LE SUEUR COUNTY BOARD OF ADJUSTMENT

MEETING AGENDA

Meeting Date: April 18, 2019
Time: 3:00 pm
Place: Le Sueur County Environmental Services Building
515 South Maple Ave, Le Center, MN

Onsite Date: April 18, 2019
Onsite Time: 2:00 pm

**Board of Adjustment Members if you CANNOT be at the meeting contact Mindy at 357-8538.

1. Call To Order
2. Agenda: Additions/Corrections/Approval
3. Meeting Minutes: March 21, 2019 Additions/Corrections/Approval
   Documents:
   
   03-21-19 DRAFT MINUTES.PDF

4. Applications
   4.I. ITEM #1: PHILIP & SUSAN PETERSON, APOPKA, FL, (APPLICANT\OWNER):
   Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to enlarge a non-conforming structure 28 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” District, and Flood Fringe “FF” Floodplain Overlay District on Lake Jefferson, a Recreational Development “RD” lake. Property is located in part of Outlot 3, Irish Subdivision, Section 6, Elysian Township. **VARiance is for enlarging a non-conforming structure and road row setback.**

   Documents:
   
   PETERSON.PDF

5. Discussion Items
6. Warrants/Claims
7. Adjourn
Board of Adjustment Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed to the board, not the applicant. After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.
LE SUEUR COUNTY
BOARD OF ADJUSTMENT
Mailing address: 88 SOUTH PARK AVE
Physical Address: 515 SOUTH MAPLE AVE
LE CENTER, MINNESOTA 56057

March 21, 2019

MEMBERS PRESENT: Jim Mladek, John Wolf, Francis Cummins
MEMBERS ABSENT: Colin Harris, Jeanne Doheny
OTHERS PRESENT: Joshua Mankowski

1. Call to Order at 3:05 by Chairperson John Wolf.

2. Agenda: Additions/Corrections None. Motion to approve agenda by Jim Mladek. Seconded by Fritz Cummins. Motion approved. Motion carried.

3. Meeting Minutes: February 21, 2019 Additions/Corrections None. Motion to approve minutes by Fritz Cummins. Seconded by Jim Mladek. Motion approved. Motion carried.

4. Applications

ITEM #1: ADAM KOPESKY & JAMIE DEATLEY, JANESVILLE, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 77 feet from the Ordinary High Water Level (OHWL) and 48 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” District on Lake Jefferson, a Recreational Development Lake. Property is located at Lots 7, 8, & 9, Tomahawk Point 1st Addition, Section 4, Washington Township. VARIANCE IS FOR OHWL AND ROAD ROW SETBACKS. APPLICATION WAS TABLED AT THE FEBRUARY 21, 2019 MEETING.

Jamie DeAtley was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist stating her recommendation for approval. Sam Gore stating that he has no objections to the request.

Discussion was held regarding the width of the buildable area of the lot if a variance was not granted. The property is a combination of three nonconforming lots.

Motion was made by Jim Mladek to Approve application. Conditions: None. Seconded by Fritz Cummins. Motion approved. Motion carried.

ITEM #2: ESMAIL & BARBARA MOSTAGHIMI, LE CENTER, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to deviate from conditions of an approved Variance #16157; to construct a detached garage 6 feet from the East property line and 8 feet from the road Right-Of-Way (ROW); to construct a front porch addition 0 feet from the bluff and located within the bluff impact zone in a Recreational Residential “RR” District, on Lake Tetonka, a Recreational Development lake. Property is located in part of Government Lot 3, and Lot 11, Auditor’s Subdivision, Section 28, Waterville Township. VARIANCE IS FOR PREVIOUS VARIANCE CONDITIONS, PROPERTY LINE, ROAD ROW & BLUFF SETBACKS AND BUILDING ADDITION IN A BLUFF IMPACT ZONE.

Esmail Mostaghimi was present for the application. Township: None. DNR: Letter from Garry Bennet, Area Hydrologist stating his concerns with development in the bluff impact zone, granting
a variance for setback from the bluff, and granting variances to allow increased development on nonconforming lots. Letters submitted: Holly Kalbus, Environmental Resources Specialist stating her recommendation for denial of the variance and a list of suggested conditions if the variance request is approved. Gregory Wilmes, Greg Wilmes Roofing & Remodeling, LLC stating his opinion that the concrete slab located next to the boathouse be left as is because it is helping the slab underneath the boathouse remain stable and stationery.

Discussion was held regarding the conditions set on Variance #16157 and what has changed that would warrant removing said conditions. The applicant purchased additional, contiguous property that brought the total percent impervious surface below the required 25%. The applicant also provided a letter from a contractor, Gregory Wilmes of Greg Wilmes Roofing & Remodeling that offered his opinion that the concrete slab near the boathouse was aiding in stabilizing the boathouse. There was additional discussion about erosion and water issues on the property and how the applicant would propose to address these ongoing issues if granted the variances to construct the garage and the porch. Discussion was had about the location of the road and the requested setback for the garage and the ability to either remove or move the current road. The applicant was asked if he would like to table the requested variances in order to address the concerns being raised by the Board or if he would like to proceed with the meeting. Esmail Mostaghimi indicated he would like an answer at this meeting.

Motion was made by Jim Mladek to Approve the request to deviate from conditions of approved Variance #16157. Conditions: None. Seconded by Fritz Cummins. Motion approved. Motion carried.

Motion was made by Jim Mladek to Deny the variance to construct a detached garage 6 feet from the East property line and 8 feet from the road Right-Of-Way (ROW). Conditions: None. Seconded by John Wolf. Motion approved. Motion carried.

Motion was made by Jim Mladek to Deny the variance request to construct a front porch addition 0 feet from the bluff and located within the bluff impact zone. Conditions: None. Seconded by John Wolf. Motion approved. Motion carried.

5. **Discussion Items:** None

6. **Warrants/Claims:** Sign warrants/claim sheets

7. **Adjourn:** Motion to adjourn meeting by Jim Mladek. Seconded by Fritz Cummins. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski
VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Philip & Susan Peterson

911 ADDRESS: 14717 Irish Ln, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to enlarge a non-conforming structure 28 feet from the road Right-Of-Way (ROW).

VARIANCE NUMBER: 19016

PARCEL NUMBER: 04.640.0020

SITE INFORMATION

LOCATION: Outlot 3, Irish Subdivision #1, Section 6, Elyson Township.

ZONING & PURPOSE: Recreational Residential and Flood Fringe Flood Plain

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.

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County’s eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to shoreland development

GOAL #2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

GENERAL SITE DESCRIPTION: Shoreland, lake frontage, steep slope, residential, platted subdivision

ACCESS: Existing access off Irish Lane

LAKE: Lake Jefferson, Recreational Development “RD” 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.
BACKGROUND INFORMATION

This parcel is part of Outlot 3, Irish Subdivision. The lot is a non-conforming lot. The existing dwelling is a non-conforming structure. The Ordinance states non-conforming structures cannot be enlarged. The addition meets all setback requirements except the setback to the road ROW (no closer than the existing structure and at least ½ the setback whichever is greater, 32.5'). Impervious surface does not exceed the 25% maximum allowed. The property is serve by a compliant septic system.

ATTACHMENTS

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

STAFF FINDINGS

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

1. **Variance:**
   a. Dwelling to ROW: 28 feet
      ***Exemption for addition: 33 feet
   Request: 65 feet 65 feet
   Required: 33 feet
   Ordinance: Section 13.2, Subdiv. 5. B. 3.
   Section 13.2 Subdiv. 5. A. 1.
   Page: 13-43 13-43

2. **Refer to DNR Guidance Letters:**
   a. Administration, Compliance, and Enforcement
   b. The Role of the Variances in Shoreland Management Ordinances
   c. Bluffs and Steep Slopes
   d. Non-conforming Lots of Record in Shoreland Areas
   e. Structure Setback Requirements
   pg. 1 pg. 9 pg. 11 pg. 19 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. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
a. Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances shall only be issued by the County upon the following:

1. A showing of good and sufficient cause.

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Additional Considerations:

a. Impervious surface is less than 25%.

b. Addition meets the addition exemption setback to the Ordinary High Water Level. No closer than the existing structure, of 51 feet.

**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.
Date: 04/10/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Philip & Susan Peterson

Property owner:
Philip & Susan Peterson

Property:
04.640.0020

Description:
Variance request to allow the applicant to enlarge a nonconforming structure 28 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” District, and Flood Fringe “FF” Floodplain Overlay District on Lake Jefferson, a Recreational Development “RD” lake.

Recommendation:
My recommendation would be to approve the application due to the addition of the structure being located outside of the shore impact zone. Additionally, one of the retaining walls and part of the concrete surface that is currently located in the shore impact zone will be removed. Lastly, the proposed project will be under the 25% impervious surface for the lot.

Condition(s):
None

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
**VARIANCE**

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057
Direct Dial (607) 337-5536  Fax (507) 337-5541

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<td>APPLICANT:</td>
<td>PHILIP &amp; SUSAN PETERSON</td>
<td>LAND OWNER:</td>
<td>PHILIP &amp; SUSAN PETERSON</td>
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**TOWNSHIP:** ELYSIAN
**PARCEL NO:** 04.640.0020
**SEC:** 6
**SUBDIV:** IRISH SUB-DIVISION #1
**TWP:** 109
**LOT:** OUTLOT 3
**RANGE:** 24
**BLOCK:** FEMA PANEL # 27079C0270D
**Q/Q:** NE/NW
**ROAD:** PVT
**ZONE:** RR/FF
**FLOOD ZONE:** A/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 ENLARGE A NON-CONFORMING STRUCTURE 28 FEET FROM THE ROW.

2.) **Reasons for Approval or Denial of Request as Listed in Findings.**

3.) **Special Conditions of Variance:**
   RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:

**APPLICANT/PROPERTY OWNER**
3/18/19

**LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY**
3/18/19

**FEES ARE NON-REFUNDABLE**

---

**ON-SITE TOUR DATE:** 4/18/2019

**PUBLIC HEARING DATE:** 4/18/2019

**ACTION:**
- [ ] AS WRITTEN
- [ ] WITH CONDITIONS

**BOARD OF ADJUSTMENT CHAIRMAN**

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.
Name of Applicant: PHILIP & SUSAN PETERSON

Variance Request: TO ALLOW THE APPLICANT TO ENLARGE A NON-CONFORMING STRUCTURE 28 FEET FROM THE ROW.

Variance # 19016

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.

1. Does the property owner propose to use the property in reasonable manner?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

2. Is the alleged practical difficulty unique to the property?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

4. Will the issuance of the Variance maintain the essential character of the locality?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

5. Does the alleged practical difficulty involve more than economic considerations?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

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

6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

7. Is the Variance consistent with the Comprehensive Plan?
   - Jim M [ ] John W [ ] Jeanne D [ ] Colin H [ ] Fritz C [ ] Majority [ ]
   Explain __________________________

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

ACTION:  ( ) APPROVE  ( ) DENY

CONDITIONS:

Applicant response to conditions:  Agree ( )  Disagree ( )

Reasons:  __________________________

Board of Adjustment Chairman __________________________  Date __________________________
Variance Application

I. Applicant:
   Name: Philip and Susan Peterson
   Mailing Address: 1142 Sweet Heather Lane, Apopka, FL 32712
   City: Apopka, State: FL, Zip: 32712
   Phone #: Phil 407 886 6486

II. Landowner:
   Name: Philip and Susan Peterson
   Property Address: 24717 Irish Lane, Cleveland, MN
   City: Cleveland, State: MN, Zip: 56017
   Phone #: Phil 407 886 6486

III. Parcel Information:
   Parcel Number: 04.640.0020
   Township: 109 north of range numbered 24/Elysian
   Subdivision: Irish sub-division numbered 1
   Section: 6
   Lot: 1 Block: 1
   Parcel Acreage: 0.28
   Full Legal Description must be attached.
   (Full legal description can be found on deed, not abbreviated legal description from tax statement).

IV. Variance Request: List requested alternative to development standard(s).
   Variance Request is for a reduced Right-Of-Way setback to allow expansion of an existing non-conforming structure.

V. Description of Request:
   a. A full written description of the proposed variance request with detailed information must be attached.

VI. Township Notification:
   Township must be notified prior to application. (County Commissioners are not the Township Board.)
   Elysian
   (Township Name)
   Township notified on 3/04/19 and 03/15/19
   Board Member: mailbox was full (couldn't leave message) 507 340 9560 **
   regarding the proposed request.
   ** 03/04-spoke to Kathy Reints-took info and told me to call Lin Helb (although she would contact him, too).

VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:
   • North point
   • Setbacks
   • Property lines
   • Road Right-Of-Way
   • Lot Dimensions
   • Lakes
   • Wells
   • Septic System
   • Streams
   • Ponds
   • Access
   • Easements
   • Impervious Surface
     - Required for Shoreland, Business, & Industrial Districts.
     - Itemized current & proposed impervious surfaces to include total percentages.
     - Examples include but are not limited to: rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.

*Site shall be physically staked, then surveyed.
*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
*Stakes must remain in place until construction commences.

RECEIVED MAR 18 2019
BY: 
VIII. Practical Difficulty:

a. 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.

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

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

d. 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.
   A Variance is being requested for a reduced Right-Of-Way setback to expand an existing non-conforming structure. The preference is to expand the structure toward the road and not towards the lake. Structure is currently located at the dead end of a private road.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
   The structure is part of a series of small lots on a private road. Currently, the building does not meet the 65' Right-Of-Way setback, so the expansion does not as well. We are requesting that a 28 foot Right-Of-Way setback be approved so the expansion does not need to extend toward the lake.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
   The property is part of an old plat that does not meet current setback requirements. The existing structure is part of an old development that was built around 1960.

4. How will the request maintain the essential character of the locality?
   Structure will continue to be used for seasonal use only. Care was taken during design to maintain the current Architectural integrity so the addition does not appear as "tacked on" to the existing structure. The cabin will remain shorter than adjacent structures and below maximum square footage permitted by LeSueur County.

5. Does the alleged practical difficulty involve more than economic considerations?
   Yes, the purpose is to expand the structure without going closer to the lake. The structure has been in the Peterson Family since 1983 and will remain for family use only on a seasonal basis.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
   Yes, we have designed the expansion to be away from the lake preserving the lake edge. We are not asking for a variance of the impervious surface requirement and are maintaining an impervious percentage less than 25%. Cabin will remain for seasonal use only

7. Describe how the request is consistent with the Comprehensive Land Use Plan.
   The property is currently not located on a Bluff and the addition will not extend into a Bluff. The expansion is designed towards the road so we will not be expanding any closer to the lake than the existing cabin. Distance from lake edge will be the same as it currently is or less. Impervious surface percentage will be less than 25%.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
   Current sewage treatment is part of the French Cluster, Inc. Structure is compliant through 2020.

9. Explain why this request is the minimum variance amount to afford relief.
   The new structure will expand towards the road Right-Of-Way keeping the distance from the lake the same or less than it currently is. The current structure does not meet the Right-Of-Way Setback because the property was an old plat that does not meet current setback requirements.
IX. Attachments shall include but not limited to:

☐ a. Site Plan-survey
☐ b. Surveyor Certification
☐ c. Access approval
☐ d. Full legal description

☐ e. Floor plans and/or blue prints (For structures)
☐ f. Septic System Compliance Inspection
☐ g. Erosion control plan

☐ h. Description of request

*The Department may request additional information regarding the application.*

X. Quantities and Submittal Formats:

a. One (1) reproducible copy of the request and all other supporting documents.

b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.

c. Electronic version of any supporting documents if available.

d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance: $ 600
Filing Fee: $ 46

Variance for Clusters: $ 600 + $200 per household
Filing Fee: $ 46

Additional Fees:
Special Meeting: $1,200
After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.
After-The-Fact Penalty: $1,500 OR 10% of the improvement, whichever is greater.

*Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.*

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**

b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**

c. All required information must be correct and submitted **at the time of application**, or the application will not be accepted.

d. Fees **will not** be accepted by mail and must be paid at the time of application.

e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.

f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

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

i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.

j. The Board of Adjustment has the authority to request additional information or designate conditions.

k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.

l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.

m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.

n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. 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]
Date 3-17-19

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]
Date 3-17-19

OFFICE USE ONLY

Date received: 3/15/19
Meeting date: 4/18/19
60 Day: 5/14/19
RFPE: 10/22/19

Present Zoning Classification: RR/FF
Lake Classification: PD
Lake: Jefferson
FEMA Panel #: C9079A C0970D

□ Site Plan -survey
□ Surveyor Certificate
□ Floor plans/blue prints
□ Description of Request
□ Application complete

Flood Zone: A, X, outside.

Feedlot within 500’ 1000’ N O
Erosion Control Plan Y N
Water courses Y N
Bluff Y
Other

Septic 12/13/17
COC NONG/Waiver Design

□ Fee $ 660 + 46
ATF / SPEC MTG

3/18/19 Permit
Date
Planning & Zoning Department Signature

01-15-16

4
EXISTING CONDITIONS

PID: 04.640.0020

PROPERTY ADDRESS
24717 IRISH LANE
CLEVELAND, MN 56017

OWNER ADDRESS
11422 SWEET HEATHER LANE
APOPKA, FL 32712

LOT AREA
12,250 SQ FT

EXISTING IMPERVIOUS SURFACE
CABIN W/ OVERHANG
653 SQ FT
BOAT HOUSE W/ OVERHANG
205 SQ FT
OUTHOUSE
17 SQ FT
WOOD STEPS
225 SQ FT
CONCRETE
32 SQ FT
CONCRETE SURFACE
46 SQ FT
RETLAINING WALL 1
2 SQ FT
RETLAINING WALL 2
12 SQ FT
RETLAINING WALL 3
226 SQ FT
PAVERS
435 SQ FT
GRAVEL SURFACE
TOTAL
1821 SQ FT (14.8%) (14.8%)
Surveyor Certification

I. Applicant:
   Name: MR. OR MRS. PHILIP PETERSON

II. Landowner:
    Name: PHILIP PETERSON
    Property Address: 24717 IRISH LANE
    City: CLEVELAND
    State: MN
    Zip: 56017

III. Parcel Information:
     Parcel Number: 04,640.0020

IV. Site Plan - Shall be a Certificate of Survey to include, but not limited to:
    - North point
    - Setbacks
    - Property lines
    - Road Right-Of-Way
    - Lot Dimensions
    - Lakes
    - Rivers
    - Wetlands
    - Streams
    - Ponds
    - Well
    - Septic System
    - Proposed Structures
    - Existing structures - Within and adjacent to project area.
    - Access
    - Easements
    - Location of trees to be removed - Shoreland Districts

   *Site shall be physically staked, then surveyed.
   *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
   *Stakes must remain in place until construction commences.

V. Quantities and Submittal Formats:
   a. One (1) reproducible copy of the request and all other supporting documents.
   b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
   c. Electronic version of any supporting documents if available.
   d. Pre-application meeting is recommended prior to making application to ensure submittal completion.
      Appointment is necessary.
   e. Application must be made in person by the applicant and/or landowner prior to 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.

VI. Signatures:
   The proposed improvements have been physically staked onsite then surveyed on March 18, 2019, to reflect an accurate account of current and proposed conditions of the property identified above.

   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.

   Surveyor Signature: [Signature]
   Date: 3/16/19
   Lic #: 19789

   OFFICE USE ONLY

   Date Received: 01-15-18
   Planning & Zoning Department Signature: [Signature]
   Received: MAR 18 2019
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: PHILIP & SUSAN PETERSON  
Mailing Address: 1142 SWEET HEATHER LN, APPOKA, FL 32712  
Property Address: 24717 IRISH LANE, CLEVELAND, MN 56017  
Phone: (407) 886-6486  
Mobile/Cell: (321) 371-8891

Responsible party for Implementation/Inspection: PHIL AND SUSAN PETERSON  
Address: 1142 SWEET HEATHER LANE, APPOKA, FL 32712  
Phone: (407) 886-6486  
Mobile/Cell: (321) 371-8891

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.

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BY:
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.

[Signature]
(Property Owner)

[Signature]
(Person Responsible for Implementation)

3/18/19
(Date)

3/18/19
(Date)

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

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BY: