



Le Sueur County, MN

Thursday, September 17, 2015

Regular Session

Item 2

Halvorson Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Greg Halvorson

911 ADDRESS: 27938 Maple Lane, Madison Lake MN

VARIANCE REQUEST: To allow the applicant to move in a single-family dwelling 7 feet from the West property line, 21 feet from the road Right-Of-Way (ROW), install a holding tank 5 feet from the road ROW and 5 feet from the West property line.

VARIANCE NUMBER: 15197

PARCEL NUMBER: 13.800.0270

SITE INFORMATION

LOCATION: Lot 26 Wildwood 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 Maple Lane

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, Erosion Control Plan, House Plans

STAFF FINDINGS

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

1. Variance:	Request:	Required:	Ordinance:	Page:
a. Structure to property line:	7 feet	10 feet	Section 13.2, Subdiv, 5.C.2.	13-44
b. Structure to road ROW:	21 feet	32.5 feet*	Section 13.2, Subdiv. 5.B.10.	13-43
c. Septic tank to property line:	5 feet	10 feet	Section 17, Subdiv.4.D.2.	17-9
d. Septic tank to road ROW:	5 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

Page 1 of 2

- b. Bluffs and Steep Slopes pg. 11
 - c. Limiting Impervious Surface pg. 15
 - d. Non-conforming Lots of Record in Shoreland Areas pg. 19
 - e. Structure Setback Requirements pg. 21
- 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. **Additional Considerations:**
 - a. Application consists of removal of impervious surface and proposed pervious pavers.

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
60 DAY RULING DATE: 10/16/2015

PERMIT NUMBER 15197

FEE: \$646.00

APPLICANT: GREG HALVORSON
ADDRESS: 32598 633RD AVE
CITY: GIBBON
STATE: MN
PHONE: 507-779-1619

ZIP: 55335

PROPERTY OWNER: GREG HALVORSON
ADDRESS: 27938 MAPLE LN
CITY: MADISON LAKE
STATE: MN
PHONE: 507-779-1619

ZIP: 56063

PARCEL NO: 13.800.0270 TOWNSHIP: WASHINGTON 911: 27938 MAPLE LN, MADISON LAKE
SEC: 3 SUBDIV: WILDWOOD SUBDIV
TWP: 109 LOT: 26 ZONE: RR
RANGE: 25 BLOCK: FEMA PANEL #: 27079C0265D
Q/Q: 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 MOVE IN A SINGLE-FAMILY ^{dwelling - mkt} 7' TO THE WEST PL, 21' TO THE ROAD ROW, INSTALL A HOLDING TANK 5' TO THE ROAD ROW AND 5' TO THE WEST PL.

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:

Greg Halvorson
APPLICANT/PROPERTY OWNER

8-17-15
DATE

Michelle R. Mittler
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

8-17-15
DATE

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

ON-SITE TOUR DATE: <u>9/17/2015</u>	
PUBLIC HEARING DATE: <u>9/17/2015</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: GREG HALVORSON

Variance # 15197

Variance Request: TO ALLOW THE APPLICANT TO MOVE IN A SINGLE-FAMILY 7' TO THE WEST PL, 21' TO THE ROAD ROW, INSTALL A HOLDING TANK 5' TO THE ROAD ROW AND 5' TO THE WEST PL.

- 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 Greg Halvorson
Mailing Address 32598 633rd Ave.
City Gibbon State MN Zip 55335
Phone # 507-779-1619 Phone # _____

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

Name Greg Halvorson
Property Address 27938 Maple Lane
City Madison Lake State MN Zip 56063
Phone # 507-779-1619 Phone # _____

III. Parcel Information:

Parcel Number 13.800.0270 Parcel Acreage .15
Legal Description-Full legal description must be attached (*not from tax statement*)

IV. Variance Request:

Move in new dwelling in place of existing
7' west property to dwelling - 21' to road from dwelling
5' property to septic tank 5ft from road

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

Washington Twp Township notified on 8-14-15
(Township Name) (Date)

Board Member Steve Biehn 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.

Because of small lot size we are not building
a large structure but moving out of bluff zone
+ asking for 1' closer to west line

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

Small narrow lot size + setback because
of bluff

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

Building site was zoned previous to new zoning
rules

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

we will be building a new beautiful home +
removing an aging mobile home while not
changing the land features?

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

yes Small lot, narrow in bluff zone

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

yes moving further away from bluff zone

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

Because the home is old there is a need to update -
promotes development

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

The old septic tank would be removed + new tank be
installed, septic design attached. well is currently
shared with neighbours - no well on property

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

we feel this is an adequate size structure but definitely
not huge. with the narrow lot size we feel asking
for only 1' on side + few feet on back should be fine

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.

Greg Halverson

Applicant signature

8-17-15

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.

Greg Halverson

Land Owner signature

8-17-15

Date

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 Jefferson Water courses (Y) (N)

FEMA Panel # 27090250 Flood Zone X-outside Bluff (N)

☒ Surveyor Certificate

☒ Ordinance

☒ Septic

COC-HT

(CI) DESIGN

New HT

☐ Site Plan -survey

☐ Access approval

☒ Fee \$ 6410- ATF / SPEC MTG

☒ Full legal

☐ Blue Prints

☒ Other LAP

☐ Application complete

☒ Written Detail of Var

previous const plans/specs

Michelle R. Mittler
Planning & Zoning Department Signature

8-17-15
Date

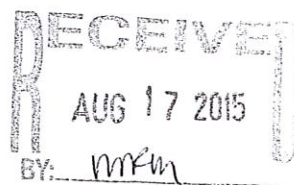
15197
Permit #

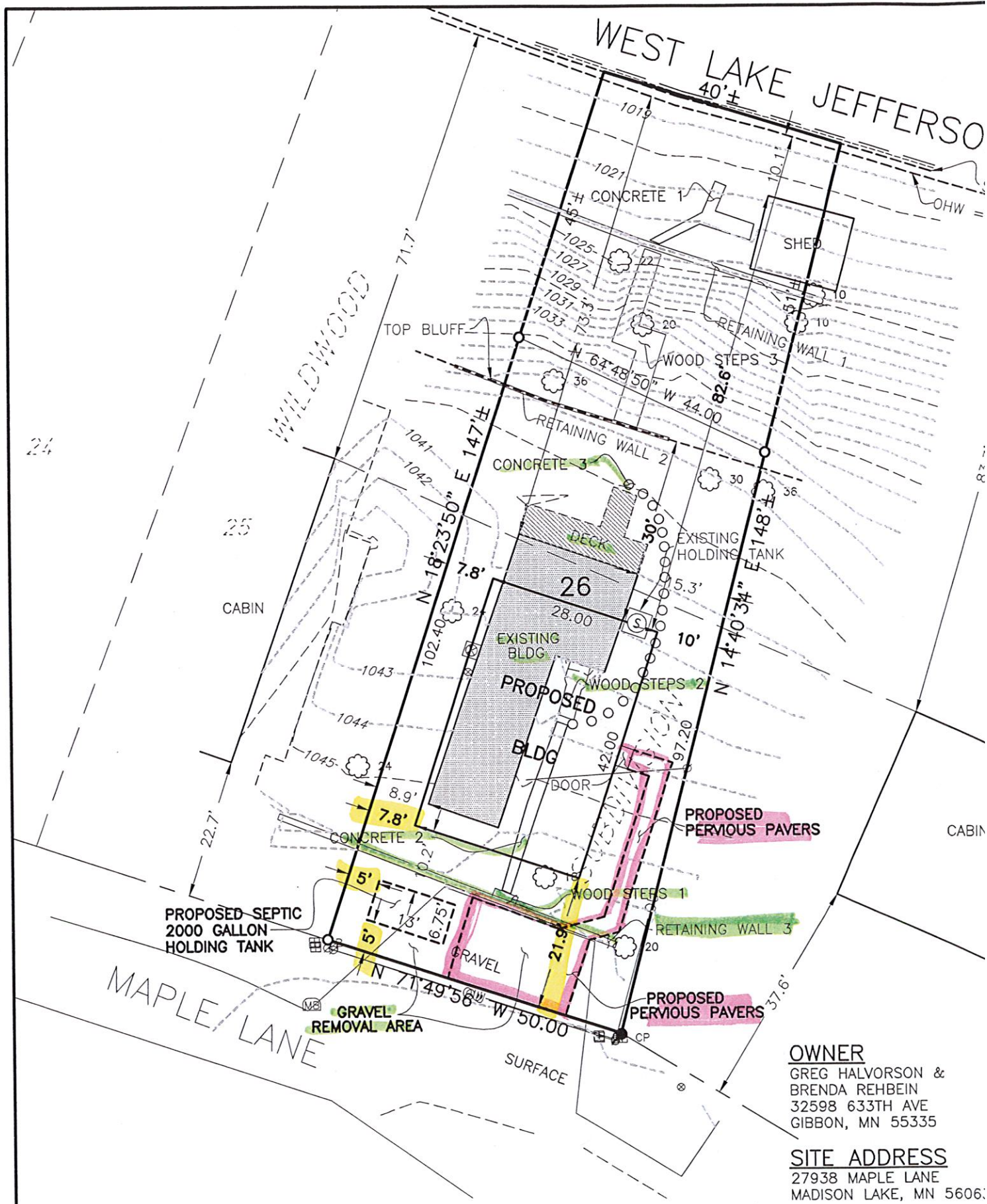
04-15-13

Written Detail of Variance

mm
Dwelling 7. ' from west side lot
Dwelling 21. " from south property line (road)
Septic tank 5' from west property line
Septic tank 5' from south property line (road)

We are asking for a variance to build a new dwelling with the above listed set-backs. The property currently has an old trailer home with an addition, as this home is getting quite old & need of some repair we cannot justify the expense to update the home. In regards to where the current dwelling sits we feel that we are asking for a minimal variance but we would be moving further from the lake & out of the bluff zone. With the layout of the lot & elevation sloping to the lake it only makes sense for us to build on a walk-out basement. The elevation is perfect & we would not be excavating or taking out of the bluff zone, overall toward the road side we would be excavating approx. 5' of soil. It is important to us to maintain the integrity of the lot, providing needed erosion control measures. Overall the site would be improved by constructing a nice new home.





Le Sueur County

Surveyor Certification

I. Applicant:

Name Beau Munsell

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

Name Greg HALVORSON & Brenda REHBEIN

Property Address 27938 Maple LANE

City MADISON LAKE State MN Zip 56063

III. Parcel Information:

Parcel Number 13.800.0270

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 8/21/15 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.

Beau Munsell
Surveyor's signature

8/14/15
Date

19789
Lic #

OFFICE USE ONLY

8-10417-15
Date received

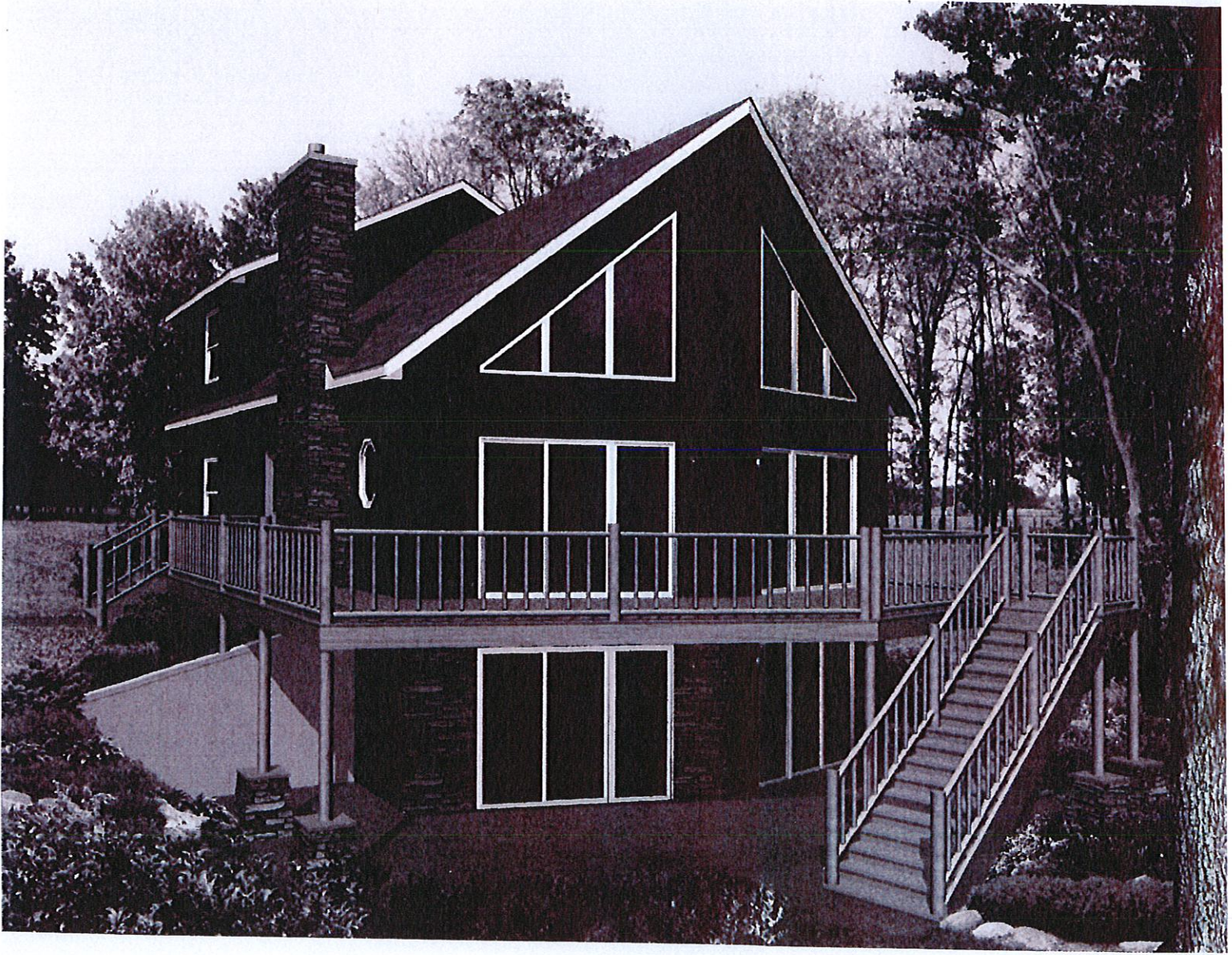
Michelle R. Mattler
Planning & Zoning Authority signature

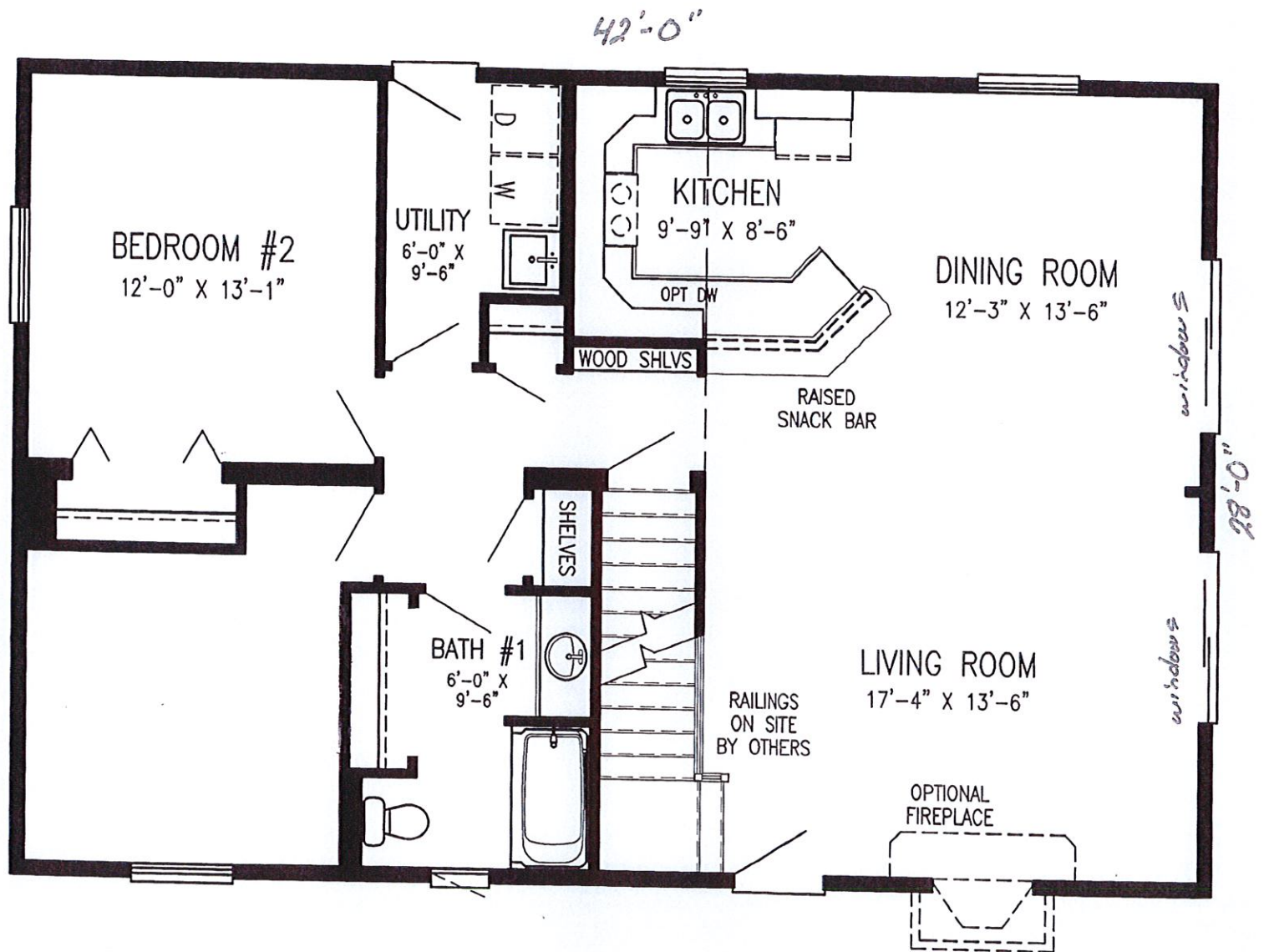
10-01-11

Will not have the V in the middle
flat all the way across

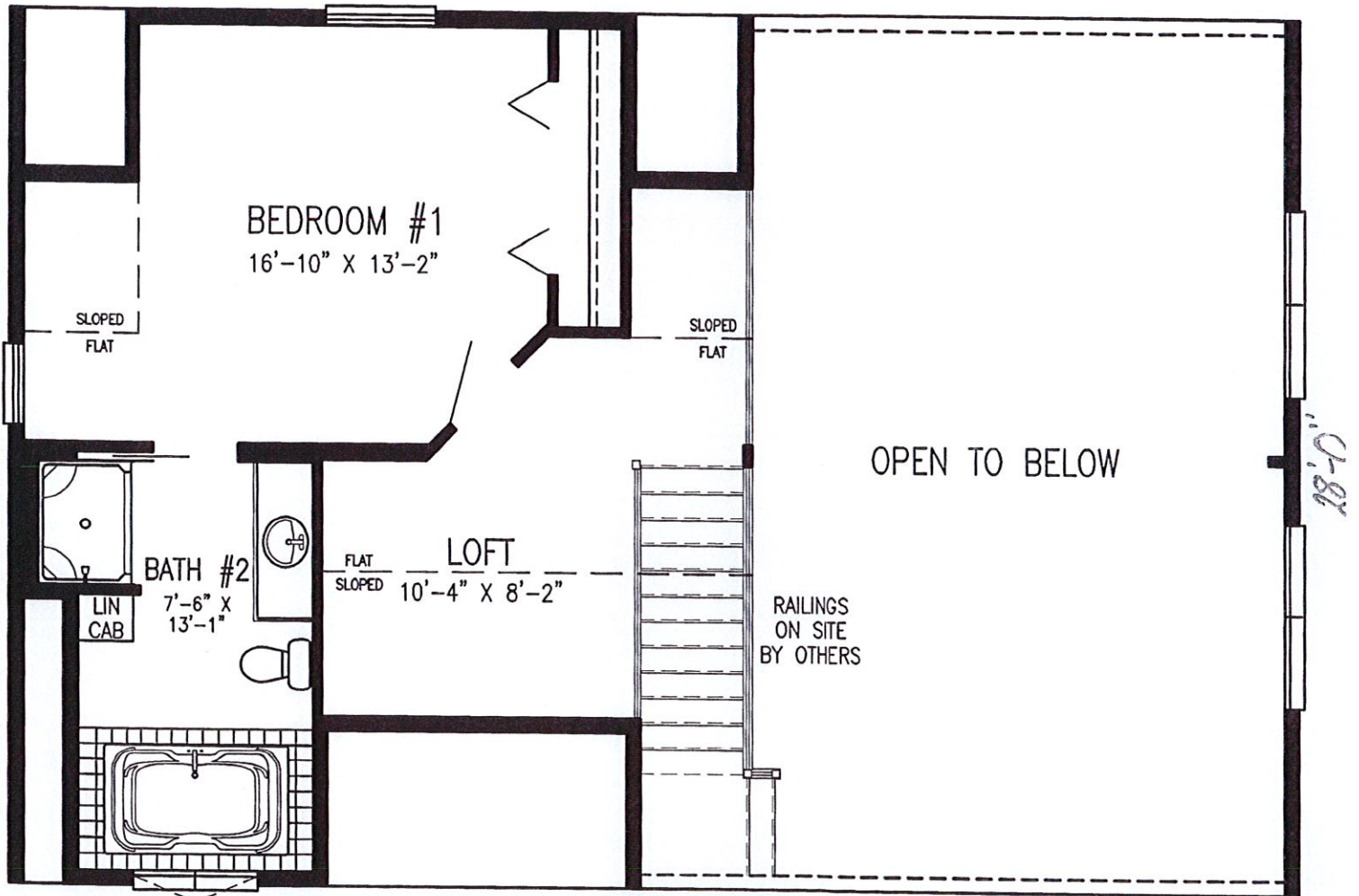
*Similar plan/view without deck

-no chimney

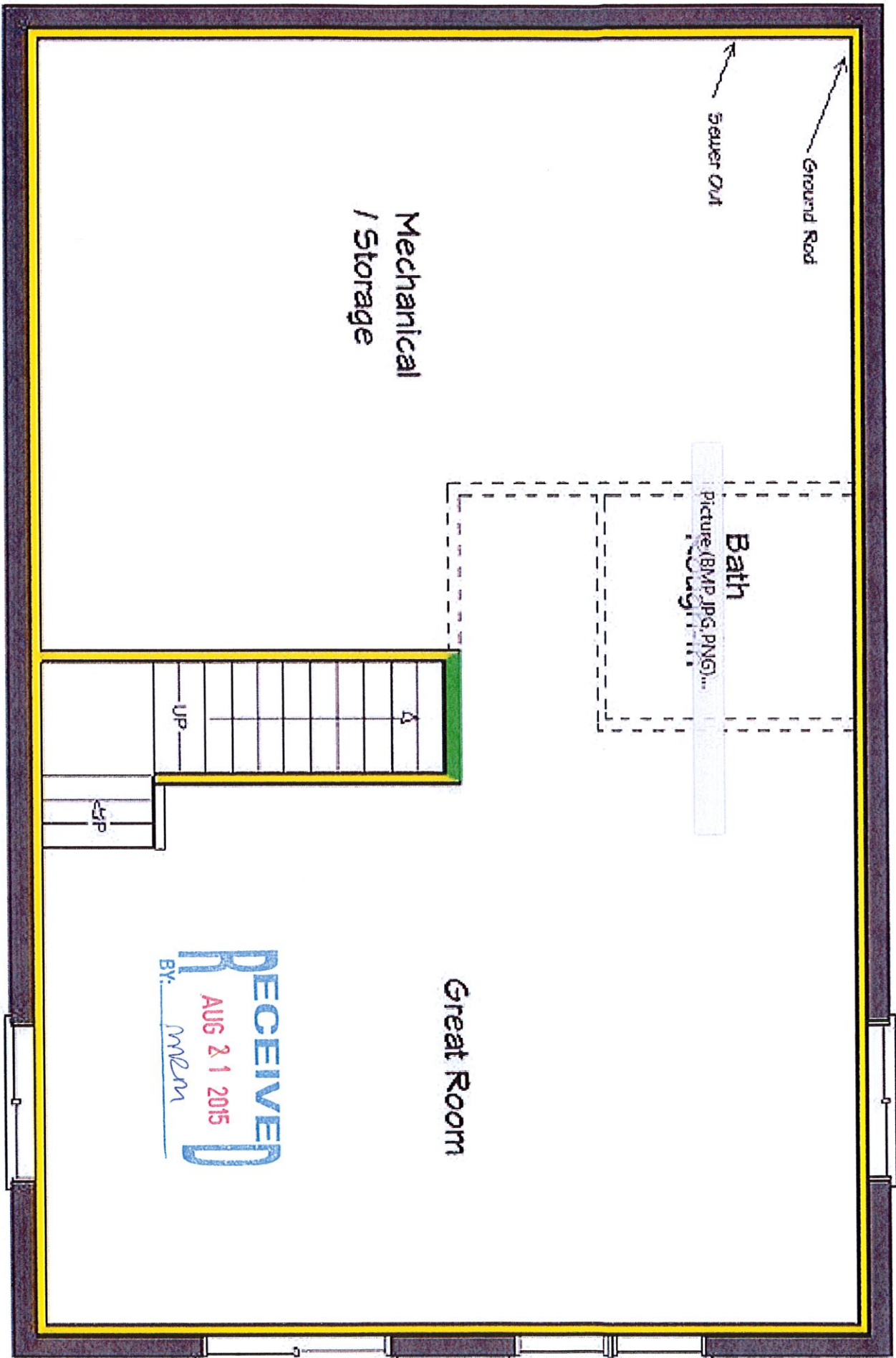




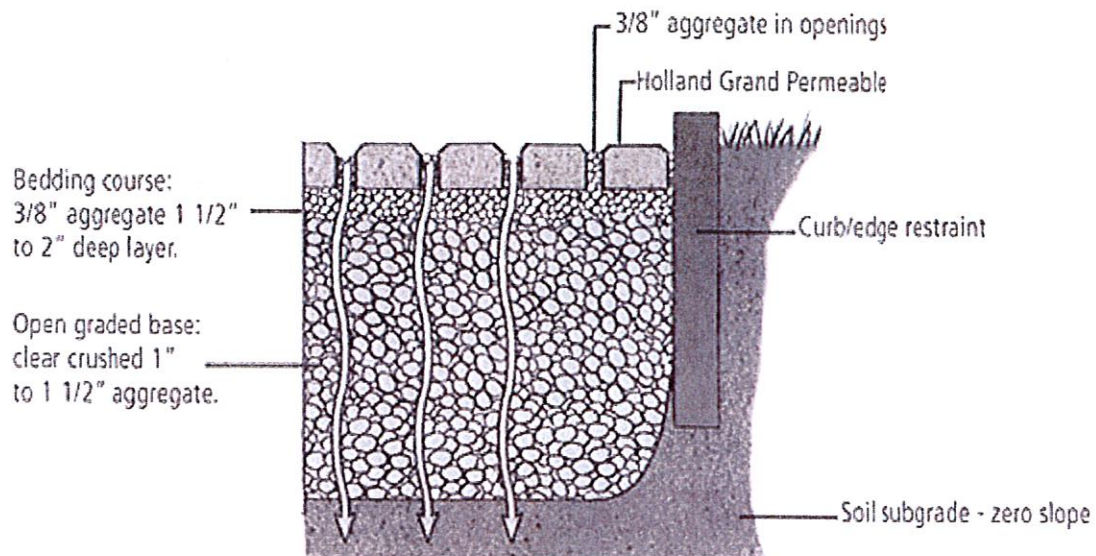
40'-0"



Unfinished Basement



Typical Permeable Paver Installation



RECEIVED
AUG 17 2015
BY: mm

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

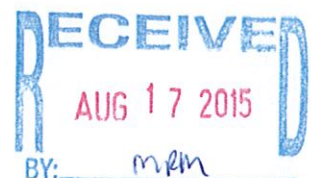
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Greg Holmstrom PID: 13-800-0270
Mailing Address: 32598 633rd Ave. - Gibbon, MN 55335
Property Address: 37938 Maple Lane, Madison Lake, MN 56063
Phone: (507) 779-1619 Mobile/Cell: ()

Responsible party for Implementation/Inspection: Dean Murrell @ Excelsior Works
Address: 1355 Hwy 7 W. - Hutchinson, MN 55350
Phone: (320) 587-4990 Mobile/Cell: (520) 587-4506

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.

Greg Halvorson
(Property Owner)

8-17-15
(Date)

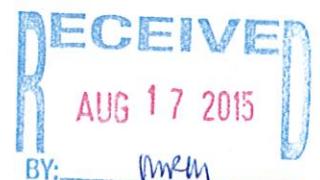
Isaac J. [Signature]
(Person Responsible for Implementation)

8-17-15
(Date)

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

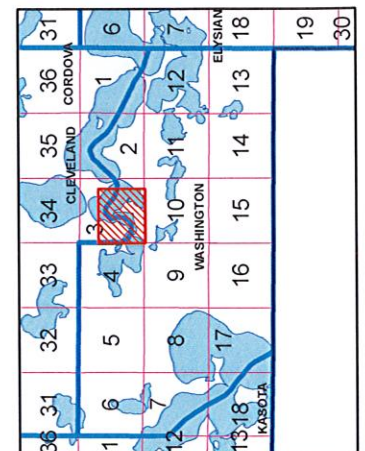
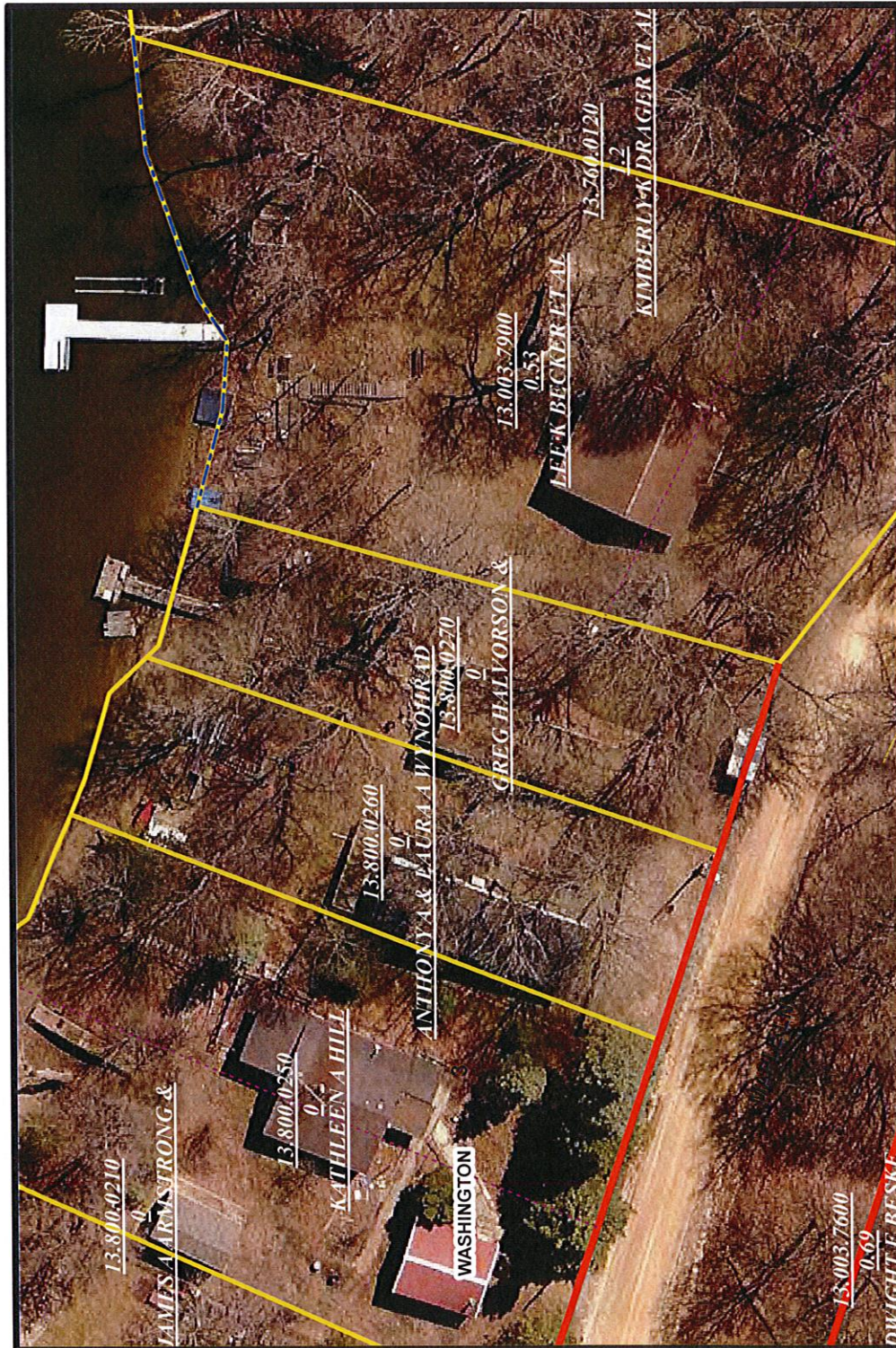


* Grade will not be changed in bluff zone - No grading, excavating or filling in bluff



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Halvorson
 PID: 13.800.0270
 DATE: 09-10-15
 FIRM #: 27079C0265D
 F-Zone: X-Outside
 RFPE: 1022.86
 District: Recreational Residential



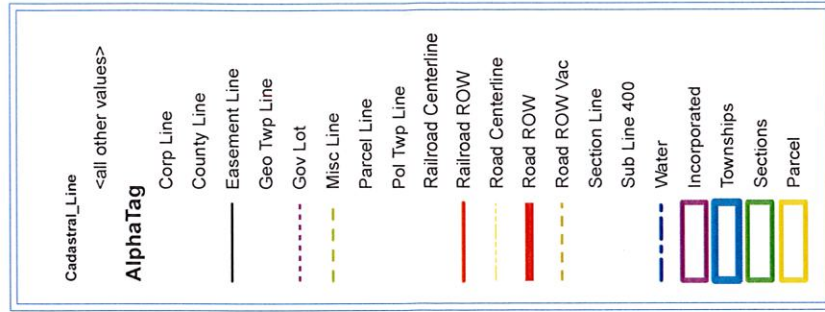
Map Disclaimer

*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



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538