LE SUEUR COUNTY BOARD OF ADJUSTMENT

MEETING AGENDA

Meeting Date: June 20, 2019

Time: 3:00 pm

Place: Le Sueur County Environmental Services Building
515 South Maple Ave, Le Center, MN

Onsite Date: June 20, 2019

Onsite Time: 11:30 am

**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: Additions/Corrections/Approval
   3.I. May 16, 2019
   Documents:
   05-16-19 DRAFT MINUTES.PDF

4. Applications

   4.I. ITEM #1: BOHN WELL DRILLING, JORDAN, MN, (APPLICANT); ANDREW & HEIDI KNIGHT, NEW PRAGUE, MN, (OWNER):
   Request that the County grant an extension of Variance # 18075 granted June 21, 2018 for a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic system drainfield 11 feet from an existing accessory structure in an Urban/Rural Residential “R1” District. Property is located at Lot 18, Eastwood Acres Subdivision, Section 1, Lanesburgh Township. **VARIANCE IS FOR STRUCTURE SETBACK. APPLICATION IS FOR AN EXTENSION FOR AN APPROVED VARIANCE.**
   Documents:
   KNIGHT EXT.PDF

   4.II. ITEM #2: DENNIS SEGAR, MANKATO, MN, (APPLICANT\OWNER):
   Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to replace an addition on a non-conforming structure 16 feet from the road Right-Of-Way (ROW) and construct a driveway 11 feet in width in a Recreational Residential “RR” District, on Lake Washington, a Recreational Development “RD” lake. Property is located at Lot 3, Loeffler’s Subdivision #2, Section 17, Washington Township. **VARIANCE IS FOR ENLARGING A NON-CONFORMING STRUCTURE, ROAD ROW SETBACK, AND DRIVEWAY WIDTH.**
The Chairman opens the meeting to the public.

- 3:00 pm

All questions or comments are to be directed to the Le Sueur County Environmental Services Building.

11:30 am

The Chairman calls the meeting to order, then calls to order.

LE SUEUR COUNTY BOARD OF ADJUSTMENT
MEETING AGENDA
Meeting Date: June 20, 2019
Time: 3:00 pm
Place: Le Sueur County
Documents:
4.I.
4.II.
4.III.
4.IV.
4.V.
4.VI.
5.
6.
7.

Board of Adjustment Hearing Procedure:

1. Call to Order
2. Adoption of Agenda
3. Review of Minutes
4. Board of Adjustment Members if you CANNOT be at the meeting contact Mindy at 357 8538.
5. Discussion Items
6. Warrants/Claims
7. Adjourn

DOCUMENTS

Documents:

SEGAR.PDF

4.III. ITEM #3: DIANNE MILLER, LONSDALE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 4 feet from the dwelling and 6 feet from the east property line in a Recreational Residential “RR” District, on Lake Volney, a Recreational Development “RD” lake. Property is located at Lot 4, Brockway Beach Subdivision, Section 6, Kilkenny Township. VARIANCE IS FOR DWELLING AND PROPERTY LINE SETBACKS.

Documents:

MILLER DIANNE.PDF

4.IV. ITEM #4: RICHARD & CYNTHIA COTES, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a pump tank 45 feet from the drainageway, 59 feet from the Ordinary High Water Level (OHWL), 8 feet from the deck; install septic tanks 8 feet from the deck and 59 feet from the OHWL; install septic drainfield 7 feet from the road Right-Of-Way (ROW), 8 feet from the attached garage, 31 feet from a drainageway and 4 feet from the shed in a Recreational Residential “RR” District, on Lake Volney, a Recreational Development “RD” lake. Property is located at Lot 21, Elwood Subdivision, Section 36, Lexington Township. VARIANCE IS FOR DRAINAGeway, OHWL, STRUCTURE, AND ROAD ROW SETBACKs.

Documents:

COTES 2.PDF

4.V. ITEM #5: CHARLES MYHRA, ST PETER, 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 drainfield 14 feet from the bluff, 14 feet from the dwelling, 6 feet from the rear property line, 2 feet from the side property line, and 1 foot from a shed in a Recreational Residential “RR” District, on Lake Emily, a Recreational Development “RD” lake. Property is located in Government Lot 5, Section 25, Kasota Township. VARIANCE IS FOR BLUFF, STRUCTURE, AND PROPERTY LINE SETBACKS.

Documents:

MYHRA.PDF

4.VI. ITEM #6: LOREN ALLAS, AUSTIN, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 4 feet from the property line in a Recreational Residential “RR” District, and a Flood Fringe “FF” Floodplain Overlay District on Lake Tetonka, a Recreational Development “RD” lake. Property is located at Lot 17, Tetonka Beach Subdivision, Section 24, Elyssian Township. VARIANCE IS FOR PROPERTY LINE SETBACK.

Documents:

ALLAS.PDF

5. Discussion Items
6. Warrants/Claims
7. Adjourn
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

May 16, 2019

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, Jim Mladek, John Wolf

MEMBERS ABSENT:

OTHERS PRESENT: Michelle R. Mettler

1. Call to Order at 3:00 by Chairperson Jeanne Doheney.

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

3. Meeting Minutes: April 18, 2019 Additions/Corrections None. Motion to approve minutes by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.

4. Applications

ITEM #1: CHARLES & MARY HIRN, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant an After-The-Fact Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 10 x 50 deck 5 feet from the South property line, 68 feet from the Ordinary High Water Level (OHWL) 21 feet from the bluff and a total impervious surface on the lot of 30.4% in a Recreational Residential “RR” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lot 21 & 22, Cape Horn Subdivision, Section 1, Cleveland Township. VARIANCE IS FOR PROPERTY LINE, OHWL, & BLUFF SETBACKS AND IMPERVIOUS SURFACE.

Charles & Mary Hirn were present for application. Township: No response. DNR: No response. Letters submitted: Holly Kalbus, Le Sueur County Environmental Services Resource Specialist. Recommend denial of variance request or table application for applicant to work with staff for alternatives.

Discussion was held regarding updated description of request. Were wrong not to get permit from the beginning, move forward, protect land lake. Holly Kalbus recommendation letter before was to approve application with conditions. Removed steps from deck, worked with Environmental Services. Direction from County, good stewards of land, good neighbors. Plan to stay there as long as physically can. Length of deck is as long as it is due to doors from house, have a lot of guests, sister in wheelchair. Exit from bedroom in case of an emergency. 2016 variance request, pervious driveway to keep under 25%, pervious paver patio in back, no deck was proposed, application approved. Deck constructed After The Fact (ATF). 2018 ATF Variance request was denied. Stairs and landing removed from 2018 request. 2018 variance request 10 x 50 deck, 2019 variance request 10 x 50 deck. Impervious surface square footage changes, total impervious surface %, actual deck size.

Gary & Judy Dunn live to the South of applicant. No problem with proposal, don't think deck is too big, in support of application.

Mark Smiley-Live on the other side of Dunns. Good friends and neighbors, help neighbors, wasn't mischievously done.

Any more that can be done to reduce impervious surface, applicant-yes would be costly, equipment to bring in, other things could be done, can go back to surveyor to see how much. Why necessary for ATF when applicant the knew rules. Were wrong in doing that and regret it.
Impervious surface bluff setbacks, OHWL setback and property line setback. Bluff impact zone definition changed from 30 feet to 20 feet since the deck was constructed and is no longer located within the bluff impact zone. Stairs removed that were going toward the lake and a landing.

Applicant requested to table the application, work with staff for solutions.

Motion was made by John Wolf to table application. Seconded by Colin Harris. Motion approved. Motion carried.

**ITEM #2: BRAD PEDERSON, WATERVILLE, 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 1 foot from the road Right-Of-Way (ROW) and 4 feet from the South property line; To install a septic drainfield 0 feet from the road ROW and 7 feet from the dwelling in a Recreational Residential “RR” District, and a Flood Fringe “FF” Floodplain Overlay District on Lake Tetonka, a Recreational Development “RD” lake. Property is located in the Lots 6 & 7, Tetonka Beach Subdivision, Section 24, Elysian Township. **VARIANCE IS FOR ROAD ROW, PROPERTY LINE AND STRUCTURE SETBACKS.**

Wayne James, James Brothers Construction was present for application. Township: No response. DNR: No response. Letters submitted: Holly Kalbus, Le Sueur County Environmental Services Resource Specialist-recommend approval of variance request without conditions; and Jon & Renee Brekken-in favor of proposal.

Discussion was held regarding lots in the addition are small, is a year-round home, proposed on road side of the lot to get further from lake, will serve property for many years. Meets lake setback, protects the lake, is an impaired lake. No room on the lot and further away from the lake. Part of Frances, Rays, Sakatah, Tetonka (FRST) septic inventory.

Motion was made by Jim Mlaek to approve application. Conditions: None. Seconded by John Wolf. Motion approved. Motion carried.

**ITEM #3: JAMES & BRENDA KOLLAR, OWATONNA, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a cabin 7 feet from the property line and 27 feet from the road ROW and a total impervious surface on the lot of 31.3% in a Recreational Residential “RR” District and a Flood Fringe “FF” Floodplain Overlay District on German Lake, a Recreational Development “RD” lake. Property is located at Lot 11, Stavenau Beach Subdivision, Section 9, Elysian Township. **VARIANCE IS FOR PROPERTY LINE & ROAD ROW SETBACKS AND IMPERVIOUS SURFACE.**

Jim Kollar was present for application. Township: No response. DNR: No response. Letters submitted: Holly Kalbus, Le Sueur County Environmental Services Resource Specialist-recommend to approve application proposal as the applicant removed a significant amount of impervious surface within the bluff impact zone with conditions to eliminate proposed retaining wall east of proposed patio and reduce the sidewalk to 4 feet in width.

Discussion was held regarding road ROW, property line setbacks and impervious surface, replace new cabin, existing structurally unsound, nonconforming lot, no closer than the existing cabin to the property line to the east 7’ to property line, discussed with neighbor. Impervious surface, small lot, existing almost 32% proposal to reduce to 31.3%, reducing impervious surface in bluff, remove multi-level deck on house, remove well house, decrease impervious surface, reseed part of parking area. Timeline if variance approved will be applying for Conditional Use Permit for grading and filling, after Labor Day demolish and start construction and finish next spring, patio retaining walls in spring/summer. Discussed extension 30 days prior to expiration back before the board again to also include the fee. Proposed sidewalk is 4.5 feet in width, retaining wall will help make the yard on that side less steep, will make it easier to mow and slow...
down stormwater runoff, 4-foot vertical change. Other retaining wall existing, proposed to be re-
built. Will tie right in with foundation of the house. Results in flatter green area, will slow down
runoff. Options are retaining wall or 2:1 slope, patio would be better than deck. Foundation of
cabin will be also acting as a retaining wall, extension of cabin foundation. Impervious surface of
retaining wall vs the steep slope, opinion is retaining better option. Conditional Use Permit will be
necessary. Licensed professional engineer, deal with runoff part of daily job. Taking out deck in
bluff. Sidewalk is proposed at 4.5 feet, adjacent to wall of cabin. Overhang, concrete sidewalk.
Pervious pavers, would require more construction requirements. Existing survey doesn't show
the driveway on the southwest corner of the lot, current impervious surface % is higher than the
site plan shows. Plan shows to restore and reseed that area. Overhang on house plans over
proposed sidewalk is 2 feet. Retaining wall would be helpful, lot of slope on that side.

Motion was made by Colin Harris to approve application. Conditions: None. Seconded by John
Wolf. Motion approved. Motion carried.

Recommend discussing slope with Holly Kalbus.

ITEM #4: JANICE SHELTON, KASOTA, MN, (APPLICANT/OWNER): Request that the
County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to
build on a non-conforming lot, enlarge a non-conforming structure 43 feet from road ROW (Red
Iron Road), 31 & 36 feet from road ROW (Pleasant Mound Road) and 56 feet from road ROW
(Cul-de-sac) in an Urban/Rural Residential “R1” District. Property is located at Outlot A,
Thunderbird Hills Subdivision, Section 17, Kasota Township. VARIANCE IS FOR
NONCONFORMING LOT, NONCONFORMING STRUCTURE AND ROAD ROW SETBACKS.

Janice Shelton was present for application. Township: No response. Letters submitted: None.

Discussion was held regarding applicant recently purchased property, was in disrepair, goal to
develop into retirement home, sister and brother-in-law live with. More suitable and needs
updates, extend garage on main level 2-car garage, and 1-car garage with a shop below.
Working with engineer and contractor and surveyor for retaining wall(s) for new driveway access.
Township approved new driveway to Red Iron road. Putting in new septic, cul-de-sac not built up,
Township doesn’t plow. Kruger driveway along the property line is not a road. Cul-de-sac is road
ROW even though not built up and would have setback from the ROW. House needs to be fixed,
small lot garage-over-grass design. Was a rental property. Timeframe within a year, additions
this fall, landscaping in spring. Excavation for garage will not require a Conditional Use Permit
but the additional grading, excavating, and filling to alter topography will require a CUP. Variance
to deviate from setback doesn’t cover additional grading, excavating, and filling. 15” culvert
required by township for new driveway.

Motion was made by John Wolf to approve application. Conditions: None. Seconded by Jim
Mladek. Motion approved. Motion carried.

5. Discussion Items: Josh will go over information from training at the next meeting.

6. Warrants/Claims: Sign warrants/claim sheets

7. Adjourn: Motion to adjourn meeting by John Wolf. Seconded by Jim Mladek. Motion
approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

Tape of meeting is on file in the
VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Bohn Well Drilling
OWNER: Andrew & Heidi Knight
911 ADDRESS: 13378 Circle Drive South, New Prague, MN
VARIANCE REQUEST: To grant an extension to Variance # 18075 to allow the applicant to install a septic system drainfield 11 feet from an existing accessory structure.
VARIANCE NUMBER: 19074
PARCEL NUMBER: 07.570.0170

SITE INFORMATION

LOCATION: Lot 18, Eastwood Acres, Section 1, Lanesburgh Township
ZONING & PURPOSE: Urban/Rural Residential

The Urban/ Rural Residential (RI) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to protecting ground water.

GOAL #3: Improve water quality in Le Sueur County.
Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

GENERAL SITE DESCRIPTION: Rural residential development
ACCESS: Existing access off South Circle Drive

BACKGROUND INFORMATION

Property was recently purchased by Knights. Prior to sale a compliance inspection is required for the septic system. A waiver is allowed, which would allow the applicant to forgo the inspection. The waiver deems the septic system to be non-compliant. A design has been submitted to update the system but cannot meet all the setbacks.

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: Page:
a. Septic drainfield to structure: 11 feet 20 feet Section 17. Subdiv. 4. D. 1. a. 17-9

2. 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.
3. A Variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.

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

5. A determination that a practical difficulty exists upon the consideration of the findings of fact.

### CONSIDERATIONS

1. The following shall be considered at the hearing:
   a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
   b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
   c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

2. **Additional Considerations:**
   a. Structure is upslope of the drainfield absorption area.
   b. Setbacks for septic systems are measured from the tank and from the absorption area of the drainfield.
   c. Due to weather conditions the applicant was not sure if the installation would be complete by the expiration of Variance #18075.

### 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.
June 25, 2018

Andrew & Heidi Knight
13378 Circle Drive South
New Prague MN 56071

Parcel No: 07.570.0170

RE: Variance Approval

Dear Mr. & Mrs. Knight:

The Le Sueur County Board of Adjustment approved your application for Variance # 18075 on June 21, 2018 as written.

The Variance will lapse within one year from the date of the approval. Construction must be completed prior to the expiration of the Variance.

A zoning permit is required prior to starting any construction on your project.

If the work permitted by the Variance has not been completed, a petition for extension may be requested thirty (30) days prior to the Variance expiration. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Variance. The petition for extension shall be filed with the Planning & Zoning Administrator. Such petition shall be presented to the Board of Adjustment for a decision.

If you have any questions, please contact this office at the above-listed number.

Respectfully,

Michelle R. Mettler
Le Sueur County
Assistant Planning & Zoning Administrator

Bohn Well Drilling
18190 Dairy Lane
Jordan MN 55352

Le Sueur County Assessor’s Office

Physical Address: 515 South Maple Ave, Le Center MN 56057
2. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The Department shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

**SUBDIVISION 5. APPEALS TO DISTRICT COURT**

All decisions by the Board of Adjustment in granting the variances or in hearing appeals from any administrative order, requirements, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal as set forth in M.S. 394.27 Subdivision 9.

**SUBDIVISION 6. FEES**

The application for a Board of Adjustment hearing shall be accompanied by a fee as established by the Board of County Commissioners.

**SUBDIVISION 7. LAPSE OF VARIANCE**

A. Whenever within one (1) year after granting a variance or appeal the work, as permitted by the variance or appeal, has not been completed, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of Adjustment.

B. Such extension shall be requested in writing and filed with the Department at least thirty (30) days before the expiration of the original variance or appeal. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal.

C. Such petition shall be presented to the Board of Adjustment for a decision.
VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538  Fax (507) 357-8541

APPLICATION DATE: 5/17/2019  PERMIT NUMBER: 19074  FEE: $900.00
60 DAY RULING DATE: 7/16/2019  911: 13378 CIRCLE DR NEW PRAGUE
APPLICANT: BOHN WELL DRILLING  LAND OWNER: ANDREW & HEIDI KNIGHT
ADDRESS: 1810 DAIRY LN  ADDRESS: 13378 CIRCLE DR SOUTH
CITY: JORDAN  CITY: CLEVELAND
STATE: MN  STATE: MN
ZIP: 56071  ZIP: 56071
PHONE: 952-440-4809  PHONE: 952-292-9178

TOWNSHIP: LANCESBURGH  PARCEL NO: 07.570.0170
SEC: 1  SUBDIV: EASTWOOD ACRES
TWP: 112  LOT: 18  ZONE: R1
RANGE: 23  BLOCK:  FEMA PANEL # 27079C0092D
Q/Q:  ROAD: ST HWY 99  FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:
EXTENSION OF VARIANCE # 18075 TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC SYSTEM DRAINFIELD 11 FEET FROM AN EXISTING STRUCTURE.

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:

[Signature]
APPLICANT/PROPERTY OWNER  5-17-19

[Signature]
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY  5-17-19

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 6/20/2019
PUBLIC HEARING DATE: 6/2/2019  ACTION: AS WRITTEN

[Signature]
BOARD OF ADJUSTMENT CHAIRMAN  DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.
VARIANCE FINDINGS OF FACT

Name of Applicant: BOHN WELL DRILLING
Variance Request: EXTENSION OF VARIANCE # 18075 TO ALLOW THE APPLICANT TO CONSTRUCT A SEPTIC SYSTEM DRAINFIELD 11 FEET FROM AN EXISTING STRUCTURE.
Variance #: 19074

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.

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<th>Y</th>
<th>N</th>
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<tbody>
<tr>
<td>1. Does the property owner propose to use the property in reasonable manner?</td>
<td>Jim M</td>
<td>John W</td>
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<tr>
<td>Explain</td>
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<tr>
<td>2. Is the alleged practical difficulty unique to the property?</td>
<td>Jim M</td>
<td>John W</td>
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<tr>
<td>Explain</td>
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<tr>
<td>3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?</td>
<td>Jim M</td>
<td>John W</td>
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<td>Explain</td>
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<td>4. Will the issuance of the Variance maintain the essential character of the locality?</td>
<td>Jim M</td>
<td>John W</td>
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<tr>
<td>Explain</td>
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<td>5. Does the alleged practical difficulty involve more than economic considerations?</td>
<td>Jim M</td>
<td>John W</td>
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<td>Explain</td>
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F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

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<tr>
<td>6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?</td>
<td>Jim M</td>
<td>John W</td>
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<tr>
<td>Explain</td>
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<td>Explain</td>
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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: Bohn Well Drilling Co.
   Mailing Address: 18190 Dairy Lane
   City: Jordan    State: MN    Zip: 55352
   Phone #: 952-445-4809    Phone #: Same

II. Landowner:
   Name: Andrew & Heidi Knight
   Property Address: 13378 Circle Dr. S
   City: New Prague    State: MN    Zip: 55352
   Phone #: 952-292-9176    Phone #: Same

III. Parcel Information:
   Parcel Number: 07.570.0170
   Parcel Acreage: __________
   Township: Lanesburgh    Section: 112
   Subdivision: Lot __________ Block __________

   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).
   Request for the current approved variance to be extended due to the weather and it being too wet for Bohn Well Drilling to install the replacement septic system

   Variance # 18075

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.)

   ____________ Township notified on ____________
   (Township Name)                           (Date)

   Board Member ___________________________ regarding the proposed request.
   (Name)

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
   - Rivers
   - Wetlands
   - Streams
   - Ponds
   - Well
   - Septic System
   - Proposed Structures
   - Existing structures - Within and adjacent to project area
   - Location of trees to be removed - Shoreland Districts.
   - Impervious Surface
     - Required for Shoreland, Business, & Industrial Districts.
     - Treated 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.

See attached documentation Variance # 18075
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]
Applicant signature

5/10/19
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]
Landowner signature

5/10/19
Date

OFFICE USE ONLY

Date received 5/17/19
Meeting date 5/10/19
60 Day 7/30/19
RFPE
Site Plan - survey
Surveyor Certificate
Floor plans/blue prints
Description of Request
Application complete

Planning & Zoning Department Signature

MAY 17 2019
BY:

RECEIVED
01-15-16

Filing fee already paid
Vol # 18075
Variance Application

I. Applicant:
   Name: Born Well Drilling Company
   Mailing Address: 1019 Dairy Lane
   City: Jordan  State: mn  Zip: 55352
   Phone #: 952-448-4609

II. Landowner:
   Name: Andrew & Heidi Knight
   Property Address: 13370 Circle Drive South
   City: New Prague  State: mn  Zip: 56171
   Phone #: 952-292-9176

III. Parcel Information:
   Parcel Number: 7T, 570, 6170
   Parcel Acreage: Map Available
   Township: Levenburg  Section: 11
   Subdivision: Eastwood Acres
   Lot: 18  Block: 1

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).
   To construct DAINTED 11' from shed.

V. Description of Request: See attached.
   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.)

   Lame Sugar Township. Township notified on 5/11/2018 (Date)
   Board Member: Vicky Vantly (Name) regarding the proposed request.

VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:

   - North point  - Lakes  - Well  - Access
   - Setbacks  - Rivers  - Septic System  - Easements
   - Property lines  - Wells  - Proposed Structures
   - Read Right-Of-Way  - Streams  - Existing structures - Within and adjacent to project area.
   - Lot Dimensions  - Ponds  - Location of trees to be removed - Shoreland Districts.

   - 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.
VIII. Practical Difficulty:  See Attached.

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.

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

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

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

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

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

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

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

9. Explain why this request is the minimum variance amount to afford relief.
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 (Whichever attached)
- ■ 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, aerals 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]
Applicant signature

5/15/18
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]
Landowner signature

5/15/18
Date

OFFICE USE ONLY

Date received 5-11-18
Meeting date 6-21-18
60 Day ___________

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

Present Zoning Classification R1
Lake Classification —
60 Day —
RFPE —
FEMA Panel # 27099C 592 D
Flood Zone K -awseble

Feedlot within 500' 1000' N
Erosion Control Plan Y N
Water courses Y N
Bluff Y N

Other

☐ Septic
☐ COCNon/Waiver
☐ ATF SPEC MTG

Date 5-22-18

Permit # 18014

01-16-16

"Approved Pending" SSTC Design

Soil Verification
V. Description of Request:

We are requesting a variance be granted to allow Bohn Well Drilling Co to install a septic system that has the absorption area of the mound system adhering to a 10-foot set back of an existing shed structure on this property. The ordinance requires the set back from a structure to be 20 feet at this property we are unable to meet that requirement. The factors include that the lot is oddly shaped, required sizing of the mound system, soils dictating placement and the existing structures on this property. There is only one location for the replacement septic system and it requires an encroachment of the designated variance requirement.

VIII. Practical Difficulty:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.
   We will be deviating from the 20-foot setback of the existing shed structure on the property to allow room for the replacement septic system’s rock bed area. The requirement for the set back is 20 feet and we are needing to be within 10 feet of the existing shed structure as this is the only place that the new system/rock bed can go due to the tightness of the lot, soil findings and mound sizing.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
   This lot is an oddly shaped and has poor soils for a septic replacement system to be installed. The only suitable spot for a new replacement septic system is where we have designed the system be placed (per the septic system design). There is an existing shed on the property where we will have to be within a 10-foot set back and not the required 20-foot set back for the rock bed area as required by ordinance.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner. The homeowners are required to replace the septic system and are willing to do so; but there is an existing shed on the lot and due to the sizing requirements of the mound system we are unable to meet the required 20’ setback. We are requesting to be 10 feet from the shed structure with the rock bed and not the set 20 feet by ordinance.

4. How will the request maintain the essential character of the locality?
   By granting the variance we can install a new septic system, replacing the failing one that is currently serving this home and keep the existing structures on the property. The new system would be installed to code to accommodate the household and increase the property value but wouldn’t take away the essential character of the lot or affect the neighboring homes.

5. Does the alleged practical difficulty involve more than economic considerations? Yes, it does involve more than economic considerations because if they are unable to receive the variance they will not be able to install a compliant septic system on their property. This leaves the home with a non-compliant system and a potential for an imminent public health threat in the future.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
   Yes, it is as we are replacing a septic system that is failing/not up to code per the MN Pollution Control Agency and protecting the current soils on the lot and not allowing contamination.
7. Describe how the request is consistent with the Comprehensive Land Use Plan. This new replacement septic system will improve the current lot by protecting the soils/groundwater and installing the new septic system that will be up to code per the MN Department of Health codes and LeSueur county. This lot and the installation process will not disrupt any agricultural businesses in the area.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities. The current system needs to be replaced. This variance is allowing us to install and new current compliant septic system per the MN Pollution Control Agency.
SITE PLAN / SURVEY

Legal Description:
LOT 18
EASTWOOD ACRES,
LESUEUR COUNTY, MINNESOTA

LEGEND
000.0 DENOTES EXISTING ELEVATION
(000.0) DENOTES PROPOSED ELEVATION
000.0 DENOTES AS BUILT ELEVATION
DENOTES DIRECTION OF SURFACE DRAINAGE
● DENOTES IRON MONUMENT FOUND
□ DENOTES WOOD HUB
● DENOTES MAIL
● DENOTES EXISTING UTILITY BOX
● DENOTES EXISTING POWER POLE
● DENOTES EXISTING LIGHT POLE
□ DENOTES EXISTING STORM MANHOLE
□ DENOTES EXISTING CATCH BASIN
● DENOTES EXISTING F.I.E.L.
● DENOTES EXISTING HYDRANT
● DENOTES EXISTING SERVICE OR CLEANOUT
□ DENOTES EXISTING SANITARY MANHOLE
□ DENOTES EXISTING CONSERVATION POST
□ DENOTES EXISTING TREE
□ DENOTES EXISTING RETAINING WALL
□ DENOTES PROPOSED RETAINING WALL
□ DENOTES EXISTING TREELINE
□ DENOTES EXISTING FENCE

1. No specific soil investigation has been performed on this lot by the surveyor. The suitability of the soils to support the specific house is not the responsibility of the surveyor.

2. No site information was provided for this survey. This survey does not purport to show all easements of record.

3. See architectural plans for final building dimensions.

I hereby certify that this is a true and correct representation of a tract as shown and described heretofore. As 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.

Prepared for:
HEIDI KNIGHT

Address:
13378 SOUTH CIRCLE DRIVE
NEW PRAGUE, MN

Project No.
16559.00

Receiving:
MAY 22, 2018

Probe Engineering Company, Inc.
1100 East 14th St, 316, Burnsville, MN 55337 Ph (952) 432-3000

Russell P. Damlo
Minn. Reg. No. 19086
5-21-18
Date
Surveyor Certification

I. Applicant:
   Name: Bohn Well Drilling, Inc.

II. Landowner:
   Name: Herdi Knight
   Property Address: 13378 So. Circle Drive
   City: New Prague
   State: MN
   Zip: 56071

III. Parcel Information:
   Parcel Number: 075700170

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.
   - Location of trees to be removed - Shoreland Districts

   *Impervious Surface
   - Required for Shoreland, Business, & Industrial Districts.
   - Include 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 lightly 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.

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 8 1/2 x 11, documents in color, aerial 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 5-21-18, 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.

   [Signature]

   Date: 5-16-18
   Lic #:
   19056

   [Signature]

   Date: 5-12-18

   [Signature]

   Date Received: 01-15-16

   Planning & Zoning Department Signature: [Signature]
VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Dennis Segar

911 ADDRESS: 4440 Washington Blvd, Madison Lake, MN

VARIANCE REQUEST: To allow the applicant to replace an addition on a non-conforming structure 16 feet from the road Right-Of-Way (ROW) and construct a driveway 11 feet in width.

VARIANCE NUMBER: 19063

PARCEL NUMBER: 13.522.0030

SITE INFORMATION

LOCATION: Lot 3, Loeffler’s #2, Section 17, Washington Township

ZONING & PURPOSE: Recreational Residential

The intent of the Recreational Commercial (RC) District is to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

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

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.

Action 2: Adopt the water quality protections standards and design standards specified under goal #3, actions #1 & #2 to protect lake water quality.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 1: The County will adopt and implement the goals, objectives and actions of the County’s Local Water Management Plan.

GENERAL SITE DESCRIPTION: Shoreland, residential, bluff, existing building site, platted subdivision.

ACCESS: Existing access off Washington Boulevard

LAKE: Lake Washington, Recreational Development Lake

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

RFPE: Regulatory Flood Protection Elevation: 984.8 Lowest floor must be at or above RFPE.
BACKGROUND INFORMATION

The structure is an existing guest house located on the property in addition to the dwelling that has been present for many years. The proposal is to remove the 'summer kitchen' and porch and replace with the same type and size. The variance request is to replace this section of the structure closer to the road ROW than the setbacks allow and because it is a nonconformity.

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. Access drive/driveway width
     - Request: 11 feet
     - Required: 14 feet
     - Ordinance: Section 13.2 Subdiv. 7.
     - Page: 13-49
   - b. Structure to road ROW
     - Request: 16 feet
     - Required: 65 feet*
     - Ordinance: Section 13.2 Subdiv. 5. B. 3.
     - Page: 13-43
   - c. *Exemption for addition allows the addition to be closer to the road ROW than the required setback as long as the addition is no closer to the ROW than the existing structure and ½ the setback whichever is greater.
   - d. Nonconforming structure
     - Ordinance: Section 24, Subdiv. 8.
     - Page: 24-3

2. **Refer to DNR Guidance Letters:**
   - a. Administration, Compliance, and Enforcement
     - Page: pg. 1
   - b. The Role of the Variances in Shoreland Management Ordinances
     - Page: pg. 9
   - c. Limiting Impervious Surface
     - Page: pg. 15
   - d. Non-conforming Lots of Record in Shoreland Areas
     - Page: pg. 19
   - e. Structure Setback Requirements
     - Page: pg. 21

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

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

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

6. A determination that a practical difficulty exists upon the consideration of the findings of fact.

CONSIDERATIONS

1. The following shall be considered at the hearing:
   - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
   - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
   - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
   
a. Existing nonconforming use and existing nonconforming use.

<table>
<thead>
<tr>
<th>CONDITIONS</th>
</tr>
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<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.</td>
</tr>
<tr>
<td>3. <em>If approved,</em> construction must be completed <strong>prior to the Variance expiration,</strong> Section 22; Subdivision 7.</td>
</tr>
<tr>
<td>4. <em>If approved,</em> a <strong>zoning permit</strong> must be purchased prior to starting construction, Section 26.</td>
</tr>
<tr>
<td>5. <strong>Extension</strong> must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.</td>
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</tbody>
</table>
Date: 06/11/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Dennis Segar

Property owner:
Dennis Segar

Property:
13.522.0030

Description:
Variance request to allow the applicant to replace an addition on a non-conforming structure 16 feet from the road Right-Of-Way (ROW) and construct a driveway 11 feet in width in a Recreational Residential “RR” District, on Lake Washington, a Recreational Development “RD” lake.

Recommendation:
It would be my recommendation to approve the application. The applicant plans to replace the current structure; therefore, reducing material movement on the lot. Also, all of the proposed projects occur outside of the shore impact zone. Lastly, the proposed projects will be under the allocated 25% impervious surface for the lot.

Condition(s):
None

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
| TOWNSHIP: | WASHINGTON | PARCEL NO: | 13,522,0030 |
| SEC: | 17 | SUBDIV: | LOEFFLERS #2 |
| TWP: | 109 | LOT: | 3 |
| RANGE: | 25 | ZONE: | RR |
| Q/Q: | | BLOCK: | FEMA PANEL # 27079C0380D |
| | | ROAD: | TWP |
| | | FLOOD ZONE: | X OUTSIDE |

I, 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:

**Reason for Requested Variance:**

TO ALLOW THE APPLICANT TO REPLACE AN ADDITION ON A NON-CONFORMING STRUCTURE 16 FEET FROM THE ROAD ROW AND CONSTRUCT A DRIVEWAY 11 FEET IN WIDTH.

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

**Special Conditions of Variance:**

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD.

**FEES ARE NON-REFUNDABLE**

**ON-SITE TOUR DATE:**

6/20/2019

**PUBLIC HEARING DATE:**

6/20/2019

**ACTION:**

- AS WRITTEN
- WITH CONDITIONS

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.
VARIANCE FINDINGS OF FACT

Name of Applicant: DENNIS SEGAR

Variance Request: TO ALLOW THE APPLICANT TO REPLACE AN ADDITION ON A NON-CONFORMING STRUCTURE 16 FEET FROM THE ROAD ROW AND CONSTRUCT A DRIVEWAY 11 FEET IN WIDTH.

Variance # 19063

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?
   
   Jim M    John W    Jeanne D    Colin H    Majority
   
   Explain

   Y N 2. Is the alleged practical difficulty unique to the property?
   
   Jim M    John W    Jeanne D    Colin H    Majority
   
   Explain

   Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?
   
   Jim M    John W    Jeanne D    Colin H    Majority
   
   Explain

   Y N 4. Will the issuance of the Variance maintain the essential character of the locality?
   
   Jim M    John W    Jeanne D    Colin H    Majority
   
   Explain

   Y N 5. Does the alleged practical difficulty involve more than economic considerations?
   
   Jim M    John W    Jeanne D    Colin H    Majority
   
   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?
   
   Jim M    John W    Jeanne D    Colin H    Majority
   
   Explain

   Y N 7. Is the Variance consistent with the Comprehensive Plan?
   
   Jim M    John W    Jeanne D    Colin H    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: DENNIS SEGBER
Mailing Address: 507 West 8th Street
City: Mankato
State: MN
Zip: 56001
Phone #: 507-368-7616
Phone #: 507-340-0208

II. Landowner:
Name: DENNIS SEGBER
Property Address: 440 Washington Blvd
City: Madison Lake
State: MN
Zip: 56063
Phone #: 507-368-7616
Phone #: 507-340-0208

III. Parcel Information:
Parcel Number: R 13, 522, 0030
Parcel Acreage:
Township: Washington
Section: 7
Subdivision: Leffler's #2
Lot: 3
Block:

*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).

Preservation of existing cottage
11 foot wide driveway. Replace addition 16 feet from row
Add on to a nonconform 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.)

Washington (Township Name) Township notified on May 1, 2019 (Date)

Board Member: Susan Ziegler (Name) regarding the proposed request.

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
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - Within and adjacent to project area
- Location of trees to be removed - Shoreland Districts.

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.
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.

   Preservation of existing seasonal cottage
   Keeping the same size.

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

   The cottage is a family heritage building.
   It was built 80 years ago.

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

   The cottage was there when we purchased this property, September 2018.
   We knew we had to repair to keep it's integrity.

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

   Preserve it

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

   Yes. It's there and it's rotten.

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

   This cottage is on level land and will not cause any environmental problems.

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

   The cottage is on level land away from the lake and will not cause any environmental issues.

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

   We have our own well.
   We are part of Lake Washington Sewer System.

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

   What we already have will only be repaired to the original integrity.
X. 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, aerals 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance</td>
<td>$ 600</td>
</tr>
<tr>
<td>Filing Fee</td>
<td>$ 46</td>
</tr>
<tr>
<td>Variance for Clusters</td>
<td>$ 600 + $200 per household</td>
</tr>
<tr>
<td>Filing Fee</td>
<td>$ 46</td>
</tr>
</tbody>
</table>

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.

Applicant signature

Date

MAY 9, 2019

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.

Landowner signature

Date

MAY 9, 2019
This parcel of land we bought this past Fall has been in our family since the early 1940's. My grandmother's sister and husband owned it and then passed it down to my father's cousin and wife. They brought in the little garage from Tourtelotte area in Mankato and then built on the front entry and the little kitchen area.

I spent many of my summers and birthdays 65 + years ago visiting and sleeping in the loft in this cottage.

In the early 1950's the family then built the Lodge. This was a 'duplicate' of a 3 bedroom Lodge they'd stay in Mexico in the early 1940's. They even brought in wood for the walls inside from Mexico. It has a stone wall and fireplace also. It's not fancy but it is original. WE like to call this entire compound , Our Golden Pond , because of the history.

When we discovered this Lake place was for sale our first thought was to fix the cottage to the way it was originally. It does have what in the 'old days' was called a summer kitchen that is hinged on the front that used to be wide open in the summer to give access to the outside to cook. They also put in hardwood floors that we want to restore.

We would like to make it a bunk house/guest house for our children and 7 grandchildren. We will not be changing the size but will be wanting to fix what is rotten and then make it as maintenance free as possible since this is only going to be a seasonal cottage.

My great uncle also along with another friend donated the land right down Washington Blvd for the Saint Peter and Paul's Catholic Park as well. It later was sold but we spent many summer days there also with our family.

We realize it's not the fancy year round homes down the road but this little cottage we are told by someone on the 'Lake Washington board' is probably one of the oldest on the lake. In fact, he's the first visitor we had last Fall and he was so worried we'd take it down and wanted to bring board members to see it.

When there was a chance to buy and keep this cottage and lodge in the family we feel very honored to pass it down to our children and grandchildren.

We are hoping you all will see this as a' little gem' and will understand our heartfelt love for this place when you come out to look at it too. It's quirky and not fancy but we've got memories and photos of old time there.

We are hoping you will allow this variance to move along and will allow us to restore this piece of family history.

Sincerely

[Signature]

[Date: May 15, 2019]
Site plan 4440 Washington Blvd.
Madison Lake, Mn. 56063

Dennis & Judy Segar
4440 Washington Blvd.
Madison Lake, Minn. 56063
dennys@hickorytech.net (507)-388-7616
judy.alice@gmail.com (507)-340-0208
Dennis & Judy Segar
116 West 8th. Street
Mankato, Mn. 56001

New roof on cabin and cottage
New siding on cabin and cottage

New windows and second door in cottage (see inclosed pictures)
Remove and replace entry to cottage and old summer kitchen (see inclosed pictures)
Water and sewer in cottage (water line from private well to cottage is in place)

This is a Historical Cottage on Lake Washington we want to preserve.

Install a black top driveway to the cabin (Jack Arend the neighbor shares the driveway)
he is in agreement to just to improve the lip from Washington Blvd to both properties
(see attached drawing) Per Surveyor Rory Jensen BMI a 11x58 blacktop driveway
makes the site at 25% impervious surface.

Sand blanket on the shore line  (I have contacted Holly Kalbus with a plan for 3 yards of
sand (20 x 10 x 6”) and the planting of three new trees)

We will work with the Washington Township Board and Gopher State One Call.
Surveyor Certification

I. Applicant:
Name: DENNIS SEGAR

II. Landowner:
Name: DENNIS SEGAR
Property Address: 4440 WASHINGTON BLVD
City: MADISON LAKE
State: MN
Zip: 56063

III. Parcel Information:
Parcel Number: 13,522,0030

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.
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   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 4/16/19, 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: 4/25/19  Lic #: 19789

Date Received: 5/1/19

Planning & Zoning Department Signature: [Signature]
Cottage sits on concrete blocks.

Existing cottage
4440 Washington Blvd
Michele,

This e-mail is to confirm Dennis Segar at the above address, is connected to the Lake Washington Sanitary District collection system.
If you need further information, please let me know.

James Deibe
Secretary
Lake Washington Sanitary District
# VARIANCE STAFF REPORT

## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>APPLICANT/OWNER:</th>
<th>Diane Miller</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 ADDRESS:</td>
<td>8652 60th St W, Lonsdale, MN</td>
</tr>
<tr>
<td>VARIANCE REQUEST:</td>
<td>To allow the applicant to install a holding tank 6 feet from the dwelling and 6 feet from the east property line.</td>
</tr>
<tr>
<td>VARIANCE NUMBER:</td>
<td>19066</td>
</tr>
<tr>
<td>PARCEL NUMBER:</td>
<td>06.450.0040</td>
</tr>
</tbody>
</table>

## SITE INFORMATION

<table>
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<tr>
<th>LOCATION:</th>
<th>Lot 4, Brockway Beach Subdivision, Section 6, Kilkenny Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING &amp; PURPOSE:</td>
<td>Recreational Residential</td>
</tr>
</tbody>
</table>

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.

## GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 makes reference to shoreland development and water quality.

### 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.
- **Action 2:** Adopt the water quality protections standards and design standards specified under goal #3, actions #1 & #2 to protect lake water quality.

### GOAL #3:

**Improve water quality in Le Sueur County.**

- **Objective 1:** The County will undertake actions to help protect groundwater as well as surface water features.
- **Action 1:** The County will adopt and implement the goals, objectives and actions of the County's Local Water Management Plan.
- **Action 3:** Le Sueur County will undertake a septic compliance inspection whenever a property owner requests a zoning permit for work that would increase a home's building footprint.

## GENERAL SITE DESCRIPTION:

Shoreland, nonconforming lots, Platted subdivision platted in 1956

## ACCESS:

Existing access off Beach Lane

## LAKE:

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

BACKGROUND INFORMATION

Parcel is a nonconforming lot located in a platted subdivision that was platted in 1956 with 60-foot wide lots. The property does not have enough space capable of treatment. Well setback is 50 feet, proposal meets lake setback.

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:**
   a. Septic tank to dwelling
   b. Septic tank to property line
   Request: 6 feet
   Required: 10 feet
   Ordinance: Section 17, Subdiv. 4. D. 1. B.
   Page: 17-9

2. **Refer to DNR Guidance Letters:**
   a. Administration, Compliance, and Enforcement
   b. The Role of the Variances in Shoreland Management Ordinances
   c. Non-conforming Lots of Record in Shoreland Areas
   d. Structure Setback Requirements
   pg. 1
   pg. 9
   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.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.

2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.

3. If approved, construction must be completed prior to the Variance expiration, Section 22; Subdivision 7.

4. If approved, a zoning permit must be purchased prior to starting construction, Section 26.

5. Extension must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.
# VARIANCE

**LE SUEUR COUNTY PLANNING AND ZONING**  
**BOARD OF ADJUSTMENT**  
88 SOUTH PARK AVENUE  
LE CENTER MN 56057  
Direct Dial (507) 357-8538  
Fax (507) 357-8541

<table>
<thead>
<tr>
<th>APPLICATION DATE:</th>
<th>5/15/2019</th>
<th>PERMIT NUMBER:</th>
<th>19066</th>
<th>FEE:</th>
<th>$646.00</th>
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<td>60 DAY RULING DATE:</td>
<td>7/14/2019</td>
<td>911:</td>
<td>18694 BEACH LN, KILKENNY</td>
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<tr>
<td>APPLICANT:</td>
<td>DIANE MILLER</td>
<td>LAND OWNER:</td>
<td>DIANE MILLER</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADDRESS:</td>
<td>8652 60TH ST W</td>
<td>ADDRESS:</td>
<td>18694 BEACH LN</td>
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<td>CITY:</td>
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<tr>
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<td>KILKENNY</td>
<td>PARCEL NO:</td>
<td>06.450.0040</td>
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<td>SEC:</td>
<td>6</td>
<td>SUBDIV:</td>
<td>BROCKWAY BEACH</td>
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<td>TWP:</td>
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<td>RANGE:</td>
<td>23</td>
<td>ZONE:</td>
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<td>BLOCK:</td>
<td>FEMA PANEL # 27079C0300D</td>
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<tr>
<td>ROAD:</td>
<td>BEACH LANE</td>
<td>FLOOD ZONE:</td>
<td>X OUTSIDE</td>
<td></td>
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</table>

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 INSTALL A HOLDING TANK 6 FEET FROM THE DWELLING AND 6 FEET FROM THE EAST PROPERTY LINE.

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**  
**DATE**  
5-15-19

**LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY**  
**DATE**  
5-15-19

**FEES ARE NON-REFUNDABLE**

**ON-SITE TOUR DATE:**  
6/20/2019

**PUBLIC HEARING DATE:**  
6/20/2019  
**ACTION:**

☐ AS WRITTEN  
☐ WITH CONDITIONS

**BOARD OF ADJUSTMENT CHAIRMAN**  
**DATE**

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.
VARIANCE FINDINGS OF FACT

Name of Applicant: DIANE MILLER
Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 6 FEET FROM THE DWELLING AND 6 FEET FROM THE EAST PROPERTY LINE.
Variance #: 19066

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?
   Jim M  [] John W  [] Jeanne D  [] Colin H  [] Majority  []
   Explain ___________________________________________________________

Y  N 2. Is the alleged practical difficulty unique to the property?
   Jim M  [] John W  [] Jeanne D  [] Colin H  [] Majority  []
   Explain ___________________________________________________________

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

Y  N 4. Will the issuance of the Variance maintain the essential character of the locality?
   Jim M  [] John W  [] Jeanne D  [] Colin H  [] Majority  []
   Explain ___________________________________________________________

Y  N 5. Does the alleged practical difficulty involve more than economic considerations?
   Jim M  [] John W  [] Jeanne D  [] Colin H  [] Majority  []
   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?
   Jim M  [] John W  [] Jeanne D  [] Colin H  [] Majority  []
   Explain ___________________________________________________________

Y  N 7. Is the Variance consistent with the Comprehensive Plan?
   Jim M  [] John W  [] Jeanne D  [] Colin H  [] 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: Dianne Miller
Mailing Address: 81652 160th St W
City: Lonsdale, State: MN, Zip: 55046
Phone #:

II. Landowner:
Name: Dianne Miller
Property Address: 18094 Beach Ln
City: Kilkenny, State: MN, Zip: 56052
Phone #:

III. Parcel Information:
Parcel Number: 016-450-0040
Parcel Acreage:
Township: Kilkenny
Section:
Subdivision: Brockway Beach
Lot: 4
Block:

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).
To install a 1500 gallon 2-compartment holding tank 6.4 feet from a structure (dwelling), and 6.4 feet from the east property line.

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.)
Kilkenny
(Township Name)


Board Member Barbara Kinniry, Clerk (Name) regarding the proposed request.

VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:
- North point
- South point
- East point
- West point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
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1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.  
   Please see attached

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

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

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

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

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

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

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

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<td>$ 600</td>
</tr>
<tr>
<td>Filing Fee:</td>
<td>$ 46</td>
</tr>
<tr>
<td>Variance for Clusters:</td>
<td>$ 600 + $200 per household</td>
</tr>
<tr>
<td>Filing Fee:</td>
<td>$ 46</td>
</tr>
<tr>
<td><strong>Additional Fees:</strong></td>
<td></td>
</tr>
<tr>
<td>Special Meeting:</td>
<td>$1,200</td>
</tr>
<tr>
<td>After-The-Fact meeting fee:</td>
<td>Doubled + After-The-Fact Penalty.</td>
</tr>
<tr>
<td>After-The-Fact Penalty:</td>
<td>$1,500 OR 10% of the improvement, whichever is greater.</td>
</tr>
</tbody>
</table>

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.
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.

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

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.

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

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.

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

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

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.

Applicant signature

Date

5-16-19

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.

Landowner signature

Date

5-16-19

OFFICE USE ONLY

Date received 5-5-19
Meeting date 4-20-19
60 Day 4-14-19
RFPE

_PRESENT ZONING CLASSIFICATION_ PR

PRESENT LAKE CLASSIFICATION_ RO

PRESENT FLOOD ZONE_ X-OUTSIDE

FEEDLOT WITHIN 500' 1000' _N_

EROSION CONTROL PLAN _Y_ _N_

WATER COURSES _Y_ _N_

BLUFF _Y_ _N_

Other

____ Septic _5-15-19_ _5-18-19_

COC _NONC/Waiver _Design_

Fee $ 5100 ATM / SPEC MTG

Planning & Zoning Department Signature

Michelle Miller

Date

5-15-19

1904el

Permit #
1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

It is a reasonable request because

- Proposing to replace the non-compliant holding tank with a new, 1,500 gallon 2-compartment holding tank.

- The proposed holding tank location will meet the required septic setbacks per the Le Sueur County Zoning Ordinance, Section 17 to the ordinary high water level of Lake Volney, the well, the wetland, and the south and west property lines. I am requesting to deviate from the setback of a sewage tank to the east property line and to a structure (the structure is the property owner’s dwelling).

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

The circumstance that prevents compliance with the Zoning Ordinance is the location of the existing dwelling and the well. In order to meet the required septic setbacks to the lake, well, wetland, and south and west property lines, the only reasonable location to install the proposed holding tank is 6.4 feet from the dwelling and 6.4 feet from the east property line.

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

When I purchased the property in 2001, the dwelling and the well were already constructed. Because of the location of the existing dwelling and the well and to try and meet the septic system setbacks, it is my proposal that a replacement 1,500 gallon 2-compartment holding tank be installed 6.4 feet from the existing dwelling and 6.4 feet from the east property line. All other septic system setbacks will be met.

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

The essential character of the area will be maintained because there is currently a holding tank serving the property, and I am proposing to install a replacement holding tank in almost the same location as the existing holding tank. The area has a mix of septic systems from holding tanks to mound soil treatment areas.
5. Does the alleged practical difficulty involve more than economic considerations?

Yes, in order to install a septic system with a soil treatment area would require a variance from the well (which is administered by the Minnesota Department of Health) and additional variance requests to Lake Volney and to property lines.

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

Yes, it is the goal of the Ordinance to treat sewage so as to protect ground and surface water.

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

This variance request is consistent with Goal #2, Objective #2 (protecting the county’s natural resources) and Goal #3, Objective #1 (protect ground and surface water) by having a septic designed by a licensed septic contractor that meets the required design standards as prescribed in state rule and county ordinance.

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

Current on-site sewage treatment is a non-compliant holding tank. I am proposing to install a new, 1,500 gallon 2-compartment holding tank. The water supply is obtained from a private well on the west side of the property.

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

I am proposing to install the new holding tank north of the existing holding tank. The proposed holding tank location will meet all septic setbacks per the Le Sueur County Zoning Ordinance except for the required 10-foot setback to a structure (the dwelling on the property) and the 10-foot setback from the east property line.
Property Owner: Dianne Miller
Property Address: 18694 Beach Ln Kilkenny
Parcel Number: 06.450.0040

Written Detail of Variance

I am requesting a variance to install a holding tank

- 6.4 feet from the dwelling; and
- 6.4 feet from the east property line.

The existing system is a non-compliant holding tank. The proposed septic system will consist of a 1,500 gallon 2-compartment holding tank.

I have hired a Minnesota Pollution Control Agency (MPCA) licensed and certified designer to determine a location on the property in which to install a holding tank. The septic designer determined that the proposed location north of the existing holding tank will require the least amount of deviations from the Le Sueur County Zoning Ordinance.

I will have a service contract with M.S. Excavating, Inc., an MPCA licensed and certified maintenance business, to pump and maintain the holding tank as needed.

I believe this variance request is reasonable because, once installed, will provide the property with a septic system that will hold sewage until the holding tank can be pumped and the sewage taken to the City of Montgomery’s wastewater treatment facility for disposal and treatment.
PID 06.450.0040
OWNER ADDRESS
DIANE M. MILLER
8652 68TH ST. W
LORESDALE, MN 55046

SITE ADDRESS
NORTH BEACH LN
KIERNENNY, MN

LEGEND

SURVEYOR'S CERTIFICATION
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.

Date: 5/15/2019

REVISED: 5/15/2019

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK
1560 PREMIER DRIVE
MINNEAPOLIS, MINNESOTA 55401
(507) 625-4171

LOT 4
BROCKWAY'S BEACH SUBD.
KIERNENNY TOWNSHIP
FOR: MS EXCAVATING
DIANE MILLER

JOB NUMBER: M33.118739
FIELD BOOK:
DRAWN BY: ASL
4.0 16-T110N-R23W

©Bolton & Menk, Inc. 2019, All Rights Reserved

5/15/2019 10:18 AM
Surveyor Certification

I. Applicant:
   Name: MS Excavating

II. Landowner:
    Name: DIANNE MILLER
    Property Address: 1664 BEACH LANE
    City: Kilkenny
    State: MN
    Zip:

III. Parcel Information:
     Parcel Number: 06.450.0040

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.
- Location of trees to be removed - Shoreland Districts
- 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.

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 completeness. 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 May 2, 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: 5/10/19
Lic #: 19789

OFFICE USE ONLY

Date Received: 5/15/19
Planning & Zoning Department Signature: [Signature]
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: Dianne Miller
Mailing Address: 81652 180th St W Lonsdale MN 55046
Property Address: 1804 Beach Ln Kilkenny MN 56052
Phone: (___)  M.S. Excavating Inc. - Mike Skluzacek
          Mobile/Cell: (___)

Responsible party for Implementation/Inspection: M.S. Excavating Inc. - Mike Skluzacek
Address: 12125 710th St W New Prague MN 56071
Phone: (507) 444-2045 Mobile/Cell: (612) 328-1442

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.

RECEIVED
MAY 15 2019
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
3:1 slopes or steeper
4:1 slopes or steeper
Flat areas

Straw/Coconut Blanket or High Velocity Wood Blanket
Wood or Straw Blanket with net on both sides
Wood or Straw Mulch blanket with net on one side
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)

5-16-19
(Date)

5-15-19
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.
Office of County Surveyor
County of Le Sueur
State of Minnesota

I hereby certify that I have surveyed and platted the property described on this plat.
# VARIANCE STAFF REPORT

## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>APPLICANT/OWNER:</th>
<th>Richard &amp; Cynthia Cotes</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 ADDRESS:</td>
<td>19121 400th St, Le Center, MN</td>
</tr>
<tr>
<td>VARIANCE REQUEST:</td>
<td>To allow the applicant to install a pump tank 45 feet from the drainageway, 59 feet from the Ordinary High Water Level (OHWL), 8 feet from the deck; install septic tanks 8 feet from the deck and 59 feet from the OHWL; install septic drainfield 7 feet from the road Right-Of-Way (ROW), 8 feet from the attached garage, 31 feet from a drainageway and 4 feet from the shed.</td>
</tr>
<tr>
<td>VARIANCE NUMBER:</td>
<td>19067</td>
</tr>
<tr>
<td>PARCEL NUMBER:</td>
<td>08.450.0170</td>
</tr>
</tbody>
</table>

## SITE INFORMATION

<table>
<thead>
<tr>
<th>LOCATION:</th>
<th>Lot 21, Elwood Subdivision, Section 36, Lexington Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING &amp; PURPOSE:</td>
<td>Recreational Residential</td>
</tr>
</tbody>
</table>

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.

## GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 makes reference to shoreland development and water quality.

### 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.

**Action 2:** Adopt the water quality protections standards and design standards specified under goal #3, actions #1 & #2 to protect lake water quality.

### GOAL #3:

Improve water quality in Le Sueur County.

**Objective 1:** The County will undertake actions to help protect groundwater as well as surface water features.

**Action 1:** The County will adopt and implement the goals, objectives and actions of the County’s Local Water Management Plan.

**Action 3:** Le Sueur County will undertake a septic compliance inspection whenever a property owner requests a zoning permit for work that would increase a home’s building footprint.

## GENERAL SITE DESCRIPTION:

Shoreland, residential, gradual slope toward lake

## ACCESS:

Existing access off 400th Street
LAKE: Lake Volney, Recreational Development Lake

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

BACKGROUND INFORMATION

Property is a non-conforming lot, part of Elwood Subdivision, platted in 1966. There is a dwelling and accessory structure located on the lot which is bordered by 400th Street and Lake Volney. There is not the presence of floodplain, or bluff.

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:
   a. Pump tank to drainage: 45 feet 50 feet Section 17, Subdiv. 4. D. 7. 17-9
   b. Pump tank to OHWL: 59 feet 75 feet Section 17, Subdiv. 4. D. 5. b. 2. 17-9
   c. Pump tank to deck: 8 feet 10 feet Section 17, Subdiv. 4. D. 1. b. 17-9
   d. Septic tank to deck: 8 feet 10 feet Section 17, Subdiv. 4. D. 1. B. 17-9
   e. Septic tank to OHWL: 59 feet 75 feet Section 17, Subdiv. 4. D. 5. b. 2. 17-9
   f. Septic drainfield to road ROW: 7 feet 10 feet Section 17, Subdiv. 4. D. 4. 17-9
   g. Septic drainfield to dwelling: 8 feet 20 feet Section 17, Subdiv. 4. D. 1. a. 17-9
   h. Septic drainfield to drainage: 31 feet 50 feet Section 17, Subdiv. 4. D. 7. 17-9
   i. Septic drainfield to shed: 4 feet 20 feet Section 17, Subdiv. 4. D. 1. a. 17-9

2. Refer to DNR Guidance Letters:
   a. Administration, Compliance, and Enforcement pg. 1
   b. The Role of the Variances in Shoreland Management Ordinances pg. 9
   c. Non-conforming Lots of Record in Shoreland Areas pg. 19
   d. Structure Setback Requirements pg. 21

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

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

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

6. A determination that a practical difficulty exists upon the consideration of the findings of fact.

CONSIDERATIONS

1. The following shall be considered at the hearing:
   a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
   b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
   c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:** Future tiling around the structure should be considered. Future tiling within 20 feet of the absorption area of the septic system could allow untreated effluent to the capture and transported without property treatment. This would constitute an Imminent Public Health Threat.

**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.

6. **Condition-No perimeter drainage tile can be installed around the structure within 20 feet of the absorption area.**
APPLICATION DATE: 5/11/1951
60 DAY RULING DATE: 7/14/2019
PERMIT NUMBER: 19067
FEE: $646.00
APPLICANT: RICHARD & CYNTHIA COTES
ADDRESS: 19121 400TH ST
CITY: LE CENTER
STATE: MN ZIP: 56057
PHONE:

LAND OWNER: RICHARD & CYNTHIA COTES
ADDRESS: 19121 400TH ST
CITY: LE CENTER
STATE: MN ZIP: 56057
PHONE:

TOWNSHIP: LEXINGTON PARCEL NO: 08.450.0170
SEC: 36 SUBDIV: ELWOOD SUBDIV
TWP: 111 LOT: 21 ZONE: RR
RANGE: 24 BLOCK: FEMA PANEL #: 27079C0300D
Q/Q: ROAD: TWP FLOOD ZONE: X OUTSIDE

1. (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 INSTALL A PUMP TANK 45 FT TO DRAINAGEWAY & 59 FT TO OHWL, 8 FT TO DECK, SEPTIC TANKS 8 FT FROM DECK & 59 FT TO OHWL, INSTALL SEPTIC DRAINFIELD 7 FT TO RD ROW, 8 FT TO DWELLING, 31 FT TO DRAINAGEWAY, 4 FT TO SHED

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.

[Signature]
APPLICANT/PROPERTY OWNER

[Signature]
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 6/20/2019
PUBLIC HEARING DATE: 6/20/2019 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.
VARIANCE FINDINGS OF FACT

Name of Applicant: RICHARD & CYNTHIA COTES
Variance # 19067

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A PUMP TANK 45 FT TO DRAINAGEWAY & 59 FT TO OHWL, 8 FT TO DECK, SEPTIC TANKS 8 FT FROM DECK & 59 FT TO OHWL; INSTALL SEPTIC DRAINFIELD 7 FT TO RD ROW, 8 FT TO DWELLING, 31 FT TO DRAINAGEWAY, 4 FT TO SHED

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?
   
   Jim M  [ ] John W  [ ] Jeanne D  [ ] Colin H  [ ] Majority  [ ]

   Explain

Y  N  2. Is the alleged practical difficulty unique to the property?
   
   Jim M  [ ] John W  [ ] Jeanne D  [ ] Colin H  [ ] Majority  [ ]

   Explain

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

   Explain

Y  N  4. Will the issuance of the Variance maintain the essential character of the locality?
   
   Jim M  [ ] John W  [ ] Jeanne D  [ ] Colin H  [ ] Majority  [ ]

   Explain

Y  N  5. Does the alleged practical difficulty involve more than economic considerations?
   
   Jim M  [ ] John W  [ ] Jeanne D  [ ] Colin H  [ ] Majority  [ ]

   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?
   
   Jim M  [ ] John W  [ ] Jeanne D  [ ] Colin H  [ ] Majority  [ ]

   Explain

Y  N  7. Is the Variance consistent with the Comprehensive Plan?
   
   Jim M  [ ] John W  [ ] Jeanne D  [ ] Colin H  [ ] 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 Richard and Cynthia Cotes
Mailing Address 19121 400th St
City Le Center State MN Zip 56057
Phone # Phone #

II. Landowner:
Name Richard and Cynthia Cotes
Property Address 19121 400th St
City Le Center State MN Zip 56057
Phone # Phone #

III. Parcel Information:
Parcel Number 08, 450, 0170 Parcel Acreage
Township Lexington Section 30
Subdivision Elwood Subdivision Lot 21 Block

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).
Install 2-1,000 gal septic tanks: 59' from Lake Volney OHWL, 8' from deck;
1,000 gal pump tank: 59' from Lake Volney OHWL, 8' from deck, 4' (0.45') from drainage way;
5' mound absorption area: 8' from attached garage, 4.9 ft from shed, 7.5 ft from road right-of-way, and 31 ft from drainage way.

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.)

Lexington Township notified on 5-15-2019 - by letter
(Township Name) (Date) mailed on

Board Member George Whippens regarding the proposed request.
Clerk (Name)

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
- Rivers
- Wetlands
- Streams
- Ponds
- Wells
- Septic System
- Proposed Structures
- Existing structures - Within and adjacent to project area
- Location of trees to be removed - Shoreland Districts.

- 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
MAY 15 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.
   Please see attached

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

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

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

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

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

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

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

9. Explain why this request is the minimum variance amount to afford relief.
IX. Attachments shall include but not limited to:

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

[Signature] 5/15/19
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.

Date

OFFICE USE ONLY

Date received 5/15/19 Present Zoning Classification R-2
Meeting date 4/20/19 Lake Classification L-2
60 Day 7-14-19 Lake Valmy
RFPE FEMA Panel # 27014603000
☐ Site Plan -survey Flood Zone
☐ Surveyor Certificate ☐ Full legal description
☐ Floor plans/blue prints ☐ Access approval
☐ Description of Request ☐ Blue Prints
☐ Application complete

Planning & Zoning Department Signature

Planning & Zoning Department Signature

<table>
<thead>
<tr>
<th>Feedlot within 500'</th>
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<tr>
<td>☐ Y</td>
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<tr>
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Other

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<td>Noncom/Waiver Design</td>
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<th>5017</th>
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01-15-16
1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

It is a reasonable request because

- The proposed mound soil treatment area will allow treatment of sewage on-site;
- It is the only location on the parcel in which to place the proposed septic system; and
- The proposed mound septic system will replace an existing, non-compliant septic system.

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

The circumstances that prevent compliance are the dimensions of the lot, the location of the dwelling on the lot, the lake, where the sewer pipe comes out of the house, and the location of the driveway. These circumstances leave the only reasonable location to install the proposed mound soil treatment area between the attached garage and the road right-of-way and the sewage tanks between the dwelling and the lake.

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

When we purchased the property in 2017, all the current structures and driveway were constructed prior to purchase. Because of the location of the structures and driveway and where the sewer pipe comes out of the dwelling, the proposed locations for the sewage tanks and mound soil treatment area are the only locations on the property in which to install them.

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

The proposed mound will be, when constructed, a 25 foot by 52 foot mound with approximately 18 inch boulders to be used as a retaining wall. Once installed, it will appear as a raise garden area, not unlike other mounds already constructed along the same road.
5. Does the alleged practical difficulty involve more than economic considerations?

Because this property is used as a year-round residence, the proposal to install a septic system with a soil treatment area will reduce the need for multiple sewage tank pumpings per year by a licensed and certified maintainer; therefore, there will be less truck traffic on county and township roads.

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

Yes, it is the goal of the Ordinance to treat sewage so as to protect ground and surface water.

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

This variance request is consistent with Goal #2, Objective #2 (protecting the county’s natural resources) and Goal #3, Objective #1 (protect ground and surface water) by having a septic designed by a licensed septic contractor that meets the required design standards as prescribed in state rule and county ordinance.

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

Current on-site sewage treatment is non-compliant trenches (deemed failing to protect groundwater). The proposed septic system will be 2-1,000 gallon septic tanks, a 1000 gallon pump tank, and a 25 foot by 52 foot (final dimensions) mound with three feet of sand. The water supply is obtained from a shared well located on the neighboring property (on parcel number 08.450.0150).

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

It is our request to have a soil treatment area (mound) on our property rather than a holding tank. Due to the location of the structures and driveway and where the sewer pipe comes out of the dwelling, the proposed locations for the sewage tanks and mound soil treatment area are the only locations on the property in which to install them.
Property Owner: Richard and Cynthia Cotes

Property Address: 19121 400th Street Le Center

Parcel Number: 08.450.0170

Written Detail of Variance

We are requesting a variance to

- Install 2-1,000 gallon septic tanks
  - 59 feet from the ordinary high water level of Lake Volney; and
  - 8 feet from the house deck.
- Install a 1,000 gallon pump tank
  - 59 feet from the ordinary high water level of Lake Volney;
  - 8 feet from the house deck; and
  - 45 feet from a drainage way.
- Install a 13 foot x 50 foot mound absorption area
  - 8.8 feet from the attached garage;
  - 4.9 feet from the shed;
  - 7.8 feet from the road right-of-way; and
  - 31 feet from a drainage way.

The existing system is failing to protect groundwater (the existing trenches do not have 36 inches between the bottom of the trenches and the depth to periodically saturated soil). The proposed septic system will consist of 2-1,000 gallon septic tanks, a 1,000 gallon pump tank, and a 25 foot by 52 foot (final dimensions) mound with three (3) feet of sand.

We have hired a Minnesota Pollution Control Agency (MPCA) licensed and certified designer to determine a location on the property in which to install a mound. The contractor determined that the previous soil treatment area was the only location on the parcel. The previous property owner hired a different MPCA licensed and certified designer who came up with the same conclusion as to the location to install a replacement soil treatment area. The mound's finished landscaping will utilize approximately 18 inch diameter boulders as its retaining walls (along the endslopes and downslope and the upslope will blend into 400th Street’s ditch). When completed, the mound will be similar to other mound systems in the neighborhood.

We believe this variance request is reasonable because, once constructed/installed, will provide the property with a septic system that will treat the sewage per the state and county regulations.
PID 08.450.0170

OWNER ADDRESS
301 E. 400TH STREET
LE CENTER, MN

SITE ADDRESS
19121 400TH STREET
LE CENTER, MN

NOTE:
COMMON WELL LOCATED ON PARCEL NO. 08.450.0150

SURVEYOR'S CERTIFICATION
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.

[Signature]
Date: 5/15/2019

REVISED: 5/15/2019
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: Richard and Cynthia Cotes  
PID: 08.450.0170  
Mailing Address: 19121 400th St Le Center MN 56057  
Property Address: 19121 400th St Le Center MN 56057  
Phone: Mobile/Cell:  

Responsible party for Implementation/Inspection: M.S. Excavating Inc. - Mike Skluzacek  
Address: 12125 70th St NW New Prague MN 56071  
Phone: Mobile/Cell:  

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).

2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.

3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.

4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.

5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.

6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.

7. Limit construction equipment to designated areas to control soil compaction.

8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.

9. Install straw bale checks or rock check dams in areas of concentrated flow.

10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.
11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper
- Straw/Coconut Blanket or High Velocity Wood Blanket

3:1 slopes or steeper
- Wood or Straw Blanket with net on both sides

4:1 slopes or steeper
- Wood or Straw Mulch blanket with net on one side

Flat areas
- Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

**Inspection and Maintenance**

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

(Property Owner) 5-18-19

(Person Responsible for Implementation) 5-15-19

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

GENERAL INFORMATION

APPLICANT/OWNER: Charles Myhra
911 ADDRESS: 43924 Shoreline Drive, St Peter, MN
VARIANCE REQUEST: To install a septic drainfield 14 feet from the bluff, 14 feet from the dwelling, 6 feet from the rear property line, 2 feet from the side property line, and 1 foot from a shed.
VARIANCE NUMBER: 19071
PARCEL NUMBER: 05.023.8000

SITE INFORMATION

LOCATION: Part of Government Lot 5, Section 23, Kasota 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.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to shoreland development, water quality and bluff preservation.

<table>
<thead>
<tr>
<th>GOAL #2:</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1:</td>
<td>The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.</td>
</tr>
<tr>
<td>Action 3:</td>
<td>Amend the County’s Zoning controls to require all structures to meet a 30’ minimum setback from the top of a bluff.</td>
</tr>
<tr>
<td>Objective 2:</td>
<td>Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.</td>
</tr>
<tr>
<td>Action 1:</td>
<td>Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.</td>
</tr>
<tr>
<td>Action 2:</td>
<td>Adopt the water quality protections standards and design standards specified under goal #3, actions #1 &amp; #2 to protect lake water quality.</td>
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</table>

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 1: The County will adopt and implement the goals, objectives and actions of the County’s Local Water Management Plan.

Action 3: Le Sueur County will undertake a septic compliance inspection whenever a property owner requests a zoning permit for work that would increase a home’s building footprint.
GENERAL SITE DESCRIPTION: Shoreland, residential, nonconforming lot, unplatted, lake frontage across private road, bluff.

ACCESS: Existing access Shoreline Drive

LAKE: Lake Emily, Recreational Development Lake

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

BACKGROUND INFORMATION

Property is a nonconforming lot that is not located within a platted subdivision. Proposal is to use existing septic tank and installing new septic drainfield. Recently bluff setback was changed for existing building sites with a dwelling from 0 feet from the bluff to 30 feet from the bluff. Request is to install trenches closer to the toe of the bluff. Property is located between Shoreland Golf Course and Lake Emily.

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: Page:
   a. Septic drainfield to bluff 14 feet 30 feet Section 17, Subdiv. 4. D. 9. 17-10
   b. Septic drainfield to dwelling 14 feet 20 feet Section 17, Subdiv. 4. D. 1. a. 17-9
   c. Septic drainfield to rear prop line: 6 feet 10 feet Section 17, Subdiv. 4. D. 2. 17-9
   d. Septic drainfield to side prop line: 2 feet 10 feet Section 17, Subdiv. 4. D. 2. 17-9
   e. Septic drainfield to shed: 1 foot 10 feet Section 17, Subdiv. 4. D. 1. a. 17-9

2. Refer to DNR Guidance Letters:
   a. Administration, Compliance, and Enforcement pg. 1
   b. The Role of the Variances in Shoreland Management Ordinances pg. 9
   c. Bluffs and Steep Slopes pg. 11
   d. Non-conforming Lots of Record in Shoreland Areas pg. 19
   e. Structure Setback Requirements pg. 21

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

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

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

6. A determination that a practical difficulty exists upon the consideration of the findings of fact.

CONSIDERATIONS

1. The following shall be considered at the hearing:
   a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.

c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

2. **Additional Considerations:** Future tiling around the structure should be considered. Future tiling within 20 feet of the absorption area of the septic system could allow untreated effluent to the capture and transported without property treatment. This would constitute an Imminent Public Health Threat.

---

**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.

6. **Condition-No perimeter drainage tile can be installed around the structure within 20 feet of the absorption area.**
APPLICATION DATE: 5/21/2019
PERMIT NUMBER: 19071
FEE: $646.00
60 DAY RULING DATE: 7/20/2019
911: 43924 SHORELINE DR, ST PETER
APPLICANT: CHARLES MYHRA
LAND OWNER: CHARELS MYHRA
ADDRESS: 1822 W WELCO DR
ADDRESS: 43924 SHORELINE DR
CITY: ST PETER
CITY: ST PETER
STATE: MN
STATE: MN
ZIP: 56082
ZIP: 56082
PHONE: 507-382-9970
PHONE: 507-469-8060

TOWNSHIP: KASOTA
PARCEL NO: 05.023.8000
SEC: 26
SUBDIV: NA
TWP: 110
LOT: NA
RANGE: 26
BLOCK: NA
Q/Q: GL 5
ROAD: PVT
ZONE: RR
FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:

1.) Reason for Requested Variance:
   TO ALLOW THE APPLICANT TO INSTALL A SEPTIC DRAINFIELD 14' TO THE BLUFF, 14' TO THE DWELLING, 6' TO THE Rear PROP Line, 2' TO THE SIDE PROP LINE, AND 1' TO THE SHED.

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

__________________________
DATE

__________________________
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

__________________________
DATE

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 6/20/2019
PUBLIC HEARING DATE: 6/20/2019
ACTION:

☑ AS WRITTEN
☑ WITH CONDITIONS

__________________________
BOARD OF ADJUSTMENT CHAIRMAN

__________________________
DATE

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.
VARIANCE FINDINGS OF FACT

Name of Applicant: CHARLES MYHRA
Variance # 19071

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A SEPTIC DRAINFIELD 14' TO THE BLUFF, 14' TO THE DWELLING, 6' TO THE REAR PROP LINE, 2' TO THE SIDE PROP LINE, AND 1' TO THE SHED.

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? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | Majority |
| Explain |

| Y N 2. Is the alleged practical difficulty unique to the property? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | Majority |
| Explain |

| Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | Majority |
| Explain |

| Y N 4. Will the issuance of the Variance maintain the essential character of the locality? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | Majority |
| Explain |

| Y N 5. Does the alleged practical difficulty involve more than economic considerations? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | Majority |
| 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? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | Majority |
| Explain |

| Y N 7. Is the Variance consistent with the Comprehensive Plan? |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Jim M | John W | Jeanne D | Colin H | 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 Charles R Myhre
Mailing Address 1822 W Welco Drive
City St. Peter State MN Zip 56072
Phone # 507-382-9970 Phone # 507-469-8060

II. Landowner:
Name Charles R Myhre
Property Address 4392 4th Shoreline Drive
City St. Peter State MN Zip 56072
Phone # 507-382-9970 Phone # 507-469-8060

III. Parcel Information:
Parcel Number 65 023 0000 Parcel Acreage 0.26
Township Kasota 110 N Range 26 Section 9 Lot 5 Block

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).

To install a drain field 14' from the house, 14' from Bluff, 6' from rear property line, 2' from side property line, and 1' from street.

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.)*

_Kasota_ Township notified on 5-6-2019

(Township Name) (Date)

Board Member Joe Kienlen (Name)

regarding the proposed request.

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
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - _Within and adjacent to project area._
- Location of trees to be removed - _Shoreland Districts._
- 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 lightly 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.*
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.
   
   [Handwritten: Based on the small size of the lot we feel the reductions of the set back are reasonable.]

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
   
   [Handwritten: Small lot size.]

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
   
   [Handwritten: Requirement to become compliant from the County.]

4. How will the request maintain the essential character of the locality?
   
   [Handwritten: Very little disturbance to property or trees.]

5. Does the alleged practical difficulty involve more than economic considerations?
   
   [Handwritten: Yes, because we need to meet the setback requirements.]

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

7. Describe how the request is consistent with the Comprehensive Land Use Plan.
   
   [Handwritten: Because there is very little change to the lot.]

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
   
   [Handwritten: Current system is non-compliant so a new trench system is required.]

9. Explain why this request is the minimum variance amount to afford relief.
   
   [Handwritten: Based on the soil types, this is where & how it needs to be placed.]

2
IX. Attachments shall include but not limited to:

- Site Plan-survey
- Surveyor Certification
- Access approval
- Full legal description
- Floor plans and/or blue prints (For structures)
- Septic System Compliance Inspection
- Erosion control plan
- 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.

Applicant signature

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.

Landowner signature

Date

OFFICE USE ONLY

Date received 5-21-19
Meeting date 6-20-19
60 Day 7-20-19
RFPE 9:16:54

Present Zoning Classification R2
Lake Classification F1
FEMA Panel # 2258600225
Flood Zone X - Outside

Feedlot within 500' 1000' N
Erosion Control Plan Y N
Water courses Y N
Bluff Y N

Other

Septic COC
NONC/Waiver Design

Fee $ 19011
ATF / SPEC MTG

Application complete 5-21-19
Planning & Zoning Department Signature 19011

01-15-19
Charles & Myhra  Parcel # 05-023 80x80
Request for Variance

#V. Charles Myhra has a signed proposal for the sale of this property. Currently the septic system is non-compliant and the lot is very small so there is limited space to fit a system in. Therefore we are looking to receive variances to make the septic design submitted complaint. We have been told we need variances for setbacks from property lines, shed, deck, bulk and house for the tank and the trench system proposed. Also for the use of the existing tank and pump that was inspected and deemed in very good condition.

See the Site Survey & Septic design for further details.

RECEIVED
MAY 21 2019
Surveyor Certification

I. Applicant:
   Name

II. Landowner:
   Name Charles Mihra
   Property Address 41924 Shoreline Lane
   City St. Peter
   State MN
   Zip 56082

III. Parcel Information:
   Parcel Number 05.023.8000

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
- 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.

V. Quantities and Submittal Formats:
   a. One (1) reproducible copy of the request and all other supporting documents.
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   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 5/14/19, 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: 5/20/19
Lic #: 19789

OFFICE USE ONLY
Date Received: 5/20/19
[Signature]
Planning & Zoning Department Signature

01-15-16
# VARIANCE STAFF REPORT

## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>APPLICANT/OWNER:</th>
<th>Loren Allas</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 ADDRESS:</td>
<td>49249 Sportsmans Lane, Waterville, MN</td>
</tr>
<tr>
<td>VARIANCE REQUEST:</td>
<td>To install a holding tank 4 feet from the property line.</td>
</tr>
<tr>
<td>VARIANCE NUMBER:</td>
<td>19082</td>
</tr>
<tr>
<td>PARCEL NUMBER:</td>
<td>04.780.0130</td>
</tr>
</tbody>
</table>

## SITE INFORMATION

| LOCATION: | Lot 17, Tetonka Beach Subdivision, Section 24, Elysian Township |
| ZONING & PURPOSE: | Recreational Residential & Flood Fringe Floodplain Overlay District |

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 (EF) 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 and water quality.

<table>
<thead>
<tr>
<th>GOAL #2:</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 2:</td>
<td>Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.</td>
</tr>
<tr>
<td>Action 2:</td>
<td>Adopt the water quality protections standards and design standards specified under goal #3, actions #1 &amp; #2 to protect lake water quality.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GOAL #3:</th>
<th>Improve water quality in Le Sueur County.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1:</td>
<td>The County will undertake actions to help protect groundwater as well as surface water features.</td>
</tr>
<tr>
<td>Action 1:</td>
<td>The County will adopt and implement the goals, objectives and actions of the County’s Local Water Management Plan.</td>
</tr>
<tr>
<td>Action 3:</td>
<td>Le Sueur County will undertake a septic compliance inspection whenever a property owner requests a zoning permit for work that would increase a home’s building footprint.</td>
</tr>
</tbody>
</table>
GENERAL SITE DESCRIPTION: Shoreland, residential, nonconforming lot, platted subdivision, lake frontage, between Type 1 wetland & road ROW and Lake Tetonka, floodplain.

ACCESS: Existing off Sportsmans Lane

LAKE: Lake Tetonka, Recreational Development lake

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

BACKGROUND INFORMATION

Existing nonconforming parcel is in a platted subdivision platted in 1956, property is on a private road that is between a Type 1 wetland and Lake Tetonka. Property is located in flood plain. Proposal is for holding tank that meets lake setback, dwelling setback and well setback. There is not a setback from a Type 1 wetland.

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: Page:
   a. Septic tank to property line: 4 feet 10 feet Section 17, Subdiv. 4. D. 2. 17-9

2. Refer to DNR Guidance Letters:
   a. Administration, Compliance, and Enforcement pg. 1
   b. The Role of the Variances in Shoreland Management Ordinances pg. 9
   c. Non-conforming Lots of Record in Shoreland Areas pg. 19
   d. Structure Setback Requirements pg. 21

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

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

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

6. A determination that a practical difficulty exists upon the consideration of the findings of fact.

CONSIDERATIONS

1. The following shall be considered at the hearing:
   a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
   b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
   c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **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.

### 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 proportionality 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.
APPLICATION DATE: 5/23/2019
60 DAY RULING DATE: 7/22/2019
PERMIT NUMBER: 19082
FEE: $646.00
911: 49249 SPORTSMANS LN, WATERVILLE
LAND OWNER: LOREN ALLAS
ADDRESS: 49249 SPORTSMANS LN
CITY: WATERVILLE
STATE: MN
ZIP: 56096
PHONE: 507-279-7052

TOWN: ELYSIAN
PARCEL NO: 04.780.0130
SEC: 24
SUBDIV: TETONKA BEACH SUBDIV
TWP: 109
LOT: 17
ZONE: RR/FF
RANGE: 24
BLOCK: FEMA PANEL # 27079C0425D
Q/Q: ROAD: PVT
FLOOD ZONE: AE

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 INSTALL A HOLDING TANK 4 FEET FROM THE PROPERTY LINE.

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:

__________________________ 5-23-19
APPLICANT/PROPERTY OWNER

__________________________ 5-23-19
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 6/20/2019
PUBLIC HEARING DATE: 6/20/2019
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: LOREN ALLAS

Variance Request: TO ALLOW THE APPLICANT TO INSTALL A HOLDING TANK 4 FEET FROM THE PROPERTY LINE.

Variance # 19082

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?
   - Y  N  
   - Jim M  John W  Jeanne D  Colin H  Majority
   - Explain

2. Is the alleged practical difficulty unique to the property?
   - Y  N  
   - Jim M  John W  Jeanne D  Colin H  Majority
   - Explain

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

4. Will the issuance of the Variance maintain the essential character of the locality?
   - Y  N  
   - Jim M  John W  Jeanne D  Colin H  Majority
   - Explain

5. Does the alleged practical difficulty involve more than economic considerations?
   - Y  N  
   - Jim M  John W  Jeanne D  Colin H  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, goals and objectives in the Ordinance?
   - Y  N  
   - Jim M  John W  Jeanne D  Colin H  Majority
   - Explain

7. Is the Variance consistent with the Comprehensive Plan?
   - Y  N  
   - Jim M  John W  Jeanne D  Colin H  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 Loren Allas
Mailing Address 3005 20th Ave NW
City Austin State MN Zip 55912-6322
Phone # HOME: 507-433-4955 Phone # CELL: 507-279-7052

II. Landowner:
Name Loren Allas
Property Address 49249 Sportsman LN
City Waterville State MN Zip 56096
Phone # HOME: 507-433-4955 Phone # CELL: 507-279-7052

III. Parcel Information:
Parcel Number 04.780.0130 Parcel Acreage
Township Waterville Elysisan Section 24
Subdivision Petonka Beach Subdivision Lot 17 Block

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).
Septic Holding tanks distance to side lot line are less than SSTS ordinance.

We Request a variance for the holding tanks to be 4' from side lot line instead of SSTS ordinance of 10' because of limitations to existing recreational dwelling, well, existing tank. No other option is available for this lot. See attached drawing.

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

VI. Township Notification:

Waterville Elysisan  Township notified on 8:30 AM 7-2-18
(Township Name) (Date)

Board Member Linus Hebl regarding the proposed request.
(Name)

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
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - Within and adjacent to project area.
- Location of trees to be removed - Shoreland Districts.
- 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.
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VIII. Practical Difficulty:

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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.
   
   We believe this is reasonable since this is a sealed and pressure tested system with back flow prevention which will not harm adjacent properties and is the only feasible option instead of placing closer to wells and Lake Tetonka.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
   
   Flood Plane, well distance, existing tank location, area for new tanks, and other setbacks.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
   
   The current SSTs setbacks were not in place at the time of development. Only more recently have these standards been put in place for SSTs systems.

4. How will the request maintain the essential character of the locality?
   
   It will look the same as it currently does but with a new system which will not cause harm to lake water, well water, and other waters.

5. Does the alleged practical difficulty involve more than economic considerations?
   
   Yes, in fact, it does not involve economic considerations at all. It is the only considerable way to vary from SSTs rules which would not harm ground waters.

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

7. Describe how the request is consistent with the Comprehensive Land Use Plan.
   
   Being that this is a seasonal recreational property, holding tanks would comply to keep groundwater safe.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
   
   The current sewage treatment system is not in compliance and has health hazards which have to be brought up to code.

9. Explain why this request is the minimum variance amount to afford relief.
   
   This is the only way we can fit holding tanks on this property and a full system would involve even more variances and could possibly cause harm to groundwater in a flood event.
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 See part V 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.

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

XI. Fees:

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<tr>
<td>Variance:</td>
<td>$600</td>
</tr>
<tr>
<td>Filing Fee:</td>
<td>$46</td>
</tr>
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**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]
Applicant signature

[Date] 10 16 18

[Signature]
Landowner signature

[Date] 10 16 18

OFFICE USE ONLY

Date received 6-18-18
Present Zoning Classification 2KFE
Meeting date 6-29-19
Lake Classification LN
60 Day 7-22-19
Lake Tetanika
RFPE
FEMA Panel # 27073C04250
Flood Zone AE 100YR
Feedlot within 500' 1000' ✔
Erosion Control Plan Y N
Water courses Y N
Bluff Y N
Other ✔

[Signature] COC ✔
Septic ✔

[Signature] ATF SPEC MTG 19082

Date 5-22-19
Permit #

[Signature] 01-15-18
HOLD
Saturday, June 16, 2018

I, Loren Allas, grant permission to access my site at 49393 Sprotsman Lane, Waterville, MN 56096 for any variance or septic related issues. Feel free to call me at home: 507-444-0844 or on my cell phone at 507-676-6239.

Signed: Loren Allas
Date: 6/16/18
Surveyor Certification

I. Applicant:
   Name  LOREN ALLAS

II. Landowner:
   Name  LOREN ALLAS
   Property Address  49249 SPORTSMAN LANE
   City  WATERVILLE  State  MN  zip  56096

III. Parcel Information:
   Parcel Number  04.780.0130

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
   - Impervious Surface
     - Required for Shorland, 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 lightly 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.

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 __________, 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.

[Signature]

Surveyor Signature  05-17-2019  22660

Date  Lic #

OFFICE USE ONLY

Date Received  5/17/19

Planning & Zoning Department Signature

01-15-16
PROPERTY: Loren Allas  
PROPERTY ID: 04.780.0130  
LOT: 17  
SUBDIVISION: Tetonka Beach  
COUNTY: Le Sueur  
49249 Sportsmans Lane, Waterville, MN 56096  
DRAWN BY: Donald Johnson  
DATE: Aug 21, 2018  

FINAL  

- **Cased artesian well**  
- **Install silt fence**  
- **Pump, crush and fill existing tank**  
- **Soil Boring #1**  
- **Elevation = 1007.8 ft**  
- **Tree to be removed**  
- **Install backflow preventer**  
- **Benchmark - SW PC PIN = 1005.9 ft**  
- **LP tank to be moved**  
- **2 - New Cemstone-Medford 1000-1 H DZ/1024 gallons 8.7' x 5.7' - Insulate top, lid, and risers**  

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**Legend**  
- **Surface intake**  
- **Soil boring**  
- **Tree**  
- **Grass**  
- **Existing tile**  
- **Waterways**  
- **Property line**  
- **Telephone**  
- **Electric**  
- **Gas**

1 inch = 25 ft