TOTAL IMPERVIOUS SURFACE | |
| PROPOSED | 6731 SQ FT |
| EXISTING | 3660 SQ FT |
| TOTAL | 10391 SQ FT (5.03%) |

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
License Number 19789

10/27/14
Date



**OWNER'S POLICY
SCHEDULE A (CONTINUED)**

LEGAL DESCRIPTION

File No.: 40851-14-03513

Policy No.: 40851-14-03513-01

The Land referred to in this policy is described as follows:

PARCEL 1:

Part of Government Lot 1 of Section 34, Township 110 North, Range 25 West and part of Government Lot 3 of Section 3, Township 109 North, Range 25 West, Le Sueur County, Minnesota described as: Commencing at the Northwest corner of said Section 3; thence South 88 degrees 53 minutes 53 seconds East (Le Sueur County Coordinates NAD83, 1996 Adjustment) on the north line of said Section 3, a distance of 1751.55 feet to the point of beginning; thence South 39 degrees 31 minutes 45 seconds West, a distance of 27.38 feet to the centerline of Le Sueur County Road No. 15; thence South 48 degrees 21 minutes 53 seconds East on said centerline, a distance of 279.10 feet; thence North 30 degrees 50 minutes 00 seconds East, a distance of 375 feet, more or less to the shoreline of Lake Henry; thence northwesterly along said shoreline, a distance of 247 feet, more or less to the intersection of a line which bears North 39 degrees 31 minutes 45 seconds East from the point of beginning; thence South 39 degrees 31 minutes 45 seconds West, a distance of 432 feet, more or less, to the point of beginning.

AND

PARCEL 2

Part of Government Lot 1 of Section 34, Township 110 North, Range 25 West and part of Government Lot 3 of Section 3, Township 109 North, Range 25 West, Le Sueur County, Minnesota described as: Commencing at the Northwest corner of said Section 3; thence South 88 degrees 53 minutes 53 seconds East (Le Sueur County Coordinates NAD83, 1996 Adjustment) on the north line of said Section 3, a distance of 1751.55 feet; thence South 39 degrees 31 minutes 45 seconds West, a distance of 27.38 feet to the centerline of Le Sueur County Road No. 15; thence South 48 degrees 21 minutes 53 seconds East on said centerline, a distance of 279.10 feet to the point of beginning; thence continuing South 48 degrees 21 minutes 53 seconds East on said centerline, a distance of 81.76 feet; thence southeasterly a distance of 324.62 feet along a tangential curve to the left having a radius of 1394.63 feet and a central angle of 13 degrees 20 minutes 11 seconds; thence North 31 degrees 06 minutes 07 seconds East not tangent to said curve, a distance of 170 feet, more or less to the shoreline of Lake Henry; thence northwesterly along said shoreline, a distance of 476 feet, more or less to the intersection of a line which bears North 30 degrees 50 minutes 00 seconds East from the point of beginning; thence South 30 degrees 50 minutes 00 seconds West, a distance of 375 feet, more or less, to the point of beginning.

RECEIVED
JUN 16 2015
BY: *mkm*

LE SUEUR COUNTY HIGHWAY DEPARTMENT

Application For Access Driveway or Entrance Permit

C.S.A.H./Co. Hwy. No. 15 (Lake Jefferson Rd.) Name of Twp. Cleveland

SKETCH PROPERTY, PRESENT AND PROPOSED DRIVEWAY AND RELATION TO COUNTY HIGHWAY.

Name of Applicant: Christopher D. Seely Telephone No.: (507) 317 - 2820Address: 27684 Lake Jefferson Rd.Name of Property Owner: " Telephone No.: () "Address: "Location: Co Hwy. No.: 15 in Le Sueur Co. 0.2 Miles N-S-E-W of 464th St
(circle one) (Specify Road, or intersection)Legal Description of Property 01.103.7610Purpose of Driveway: Farm Residence _____ Field Pole Shed XIs a Building to be Constructed: Yes X No _____ What kind Pole ShedPossible replacement cost of this pipe will be the responsibility of the owner: (Yes/No)
(Circle One)Will the Building be Temporary: _____ Permanent XDistance from center of highway to front of building is 120 feet.Is land higher? _____ (lower?) 3ft or level? _____ with highway.
(show feet & inches) (show feet & inches)Number of present driveways to property 1 Date Proposed driveway will be needed 8/1/15

Give exact location to Proposed Driveway to Property: (Give lath to mark center of Proposed Driveway)

Culvert has already been placed in driveway location.

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the standards of the Minnesota Highway Department and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Le Sueur County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued.

6/8/15
DateChristopher Seely
Signature of Applicant

Office Use Do Not Write on this page.

NOT VALID UNLESS SIGNED AND NUMBERED

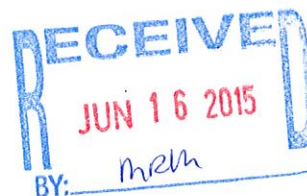
Access Driveway or Entrance Permit: 2015011
Permit No.

Permission is hereby granted for the construction of the driveway as described in the above application, said driveway to be constructed in accordance with the Minnesota Highway Departments Driveway Standard Plate Nos. 9000B and 9001A and subject to the requirements on the next page and the following special provisions:

It is expressly understood that this permit is conditioned upon replacement or restoration of the County Highway to its original or to satisfactory condition.

6/16/15
Date

David P. Ring
ASST. Le Sueur County Highway Engineer



FARM & FIELD ENTRANCES

BE IT RESOLVED: That the County Highway Engineer is hereby authorized and instructed to control farm and field entrances on all County State Aide Highways, including roads scheduled for new construction, under the following regulations.

- A: One field and one farm entrance shall be allowed per owner or approved additional access at no cost to owner.
- B: A permit shall be required on all additional entrance requests.
- C: All new culverts and aprons on additional entrance requests shall be furnished by the private owner, and constructed according to the Engineer's specifications.
- D: All new culvert materials and aprons shall become the property of the County Highway Department and entrances shall be maintained by same.
- E: There shall be no distinction for entrances with or without culvert.
- F: The relocation of existing entrances shall be accomplished at the private owner's expense and according to the Engineer's specifications, except where the County is proved negligent.
- G: The cost for construction of an additional approved entrance or relocation of an existing entrance shall be \$350. plus the cost of pipe, bands, and aprons.
- H: The cost for extending an existing entrance shall be \$175. plus the cost of pipe, bands, and aprons.

Assumes that fill material is available within one (1) mile. Required fill hauled more than one (1) mile will be hauled at an additional cost of \$.30/cu. Yd. Per loaded mile.

BE IT RESOLVED: That the design standards for County Roads be the same as those currently listed in State Aid Rules for County State Aid Highways.



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Seely
 PID: 01.103.7610
 DATE: 7-7-15
 FIRM #: 27079C0265D
 F-Zone: X-Outside
 RFPE: ELEVATION
 District: Special Protection



| | | | | | | |
|------------|------------|------------|------------|------------------|------------|------------|
| 30 | 29 | 28 | 27 | 26 | 25 | 30 |
| 31 | 32 | 33 | 34 | 35 | 36 | 31 |
| Emily | Dog | CLEVELAND | Henry | Middle Jefferson | Unnamed | Unnamed |
| 6 | 5 | 4 | 3 | 2 | 1 | 6 |
| Unnamed | Unnamed | Unnamed | Unnamed | Unnamed | Unnamed | Unnamed |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Washington | Washington | Washington | Washington | Washington | Washington | Washington |
| 17 | 16 | 15 | 14 | 13 | 12 | 18 |

0 65 130 260 390 520 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

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538

| | |
|---------------------|--------------------|
| 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 | |



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. <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|----------------------------------|-------------------------|------------------|-----------------------------------|--------------|
| 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

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: 6/16/2016 PERMIT NUMBER 15125 FEE: \$796.00
60 DAY RULING DATE: 8/15/2015

APPLICANT: MICHELLE & JEROME CONLON PROPERTY OWNER: CHRISTIAN FAMILY LP
ADDRESS: 1509 ROCKBEND PKWY ADDRESS: PO BOX 156
CITY: ST PETER CITY: LE CENTER
STATE: MN ZIP: 56082 STATE: MN ZIP: 56057
PHONE: 507-720-2099 PHONE: 507-357-2278

PARCEL NO: 05.455.0190 TOWNSHIP: KASOTA 911: NEW WILLOW RD ST PETER (mkm)
SEC: 27 SUBDIV: EMILY HEIGHTS
TWP: 110 LOT: 6 ZONE: R1
RANGE: 26 BLOCK: 2 FEMA PANEL #: 27079C0237D
Q/Q: ROAD: TWP 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 SINGLE-FAMILY DWELLING 39 FEET FROM THE ROAD ROW (WILLOW RD) AND 44 FEET FROM THE ROAD ROW (HUNTERS RD).

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:

Michelle Conlon
APPLICANT/PROPERTY OWNER

6-16-15
DATE

Michelle Conlon
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

June 16, 2015
DATE

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

| | |
|---------------------------------------|--|
| ON-SITE TOUR DATE: <u>7/16/2015</u> | |
| PUBLIC HEARING DATE: <u>7/16/2015</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: 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 _____

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

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

Explain _____

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

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

Explain _____

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?

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

Explain _____

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

JM JW JD CH FC
☐ ☐ ☐ ☐ ☐

Explain _____

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 Michelle Conlon & Jerome Conlon
Mailing Address 1509 Rockbend PKwy
City St Peter State MN Zip 56082
Phone # 507-720-2099 Phone # 507-381-1830
- II. **Land Owner (s), if different from above:**
Name Christian Family LP
Property Address PO Box 156
City LeCenter State MN Zip 56057
Phone # 507-357-2278 Phone # _____
- III. **Parcel Information:**
Parcel Number 05.455.0190 Parcel Acreage 1.25
Legal Description-Full legal description must be attached (not from tax statement)
Emily Heights Sub Division Lot 6 Block 2
- IV. **Variance Request:**
39' ~~39'~~ setback instead of 65' from Willow Road and
44' ~~44'~~ setback instead of 65' from Hunters Road
- V. **Township Notification: Township must be notified of proposed request prior to application.**
Kasota Township notified on June 12, 2015
(Township Name) (Date)
Board Member Joe Kienlen 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
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.

Due to the unique topography of this lot a low spot that can hold water has been created this is forcing the placement of the home and septic to be such that a variance is necessary to meet all other setback + covenant requirements

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

The topography with the low spot dictates the placement of the home and septic system to comply, be the least intrusive to the environment, and in doing so meet all other setbacks 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.

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

In trying to meet the covenant requirements of a 3 car garage and 1100 sq ft on the main floor of a single story home and all other septic requirements it has been a challenge. There is also a second road on the plat that requires additional setbacks. With this variance we will not have to disturb the woods 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?

Yes, Goal 1, 2 + 3 have no effect
Goal 4 would be met and
Goals 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 purpose through Goal #4 and provide the opportunity for Urban + Rural Housing Development it is already designated as.

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

We have allowed for a primary + secondary septic drainfield site and tanks have been staked in compliance to the home size and setbacks as well as placing them on virgin soil and away from the low spot on the property. Also creek setback is maintained + least amount of disturbance to trees.

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

Dwelling is being placed as far possible to meet current setbacks on left property line and as far as possible to meet setbacks from creek and septic in an effort to avoid the low spot and have the least impact on the tree line possible

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.

Michelle Coulon
Applicant signature

June 12, 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.

Dorothy Christman
Land Owner signature

6/12/15
Date

OFFICE USE ONLY

Date received 6-16-15 Present Zoning Classification R1 Feedlot within 500' 1000' N
Meeting date 7-16-15 Lake Classification — Erosion Control Plan Y N
60 Day 8-15-15 Lake — Water courses Y N
FEMA Panel # 27079C257D Flood Zone X outside Bluff Y N
☒ Surveyor Certificate ☒ Ordinance ☒ Septic map CI / DESIGN
☒ Site Plan -survey ☒ Access approval ☒ Fee \$ 640 ATF / SPEC MTG
☒ Full legal ☒ Blue Prints ☐ Other _____
☒ Application complete ☒ Written Detail of Var

Michelle R. Mittler
Planning & Zoning Department Signature

6-16-15
Date

15125
Permit #

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.

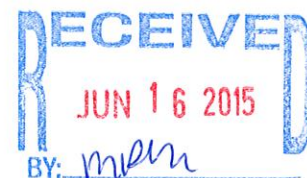
The lot is 1.25 acres but is ½ trees and creek. In addition the topography has a low spot that is unbuildable due to water that stands in this location after it rains. The location of the low spot forces the home to be placed at the front left of the property with the septic behind. This location is:

- 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.



ISG

Architecture
Engineering
Surveying
Planning

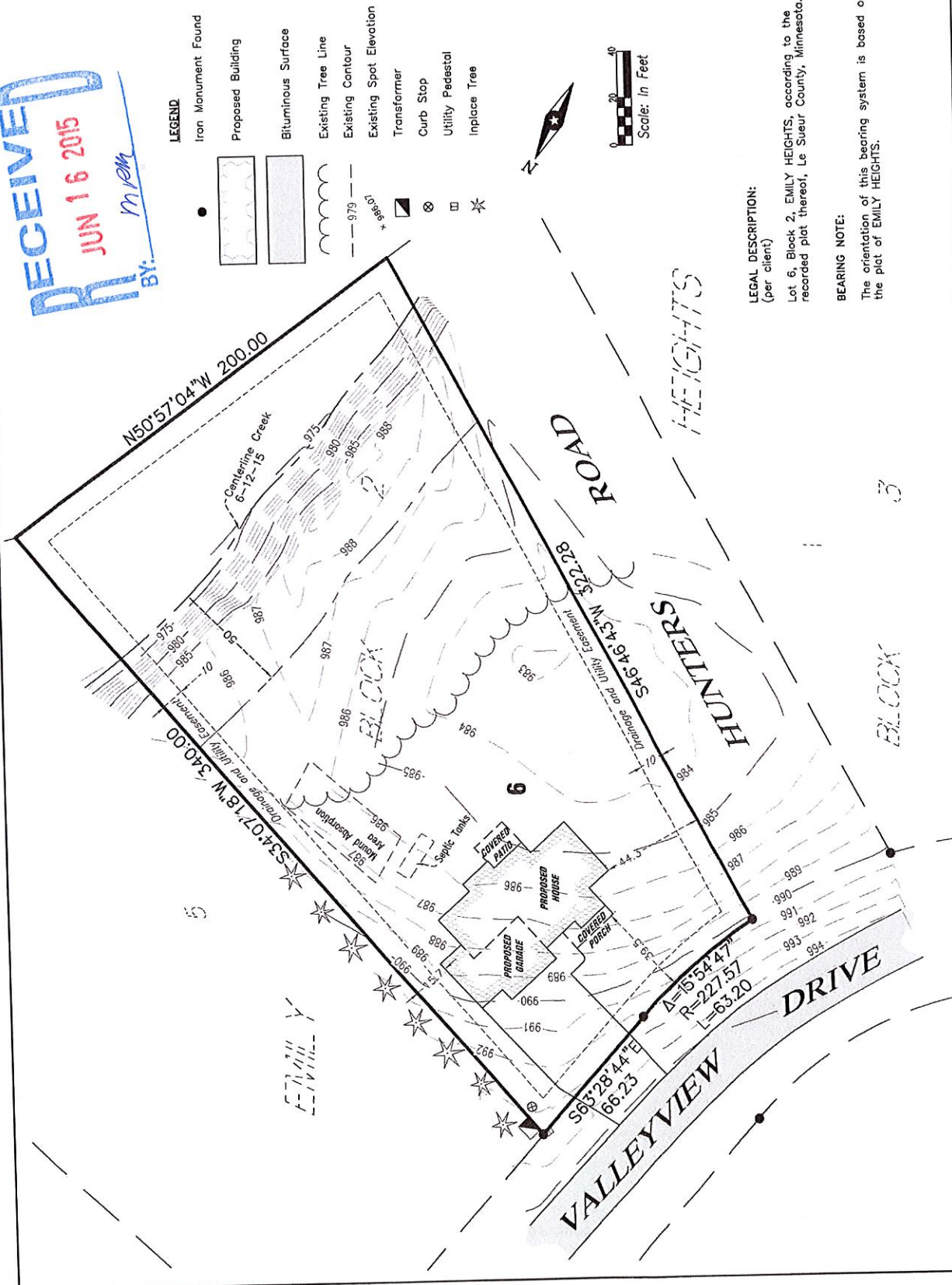
I+S GROUP

www.isg.com

RECEIVED
JUN 16 2015
BY: *mjm*

LEGEND

- Iron Monument Found
- Proposed Building
- Bituminous Surface
- Existing Tree Line
- Existing Contour
- Existing Spot Elevation
- Transformer
- Curb Stop
- Utility Pedestal
- Inplace Tree



Scale: In Feet

LEGAL DESCRIPTION:
(per client)

Lot 6, Block 2, EMILY HEIGHTS, according to the recorded plat thereof, Le Sueur County, Minnesota.

BEARING NOTE:

The orientation of this bearing system is based on the plot of EMILY HEIGHTS.

KEY PLAN

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DANIEL L. STUEBER
DL

DATE 05-25-2015 L.C. NO. 45110

THIS DOCUMENT IS THE PROPERTY OF I+S GROUP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT WRITTEN CONSENT.

PROJECT

JERRY & SHELLY CONLON

Lot 6, Block 2, EMILY HEIGHTS
St. Peter, Le Sueur County, MN.

PROJECT NO. 15-17857

FILE NAME: A:\17857-LE Sueur

DRAWN BY: JH

DESIGNED BY:

REVIEWED BY:

ISSUE DATE:

CLIENT PROJECT NO.

TITLE:

CERTIFICATE OF SURVEY

SHEET

1 OF 1

Le Sueur County

Surveyor Certification

I. Applicant:

Name JERRY & MICHÈLE CONLON

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

Name CHRISTIAN FAMILY LP

Property Address Willow Rd

City SAINT PETER State MN Zip 56082

III. Parcel Information:

Parcel Number 05.455.0190

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 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.

[Signature]
Surveyor's signature

06/16/2015
Date

4310
Lic #



OFFICE USE ONLY

Michelle R. Muth
Planning & Zoning Authority signature

Mettler, Michelle

From: Joseph Kienlen [joe@kienlenfarms.com]
Sent: Monday, June 15, 2015 12:58 PM
To: Mettler, Michelle
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



Hand-drawn site plan for a property. The plan shows a house and a garage. A north arrow is in the top left. A creek and bluff are in the top right. A road right-of-way is indicated by a dashed line. Key features include a 4-bedroom mound absorb. area, a septic tank(s), and various setbacks (750', 710', 30', 33'). A 'RECEIVED' stamp from JUN 15 2015 is present, along with a signature 'mrm' and the text 'prop. line / road right-of-way' and 'Road'.

Handwritten notes on the left side of the plan:

- >50' to any neighboring wells
- >20' to road right-of-ways
- >10' to all prop. lines
- >30' to Bluff
- >50' to creek/ditch

Handwritten notes on the plan:

- prop. line
- 710'
- 710'
- 710'
- 710'
- 750'
- 30'
- Bluff
- creek
- 33' setback
- 4-bedroom mound absorb. area
- slope
- 1500 sq. ft.
- septic tank(s)
- garage
- House
- View Rd.

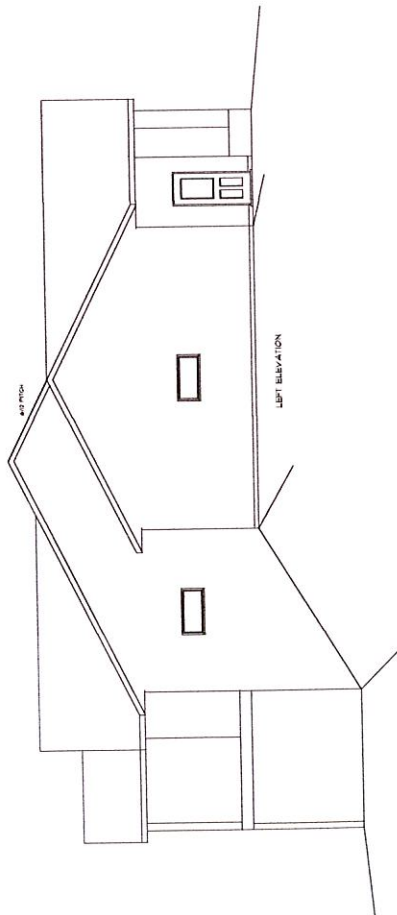
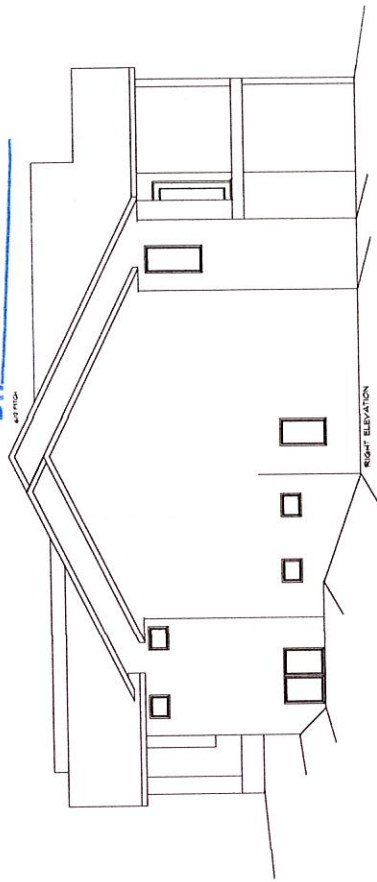
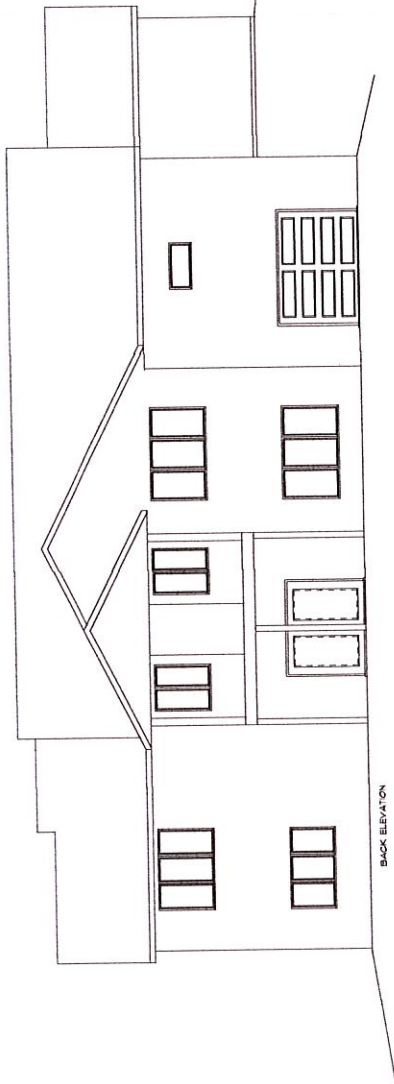
Stamp: RECEIVED JUN 15 2015 BY: mrm

prop. line / road right-of-way
Road

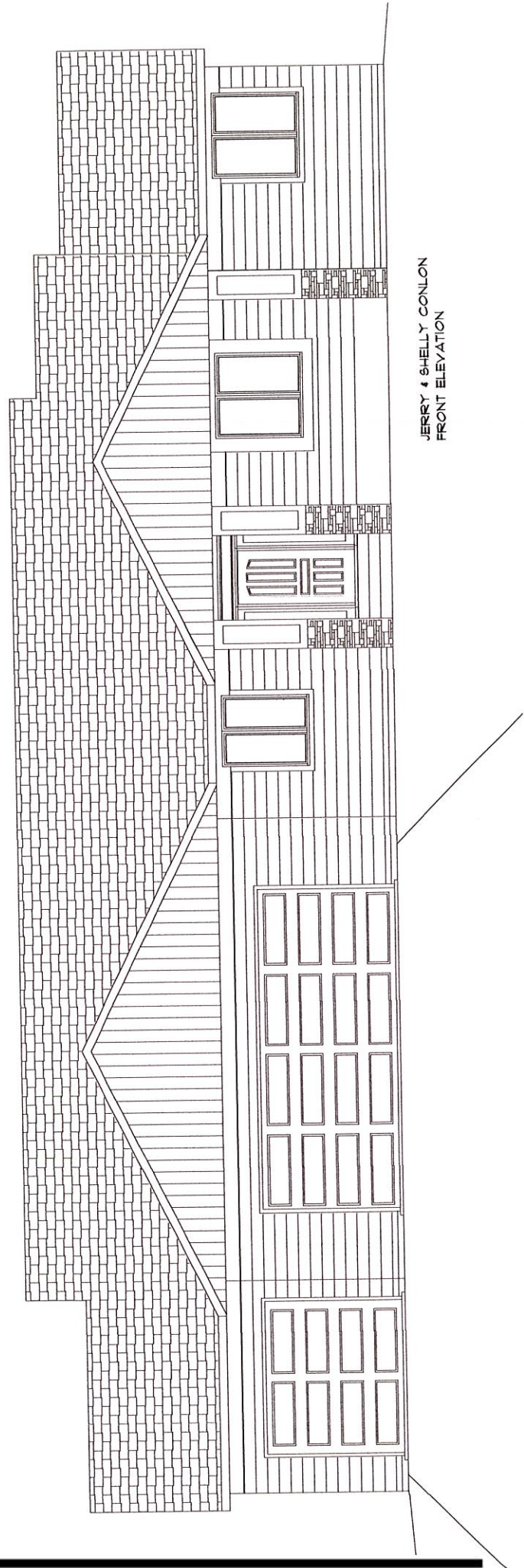
performance can be made due to future water usage over the life of the system.

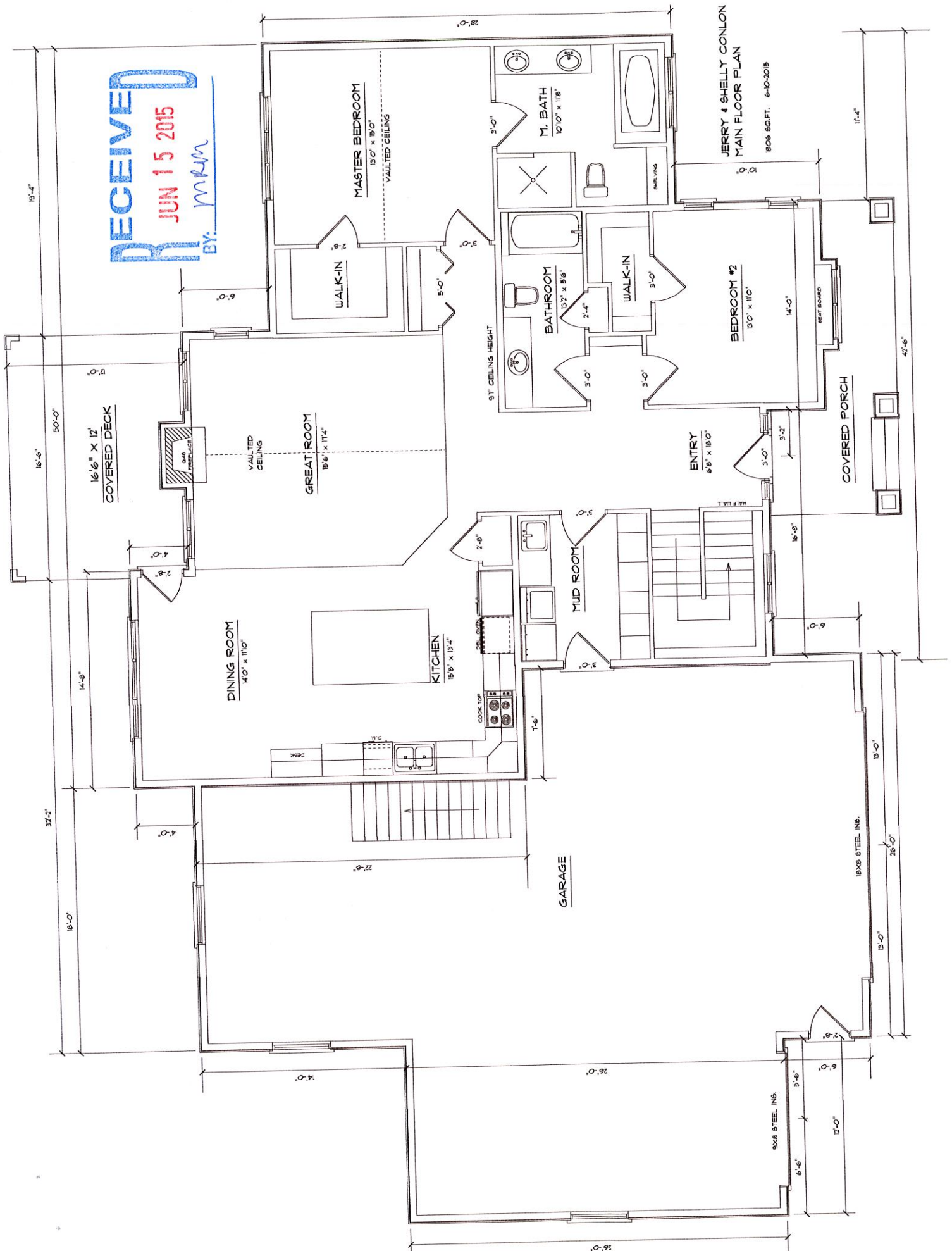
| | | | |
|-----------------------------|----------------|-----------------------|---------|
| Septic Designer Signature: | Glen Schilling | Date: | 6-15-15 |
| Septic Designer Company: | St. Peter Well | | |
| License Number: | 3467 | Certification Number: | 3218 |
| Septic Installer Signature: | |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

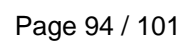
Revised: 2/2012



RECEIVED
JUN 15 2015
BY: mkm







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

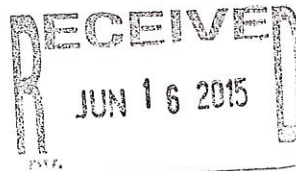
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Christian Family Limited Partnership PID: _____
Mailing Address: PO Box 156, LeCenter, MN 56057
Property Address: Emily Heights Sub Div Lot 6 Block 2
Phone: (507) 357-2278 Mobile/Cell: (____) _____

Responsible party for Implementation/Inspection: Jerome + Michelle Conlon
Address: 1509 Rockwood PKwy ST. Peter MN 56082
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.
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

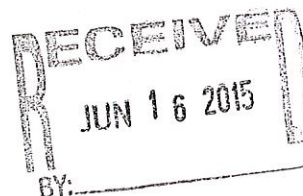
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out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

Doug Hunter for CFLP
(Property Owner)
J.B. Ah
(Person Responsible for Implementation)

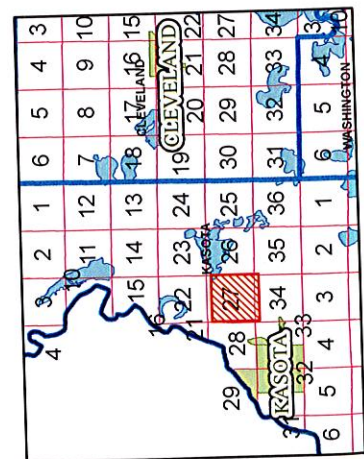
6/15/15
(Date)
6/15/15
(Date)

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



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Conlon/Christian
PID: 05.455.0190
DATE: 7-7-15
FIRM #: 27079C0237D
F-Zone: x-outside
RFPE: na
District: Urban/Rural 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> |
| 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 | |
| Contours 2 ft | |

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
 507-357-8538



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*