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# **Le Sueur County, MN**

**Thursday, September 17, 2015**

**Regular Session**

## **Item 1**

### **Skistad Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: Warren Skistad

911 ADDRESS: 46753 Melanie Dr, Madison Lake MN

VARIANCE REQUEST: To allow the applicant to construct a septic drainfield 55 feet from the Ordinary High Water Level (OHWL).

VARIANCE NUMBER: 15198

PARCEL NUMBER: 13.481.0040 & 13.481.0050

## SITE INFORMATION

LOCATION: Lots 3 & 4, Harriet Isle Subdivision, Section 3, Washington 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 off Melanie Drive

LAKE: Lake Jefferson, Recreational Development Lake

**Recreational Development Lake** - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

RFPE: Regulatory Flood Protection Elevation: 1022.86 Lowest floor must meet RFPE.

## ATTACHMENTS

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

## STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Septic system to OHWL:	55 feet	75 feet	Section 17, Subdiv.4.D.5.b.2.	17-9
2. Refer to DNR Guidance Letters:				
a. The Role of the Variances in Shoreland Management Ordinances				pg. 9
b. Bluffs and Steep Slopes				pg. 11
c. Non-conforming Lots of Record in Shoreland Areas				pg. 19

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: 8/17/2015 PERMIT NUMBER 15198 FEE: \$646.00  
60 DAY RULING DATE: 10/17/2015

APPLICANT:	WARREN SKISTAD	PROPERTY OWNER:	WARREN SKISTAD
ADDRESS:	46753 MELANIE DR	ADDRESS:	46753 MELANIE DR
CITY:	MADISON LAKE	CITY:	MADISON LAKE
STATE:	MN	STATE:	MN
PHONE:	507-931-6680	PHONE:	507-931-6680
ZIP:	56063	ZIP:	56063

PARCEL NO:	13.481.0040 & 005	TOWNSHIP:	WASHINGTON	911:	46753 MELANIE DR, MADISON LAKE
SEC:	3	SUBDIV:	HARRIET ISLE		
TWP:	109	LOT:	3 & 4	ZONE:	RR
RANGE:	25	BLOCK:		FEMA PANEL #:	27079C0265D
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 SEPTIC DRAINFIELD 55 FEET FROM THE OHWL. *men*

**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:

Warren Skistad  
APPLICANT/PROPERTY OWNER

8-17-15  
DATE

Michelle R. Muttler  
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

8-17-15  
DATE

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

ON-SITE TOUR DATE:	9/17/2015	
PUBLIC HEARING DATE:	9/17/2015	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: WARREN SKISTAD

Variance # 15198

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC DRAINFIELD <sup>55' mpm</sup> FEET FROM THE OHWL.

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

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

Explain \_\_\_\_\_

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

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

Explain \_\_\_\_\_

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

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

( ) APPROVED

( ) DENIED

CONDITIONS:

Applicant response to conditions:

Agree ( )

Disagree ( )

Reasons:

Board of Adjustment Chairman

Date

# Le Sueur County

## Variance Application

- I. Applicant:  
Name WARREN SKISTAD  
Mailing Address 46753 MEADWIND DRIVE  
City MADISON LAKE State MN Zip 56063  
Phone # 507-9316680 Phone # 507-9316673
- II. Land Owner (s), if different from above:  
Name — SAME AS ABOVE —  
Property Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_
- III. Parcel Information: 13.481.0040  
Parcel Number 13.481.0050 Parcel Acreage 1.92 ACRES + 42 -  
Legal Description-Full legal description must be attached (not from tax 1.74 ACRES + 02 -  
statement)  
SEE ATTACHED WARRANTY DEEDS
- IV. Variance Request:  
TO INSTALL MY MOUND SYSTEM 55' -mem  
FROM THE ORDINARY HIGH WATER LEVEL.
- V. Township Notification: Township must be notified of proposed request prior to application.  
WASHINGTON Township notified on 8-17-15  
(Township Name) (Date)  
Board Member BOB KAVANAGH regarding the proposed request.  
(Name)
- VI. Quantities and Submittal Formats:
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
  - Ten (10) copies must be submitted, if in color, an aerial, or larger than 8.5" x 11" in size.
  - Electronic version of any supporting documents if available.
  - Additional copies may be requested as deemed necessary by the Department.
  - Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. **Appointment is necessary.**
  - All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
  - Applications **will not** be accepted by mail.

**VII. Site Plan-must be a survey and shall include but not limited to the following:**

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Easements
- Access
- Impervious Surface -- Itemized current & proposed with total percentages *(If in Shoreland)*
- Location of significant trees to be removed *(If in Shoreland)*
- Note how disturbed areas will be restored *(If in Shoreland)*
- Landscape, screening and buffering *(If applicable)*
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Existing structures *(within and adjacent to project area)*
- Proposed Structures
- Lot Dimensions
- Septic System
- Well

**Building site shall be physically staked by the surveyor or the application will be tabled.**

**VIII. Attachments shall include but not limited to:**

- ☒ a. Site Plan-**survey**
- ☒ b. Full legal description
- ☒ c. Access approval
- ☒ d. Surveyor Certification
- ☐ e. Floor plans and/or blue prints *(For structures)*
- ☒ f. Septic System Compliance Inspection
- ☐ g. Erosion control plan
- ☒ h. Written Detail of Variance

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

Variance: \$ 600  
Filing Fee: \$ 46

**After-The-Fact meeting fees are doubled.**

**Additional Fees:**

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

**X. Procedure:**

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

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

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

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

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

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

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

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

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.  
REASONABLE BECAUSE THIS IS THE ONLY LOCATION ON MY PROPERTY THAT WILL ALLOW ME TO MEET ALL SSTS REGULATIONS EXCEPT THE OHWL SETBACK.
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?  
CAN'T MEET THE 75' LAKE SETBACKS, FLOOD PLANE AREA, AND MINIMUM DISTANCE FROM WALL ANY PLACE ON MY LOT TO LOCATE NEW SSTS.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.  
43 YRS AGO THE PROPERTY WAS PLOTTED AND HOME BUILT TO REGULATIONS AT THAT TIME. DUE TO THE PENINSULA CONFIGURATION OF THE LOTS, NEW SSTS REGULATIONS FOR SETBACKS CANNOT NOW BE MET.
4. How will the request maintain the essential character of the locality?  
WILL BE BLENDED INTO THE HILL ON THE WEST SIDE OF MY PROPERTY AND WILL BE MADE NON-OBTUSIVE AND HARDLY NOTICABLE TO MY NEIGHBORS.
5. Does the alleged practical difficulty involve more than economic considerations?  
YES, AFTER EXPLORING ALL OPTIONS, THIS IS THE ONLY LOCATION OPTION I HAVE THAT WILL ALLOW ME TO MEET THE SSTS COUNTY REGULATIONS.
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?  
YES IT IS, AS IT IS THE ONLY OPTION I HAVE TO MEET ALL OF THE ABOVE AND THE COUNTY REQUIREMENTS FOR NEW SSTS INSTALLATION.
7. Describe how the request is consistent with the Comprehensive Land Use Plan.  
BECAUSE MY PROPERTY IS ADJACENT TO RD 9 N4 LAND, I FEEL BRINGING MY SSTS IN COMPLIANCE IS A MUST AND WILL HELP PRESERVE THE LAKE FOR OUR ENJOYMENT AND OTHERS FOR YEARS TO COME.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.  
MY CURRENT SSTS IS NONCOMPLIANT. I AM THEREFORE REQUESTING A VARIANCE TO LOCATE A NEW SSTS IN THE ONLY LOCATION I HAVE ON MY PROPERTY.
9. Explain why this request is the minimum variance amount to afford relief.  
BECAUSE THIS IS THE ONLY SSTS LOCATION ON MY PROPERTY THAT ALLOWS ME TO MEET ALL THE NEW SSTS REQUIREMENTS EXCEPT THE OHWL REQUIREMENT.



**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.

Warren Skistad  
Applicant signature

8-14-15  
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.

Warren Skistad  
Land Owner signature

8-14-15  
Date

*MANY THANKS FOR YOUR CONSIDERATION!*

**OFFICE USE ONLY**

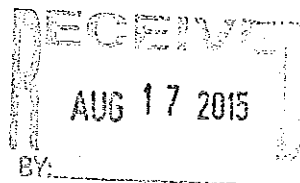
Date received 8-17-15 Present Zoning Classification RR Feedlot within 500' 1000' (N)  
Meeting date 9-17-15 Lake Classification RD Erosion Control Plan Y N  
60 Day 10-16-15 Lake Jensen Water courses Y (N)  
FEMA Panel # 27079C04WS Flood Zone X-outside Bluff (Y) N  
☒ Surveyor Certificate ☒ Ordinance ☒ Septic 8-17-15 (CI) DESIGN  
☐ Site Plan -survey ☐ Access approval ☒ Fee \$ 646 ATF / SPEC MTG  
☒ Full legal ☐ Blue Prints None ☐ Other \_\_\_\_\_  
☐ Application complete ☐ Written Detail of Var

Michelle R. Mettler  
Planning & Zoning Department Signature

8-17-15  
Date

15198  
Permit #

04-15-13

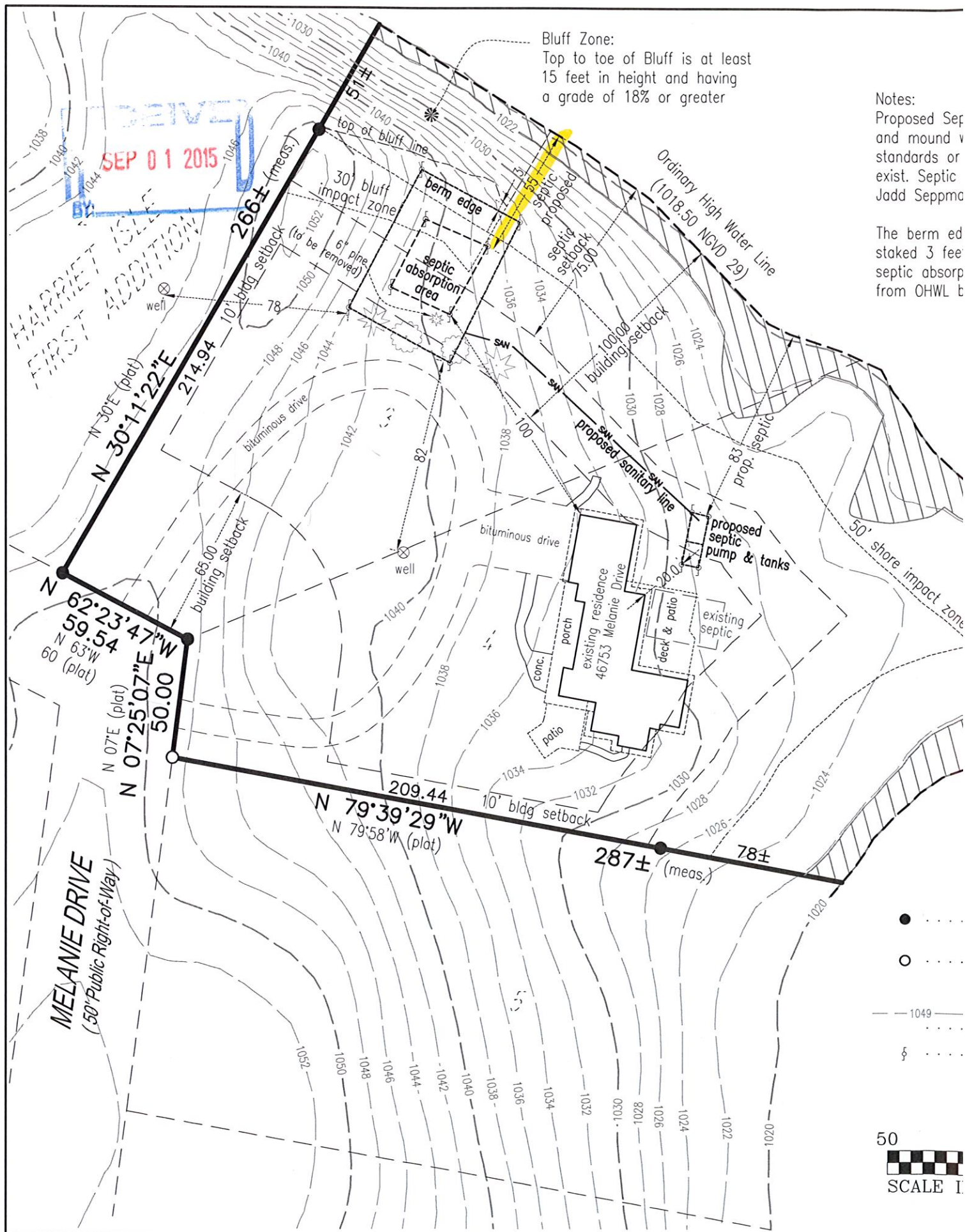


## VIII. ATTACHMENT

### h. Written Detail of Variance

We bought our home from the original owner in 1979. The 2 lots our home is located on were surveyed and platted on a narrow peninsula in 1972. The SSTS and well were both certified compliant when we purchased our home. Since then I have upgraded our SSTS with additional 300 feet of drain tile which was inspected and approved per county guidelines at that time. Since our existing SSTS is now not compliant per new SSTS requirements, I have explored all location options with Jadd Seppmann and found I only have one place to locate the new SSTS that will meet all requirements except one, which is the OHWL distance requirement. Therefore, I am requesting a variance for our mound system to be      feet from the OHWL per the surveyor's property plat.







# Le Sueur County

## Surveyor Certification

- I. Applicant:  
Name WARREN & JUDITH SKISTAD
- II. Land Owner (s), if different from above:  
Name WARREN SKISTAD  
Property Address 46753 MELANIE DRIVE  
City MADISON LAKE State MN Zip 56063
- III. Parcel Information:  
Parcel Number 13.481.0040 & 13.481.0050
- 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:

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> North point  | <input checked="" type="checkbox"/> Lakes    | <input checked="" type="checkbox"/> Existing structures (within and adjacent to project area) |
| <input checked="" type="checkbox"/> Setbacks   | <input checked="" type="checkbox"/> Rivers   | <input checked="" type="checkbox"/> Proposed Structures                                       |
| <input checked="" type="checkbox"/> Property lines   | <input checked="" type="checkbox"/> Wetlands | <input checked="" type="checkbox"/> Lot Dimensions  |
| <input checked="" type="checkbox"/> Road Right-Of-Way  | <input checked="" type="checkbox"/> Streams  | <input checked="" type="checkbox"/> Septic System   |
| <input checked="" type="checkbox"/> Easements  | <input checked="" type="checkbox"/> Ponds    | <input checked="" type="checkbox"/> Well  |
| <input checked="" type="checkbox"/> Access   |  |   |
| <input checked="" type="checkbox"/> Impervious Surface -- Itemized current & proposed with total percentages (If in Shoreland) |  |   |
| <input checked="" type="checkbox"/> Location of significant trees to be removed (If in Shoreland)                              |  |   |
| <input checked="" type="checkbox"/> Note how disturbed areas will be restored (If in Shoreland)                                |  |   |
| <input checked="" type="checkbox"/> Landscape, screening and buffering (If applicable)   |  |   |
- N/A ☒ ~~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 08-13-2015 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. Signatures:

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

[Signature]  
Surveyor's signature

08-17-2015  
Date

41820  
Lic #

OFFICE USE ONLY

[Signature]  
Planning & Zoning Department Signature



**Jadd Seppmann & Sons** LLP  
Well Drilling - Septic Systems - Portable Toilets  
**507-625-3400**

54043 State Highway 68  
Mankato MN 56001  
Toll Free 800-767-2120

Located directly across  
from the "Seppmann Mill"  
Fax: 507-625-7717

