LE SUEUR COUNTY BOARD OF ADJUSTMENT

MEETING AGENDA

Meeting Date: July 18, 2019

Time: 3:00 pm

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

Onsite Date: July 18, 2019

Onsite Time: 12:45 pm

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

1. Call To Order

2. Agenda: Additions/Corrections/Approval

3. Meeting Minutes: Additions/Corrections/Approval
   3.I. 06-20-19 Draft Minutes
       Documents:
       06-20-19 DRAFT MINUTES.PDF

4. Applications

   4.I. ITEM #1: CHARLES & MARY HIRN, CLEVELAND, MN, (APPLICANT\OWNER):
        Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 25 feet from the top of the bluff in a Recreational Residential “RR” District, Lake Washington, a Recreational Development “RD” lake. Property is located at Lot 16, Block 1, Bakersfield Subdivision, Section 13, Kasota Township. VARIANCE IS FOR BLUFF SETBACK.

       Documents:
       HIRN ATF 2 REVISED.PDF

   4.II. ITEM #2: JENNIFER & COREY MARBLE, NORTH MANKATO, MN, (APPLICANT\OWNER):
        Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 25 feet from the top of the bluff in a Recreational Residential “RR” District, Lake Washington, a Recreational Development “RD” lake. Property is located at Lot 16, Block 1, Bakersfield Subdivision, Section 13, Kasota Township. VARIANCE IS FOR BLUFF SETBACK.

       Documents:
4.III. ITEM #3: ANDREW & CHERI ROHLFING, CLEVELAND, MN, (APPLICANT\OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to replace an existing deck with a 3-season porch 56 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” District, Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lot 13, Block 1, Jefferson Shores, Section 1, Cleveland Township. VARIANCE IS FOR ROAD ROW SETBACK.

Documents:
ROHLFING.PDF

4.IV. ITEM #4: OTTO & EVELYN JENSEN, JANESVILLE, MN, (APPLICANT\OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 37 feet and 45 feet from the Ordinary High Water Level (OHWL), 59 feet from the road Right-Of-Way (ROW), 4 feet from an existing holding tank, and within the shore impact zone in a Recreational Residential “RR” District, Lake Frances, a Recreational Development “RD” lake. Property is located at Lots 8 & 9, Auditor’s Subdivision, Section 28, Elysian Township. VARIANCE IS FOR OHWL, ROAD ROW, & HOLDING TANK SETBACKS & WITHIN THE SHORE IMPACT ZONE.

Documents:
JENSEN.PDF

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

Board of Adjustment Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed to the board, not the applicant. After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.
June 20, 2019

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, Jim Mladek, Roy McIntyre

MEMBERS ABSENT: John Wolf

OTHERS PRESENT: Joshua Mankowski

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

2. Agenda: Additions/Corrections BOHN WELL DRILLING, JORDAN, MN, (APPLICANT); ANDREW & HEIDI KNIGHT, NEW PRAGUE, MN, (OWNER) withdrew their application. Motion to approve agenda by Jim Mladek. Seconded by Roy McIntyre. Motion approved. Motion carried.

3. Meeting Minutes: May 16, 2019 Additions/Corrections None. Motion to approve minutes by Colin Harris. Seconded by Jim Mladek. Motion approved. Motion carried.

4. Applications

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.

Applicant withdrew application.

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

Dennis Segar was present for the application. Township: None. DNR: none. Letters submitted: Holly Kalbus, Environmental Resources Specialist stating her recommendation for approval.

Discussion was held regarding: The structure has been in the family a very long time. Part of the structure is so rotten it cannot be fixed, it must be replaced. Dennis Segar explained that their intent is to restore the old cabin, it has a lot of significance to their family and they do not plan to update the building. Discussion was held on the proposed driveway width and impervious surface on the lot.
Motion was made by Jim Mladek to Approve the application as written. Seconded by Roy McIntyre. Motion approved. Motion carried.

**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 6 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.**

Mike Skluzacek of M.S. Excavating was present for the application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding: The old tank has been taking on water and needs to be pumped often. Due to the water table, the proposed tank is low-profile. There was continued discussion on the design features of the tank and that the proposed location.

Motion was made by Colin Harris to Approve application as written. Seconded by Roy McIntyre. Motion approved. Motion carried.

**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, STRUCTRE, AND ROAD ROW SETBACKS.**

Mike Skluzacek of M.S. Excavating was present for the application. Township: none. DNR: none. Letters submitted: None.

Discussion was held regarding the fact that the property owners had previously obtained a variance to install a holding tank but did not complete the project. The property owners decided to pursue other options besides a holding tank. New design incorporates a drain field on the front side of the house. Continued discussion about the proposed system, other possible options for septic, and setbacks.

Motion was made by Roy McIntyre to Approve the application. Conditions: 1. No perimeter drain tile be installed around the structure within 20 feet of the absorption area of the septic drainfield. Seconded by Roy McIntyre. Motion approved. Motion carried.

**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.**

Glen Schilling of St. Peter Well was present for the application. Township: None. DNR: None. Letters submitted: None.
Discussion was held regarding the new septic location and design. Soils on the site were very complex; needed to do a lot of soil borings. Completely different design requirements from one side of the lot to the other. Discussion about the existing shed and possible removal. Glen Schilling state he recommended to the homeowner to direct rain gutters away from the absorption area of the septic to reduce any possible oversaturation.

Motion was made by Jim Mladek to Approve the application. Conditions: 1. No perimeter drain tile installed around the structure within 20 feet of the absorption area of the septic system drainfield. 2. Gutters to be installed to direct runoff away from the absorption area of the septic system drainfield. Seconded by Roy McIntyre. Motion approved. Motion carried.

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, Elysian Township. **VARIANCE IS FOR PROPERTY LINE SETBACK.**

Loren Allas was present for the application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding the need for a variance from setbacks in order to install a new holding tank to address noncompliance.

Motion was made by Colin Harris to Approve the application as presented. Conditions: None. Seconded by Roy McIntyre. Motion approved. Motion carried.

5. **Discussion Items:** Building Foundations: Making Solid Land Use Decisions training was discussed.

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

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

Respectfully submitted,

Joshua Mankowski

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Tape of meeting is on file in the Le Sueur County Environmental Services Office
ATF VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Charles & Mary Hirn

911 ADDRESS: 46529 Cape Horn Road, Cleveland, MN

ATF VARIANCE REQUEST: After-The-Fact Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an 8' x 40' 8" deck 71 feet from the Ordinary High Water Level (OHWL) and 24 feet from the bluff.

10 x 50 deck 68 feet from the Ordinary High Water Level (OHWL), 21 feet from the bluff, 5 feet from the south property line, and an After-The-Fact Variance for the dwelling 9 feet from the south property line and 78 feet from the OHWL; total impervious surface of 30.4 %.

ATF VARIANCE NUMBER: 18141

PARCEL NUMBER: 01.500.0200

SITE INFORMATION

LOCATION: Lot 22, Cape Horn Subdivision, Section 1, Cleveland Township

ZONING & PURPOSE: Recreational Residential

The intent of the Recreational Residential (RR) District is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

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

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 1: The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

Action 3: Amend the County’s Zoning controls to require all structures to meet a 30’ minimum setback from the top of a bluff.

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 6: In addition to traditional stormwater designs, the use of new technologies in dealing with on-site stormwater should be reviewed and considered for use, such as:

   a. Use of individual on-site rain gardens.
   b. Permeable pavers for use in traditionally large impermeable surface areas;
   c. Other new technologies, as identified.
GENERAL SITE
DESCRIPTION: Shoreland, residential development, existing non-conforming lot.

ACCESS: Existing access off Cape Horn Rd

LAKE: Lake Jefferson, Recreational Development

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

RFPE: Regulatory Flood Protection Elevation: 1022.86 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Property is an existing non-conforming lot. A variance was granted April 21, 2016 to allow the applicant to construct a dwelling and attached garage 37 feet from the road ROW and 80 feet from the OHWL. The proposed house met the 30-foot setback to the bluff and the 10-foot setback to property lines. As part of the proposal a deck was not included however a pervious patio was indicated and pervious paver driveway to keep the total impervious surface of the lot below 25%.

The applicant constructed a deck without a zoning permit. The landowner applied for an ATF Variance for the deck and was denied on August 16, 2018, for OHWL, bluff and property line setbacks as well as impervious surface and also the location of the deck was within the bluff impact zone. Since then the bluff impact zone definition has changed from 30 feet to 20 feet therefore the deck is no longer located within the bluff impact zone.

An ATF proposal was presented to the Board at the May 16, 2019 meeting for an ATF 10 x 50 deck does not meet the setbacks to the bluff, OHWL, or side yard, and impervious surface of the lot is 30.4%. The applicant will also need to apply for an ATF Conditional Use Permit for work that was done in the bluff. The applicant is removed the stairs that extended toward the bluff and lake but requesting to keep the deck and the stairs on the South side of the deck and house. Retaining walls by the house were not part of the original variance request but were added which also increased impervious surface. The applicant requested that the Board table the application to come up with a different plan.

The current proposal is for an ATF 8’ x 40’ 8” deck 71 feet from the OHWL, and 24 feet from the bluff. The deck size proposal is reduced and also the proposal eliminates all stairs from the deck. The current proposal includes the removal of impervious surface on the lot, in the bluff and in the shore impact zone to bring down the total impervious surface of the lot to 24.9%.

ATTACHMENTS


STAFF FINDINGS

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

1. ATF Variance:
   a. Deck to bluff:
      Request: 24 feet
      Required: 30 feet
      Ordinance: Section 13.2, Subdiv. 5. F. 1. c.
      Page: 13-46
   b. Deck to OHWL:
      Request: 71 feet
      Required: 100 feet
      Ordinance: Section 13.2 Subdiv. 5. E. 1.
      Page: 13-45

2. Refer to DNR Guidance Letters:
   a. Administration, Compliance, and Enforcement
   b. The Role of the Variances in Shoreland Management Ordinances
   c. Bluffs and Steep Slopes
   d. Limiting Impervious Surface
   e. Non-conforming Lots of Record in Shoreland Areas
   f. Structure Setback Requirements

   pg. 1
   pg. 9
   pg. 11
   pg. 15
   pg. 19
   pg. 21

Page 2 of 3
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. Bluff preservation and stormwater runoff.
   b. Reduced deck to minimize setbacks and impervious surface.
   c. An ATF Conditional Use Permit is required for the grading, excavating, and filling that was done in the bluff impact zone and the bluff without a permit.

CONDITIONS

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

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

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

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

5. Extension must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.
Date: 07/08/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Charles & Mary Hirn

Property owner:
Charles & Mary Hirn

Property:
01.500.0200

Description:
After-the-Fact variance request to allow the applicant to construct an 8’ x 40’ 8” deck 71 feet from the Ordinary High Water Level (OHWL) and 24 feet from the bluff in a Recreational Residential “RR” District, Lake Jefferson, a Recreational Development “RD” lake.

Recommendation:
It would be my recommendation to approve the application with the following condition(s) listed below. The proposed plan will reduce the total amount of impervious surface from 32.9% to 24.9%. Additionally, most of the impervious surface that will be removed is located within the bluff and bluff impact zone, and shore impact zone.

Condition(s):
1) Install erosion control measures where the proposed impervious surfaces will be removed, and reseed those areas with vegetation.

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
<table>
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<tr>
<th>APPLICATION DATE:</th>
<th>4/10/2019</th>
<th>PERMIT NUMBER:</th>
<th>19030</th>
<th>FEE: $2,746.00</th>
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<td>60 DAY RULING DATE:</td>
<td>6/9/2019</td>
<td>911: 46529 CAPE HORN RD, CLEVELAND</td>
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<td>APPLICANT:</td>
<td>CHARLES &amp; MARY HIRN</td>
<td>LAND OWNER:</td>
<td>CHARLES &amp; MARY HIRN</td>
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<td>PHONE:</td>
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| TOWNSHIP:               | CLEVELAND | PARCEL NO:   | 01.500.0200 |
| SEC:                    | 1         | SUBDIV:      | CAPE HORN |
| TWP:                    | 109       | LOT:         | 22 & PT 21 |
| RANGE:                  | 25        | ZONE:        | RR/FF |
| Q/Q:                    | GL 2 & 3  | BLOCK:       | FEMA PANEL # 27079CO270D |
| ROAD:                   | TWP       | 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 AN ATV VARIANCE FOR A 10' X 50' DECK # FROM SOUTH PROP LINE, 68 FEET FROM OHWL, 21 FEET FROM BLUFF AND TOTAL IMPERVIOUS SURFACED ON THE LOT OF

![Signature]

[Signature]

APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 5/16/2019

PUBLIC HEARING DATE: 5/16/2019

ACTION: Tabled

☑ 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.
# ATF VARIANCE

## FINDINGS OF FACT

**Name of Applicant:**  CHARLES & MARY HIRN  
**Variance #:**  19030

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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<td>1.</td>
<td>Does the property owner propose to use the property in reasonable manner?</td>
<td>Y</td>
<td>N</td>
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<td>2.</td>
<td>Is the alleged practical difficulty unique to the property?</td>
<td>Y</td>
<td>N</td>
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<td>3.</td>
<td>Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?</td>
<td>Y</td>
<td>N</td>
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<td>4.</td>
<td>Will the issuance of the Variance maintain the essential character of the locality?</td>
<td>Y</td>
<td>N</td>
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<td>5.</td>
<td>Does the alleged practical difficulty involve more than economic considerations?</td>
<td>Y</td>
<td>N</td>
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<td>6.</td>
<td>Did the applicant/owner act in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?</td>
<td>Y</td>
<td>N</td>
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<td>7.</td>
<td>Did the applicant/owner attempt to comply with the Ordinance by obtaining the proper permits prior to commencing work?</td>
<td>Y</td>
<td>N</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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<td>8.</td>
<td>Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?</td>
<td>Y</td>
<td>N</td>
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<td>Explain</td>
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<td>9.</td>
<td>Is the Variance consistent with the Comprehensive plan?</td>
<td>Y</td>
<td>N</td>
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<td>JW</td>
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G. **IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.**

APPROVED ( )  
DENIED ( )

CONDITIONS:  

Applicant response to conditions:  
Agree ( )  
Disagree ( )

Reasons:  

Board of Adjustment Chairman  
Date
After-The-Fact Variance Application

I. Applicant:
   Name: Charles Mary Horn
   Mailing Address: 45527 Capel Horn Rd
   City: Cleveland
   State: MN
   Zip: 56017
   Phone #: 651 402 8067

II. Land Owner:
   Name: Same
   Property Address:
   City:
   State:
   Zip:
   Phone #: Phone #

III. Parcel Information:
   Parcel Number: 05 000 200
   Parcel Acreage: 328
   Township: Cleveland
   Section: 1
   Subdivision: Cape Horn
   Lot: 22
   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).
   ATV Variance for 21 ft from Bluff, 6 ft from exposure
   Total Impervious area to 38.4% 
   4 ft setback from South 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.)
   Cleveland
   Township notified on 4/9/9
   (Township Name) (Date)
   Board Member Susan Ely
   (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
   - 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.
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 ATF Variance request is reasonable compared to the ordinance requirements being varied from. See Attached document.

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.

10. Explain how the applicant/landowner acted in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?

11. Describe how the applicant/landowner attempted to comply with the Ordinance by obtaining the proper permits prior to commencing work?
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

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 4-10-19
Meeting date 5-10-19
60 Day
RFPE 1022.80
Site Plan - survey
Surveyor Certificate
Floor plans/blue prints
Description of Request
Application complete

Present Zoning Classification RR
Lake Classification FL
Lake Jefferson
FEMA Panel # 21419402700
Flood Zone Outside

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

Full legal description
Access approval
Blue Prints

Septic
NOTC/Waiver Design

Fee $ 2,748.00
ATF SPEC MTG
19030
Date 6-24-19
Permit #

ATF $1200
Penalty $1500
Fees $40
$2748.00

01-15-16
Hi Michelle,

Charlie updated some numbers on our ATF Variance Request - look for impervious surface change from 32.5% rather than 32.9%

completed/final deck surface instead of 267

OHWL instead of 70

instead of 4, making for a total square footage of 2.36 not 3.1

Thanks so much.

Currently our property has 32.9% non-pervious surface. We are proposing to remove several non-pervious surfaces to reach a total non-previous surface of 24.9%. To achieve this we are proposing to remove:

Retaining walls #1 & #2
MN Room
Deck # 2
Stairs #1, #2 and #3
More than half of the original deck # 1

AFTER-THE-FACT VARIANCE APPLICATION

IV. Variance

1. Requesting a variance for a OHWL set back of 71 ft.
2. Requesting a variance for a bluff setback of 24 ft.

V. Description of request

After-the-Fact Variance for a constructed deck. The deck is attached to the east side of single family dwelling, dimensions of deck - 8’x 40’8”. There are three 12 inch diameter post hole footings. This is all outside of the BIZ.

1. Construction of deck. The non-previous surface of original deck, stairs, and stairway landing was 640 sq. Ft. The non-previous surface of proposed revised deck is 271 sq. Ft. A reduction of more than half original size. We have already removed stairs, stairway landing, and a portion of the original deck. The new proposed reduction reflects the removal of the remaining stairs and shorting of length and width of entire deck. SEE DRAWING.

2. Request a 24 ft. set-back from bluff and a 71ft. set-back from OHWL. This is a change from the original ATF variance request of an 8 ft. Set-back from top of bluff and 55 ft.
from the OHWL. The second ATF request was a set-back from the bluff of 22 ft and 68 ft. from the OHWL. After removing the remaining stairs and shortening the length and width of the entire deck, the new proposed bluff set-back is 24 ft, and 70ft set-back from the OHWL.

VIII. Practical Difficulty:

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

With the proposed changes and reduction of the current deck size, we feel the variance is reasonable. With the proposed removal of a east side of deck stairway, stairway landing and a portion of deck, this will increase shoreline setbacks and bluff setbacks and reduces total square footage of the deck impervious surface.

Original deck, stairs and stairway landing impervious surface was 640 sq ft. With the previous removal of the stairs, stairway landing and portion of the deck AND the new proposed reductions, the proposed impervious deck will be 271 sq ft.

The original ATF bluff set-back request was for 8 ft. The previous bluff set-back request was 21 ft., and the new proposed bluff set-back request is for 24 ft.

The original ATF OHWL set-back request was 55 ft. The previous OHWL set-back request was 68 ft., and the new proposed OHWL set-back request is for 71 ft.

We feel the ATF request is reasonable because construction of the added structure has quarter inch gaps between deck boards. This has allowed for permeability of all precipitation, except a slight film of moisture that stays on the deck surface. The deck design also takes into consideration minimal impact on soil disturbance with only 2.36 square ft. for post hole footings. The contour of the ground below the deck will remain flat, and covered with a native shade tolerant grass (red fescue) allowing for almost all rain water that permeates or runs off the deck to soak in. This all will help reduce the potential for erosion and run off on the SIZ/BIZ.

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

The unique circumstances of this property which prevent compliance resulting in practical difficulty, is that our lot is a nonconforming lot of record, and a small lot size (total square footage), and we have the bluff and OHWL to contend with.

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

Per the current Ordinance, and with our lot being nonconforming and having a bluff and OHWL, this leaves us with a unique circumstances to deal with. These circumstances limit the area where we can construct the deck and were either naturally created, or created by county ordinances.

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

Our deck will be compatible and consistent with the current development. Every comparable dwelling on this bluff, have decks which create beautiful views of the lake. This deck fits right in with the charm and character of the neighborhood. The proposed deck remains outside of the BIZ.

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

The most important consideration in this case is to utilize our property in the most effective and environmentally useful way by building a deck that is architecturally, aesthetically and environmentally pleasing, and promotes and maintains the current character and environment.
6. Is the request consistent with and supported by the statement of purpose, policies, goals and objectives in the ordinance?

Our request is consistent with the statement of purpose, goals and objectives of the ordinance. The deck was designed so precipitation would run through or off to the erosion control surface below, avoiding large volume run off and erosion. There was minimal impact during the construction process, as a result of placing 3 post footings, disturbing a total of 2.36 sq. ft of surface which caused minimal, if any potential for run off or erosion. The deck resides outside of the BIZ.

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

1. We are preserving the bluff area (Goal #2) by using a plan that will use all the standard and acceptable building practices to prevent erosion and run-off, and remain outside of the BIZ. The plan created minimal impact during the construction process (3 post footings/2.36 sq. ft. of surface). The permeability of the deck to precipitation and the surface below, which is flat and covered with native shade tolerant grass (red fescue) significantly reduces the potential for erosion or run off onto the BIZ/SIZ. Rain gutters with directional downspouts, along with rain barrels, will prevent erosion and run-off onto the BIZ/SIZ.

2. We are not affecting the shoreline, thus preserving the current one. We are protecting the current agricultural reserves by not having an affect on them (Goal # 1).

3. We currently have a compliant waste water treatment system (holding tank) (Goal #3).

4. We have complied, and in some instances went above and beyond uniform building code. (Goal #8) Examples of going above and beyond are: used steel I beam for deck beam, used all renewable deck boards, facial and railings (will never have to use any wood cleaners or preservatives on decking or railing eliminating the potential for harmful chemicals running off into lake), and used commercial height on all deck railings instead of residential height to increase safety.

8. Describe the properties current, and proposed, on site sewage treatment and water capabilities

We currently share a well with Cape Horn Well Association. Our on-site sewage treatment is a compliant 15/2 holding tank.

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

Currently, our property has a 32.9% of non-pervious surface. We are proposing to remove several non-pervious surfaces to reach a total of 24.9% non-pervious surface:

1. Remove retaining wall #2, will require a Conditional Use Permit in order to move the dirt back to a sloped yard as was in place before construction of our home.

2. Remove retaining wall #1 which will be replaced with Filtrexx which is a pervious, living wall creating erosion control.

3. Remove MN Room

4. Remove stairs #1, #2, #3

5. Removing deck # 2

6. Removing 57.7 % of the non-pervious surface of the originally constructed deck. (Proposing to leave 271 sq ft of the original 640 sq ft)

7. The proposed deck structure utilizes the property and its current contours, as well as maintaining the current environment. Infringement is minimal on the bluff zone setbacks, and erecting a deck that we felt is consistent with several adjacent properties to our north and south on Cape Horn Road. The proposed deck remains outside of the BIZ.
10. Explain how the applicant/landowner acted in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?

We truly regret and apologize for not obtaining a variance prior to constructing the deck. We have been working with Environmental Services to make changes to obtain 25% impervious surface on our property, along with reducing the variance amounts requested. Going forward, we will continue to be good stewards of our property and the lake, and encourage others to do the same.

11. Describe how the applicant/landowner attempted to comply with the Ordinance by obtaining the proper permits prior to commencing work?

We truly regret and apologize for not obtaining a permit before commencing work. Going forward, we will work to obtain the proper permits.
Estimated S.F. 871

Proposed Deck

Previously Removed

To be Removed

Original Deck + Stairs

Existing S.F. 640

468

Inside length of Existing Deck

House

54'

Outside length of Existing Deck

JUL 8 2019

RECEIVED

By:
LEGAL DESCRIPTION:
(Pari Document No. 284911)
Lot Twenty-two (22), and the South 25 feet of Lot Twenty-one (21), CAPE HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North, Range Numbered Twenty-five (25) West, in Le Sueur County, Minnesota.

SETBACK:
Front = No closer to the ROV than the existing structure or at least 1/2 setback whichever is greater.
Side = 10 feet
Rear = No closer to the CHW than the existing structure or at least 1/2 setback whichever is greater.
Buff = 30 feet

BEARING NOTE:
The orientation of this bearing system is based on the plot of THE LANDING at JEFFERSON LAKES.

BENCHMARK:
McDonnell Monument CLEARMAN 5E
Elevation = 1003.79 (NAVD88)

NOTES:
1. This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
2. Site is served by water well located offsite.
3. Buffline for this property is shown horizon.
4. Shore impact zone is shown as 00 from the ordinary high water line.
5. Ordinary high water line is noted as elevations 945.
6. The field work was completed on July 11, 2019.
7. Items to be removed are shown in orange.

EXISTING CONSTRUCTION:
- Existing Building
- Electric Meter
- Utility Pedestal
- Air Conditioner
- Gas Meter
- Utility Pole
- Mailbox
- Sign
- Septic
- deciduous Tree
- Bush
- Roof Drain
- Curb Stop
LEGAL DESCRIPTION:
Lot Twenty-two (22) and the South 25 feet of Lot Twenty-one (21), CAPE HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North, Range Numbered Twenty-six (26) West, in Le Sueur County, Minnesota.

BEARING NOTE:
The orientation of this bearing system is based on the plot of THE LANDING at JEFFERSON LAKES.

BENCHMARK:
Mlsl Monument CLEVELAND SE Elevation = 1090.50 (NAVD 88)

SETBACK:
Front = No closer to the OLWL than the existing structure on adjacent or at least 1/2 setback whichever is greater.
Side = 10 feet
Rear = No closer to the OLWL than the existing structure on adjacent or at least 1/2 setback whichever is greater.
Bluff = 30 feet

NOTES:
1. This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
2. Site is served by water well located offshore.
3. Bluff line for this property is shown herein.
4. Shore impact zones are shown as 50 from the ordinary high water line.
5. Ordinary high water line is noted as elevations 1016.
6. The field work was completed on July 11, 2018.

AS-BUILT HARDCOVER CALCULATIONS:
House (Main) 2,999 sq. ft.
Dedicated Home 640 sq. ft.
Wooded Walk Way (Main) 59 sq. ft.
Removing Walls (Main) 538 sq. ft.
Shed 120 sq. ft.
MN Room 94 sq. ft.
Stairs/Attic Stairs 200 sq. ft.
Total 4,575 sq. ft.
Lot Total 14,338 sq. ft.
Impervious Surface 31.9%
LEGAL DESCRIPTION:
(Per Doc. No. 204561)
Lot Twenty-two (22) and the South 25 feet of Lot Twenty-one (21), CAFF HORN, Part of Government Lots Two (2) and Three (3) of Section Numbered One (1) in Township Numbered One Hundred Nine (109), North, Range Numbered Twenty-five (25) West, in Le Sueur County, Minnesota.

BENCHMARK:
MnDot Monument CLEVELAND SE
Elevation = 1060.79 (NAVD88)

SETBACKS:
Front = No closer than dwelling on adjacent lot on either side
Side = 10 feet
Rear = No closer than dwelling on adjacent lot on either side
Bluff = 30 feet

NOTES:
1. This lot is considered a non-conforming lot for setback purposes per Le Sueur County Zoning Department.
2. Site is served by water well located offsite.
3. Buff line for this property is shown hereon.
4. Shore impact zone is shown as 50 feet from the ordinary high water line.
5. Ordinary high water line is noted as elevation 1013.5.
6. Square footage of planned house was calculated at the roof line for hardcover calculations. Setback calculations reference the foundation line.

LEGEND
- Existing Building
- Indentations 1/2" Dia. x 20" Long Solid Iron Pipe Set With Plastic Cap Marked By M&S, License No. 43110
- Existing Bituminous Surface
- Utility Pedestal
- Existing Retaining Wall
- Telephone Pedestal
- Proposed Pervious Surface
- Power Pole
- Proposed Building
- Curb Stop
- Proposed Pervious Surface
- Existing Building
- Tree Line
- Existing Contour
- Water's Edge
- Building Setback
- Existing Fence
- Existing Overhead Line
- Existing Landscape Edge

HARDCOVER CALCULATIONS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Pit Area</td>
<td>239 sq. ft.</td>
<td>0 sq. ft.</td>
</tr>
<tr>
<td>Shed</td>
<td>126 sq. ft.</td>
<td>128 sq. ft.</td>
</tr>
<tr>
<td>M1 Room</td>
<td>243 sq. ft.</td>
<td>243 sq. ft.</td>
</tr>
<tr>
<td>Stairs &amp; Ret. Walls</td>
<td>272 sq. ft.</td>
<td>223 sq. ft.</td>
</tr>
<tr>
<td>House</td>
<td>1,345 sq. ft.</td>
<td>2,089 sq. ft.</td>
</tr>
<tr>
<td>Total</td>
<td>2,225 sq. ft.</td>
<td>3,581 sq. ft.</td>
</tr>
<tr>
<td>Lot Total</td>
<td>14,338 sq. ft.</td>
<td>14,338 sq. ft.</td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>15.5%</td>
<td>24.9%</td>
</tr>
</tbody>
</table>
Surveyor Certification

I. Applicant:
Name CHARLIE HIRN

II. Landowner:
Name CHARLIE HIRN
Property Address 46527 CARE HIRN RD
City CLEVELAND
State MN Zip 56017

III. Parcel Information:
Parcel Number 01.500.0200

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, aerals 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 7/11/2019, 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 06/25/2019 4/31/0
Date Lic #

OFFICE USE ONLY
Planning & Zoning Department Signature

Date Received 01-15-19
JUN 25 2019
BY:
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: Charlie (Last Name)  PID:
Mailing Address: 46529 Cape Horn Rd Cleveland MN 55017
Property Address:
Phone: (651) 402-8067  Mobile/Cell: Same

Responsible party for Implementation/Inspection: Self
Address:
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.

[Signature]
(Property Owner)  
[Signature]
(Person Responsible for Implementation)  
[Signature]
(Date)

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

## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>APPLICANT/OWNER:</th>
<th>Jennifer &amp; Corey Marble</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 ADDRESS:</td>
<td>‘New’ Baker Street, Kasota, MN</td>
</tr>
<tr>
<td>VARIANCE REQUEST:</td>
<td>To allow the applicant to construct a single-family dwelling 25 feet from the top of the bluff.</td>
</tr>
<tr>
<td>VARIANCE NUMBER:</td>
<td>19126</td>
</tr>
<tr>
<td>PARCEL NUMBER:</td>
<td>05.442.0160</td>
</tr>
</tbody>
</table>

## SITE INFORMATION

<table>
<thead>
<tr>
<th>LOCATION:</th>
<th>Lot 16, Bakers Field Subdivision, Section 13, Kasota 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 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>
</tbody>
</table>

## GENERAL SITE DESCRIPTION:

Undeveloped lot in platted subdivision, shoreland, wetland and lake.

## ACCESS:

New access off Baker Street

## 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: **985.8** Lowest floor must be at or above RFPE.
BACKGROUND INFORMATION

The property is located on an undeveloped lot in a platted subdivision, Bakers Field Subdivision. There is a bluff of more than 18% slope located on the property. The setback from the top or toe of a bluff that is more than 18% slope is 50 feet. When the subdivision was platted the setback requirement was 30 feet.

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. Structure to bluff:  
      - Request: 25 feet 
      - Required: 50 feet 
      - Page: 13-46

2. **Refer to DNR Guidance Letters:**
   a. Administration, Compliance, and Enforcement
   b. The Role of the Variances in Shoreland Management Ordinances
   c. Bluffs and Steep Slopes
   d. Structure Setback Requirements

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.
Date: 07/08/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Jennifer & Corey Marble

Property owner:
Jennifer & Corey Marble

Property:
05.442.0160

Description:
Variance request to allow the applicant to construct a single-family dwelling 25 feet from the top of the bluff in a Recreational Residential “RR” District, Lake Washington, a Recreational Development “RD” lake.

Recommendation:
It would be my recommendation to approve the application with the following condition(s) listed below. The proposed project is located outside of the bluff, bluff impact zone, and shore impact zone; thus reducing impacts to the lake.

Condition(s):
1) The new dwelling is to be constructed no closer than the 30 foot bluff setback that was originally platted for the Bakersfield subdivision.

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
APPLICATION DATE: 6/14/2019
60 DAY RULING DATE: 8/13/2019
APPLICANT: JENNIFER & COREY MARBLE
ADDRESS: 401 WHEELER TRAIL
CITY: NORTH MANKATO
STATE: MN
PHONE: 507-381-1796

PERMIT NUMBER: 19126
FEES: $646.00
911: NEW BAKER ST, KASOTA
LAND OWNER: PAT BAKER
ADDRESS: 31323 BAKER ST
CITY: KASOTA
STATE: MN
PHONE: 507-420-7884
ZIP: 56003
ZIP: 56050

TOWNSHIP: KASOTA
PARCEL NO: 05.442.0160
SEC: 13
SUBDIV: BAKERS FIELD
TWP: 109
LOT: 16
ZONE: RR
RANGE: 25
BLOCK: 1
FEMA PANEL # 27079C0245D
Q/Q:
ROAD: TWP
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 CONSTRUCT A SINGLE-FAMILY DWELLING 25 FEET FROM THE TOP OF THE BLUFF.

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:

   [Signatures and dates]

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 7/18/2019
PUBLIC HEARING DATE: 7/18/2019
ACTION:

AS WRITTEN

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.
Name of Applicant: JENNIFER & COREY MARBLE  

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 30 FEET FROM THE TOP OF THE BLUFF.

Variance #  19126

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?

<table>
<thead>
<tr>
<th></th>
<th>Jim M</th>
<th>John W</th>
<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

Explain __________________________________________________________________________

Y N 2. Is the alleged practical difficulty unique to the property?

<table>
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<tr>
<th></th>
<th>Jim M</th>
<th>John W</th>
<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

Explain __________________________________________________________________________

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?

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<th>Jim M</th>
<th>John W</th>
<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

Explain __________________________________________________________________________

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

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<tr>
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<th>Jim M</th>
<th>John W</th>
<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

Explain __________________________________________________________________________

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

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<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

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?

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<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

Explain __________________________________________________________________________

Y N 7. Is the Variance consistent with the Comprehensive Plan?

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<th>John W</th>
<th>Jeanne D</th>
<th>Colin H</th>
<th>Majority</th>
</tr>
</thead>
</table>

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: Jennifer Marple
   Mailing Address: 401 Wheeler Trail
   City: Mankato
   State: MN
   Zip: 56003
   Phone #: 507-381-1796

II. Landowner:
   Name: Pat Baker
   Property Address: 31323 Baker St.
   City: Mankato
   State: MN
   Zip: 56000
   Phone #: 507-920-7889

III. Parcel Information:
   Parcel Number: R 05 442 0160
   Parcel Acreage: 1.45
   Township: Kasota
   Section: 13
   Subdivision: Bakewell
   Lot: 11
   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).
   30 feet setback from top of the bluff instead of 50 feet setback.

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.)
   
   Town of Kasota Township notified on 12/7/18
   (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 Disticts.
   - 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.**
   
   This is reasonable because the request is for 70 additional feet of building area, leaving the original 30 feet setback.

2. **What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?**
   
   There is a bluff located in the back of the lot. With current regulations, there needs to be a 50 feet set back from top edge of bluff. This was originally plotted with a 30 feet setback.

3. **Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.**
   
   The bluff requires a 50 feet setback per current regulations. The 50 feet setback does not allow a large enough buildable area. The 30 feet setback originally plotted would allow for the house to be built.

4. **How will the request maintain the essential character of the locality?**
   
   This request will not change essential character of the locality.

5. **Does the alleged practical difficulty involve more than economic considerations?**
   
   With the current 50 feet setback, the building envelope is too small to build on.

6. **Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?**
   
   Yes - Request is consistent with goal number 4. This meets goal 4.

7. **Describe how the request is consistent with the Comprehensive Land Use Plan.**
   
   Goal Number 4 - This meets with goals and policies that provide adequate opportunity for urban and rural housing development.

8. **Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.**
   
   The current and proposed sewage will be managed by Lake Washington Sanitary District. There is a shared well with hook up available to the property.

9. **Explain why this request is the minimum variance amount to afford relief.**
   
   The request is only for the originally plotted setback of 30 feet from the top of the bluff.
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:

Jennifer Marie

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]

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.

Patrick M Baker

[Signature]

Landowner signature

[Date]

OFFICE USE ONLY

Date received 6-17-19

Meeting date 7-18-19

60 Day 18-9

RFPE 08-8-19

Site Plan Survey 08-8-19

Surveyor Certificate 06-9-19

Full legal description

Access approval 6-8-19

Floor plans/blue prints

Description of Request

Application complete

Planning & Zoning Department Signature

Present Zoning Classification P.L.

Lake Classification P.O.

Lake Washington

FEMA Panel # 2-1014090245-0

Flood Zone X outside

Le-8-19

Le-8-19

ATF / SPEC MTG

Le-8-19

19-12-6

[Signature]

[Date]

RECEIVED JUN 07 2019

BY:
We, Jennifer and Corey Marble are requesting a variance approval for parcel number-R05.442.0160-located in Bakersfield subdivision in Kasota, MN. The property address is 31323 Baker St. Kasota, MN, listed as lot 16 on the map. The current property owners are Pat and Debra Baker. Following the approval of this variance request, we would purchase the property from Pat and Debra Baker. We are requesting approval to build a home on the property with a 30-foot setback from the top of the bluff located on the property. The current regulations require a 50-foot setback for slopes over 30%. A 50-foot setback does not allow for a structure to be built on the property-Please see attachment. When the Bakersfield subdivision was originally platted, lot 16 was approved for a 30-foot setback. There was a change made to these regulations, which increased the setback amount from the top of a bluff from a 30-foot setback to a 50-foot setback. We have designed a home to be built on the property within the building envelope of lot 16 with a 30-foot setback.

Thank you for your consideration,

Jennifer and Corey Marble
Surveyor Certification

I. Applicant:
   Name

II. Landowner:
   Name
   Property Address
   City
   State
   Zip

III. Parcel Information:
   Parcel Number

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
   • Access
   • Easements
   • Existing structures - Within and adjacent to project area.
   • Location of trees to be removed - Shoreland Districts

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

V. Quantities and Submittal Formats:
   a. One (1) reproducible copy of the request and all other supporting documents.
   b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
   e. Electronic version of any supporting documents if available.
   f. Pre-application meeting is recommended prior to making application to ensure submittal completion.
      Appointment is necessary.
   g. 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.
   h. 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 6/14/2019 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.
   
   [Signature]
   Date 6/14/19
   Lic # 19709

OFFICE USE ONLY

Date Received 6/18/19
Planning & Zoning Department Signature

RECEIVED JUN 18 2019
LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

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

Property Owner: Jennie & Cory Marble
Mailing Address: 461 Whistle Trail, Mankato, MN 56003
Property Address: 31323 Park St, Kasota, MN
Phone: [507] 371-7795 Mobile/Cell:

Responsible party for Implementation/Inspection: [Signature]
Address: 317 MN-72, Mankato, MN 56003
Phone: (507) 524-3530 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, where 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 14 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:

<table>
<thead>
<tr>
<th>Slope Ratio</th>
<th>Blanket Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:1 slopes or steeper</td>
<td>Straw/Coconut Blanket or High Velocity Wood Blanket</td>
</tr>
<tr>
<td>3:1 slopes or steeper</td>
<td>Wood or Straw Blanket with net on both sides</td>
</tr>
<tr>
<td>4:1 slopes or steeper</td>
<td>Wood or Straw Mulch blanket with net on one side</td>
</tr>
<tr>
<td>Flat areas</td>
<td>Straw Mulch w/disc anchoring</td>
</tr>
</tbody>
</table>

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)  

(Person Responsible for Implementation)  

(Date)  

(Date)

If you have any questions, please contact Environmental Services, at 507-357-8338.
The driveway culvert can be placed anywhere along Baker St. The culvert must be 15” minimum diameter and 24’ maximum length.

Joe Kienlen, Kasota Twp.
If there are any questions, call 507-995-4006

Sent from my iPad

On Jun 7, 2019, at 2:32 PM, Jennifer Marble <marblejennifer@outlook.com> wrote:

Hi Joe,

We are applying for a variance on lot 16 in Bakersfield. The address is 31323 Bakes St., Kasota, Mn. Michelle Mettler with planning and zoning in Le Sueur Cty needs to have road access approval from the township as the road is a township road. Would you be able to please email me a statement and I will forward it to her.

Thank you

Jennie and Corey Marble

Get Outlook for Android

6-09-19
Mettler, Michelle

From: Lake Washington Sanitary District <lwsd@hickorytech.net>
Sent: Friday, December 07, 2018 12:02 PM
To: Mettler, Michelle
Subject: 31323 Baker Street

Michelle,
This property on Bakers Street has a LWSD Sewer Connection available. If you have any questions, or concerns please let me know.

James Deike
Secretary
Lake Washington Sanitary District

RECEIVED
JUN 07 2019
BY:
PROPOSED DESCRIPTION

That part of the Northwest Quarter of the North
of the Southwest Quarter of the Northeast Quarter
West, Le Sueur County, Minnesota, described as
said Section 13; thence South 00 degrees 19 min
Northeast Quarter, 2112.67 feet; thence South 81
feet; thence South 77 degrees 35 minutes 09 sec
07 minutes 39 seconds East, 127.31 feet; thence
919.62 feet to the South line of said Northwest
degrees 11 minutes 26 seconds East on said No
said Northeast Quarter of the Northeast Quarter;
East on the East line of said Northwest Quarter
shoreline; thence Northwesterly on said shoreline,
TERRASOL SUBDIVISION; thence North 01 degrees
541 feet, more or less, to the North line of said
minutes 45 seconds West on said North line, 15!

ZONING: R-R,
RESIDENTIAL-RECREATIONAL DISTRICT

MINIMUM LOT AREA: 40,000 SQUARE FEET
MINIMUM LOT WIDTH: 150 FEET

SETBACKS:

65 FOOT FRONT
15 FOOT SIDE
40 FOOT REAR
100 FOOT LAKE
30 FOOT BLUFF

OWNER/DEVELOPER:

PATRICK & DEB BAKER
48347 SHANASKA CREEK ROAD
KASOTA, MN. 56050
(507)420-7884
VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Andrew & Cheri Rohlfing

911 ADDRESS: 46056 Jefferson Shore Drive, Cleveland, MN

VARIANCE REQUEST: To allow the applicant to replace an existing deck with a 3-season porch 56 feet from the road Right-Of-Way (ROW).

VARIANCE NUMBER: 19128

PARCEL NUMBER: 01.620.0180

SITE INFORMATION

LOCATION: Lot 13, Block 1, Jefferson Shores, Section 1, Cleveland Township.

ZONING & PURPOSE: Recreational Residential

The intent of the Recreational Residential (RR) District is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

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

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

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

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

GENERAL SITE DESCRIPTION: Shoreland, non-riparian lot (second tier), residential

ACCESS: Existing access off Jefferson Shore Drive

LAKE: Lake Jefferson, Recreational Development lake

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

RFPE: Regulatory Flood Protection Elevation: 1022.86 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Property is a conforming lot in a platted subdivision, Jefferson Shores. The structure was constructed in 2004. Proposal is to remove the existing deck and replace with a 3-season porch in the same location.

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. Structure to road ROW: 56 feet 65 feet  
      Section 13.2, Subdiv. 5. B. 3.  
      Page: 13-43

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. Structure Setback Requirements  
      pg. 21

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

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

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

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

CONSIDERATIONS

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

CONDITIONS

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

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

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

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

5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.
Date: 07/08/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Andrew & Cheri Rohlfing

Property owner:
Andrew & Cheri Rohlfing

Property:
01.620.0180

Description:
Variance request to allow the applicant to replace an existing deck with a 3-season porch 56 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District, Lake Jefferson, a Recreational Development "RD" lake.

Recommendation:
It would be my recommendation to approve the application. The proposed deck will be replace the existing deck; thus, utilizing the same location.

Condition(s):
None

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
APPLICATION DATE: 6/17/2019
60 DAY RULING DATE: 8/16/2019
PERMIT NUMBER: 19128
FEE: $646.00
APPLICANT: ANDREW ROHLFING
ADDRESS: 46056 JEFFERSON SHORE DR
CITY: CLEVELAND
STATE: MN
PHONE: 507-469-9099

LAND OWNER: ANDREW ROHLFING
ADDRESS: 46056 JEFFERSON SHORE DR
CITY: CLEVELAND
STATE: MN
PHONE: 507-469-9099

TOWNSHIP: CLEVELAND
PARCEL NO: 01.620.0180
SEC: 1
SUBDIV: JEFFERSON SHORES
TWP: 109
LOT: 13
ZONE: RR
RANGE: 25
BLOCK: 1
FEMA PANEL #: 27079C0270D
ROAD: TWP
FLOOD ZONE: X OUTSIDE

1. Reason for Requested Variance:
   TO ALLOW THE APPLICANT TO REPLACE AN EXISTING 12 X 19 DECK WITH A 12 X 19 3-
   SEASON PORCH 56 FEET FROM THE ROAD ROW.

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

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

APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

** FEES ARE NON-REFUNDABLE**

ON-SITE TOUR DATE: 7/18/2019
PUBLIC HEARING DATE: 7/18/2019 ACTION:
 AS WRITTEN
 WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

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

Name of Applicant: ANDREW ROHLFING
Variance # 19128
Variance Request: TO ALLOW THE APPLICANT TO REPLACE AN EXISTING 12 X 19 DECK WITH A 12 X 19 3-SEASON PORCH 56 FEET FROM THE ROAD ROW.

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 ________________________
   Mailing Address: 46056 Jefferson Shore Drive
   City _______________ State ___________ Zip _______
   Phone # _______ Phone # _______

II. Landowner:
    Name ________________________
    Property Address: 46056 Jefferson Shore Drive
    City _______________ State ___________ Zip _______
    Phone # _______ Phone # _______

III. Parcel Information:
    Parcel Number 01.620.0180
    Township _______________ Section ________
    Subdivision Jefferson Shores Lot 13 Block 1
    Parcel Acreage 1.28

Full Legal Description must be attached.
(Full legal description can be found on deed, not abbreviated legal description from tax statement).

IV. Variance Request: List requested alternative to development standard(s).
   Build structure 56' from the right of 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.)
   Cleveland (Township Name)
   Township notified on 06/12/2019 (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.
   - Access
   - Easements
   - 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.
   Existing deck already resides in the setback. We are tearing off and replacing what is already there plus adding a screen porch on top of it. In order to be compliant home owners would have to replace current deck with one that is 3’ deep.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
   Current deck already resides within the setback. A compliant replacement would not be practical. The house is built to have a deck on the front so moving the deck would not be a practical option.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.
   Structures were already existing within the setback when current owner purchased the property.

4. How will the request maintain the essential character of the locality?
   Not changing size of current structure. Just adding a screen porch on top. Replacing the existing deck will improve the character of locality as current deck is old and becoming an eyesore. Property would remain consistent with the rest of the neighborhood.

5. Does the alleged practical difficulty involve more than economic considerations?
   Current structure is consistent with egresses and landscaping already in place. To make new structure compliant would leave home owner with a 3’ deck or none at all rendering supporting egresses unusable, impractical and potentially hazardous.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
   Request does not interfere with the statement of purposes, policies, goals and objectives listed in the Ordinance.

7. Describe how the request is consistent with the Comprehensive Land Use Plan.
   Request is consistent as the structure already exists so there will be no additional impact to the local environment or natural resources.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
   Lot currently has a mound septic system. Proposed structure has no influence on septic system.

9. Explain why this request is the minimum variance amount to afford relief.
   We are only asking to replace a structure that already exists with the addition of a 2’ overhang for the added screen porch roof.
IX. Attachments shall include but not limited to:

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

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

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

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

c. Electronic version of any supporting documents if available.

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

XI. Fees:

Variance: $ 600
Filing Fee: $ 46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XIII. Signatures:

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

[Signature]
Date

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

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**OFFICE USE ONLY**

Date received: 6-17-19
Meeting date: 7-18-19
60 Day: 8-16-19
RFPE: 10-22-19

Present Zoning Classification: 10
Lake Classification: 20
FEMA Panel #: 27016003700
Flood Zone: X-outside

Feedlot within 500': Y
1000': N

Erosion Control Plan: Y
Water courses: Y
Bluff: Y

Other: Septic: 12-3-17
COC: 12-3-17
NONC/Waiver Design: 12-3-17

Fee $: 1,440
ATF / SPEC MTG: 10-17-19

Planning & Zoning Department Signature

01-15-16
JUN 17 2019
4
Andy and Cheri Rohlfing are proposing to replace their current deck on the front of the house with one that is the same size and adding a screen porch on top of it. The home was built in 2004 so we were surprised to learn that the current deck was within the setback. We speculate that the builder measured from the road and not from the setback itself.
Surveyor Certification

I. Applicant:
   Name ________________________
   ________________________________

II. Landowner:
   Name ________________________
   ________________________________
   Property Address: 46056 Jefferson Shore Dr
   City __ Cleveland __ State __ MN __ Zip __ 56017

III. Parcel Information:
   Parcel Number __________ 01.620.0180

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
   - Access
   - Easements
   - Existing structures - Within and adjacent to project area.
   - 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 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 _______ 06-06-2019 _______, 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

______________________________
Date ________________________
Lic # ________________________

______________________________
Office Use Only

______________________________
Planning & Zoning Department Signature

01-15-18
VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Otto & Evelyn Jensen
911 ADDRESS: 50787 Carpenter’s Point Lane, Elysian, MN
VARIANCE REQUEST: To allow the applicant to construct a single-family dwelling 37 feet and 45 feet from the Ordinary High Water Level (OHWL), 59 feet from the road Right-Of-Way (ROW), 4 feet from an existing holding tank, and within the shore impact zone.
VARIANCE NUMBER: 19129
PARCEL NUMBER: 04.420.0090

SITE INFORMATION

LOCATION: Lots 8 & 9, Auditor’s Subdivision, Section 28, (Carpenter’s Point)
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.

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 6: In addition to traditional stormwater designs, the use of new technologies in dealing with on-site stormwater should be reviewed and considered for use, such as:
a. Use of individual on-site rain gardens.
b. Permeable pavers for use in traditionally large impermeable surface areas;
c. Other new technologies, as identified.

GENERAL SITE DESCRIPTION: Shoreland, residential, flood plain, platted subdivision
ACCESS: Existing access off Carpenter’s Point Lane
LAKE: Lake Francis, Recreational Development

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: 1025.7 Lowest floor must be at or above RFPE.

BACKGROUND INFORMATION

Property is a non-conforming lot in a platted subdivision. The existing structure was damaged in the storm. The parcel is in a flood plain and proposal is to rebuild a new structure within the shore impact zone.

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: Request: Required: Ordinance: Page:
   a. Structure to OHWL: 37 & 45 feet 100 feet* Section 13.2, Subdiv. 5. E. 1. 13-45
      *Exemption allows new structure to be no closer than the dwellings on parcels on either side and at least ½ the setback whichever is greater.
   b. Structure to road ROW: 59 feet 65 feet** Section 13.2, Subdiv. 5. E. 2. 13-45
      **Exemption allows new structure to be no closer to ROW than the dwellings on either side and at least ½ the setback whichever is greater.
   c. Structure to septic tank: 4 feet 10 feet Section 13.2, Subdiv. 5. B. 10. 13-44
   d. Impervious surface in SIZ: Not allowed Section 17, Subdiv. 4. D. 1. b. 17-9
   e. Structure Setback Requirements Section 13, Subdiv. 5. A. 10.d. 13-16

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.

3. **Additional Considerations**:

   a. Building outside the shore impact zone.

   b. Relocating holding tanks to open up building envelope area.

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**CONDITIONS**

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

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

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

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

5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.
Date: 07/08/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Otto & Evelyn Jensen

Property owner:
Otto & Evelyn Jensen

Property:
04.420.0090

Description:
Variance request to allow the applicant to construct a single-family dwelling 37 feet and 45 feet from the Ordinary High Water Level (OHWL), 59 feet from the road Right-Of-Way (ROW), 4 feet from an existing holding tank, and with the shore impact zone in a Recreational Residential “RR” District, Lake Frances, a Recreational Development “RD” lake.

Recommendation:
It would be my recommendation to deny the application. The applicant is proposing to construct a new dwelling that will be located within the shore impact zone (SIZ) and will not meet the OHWL setback. Le Sueur County ordinance states that impervious surface shall not be allowed in the shore impact zone, except for stairways, lifts, landings, paths, and water-oriented accessory structures. Additionally, there are alternative locations where the new dwelling could be constructed in order to be outside of the SIZ and to meet the OHWL setback, which was discussed with staff. If you choose not to take my recommendation of denial, I recommend the application be tabled. The applicant would have another opportunity to work with Environmental Services staff to discuss the location of the new dwelling.

Condition(s):
None

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
APPLICATION DATE:  6/18/2019
60 DAY RULING DATE:  8/17/2019
APPLICANT: OTTO & EVELYN JENSEN
ADDRESS:  301 W 1ST ST PO BOX B
CITY: JANESVILLE
STATE: MN
PHONE:

PERMIT NUMBER:  19129
911:  507-837 CARPENTERS POINT LN ELYSI
LAND OWNER: OTTO & EVELYN JENSEN
ADDRESS:  301 W 1ST ST PO BOX B
CITY: JANESVILLE
STATE: MN
PHONE:

TOWNSHIP: ELYSIAN
PARCEL NO: 04.420.0090
SEC:  28
TWP:  109
LOT:  8 & 9
ZONE: RR/FF
STATE: MN
PHONE:

PROJECT NO: 56048
Q/Q:  24
BLOCK:  28
ZONE: FEMA PANEL # 27079C0425D
ROAD: FVT
FLOOD ZONE: A

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 CONSTRUCT A SINGLE-FAMILY DWELLING 37 FEET AND 45 FEET FROM THE OHWL, 59 FEET FROM THE ROAD ROW, 4 FEET FROM THE EXISTING HOLDING TANK, WITHIN THE SHORE IMPACT ZONE.

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.

**FEES ARE NON-REFUNDABLE**

APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

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ON-SITE TOUR DATE:  7/18/2019
PUBLIC HEARING DATE:  7/18/2019
ACTION: 

☑ AS WRITTEN  ☐ WITH CONDITIONS

BOARD OF ADJUSTMENT CHAIRMAN

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

Name of Applicant: OTTO & EVELYN JENSEN

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SINGLE-FAMILY DWELLING 37 FEET AND 45 FEET FROM THE OHWO, 59 FEET FROM THE ROAD ROW, 4 FEET FROM THE EXISTING HOLDING TANK, WITHIN THE SHORE IMPACT ZONE.

A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

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

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

E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

   Explain

Y N 2. Is the alleged practical difficulty unique to the property?

   Explain

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant/landowner?

   Explain

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

   Explain

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

   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?

   Explain

Y N 7. Is the Variance consistent with the Comprehensive Plan?

   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: Otto F. Jensen
Mailing Address: 301 W 1st St PO BOX B
City: Le Sueur
State: MN Zip: 56058
Phone #: 507-234-6796

II. Landowner:
Name: Otto F. Jensen
Property Address: 501 E Carpenters Point Ln. Lots 8 & 9
City: Ely
State: MN Zip:
Phone #: 507-234-6796

III. Parcel Information:
Parcel Number: 04.420.0840
Township: Elysian
Subdivision:
Section: 28
Lot: 8 & 9
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).

V. Description of Request:

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

VI. Township Notification:

Township must be notified prior to application. (County Commissioners are not the Township Board.)

Elysian Township
(Township Name)

Township notified on 5/13/19 (Date)

Board Member (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 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.
   - Old cabin destroyed by flood, set near cabin build as close to hold as allowed by county.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?
   - Not deep enough to meet front setbacks.

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

4. How will the request maintain the essential character of the locality?
   - Building a new cabin as in drawings by Bolton & Merk, to blend in as much as possible as pre-existing.

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

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.
   - We are trying to comply with existing Land Use Plan by building new cabin very similar to the damaged and destroyed cabin in roughly same place.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.
   - 2 - 2000 gal holding tanks

9. Explain why this request is the minimum variance amount to afford relief.
   - See Bolton & Merk's drawings for new setbacks.
   - We have drawn different plans to try to meet our set backs but couldn't fit in house on the buildable area.
IX. Attachments shall include but not limited to:

- a. Site Plan—survey
- b. Surveyor Certification
- c. Access approval
- d. Full legal description
- e. Floor plans and/or blue prints *(For structures)*
- f. Septic System Compliance Inspection
- g. Erosion control plan
- h. Description of request

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

X. Quantities and Submittal Formats:

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

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

c. Electronic version of any supporting documents if available.

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

XI. Fees:

- Variance: $ 600
- Filing Fee: $ 46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XIII. Signatures:

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

Applicant signature

[Signature]

Date

18 Jun 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

[Signature]

Date

18 Jun 2019

OFFICE USE ONLY

Date received 7-18-19

Present Zoning Classification

Meeting date 7-18-19

Lake Classification 20

60 Day 8-17-19

Lake

RFPE 1025, 7

FEMA Panel # 00364541250

Flood Zone A - 100 YR

Feedlot within 500' 1000' N

Erosion Control Plan Y N

Water courses Y N

Bluff Y N

Other

Septic 7-13-17 COC

NONC/Waiver Design

Fee $ 5,415.00 ATF / SPEC MTG

Application complete

Planning & Zoning Department Signature

Michelle F. Matti

Date

10-18-19

Permit # 19129

01-15-16
Last September we fell victims to a series of tornadoes, along with high winds, that struck multiple counties in South Central Minnesota resulting in major damage and destruction. Our neighbor clocked the winds that struck our yard at 82 miles per hour dropping a tree on the cottage. Later the insurance company declared it uninhabitable. The cottage was seasonal but for nearly a century more than adequate for the descendants of Otto F. Arnodot. The decision was made to rebuild but with the ever increasing taxes it was senseless to go seasonal. Our intent was to keep the same “foot print” however the requirements of year around living in Minnesota required a few extra square feet. Unfortunately, that coupled with increased restrictions crushed our dreams. It is for that reason we are seeking a variance so that future generations of our family will enjoy the outdoors.
Surveyor Certification

I. Applicant:
   Name: Otto F. Jensen

II. Landowner:
   Name: Otto F. Jensen
   Property Address: 58757 Carpenter Point Lane
   City: Elysian
   State: MN
   Zip: 56028

III. Parcel Information:
   Parcel Number: 04.420.0090

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, 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 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 May 24, 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: May 14, 2019
Lic # 19769

OFFICE USE ONLY

Date Received: 6/18/19
Planning & Zoning Department Signature:

01-15-16
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: Otto F Jensen
Mailing Address: 301 W 13th St
Janesville, WI
Property Address: 50787 Carpenter Point Ln
Phone: (507) 234-6796 Mobile/Cell: ()

Responsible party for Implementation/Inspection: Kelly Koper
Address: 580 W Main St Le Center MN 56055
Phone: (507) 381-3507 Mobile/Cell: (507) 381-3507

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
JUN 18 2019
BY:

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JUN 18 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: 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)  

(Person Responsible for Implementation)  

(Date)

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

GRAVEL BASE
2" R-11 250 DENSITY FOAM
4" CONCRETE FLOOR

20"X10" CONCRETE FOOTING
WITH 2-1/2" REBAR STACKED
8"X48" CONCRETE Poured WALL
REBAR TO CODE
2" R-11 250 DENSITY FROST FOOTING
FOAM TO INSIDE

W.B.C.- JENSEN / SMITH CAbIN
MAY 13, 2019
133 SQFT MAINFLOOR
ON GRADE STRUCTURE

FOUNDATION PLAN

REVISION 6 3-BEDROOM
RECEIVED
JUN 18 2019
BY:
CERTIFICATION STATEMENT/AS-BUILT

I hereby certify as a State of Minnesota Licensed Installer that the individual sewage treatment system diagramed above was installed in accordance with all applicable requirements of Minnesota Rules Chapter 7080. The diagram of the installation is accurate as of the date at the bottom of this form for the site identified on the reverse side of this form. No determination of future hydraulic performance can be made due to future water usage over the life of the system.

Installer Signature

License #

Date