

# LE SUEUR COUNTY BOARD OF ADJUSTMENT

## MEETING AGENDA

**Meeting Date:** August 20, 2020

**Time:** 3:00 p.m.

**Place:**

*Le Sueur County Board of Commissioners has declared a State of Emergency due to the COVID-19 Pandemic. The public hearing will be held remotely. Please contact the Department or refer to the County Website for more detailed information regarding participation in the public hearing.*

**M e e t i n g L i n k :** <https://lesueurcounty.webex.com/lesueurcounty/j.php?MTID=m54ae9b560eb3ba932a452ceb645f15ac>

Meeting number (access code): 146 195 2684

Meeting password: County

Join by phone: (408) 418-9388

**Onsite Date: August 20, 2020**

**Onsite Time: 2:00 p.m.**

*\*\*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. July 16, 2020 DRAFT Minutes

Documents:

[07-16-20 DRAFT MINUTES.PDF](#)

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

**Board of Adjustment Hearing Procedure:** The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public.

Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed **to the board, not the applicant.** After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.

# LE SUEUR COUNTY BOARD OF ADJUSTMENT

Mailing Address: 88 SOUTH PARK AVE  
Physical Address: 515 SOUTH MAPLE AVE  
LE CENTER, MINNESOTA 56057

**July 16, 2020**

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Joshua Mankowski

1. **Call to Order** at 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: Item #2: Michael Booth & Christina Mathison, New Market, MN have been postponed by request of the applicant. Motion to approve agenda by John Wolf. Seconded by Roy McIntyre. Motion approved via roll call vote 5-0. Motion carried.
3. **Meeting Minutes:** June 18, 2020 Additions/Corrections: None. Motion to approve minutes by Colin Harris. Seconded by Jim Mladek. Motion approved via roll call vote 5-0. Motion carried.
4. **Applications:**

**ITEM #1: CHARLES STANGLER, ELYSIAN, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to enlarge a nonconforming structure (dwelling) and construct a 40 x 140 shed on an existing foundation 4 feet from the township road Right-Of-Way (ROW) in an Agriculture "A" District. Property is located in the NE 1/4 SE 1/4, Section 16, Elysian Township. **VARIANCE IS FOR ENLARGING A NON-CONFORMING STRUCTURE AND ROAD ROW SETBACK. APPLICATION WAS TABLED AT THE JUNE 18, 2020 MEETING.**

Charles Stangler was present for application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding: The opinion on the condition and reuse of the old concrete foundation by two different contractors was mentioned. It was stated that there were multiple discussions with different township board members about the proposed request and that there were no concerns raised by the township.

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner.*
2. *The alleged practical difficulty is unique to the property.*
3. *The circumstances causing the practical difficulty were created by someone other than the applicant/landowner.*
4. *The issuance of the Variance will maintain the essential character of the locality.*
5. *The alleged practical difficulty involves more than economic considerations.*
6. *The Variance is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Variance is consistent with the Comprehensive Plan.*

Motion was made by John Wolf to Approve the application. Conditions: None. Seconded by Jim Mladek. Motion approved via roll call vote 5-0. Motion carried.

**ITEM #3: KEN HOHENSTEIN, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to enlarge a nonconforming structure in a Recreational Residential "RR" Shoreland District, on Lake Jefferson a Recreational Development "RD" lake. Property is located at Lots 14 & 15, Tomahawk Point, Section 3, Cleveland Township, and Section 4, Washington Township. **VARIANCE IS FOR ENLARGING A NON-CONFORMING STRUCTURE.**

Ken Hohenstein was present for application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding: The Board still wanted to hear the application despite the fact that the Bluff and Bluff Impact Zone were not marked on site. The request was to enlarge a non-conforming structure, not setback from the bluff.

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner.*
2. *The alleged practical difficulty is unique to the property.*
3. *The circumstances causing the practical difficulty were created by someone other than the applicant/landowner. **The reason this application is more favorable is because the constriction being proposed is on the opposite side from the Bluff and Bluff Impact Zone.***
4. *The issuance of the Variance will maintain the essential character of the locality.*
5. *The alleged practical difficulty involves more than economic considerations.*
6. *The Variance is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Variance is consistent with the Comprehensive Plan.*

Motion was made by Colin Harris to Approve the application as presented. Seconded by Roy McIntyre. Motion approved via roll call vote 5-0. Motion carried.

5. **Discussion Items:** Talked about the importance of giving reasons and supporting details when working through the Findings of Fact and approving or denying a request.
6. **Warrants/Claims:** Sign warrants/claim sheets
7. **Adjourn:** Motion to adjourn meeting by Roy McIntyre. Seconded by Colin Harris. Motion approved via roll call vote 5-0. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

DRAFT