



**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: NOVEMBER 19, 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 Johnson Packet**

**ITEM #4 Lemcke Packet**

**ITEM #5 Mostaghini Packet**

**ITEM #6 September 17, 2015 APPROVED 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 November 19, 2015.**

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



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# **Le Sueur County, MN**

**Thursday, November 19, 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: NOVEMBER 19, 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 **NOVEMBER 10, 2015**.

**ITEM #1: PELL JOHNSON, ST PETER, 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 5 feet from the road Right-Of-Way (ROW) and 9 feet from the dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 7, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR ROAD ROW AND DWELLING SETBACKS.**

**ITEM #2: GLEN LEMCKE, 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 septic system drainfield 5 feet from the east property line and 10 feet from the dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 9, Kluntz Lakewood Knoll, Section 1, Cleveland Township. **VARIANCE IS FOR PROPERTY LINE AND DWELLING SETBACKS.**

**ITEM #3: ESMAIL & BARBARA MOSTAGHIMI, LE SUEUR, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 3 feet from the dwelling, 9 feet from the property line, and 45 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 11, Auditor's Subdivision and part of Government Lot 3, Section 28, Waterville Township. **VARIANCE IS FOR DWELLING, PROPERTY LINE AND OHWL SETBACKS.**

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.  
**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT November 19, 2015**

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



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# Le Sueur County, MN

Thursday, November 19, 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:** November 19, 2015

**Meeting Time:** 3:00 pm

**Onsite Date:** November 19, 2015

**Onsite Time:** 1:00 pm

**ITEM #1:** Pell Johnson

**ITEM #2:** Glen Lemcke

**ITEM #3:** Esmail & Barbara Mostaghimi

**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.



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# Le Sueur County, MN

Thursday, November 19, 2015

Regular Session

## Item 1

### Johnson Packet

Staff Contact: Kathy Brockway or Michelle Mettler

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: PELL JOHNSON  
911 ADDRESS: 28002 Maple Lane, Madison Lake MN 56063  
VARIANCE REQUEST: To allow the applicant to install a holding tank 5 feet from the road Right-Of-Way (ROW) and 9 feet from the dwelling.  
VARIANCE NUMBER: 15262  
PARCEL NUMBER: 13.800.0070

## SITE INFORMATION

LOCATION: Lot 7, 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

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:

<u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>
a. Septic Tank to structure	9 feet	10 feet	Section 17
b. Septic Tank to Road ROW:	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
- 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**.

<b>CONSIDERATIONS</b>
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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. T
  - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided. C

<b>CONDITIONS</b>
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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: PELL JOHNSON

Variance # 15262

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 5' FROM THE ROAD ROW AND 9' FROM 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?

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: \_\_\_\_\_

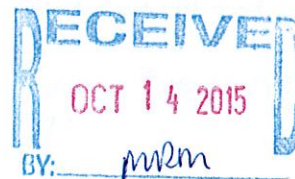
\_\_\_\_\_  
 Board of Adjustment Chairman

\_\_\_\_\_  
 Date

# Le Sueur County

## Variance Application

- I. **Applicant:**  
Name Pell Johnson  
Mailing Address 709 North 9th Street  
City St. Peter State Minnesota Zip 56082  
Phone # 507-934-1312 Phone # \_\_\_\_\_
- II. **Land Owner (s), if different from above:**  
Name Pell E. Johnson  
Property Address 28002 Maple Lane  
City Madison Lake State MN Zip 56063  
Phone # 507/934/1312 Phone # \_\_\_\_\_
- III. **Parcel Information:**  
Parcel Number 13.800.0070 Parcel Acreage 8,585 sq.ft.  
Legal Description-Full legal description must be attached (*not from tax statement*)  
Lot 7 Wildwood Subdivision
- IV. **Variance Request:**  
To construct the holding tank to be in compliance, it is necessary to change the setback distance to five feet from the platted street boundary and to nine feet from the easterly side of the house.
- V. **Township Notification: Township must be notified of proposed request prior to application.**  
Washington Township notified on 9/24/15 by letter  
(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) topsoil and seeded
  - Lakes
  - Rivers
  - Wetlands
  - Streams
  - Ponds
  - Existing structures (within and adjacent to project area)
  - Proposed Structures
  - Lot Dimensions
  - Septic System
  - Well
- \* Remove 291 sq. ft. of asphalt, replace 75 sq.ft. of asphalt

**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. see attachment

**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. see section IV

The only possible location for a holding tank is on the street side of the house because of the location of the existing structure, related site improvements and the neighbors' development.  
Refer to the surveyor's drawing. A variance is needed in the set back distances to bring the needed to bring the needed sanitary facilities to be in compliance.

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

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

4. How will the request maintain the essential character of the locality?  
The disturbed area will be seeded  
The sewer system will be in compliance.

5. Does the alleged practical difficulty involve more than economic considerations?  
Yes. We will lose sanitary service while plumbing modifications take place.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?  
I have read the County land use goals and policies. In my opinion I am in compliance with the ordinance.

7. Describe how the request is consistent with the Comprehensive Land Use Plan.  
I have read the County Comprehensive Land Use Plan. In my opinion I am in compliance with the plan.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.  
The existing septic tank/drain field is not in compliance.  
The proposed holding tank will be in compliance resulting in the improvement of the quality of the ground water.

9. Explain why this request is the minimum variance amount to afford relief.  
The proposed site is the only suitable site for the holding tank.



**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]  
Applicant signature

Oct 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.

[Signature]  
Land Owner signature

Oct 12, 2015  
Date

**OFFICE USE ONLY**

Date received 10-14-15 Present Zoning Classification RR Feedlot within 500' 1000' (N)  
 Meeting date 11-19-15 Lake Classification RD Erosion Control Plan (Y) N  
 60 Day 12-11-15 Lake Jefferson Water courses Y (N)  
 FEMA Panel # 27079C0000<sup>2450</sup> Flood Zone Xoutside Bluff Y (N)

- Surveyor Certificate
- Ordinance
- Septic (C) / DESIGN NONE
- Site Plan -survey
- Access approval
- Fee \$ 646 ATF / SPEC MTG
- Full legal
- Blue Prints
- Other \_\_\_\_\_
- Application complete
- Written Detail of Var

Michelle R Motter  
Planning & Zoning Department Signature

10-14-15  
Date

15262  
Permit #

04-15-13



ATTACHMENTS to the request for a zoning variance.

**Page 1.** A copy of a cover letter dated Sept. 24, 2015 was sent Steve Biehn, and two other Town Board members describing the request of variance and why it is needed.

**Page 2 VII.** The required survey has been completed and sent to you electronically by Rory Jensen, a registered land surveyor. It was accepted August 18. A stamped copy is included. The drawing shows the location of the proposed holding tank and other required information. Subsequently, The P & Z staff requested additional information. The document has been amended by the surveyor and resubmit to you and includes the area of asphalt removed and the distance the proposed tank is from the Ordinary High Water (OHW). Everything noted on the checklist is shown on the drawing except a reference to our potable water supply. Our water source is part of a cluster well located off site about 200 feet to the east on Parcel number 13.800.0100 and connected to our property by a distribution pipe.

**VIII. Item c,** The county is hereby granted a free access to the construction site.

**Item g. Once the variance has been granted,** I will be soliciting bids from more than one contractor. Contractors are very busy at this time of year and I expect there will be delays in getting quotations.

The request for bids outlines the work required to furnish and install a holding tank and related work. The Proposal form requires the contractor to submit an erosion control plan.

**The contractor is the responsible party to furnish the Erosion Control Plan.**

A copy of the successful constructor's erosion control plan will be submitted to the county with the request for the zoning permit.

**Item h.** See **Item IV.**

**IX. Fees:** I assume the fee for the Zoning Permit (construction fee?) is an additional cost.

**X. Procedure** See comments concerning the Zoning Permit noted above.

Respectfully Submitted.

Pell Johnson My email address is: pelljo@centurylink.net



## Mettler, Michelle

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**From:** Bob Kaveney [bob@rohlfings.com]  
**Sent:** Tuesday, October 13, 2015 12:04 PM  
**To:** Mettler, Michelle  
**Subject:** Pell Johnson

Michelle,

The Washington Township Board on October 12, 2015 approved of Pell Johnson's plan for a holding tank.

Bob Kaveney  
Supervisor  
Washington Township



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



# Le Sueur County

## Surveyor Certification

- I. Applicant:  
Name Pell & THERESA JOHNSON
- II. Property Owner (s), if different from above:  
Name \_\_\_\_\_  
Property Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
- III. Parcel Information:  
Parcel Number 13,800,0070
- IV. Quantities and Submittal Formats:  
a. One reproducible 8.5" x 11" copy of the request and all other supporting documents.  
b. If in color, an aerial, or larger than 8.5" x 11" in size, 10 copies must be submitted.  
c. Electronic version of any supporting documents, if available.  
d. Additional copies may be requested as deemed necessary by the Planning & Zoning Department.  
e. 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 9/17/15 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 Jensen \_\_\_\_\_ 9/17/15 19789  
Surveyor's signature Date Lic #

**OFFICE USE ONLY**

9-17-15  
Date received

mrm  
Planning & Zoning Authority signature

10-01-11



1

PID 13.800.0070

WATER ELEVATION:  
 AUGUST 23, 2012 = 1016.7  
 OHW = 1018.5

TOTAL LOT AREA  
 8585 SQ FT

EXISTING IMPERVIOUS SURFACES

HOUSE	1596 SQ FT
SHED	93 SQ FT
BITUMINOUS SURFACE	604 SQ FT
CONCRETE SURFACE 1	168 SQ FT
CONCRETE SURFACE 2	21 SQ FT
CONCRETE SURFACE 3	80 SQ FT
DECK W/ STEPS	276 SQ FT
CONCRETE STEPS	59 SQ FT
WOOD STEPS	11 SQ FT
<b>TOTAL</b>	<b>2908 SQ FT (33.9%)</b>

REMOVAL IMPERVIOUS SURFACE

BITUMINOUS SURFACE	291 SQ FT
--------------------	-----------



OWNER  
 PELL E. &  
 THERESA JOHNSON  
 709 9TH ST N.  
 SAINT PETER, MN 56082

SITE ADDRESS  
 28002 MAPLE LANE  
 MADISON LAKE, MN 56063

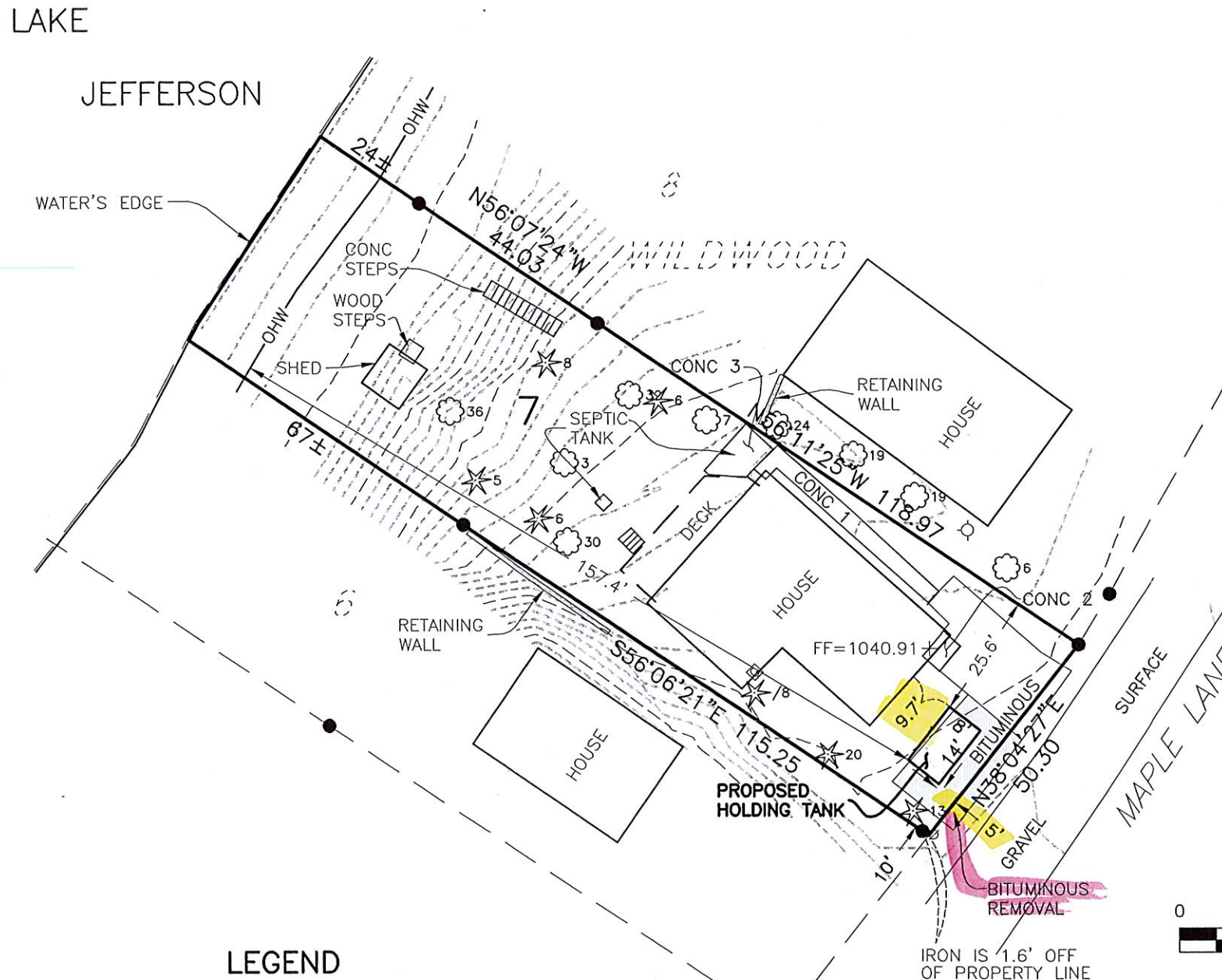
DESCRIPTION OF RECORD  
 LOT 7, WILDWOOD SUBDIVISION

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

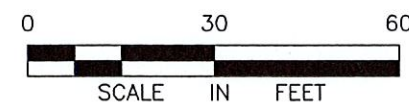
9/16/2015  
 Date



**LEGEND**

- 3/4" IRON PIPE MONUMENT SET  
 MARKED BY REG. NO. 19789
- MONUMENT FOUND

Horizontal Datum: Le Sueur County Coordinate System  
 NAD83, 1996 Adjustment



VARIANCE SURVEY LE SUEUR COUNTY, MINNESOTA		LOT 7, WILDWOOD SUBDIVISION
<b>BOLTON &amp; MENK, INC.</b> Consulting Engineers & Surveyors 1960 PREMIER DRIVE, MANKATO, MN 56001 (507) 625-4171 MANKATO, FAIRMONT, SLEEPY EYE, BURNSVILLE, WILLMAR, CHASKA, RAMSEY, MAPLEWOOD, BAXTER, ROCHESTER, MINNESOTA & AMES, SPENCER, IOWA		FOR: PELL JOHNSON

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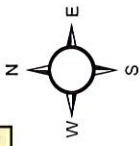
I:\PRIV\M33105484\C3D\105484BD2.DWG 09-16-2015 1:42p.m. SDB105484H

JOB NUMBER: M33.105484 FIELD BOOK: 90E PG 69

DRAWN BY: KRJ

4.0 S3-T109-R25-33

# LE SUEUR COUNTY ENVIRONMENTAL SERVICES



NAME: P. Johnson

PID: 13.800.0070

DATE: 11/19/2015

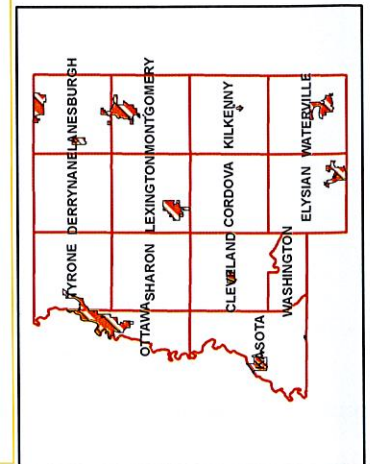
ZONING DISTRICT: "RR"



0078.5 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.



### Legend

- Townships
- ParcelPoly
- Cities
- Sections

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



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# 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**.

<b>CONSIDERATIONS</b>
-----------------------

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.

<b>CONDITIONS</b>
-------------------

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.

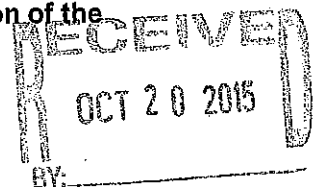
A zoning permit is required prior to starting construction; however zoning permits will not be available the day of the Board of Adjustment meeting.

**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.

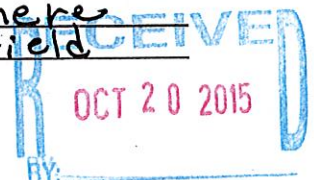
It is the location of the drain field

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 don't 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

10 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**

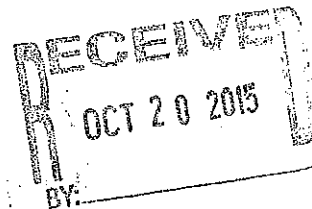
Date received <u>10-20-15</u>	Present Zoning Classification <u>RD</u>	Feedlot within 500' <u>1000'</u> <u>N</u>
Meeting date <u>11-19-15</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>Y</u> <u>N</u>
60 Day <u>11-9-15</u>	Lake <u>Jefferson</u>	Water courses <u>Y</u> <u>N</u>
FEMA Panel # <u>27079C02700</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> ATF / SPEC MTG
<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

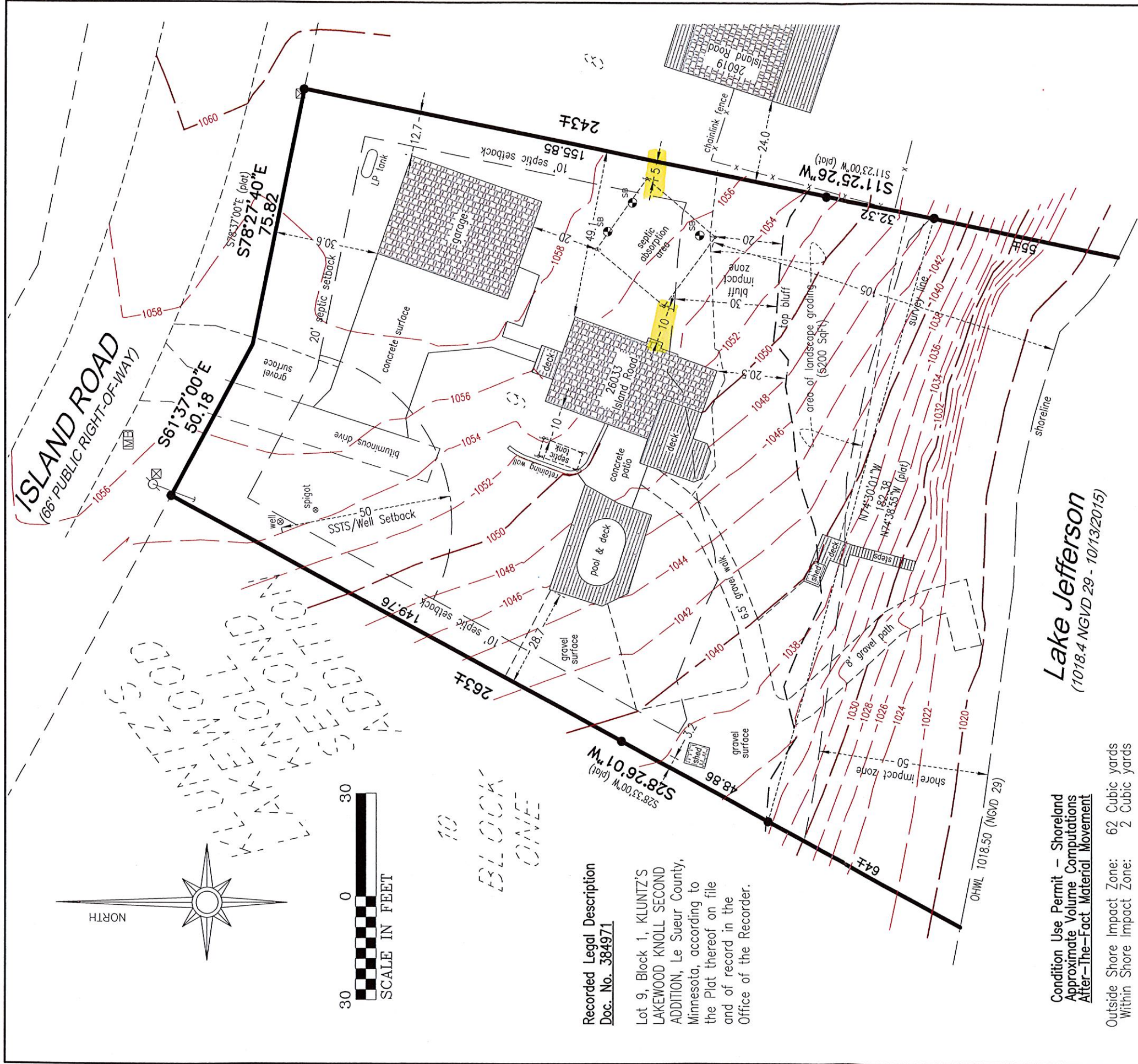
15267  
Permit #

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  
 - - - 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: PLS 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

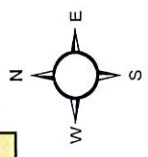
**Prairie Land Surveying**

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

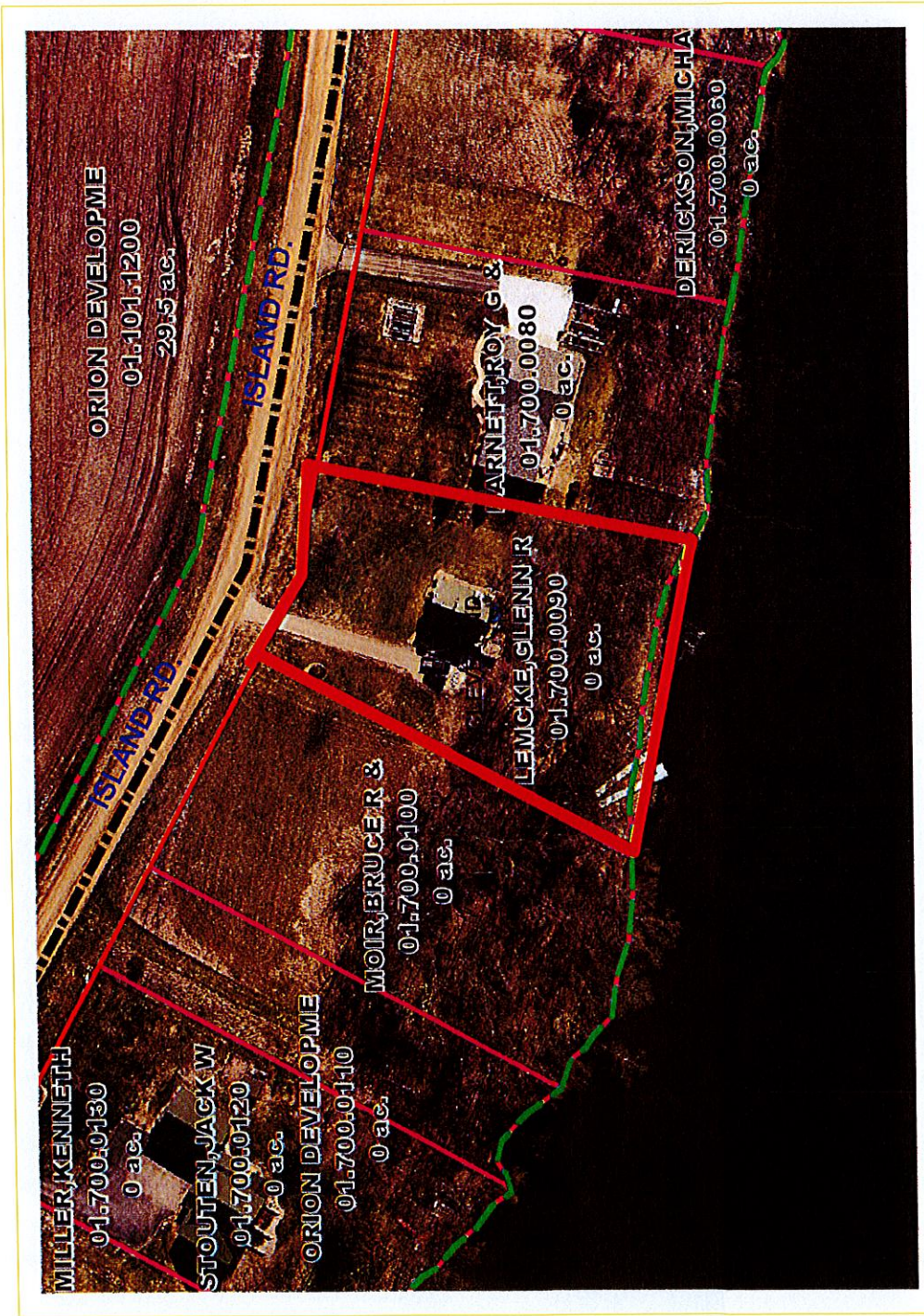


Reliable, On-Time Surveys.

# LE SUEUR COUNTY ENVIRONMENTAL SERVICES



NAME: G. Lemcke  
 PID: 01.700.0090  
 DATE: 11/19/2015  
 ZONING DISTRICT: "RR"



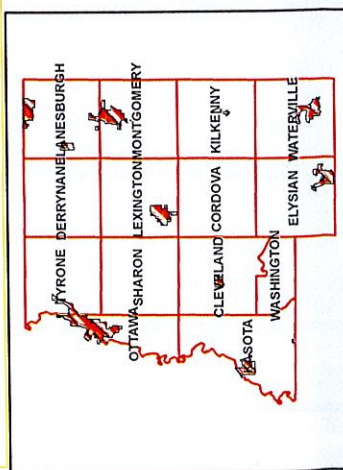
**Legend**

- Townships
- ParcelPoly
- Cities
- Sections

20151222  
 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.



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.

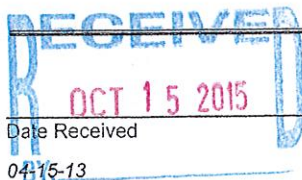
VII. Signatures:

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



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# Le Sueur County, MN

Thursday, November 19, 2015

Regular Session

## Item 3

### Mostaghini Packet

Staff Contact: Kathy Brockway or Michelle Mettler



# VARIANCE STAFF REPORT

## GENERAL INFORMATION

APPLICANT/OWNER: ESMail & BARBARA MOSTAGHIMI  
911 ADDRESS: 50411 MORTENSEN LANE, WATERVILLE MN 56096  
VARIANCE REQUEST: To allow the applicant to install a septic tank 3 feet from the dwelling, 9 feet from the property line, and 45 feet from the Ordinary High Water Level (OHWL).  
VARIANCE NUMBER: 15268  
PARCEL NUMBER: 14.140.0100

## SITE INFORMATION

LOCATION: Lot 11, Auditor's Subdivision and part of Government Lot 3, 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 access off Mortensen Lane

LAKE: Recreational Development "RD" lake, Lake Tetonka.

RFPE: Regulatory Flood Protection Elevation: 1006.08 Lowest floor must meet RFPE.

## ATTACHMENTS

Application, 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. Septic Tank to Structure:     | 3 feet   | 10 feet   | Section 17 |
| b. Septic Tank to OHWL:          | 45 feet  | 75 feet   | Section 17 |
| c. Septic Tank to Property Line: | 9 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

- 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: ESMAIL & BARBARA MOSTAGHIMI

Variance # 15268

Variance Request: To allow the applicant to install a new septic tanks 3' from the dwelling, 45 ft from the Ordinary High Water Level(OHWL) and <sup>KB</sup>9 ft to the property line

- 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: \_\_\_\_\_  
\_\_\_\_\_

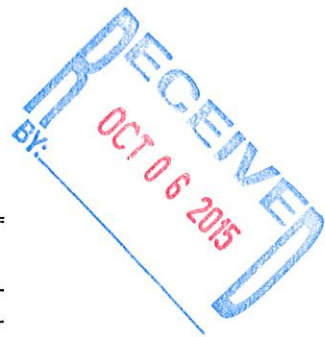
Applicant response to conditions: Agree ( ) Disagree ( )

Reasons: \_\_\_\_\_

Board of Adjustment Chairman

Date

# Le Sueur County



## Variance Application

I. Applicant:  
Name Essie Mostaghini  
Mailing Address 113 S Park Lane  
City LeSueur State MN Zip 56058  
Phone # 507-351-6644 Phone # \_\_\_\_\_

II. Land Owner (s), if different from above:  
Name \_\_\_\_\_  
Property Address 50411 Mortensen Lane  
City Waterville State MN Zip 56096  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

III. Parcel Information:  
Parcel Number 14,420,0100 Parcel Acreage \_\_\_\_\_  
Legal Description-Full legal description must be attached (not from tax statement)

IV. Variance Request:  
1. Setback from lake to tanks 45'  
2. Setback from house to tank 3'  
3. Setback from prop line to tank 7' 9' (survey)

V. Township Notification: Township must be notified of proposed request prior to application.  
Waterville Township notified on 9-30-15  
(Township Name) (Date)

Board Member Judy Hering regarding the proposed request.  
(Name)

### VI. 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 landowner 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.**

**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]  
Applicant signature

9-30-15  
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.

[Signature]  
Land Owner signature

10-20-15  
Date

**OFFICE USE ONLY**

Date received 9/20 Present Zoning Classification RR Feedlot within 500' 1000'  N

Meeting date 11/19 Lake Classification RD Erosion Control Plan Y  N

60 Day 12/1 Lake Tetonka Water courses Y N

FEMA Panel # 27079C043D Flood Zone Outside / AE Bluff Y N

Surveyor Certificate  Ordinance  Septic CIVIL DESIGN

Site Plan -survey  Access approval  Fee \$ 1046 ATF / SPEC MTG

Full legal  Blue Prints  Other \_\_\_\_\_

Application complete  Written Detail of Var

[Signature] Planning & Zoning Department Signature 10/20/15 Date 15268 Permit #

04-15-13



# Le Sueur County

## Surveyor Certification

I. Applicant:

Name JOHN VERJOEVEN

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

Name ESSIE MOSTAGHIMI

Property Address 50411 MORTENSEN LANE

City WATERVILLE State MN Zip 56096

III. Parcel Information:

Parcel Number 14.420.0100

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
- 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.

VI. The proposed improvements have been physically staked onsite then surveyed on 09-26-2015 to reflect an accurate account of current and proposed conditions of the property identified above.

VII. Signatures:

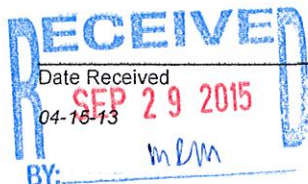
I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

John Verjoeven  
Surveyor's signature

09-29-2015  
Date

41820  
Lic #

OFFICE USE ONLY



\_\_\_\_\_  
Planning & Zoning Department Signature

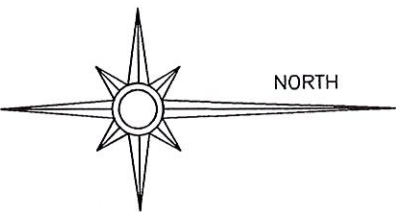
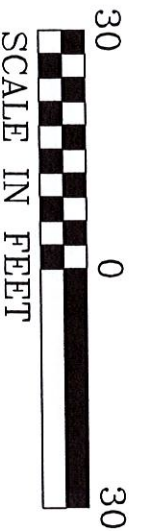
1

**EXISTING LEGAL DESCRIPTION**  
 DOC. NO. 396864

LOT NUMBERED 11 OF AUDITOR'S SUBDIVISION OF A PART OF GOVERNMENT LOTS NUMBERED 3 AND 4 OF SECTION NUMBERED 28, IN TOWNSHIP NUMBERED 109 NORTH, RANGE 23 WEST ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN LE SUEUR COUNTY, MINNESOTA, IN BOOK B OF PLATS PAGE 45, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS ON A CARWAY OVER AND ACROSS GOVERNMENT LOTS 3 AND 4 FROM THE ABOVE DESCRIBED TRACT, THENCE SOUTHWESTERLY TO COUNTY ROAD "L" AND SUBJECT TO THE USE OF THE GATE AT THE ENTRANCE OF SAID HIGHWAY AND THAT THE LAND CONVEYED HEREBY SHALL BE USED FOR NO OTHER PURPOSE THAN FOR THE PRIVATE RESIDENTIAL PURPOSES ONLY WHICH COVENANT SHALL CONTINUE AND RUN WITH THE LAND.

ALSO COMMENCING AT THE SOUTHWEST CORNER OF LOT NUMBERED 11 AUDITOR'S SUBDIVISION OF A PART OF GOVERNMENT LOTS 3 AND 4 IN SECTION NUMBERED 28, TOWNSHIP NUMBERED 109 NORTH, RANGE NUMBERED 23 WEST PER THE RECORDED PLAT OF SUCH SUBDIVISION, THENCE RUNNING SOUTH 35 FEET AS A CONTINUATION OF THE WEST LINE OF SAID LOT 11, THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF SAID LOT NUMBERED 11 A DISTANCE OF 60 FEET, THENCE NORTHEASTERLY TO THE SOUTHEAST CORNER OF SAID LOT 11 AND THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 11 TO PLACE OF BEGINNING, LE SUEUR COUNTY, MINNESOTA.

- LEGEND**
- INDICATES FOUND IRON MONUMENT
  - INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820
  - § SEPTIC CORNER FLAG PLACED BY JADD SEPPMANN & SONS



**Area Computation**

Total Property Area 8669 SqFT  
 (25% Impervious Coverage Allowed)  
**8669 x 25% = 2167.2 SqFt**

Existing Impervious Surface

- House: 861 SqFt
- Boat & Well House: 514 SqFt
- Deck: 408 SqFt
- Concrete Surface: 662 SqFt
- Gravel Drive: 586 SqFt

Total Impervious: 3031 SqFt  
**3031 / 8669 = 35% Coverage**

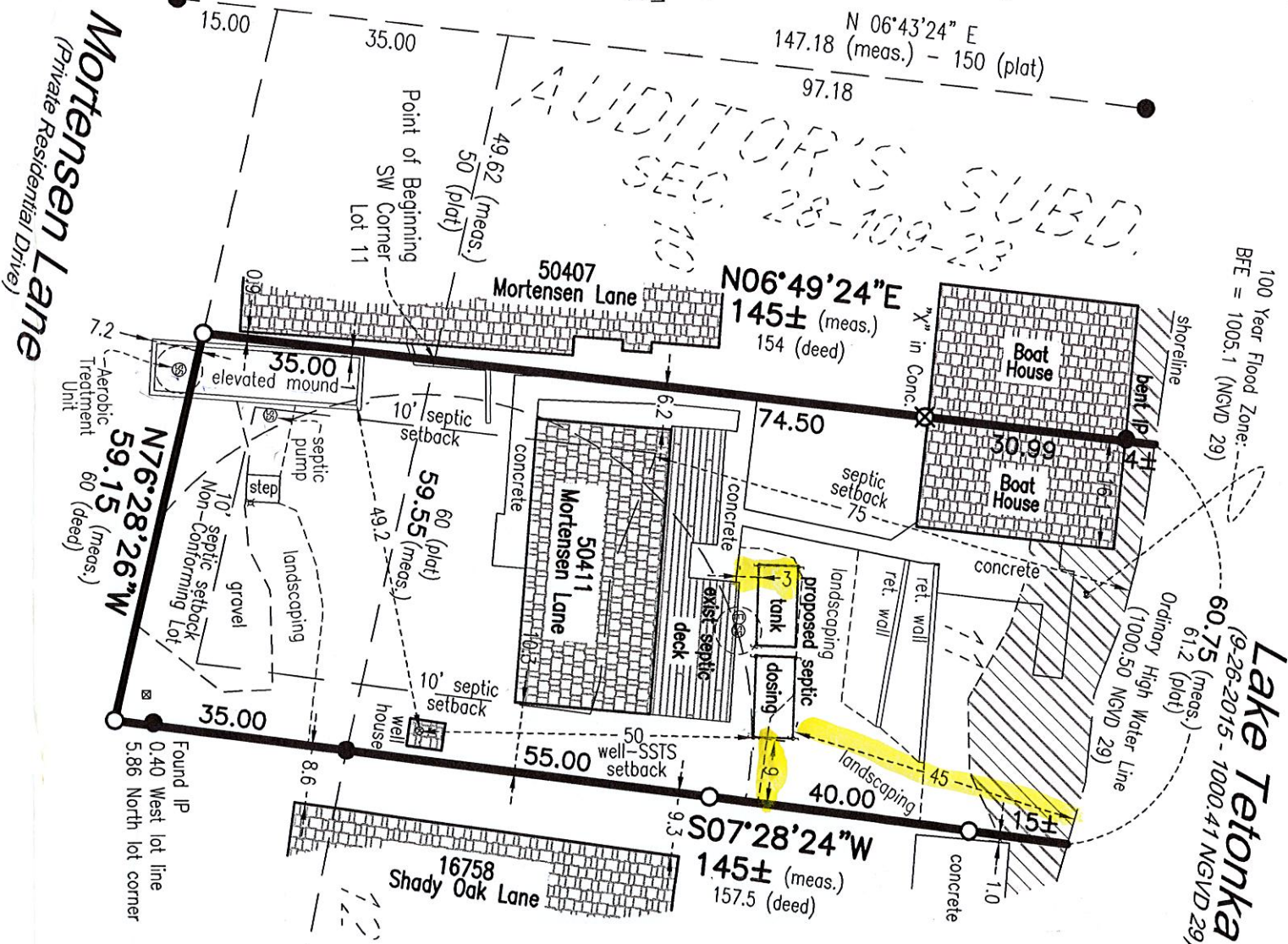
**Building Setback**

- 10' Side Setback
- 65' Front Setback
- 100' Rear from OHWL

Note Building setback are not mapped because current lot is Nonconforming (front and rear setback overlap each other.)

**Note:**

Proposed Septic Holding Tank will be restored to design standards or close to what currently exist. Septic design will be installed by Jadd Seppmann & Sons.



**CERTIFICATE OF SURVEY**  
 ESMAIL & BARB MOSTAGHIMI

50411 Mortensen Lane, Waterville, MN 56096  
 Lot 11, Auditor's Subdivision & 35' S. parcel, of Gov't Lot 3 & 4, Sec. 28-109-23, Le Sueur Co.  
 Record Deed Doc. No. 396864

PLS DRAFTER: JDV  
 CRD FILE: 1432 Mostaghimi JOB No: 15-1432  
 FILING: Le Sueur Co., NW/4 Sec. 28-109-23  
 REV. DATES:

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 Verbeven

DATE: 09-29-2015  
 LICENSE NO. 41820

**Prairie Land Surveying**

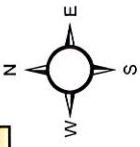
1047 East Main Street  
 Mankato, MN 56001  
 jverbeven@charter.net  
 (507) 469-5997  
 PrairieLandSurveying.com

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

Reliable, On-Time Surveys.



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES



NAME: Mostaghimi

PID: 14.420.0100

DATE: 11-19-15

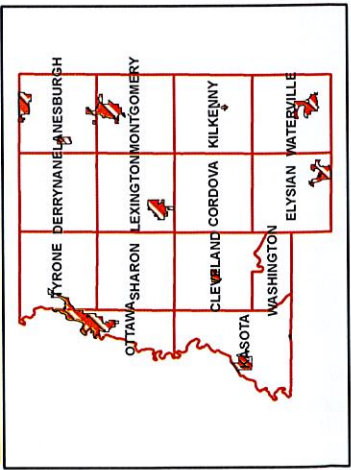
ZONING DISTRICT: "RR"



10/30/18 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.



**Legend**

- Townships
- ParcelPoly
- Cities
- Sections

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





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# **Le Sueur County, MN**

**Thursday, November 19, 2015**

**Regular Session**

## **Item 1**

**September 17, 2015 APPROVED 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  
September 17, 2015**

**MEMBERS PRESENT:** Colin Harris, Jeanne Doheny, Jim Mladek, Francis Cummins  
**MEMBERS ABSENT:** John Wolf  
**OTHERS PRESENT:** Kathy Brockway, Commissioner Connolly

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

**ITEM #1: WARREN SKISTAD, MADISON LAKE, MN, (APPLICANT/OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a septic drainfield 55 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 3 & 4, Harriet Isle First Addition, Section 3, Washington Township. **VARIANCE IS FOR OHWL SETBACK.**

Warren Skistad, applicant and Jadd Seppmann contractor were present for application. Township: No comments. DNR: No comments. Letters submitted: none.

PUBLIC COMMENT: NONE

Discussion was held regarding; required to update a non-compliant septic as part of the German-Jefferson Sewer District, no other location on the property due to the well location.

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

**ITEM #2: GREG HALVORSON, GIBBON, MN, (APPLICANT/OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to move in a single-family dwelling 7 feet from the West property line and 21 feet from the road Right-Of-Way (ROW); install a septic holding tank 5 feet from the road ROW and 5 feet from the West property line in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 26, Wildwood Subdivision, Section 3, Washington Township. **VARIANCE IS FOR PROPERTY LINE AND ROAD ROW SETBACKS.**

Beau Munsel, representing the applicant was present for application. Township: Steve Biehn, Washington Township was present, the township has no objections to the application. DNR: none. Letters submitted: no letters received pertaining to the variance request.

PUBLIC COMMENT: Paul Lyndgard, representing the Becker family, adjoining land owners, no problems with the request, but are working on resolving other issues on the property with the family, read an email from Tony Wynohrad, adjoining neighbor, concerned with the aesthetics of the property (see file)

Discussion was held regarding; township road width, height of structure, addressed the aesthetics of the current property, improvement to the area, modular type home will replace the existing manufactured home, new holding tank, seasonal dwelling.

Motion was made by Colin Harris 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 Colin Harris. Motion approved. Motion carried.

Motion to adjourn meeting by Fritz Cummins. Seconded by Colin Harris. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

**Kathy Brockway**  
Secretary  
September 17, 2015

Approved November 19, 2015  
Michelle R. Mettler

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