



---

# **Le Sueur County, MN**

**Thursday, November 19, 2015**

**Regular Session**

## **Item 2**

### **Lemcke Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: GLEN LEMCKE  
911 ADDRESS: 26033 Island Rd, Cleveland MN 56017  
VARIANCE REQUEST: To allow the applicant to construct a septic system drainfield 5 feet from the east property line and 10 feet from the dwelling.  
VARIANCE NUMBER: 15267  
PARCEL NUMBER: 01.700.0090

## SITE INFORMATION

LOCATION: Lot 9, Kluntz Lakewood Knoll, Section 1, Cleveland 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 Island Road  
LAKE: Recreational Development "RD" lake, Lake Jefferson.  
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. Variance:	Request:	Required:	Ordinance:
a. Structure to septic drainfield:	10 feet	20 feet	Section 17
b. Septic Drainfield to E. Property Line:	5 feet	10 feet	Section 17
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

Page 1 of 2

- 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.

**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 FINDINGS OF FACT

Name of Applicant: GLEN LEMCKE

Variance # 15267

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC SYSTEM DRAINFIELD 5' TO THE EASE PROPERTY LINE AND 10' TO THE DWELLING.

- 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 Glenn & Charlene Lemcke  
Mailing Address 26033 Island Rd  
City Cleveland State MN Zip 56017  
Phone # 507-766-9067 Phone # 507-766-0353

II. Land Owner (s), if different from above:  
Name same  
Property Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

III. Parcel Information:  
Parcel Number 01-700-0090 Parcel Acreage \_\_\_\_\_  
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request: Drain field 5' from property line  
and 10' from house

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

Cleveland Township notified on 19 Oct. 15  
(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
- d. Surveyor Certification
- e. Floor plans and/or blue prints *(For structures)*
- f. Septic System Compliance Inspection *+ Design*
- 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.

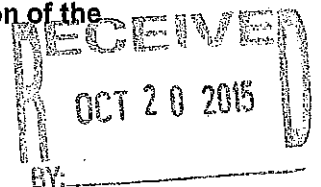
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

**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.

There is not enough room for Septic Drain field

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

Its were (location) the drain field has to be located,

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

were the house and well are located and The slope of the land

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

For a better Drain field

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

yes because of the small amount of space needed

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

yes for the septic system

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

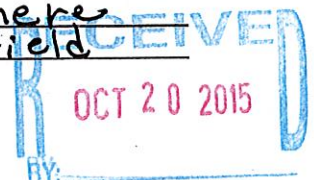
It is the location of the drain field

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

To bring into compliance that is why I need a variance

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

I dont have room any where else to put ~~it~~ The drain field



**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.

*Shawn Seneke*  
Applicant signature

19 Oct 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

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

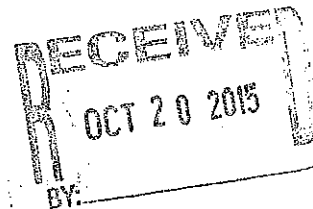
Date received <u>10-20-15</u>	Present Zoning Classification <u>RD</u>	Feedlot within 500' <u>1000'</u>	<u>N</u>
Meeting date <u>11-19-15</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u>	<u>N</u>
60 Day <u>11-9-15</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u>	<u>N</u>
FEMA Panel # <u>27079C02700</u>	Flood Zone <u>X-outside</u>	Bluff <u>Y</u>	<u>N</u>
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Septic	<u>CI / DESIGN</u>
<input checked="" type="checkbox"/> Site Plan -survey	<input type="checkbox"/> Access approval	<input type="checkbox"/> Fee \$ <u>640</u>	<u>ATF / SPEC MTG</u>
<input checked="" type="checkbox"/> Full legal	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Application complete	<input checked="" type="checkbox"/> Written Detail of Var		

*Michelle R Mitter*  
Planning & Zoning Department Signature

10-20-15  
Date

15267  
Permit #

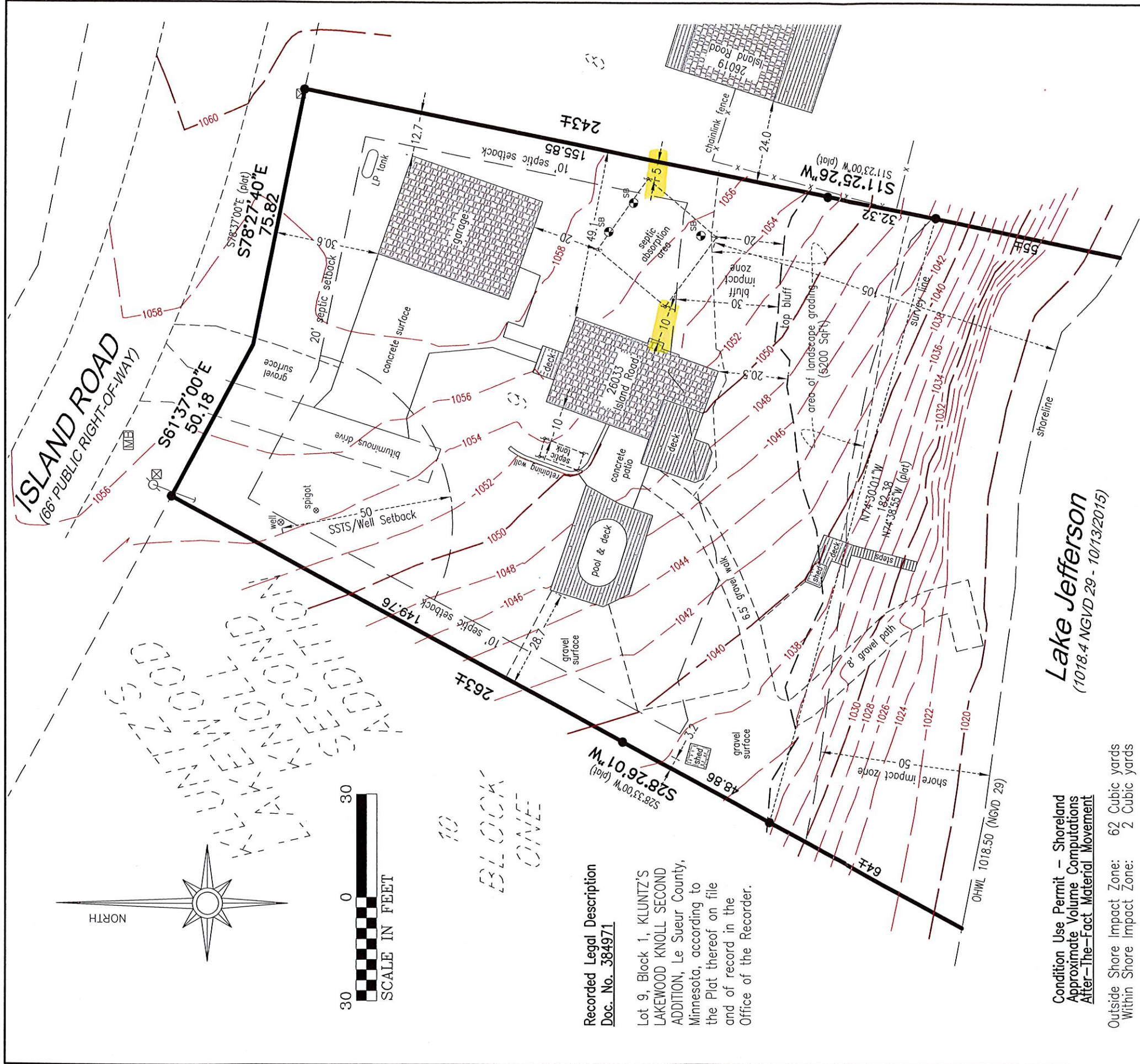
04-15-13





I need This Variance for the reason the Contractor said it is the best place for the Drain field And I agree because of the space that is available on the property. The house is 10' And garage is 19' And property line is 5' with these condition I need a variance.

RECEIVED  
OCT 20 2015  
BY: mlm



**Condition Use Permit - Shoreland**  
**Approximate Volume Computations**  
**After - The-Fact Material Movement**

Outside Shore Impact Zone: 62 Cubic yards  
 Within Shore Impact Zone: 2 Cubic yards  
 Within Bluff Impact Zone: 34 Cubic yards  
 Within Bluff: 30 Cubic yards  
 Total Cubic Yards of material: 64 Cubic yards

- LEGEND**
- . . . . . INDICATES FOUND IRON MONUMENT
  - . . . . . INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820
  - § . . . . . FLAG PLACED BY SEPTIC DESIGN
  - 1056 . . . . . 2' ELEVATION CONTOURS

**Parcel Information**  
 Owner: Glenn & Charlene Lemcke  
 Property Address:  
 26033 Island Road  
 Cleveland, MN 56017  
 Parcel ID: 01.700.0090  
 Phone: 507-766-9067

**Itemized Impervious Surface**  
 Total property area: 38639 SqFt  
 (Impervious allowed: 38639 x 25= 9660 SqFt)

Buildings & House: 2282 SqFt  
 Decks & Pools: 1124 SqFt  
 Gravel Surface: 3523 SqFt  
 Bituminous Drive: 695 SqFt  
 Concrete Surface: 1927 SqFt  
**Total Impervious: 9551 SqFt**  
 (9551 / 38639 = 24.7%)

**Note:**  
 Landscape grading completed before land survey was measured and mapped. Land owner installed grass sod and landscape borders to help prevent future erosion.  
 Septic design will be completed by St. Peter Well Drilling. Existing septic tanks will be used, septic mound and absorption area will be installed to current conditions or design standards.

**RECEIVED**  
 OCT 21 2015  
 imlan

**CERTIFICATE OF SURVEY**  
**GLENN & CHARLENE LEMCKE**

26033 Island Road, Cleveland, MN 56017  
 Lot 9, Block 1, KLUNTZ'S LAKEWOOD KNOLL SECOND ADDITION, LeSueur County, MN  
 Record Deed Doc. No. 384971

FIELD BOOK: JLV DRAFTER: JDV  
 CRD FILE: 1435 Lemcke JOB No: 15-1435  
 FILING: Le Sueur Co., NW/4 Sec. 1-109-25  
 REV. DATES: 10-15-2015 OHWL & Garage dist

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT 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.

John Vergeven  
 DATE: 10-20-2015  
 LICENSE NO. 41820

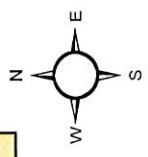
**Prairie Land Surveying**

1047 East Main Street  
 Mankato, MN 56001  
 jvergeven@charter.net  
 (507) 469-5997  
 •Boundary  
 •Construction  
 •Subdivisions  
 •ALTA  
 •Topographic



Reliable, On-Time Surveys.

# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

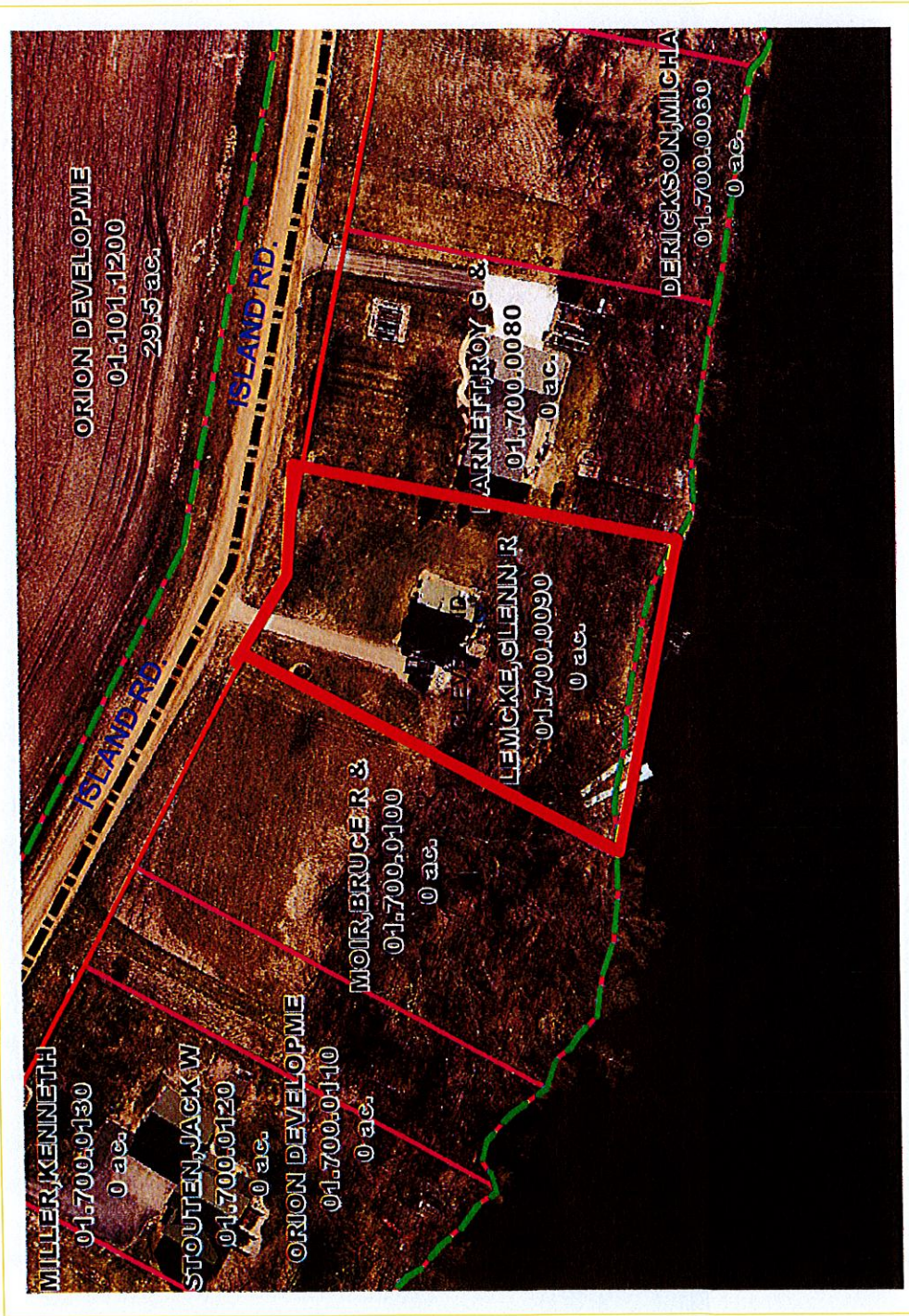


NAME: G. Lemcke

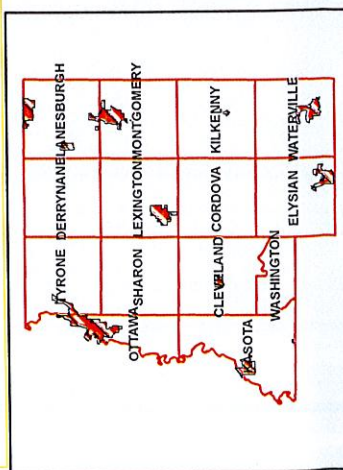
PID: 01.700.0090

DATE: 11/19/2015

ZONING DISTRICT: "RR"



20151222  
 200 Feet



**Legend**

- Townships
- ParcelPoly
- Cities
- Sections

**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.

LE SUEUR COUNTY  
 PLANNING & ZONING  
 507-357-8538

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet  
 Photo from April 2005

CREATED BY: KMB

# Le Sueur County

## Surveyor Certification

I. Applicant:

Name JOHN VEROEVEN

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

Name GLENN LEMCKE

Property Address 26033 ISLAND ROAD

City CLEVELAND State MN Zip 56017

III. Parcel Information:

Parcel Number 01.700.0090

IV. 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 owner 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.

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 10-13-2015, to reflect an accurate account of current and proposed conditions of the property identified above.

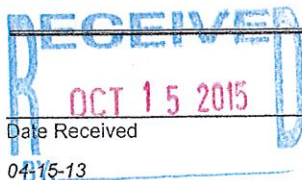
VII. Signatures:

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.

John Veroeven  
Surveyor's signature

10-15-2015  
Date

41820  
Lic #



OFFICE USE ONLY

Michael R. Muttis  
Planning & Zoning Department Signature