

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

December 17, 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: None. Motion to approve agenda by Jim Mladek. Seconded by John Wolf. Motion approved via roll call vote 5-0. Motion carried.
3. **Meeting Minutes:** November 19, 2020 Additions/Corrections: Meeting date should read November 19, 2020, not November 20, 2020. Motion to approve minutes as amended by Roy McIntyre. Seconded by Colin Harris. Motion approved via roll call vote 5-0. Motion carried.
4. **Applications:**

ITEM #1: THOMAS WETZEL, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow 31.6% total impervious surface on a lot; Create impervious surface in the shore impact zone; and modify conditions set in variance # 12146 in a Recreational Residential "RR" District, on Lake Jefferson a Recreational Development "RD" lake. Property is located at Lot 20, Edgewater Terrace, Section 3, Cleveland Township. **VARIANCE IS FOR IMPERVIOUS SURFACE AND PREVIOUS CONDITIONS.**

Thomas Wetzel was present for the application. Township: None. DNR: E-mail from Garry Bennett outlining the state minimum standard for impervious surface. He stated that the purpose of the standard is to maintain infiltration and reduce runoff rates and recommended that conditions should be considered that incorporate BMPs to address issues caused by increased impervious surface rates.

Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to approve the application with conditions; 1. The applicant removes the Pavers 1 Area completely and reseeds the area with vegetation. Due to the location of the Pavers 1 Area, the water table is more than likely too high and would not work with pervious paver construction. 2. Remove retaining wall #8, which is 40 sq. feet. This will reduce the impervious surface from 31.6% to 31.4%. Retaining wall #8 is protecting the Pavers 1 Area, and will not be needed if the Pavers 1 Area is removed. 3. Reduce the beach sand blanket area to not exceed 50 feet in length by 10 feet in width (measuring from the Ordinary High Water Level), and 6 inches thick. The beach sand blanket increased in size sometime between 2013 and 2016 and was not permitted to do so. Currently the beach sand blanket exceeds the dimensions that are allowed per County Ordinance and DNR standards. The area where sand is removed should be reseeded with vegetation.

Discussion was held regarding: The letter from Holly Kalbus and the proposed conditions for approval and the beach sand blanket were discussed

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. **Yes with the exception of an increase in impervious surface.***
5. *The alleged practical difficulty involves more than economic considerations.*
6. *The applicant/owner acted in good faith to obtain a Variance or comply with the applicable requirements before commencing work. **It wouldn't have been an After The Fact, the original survey showed that it was only 25%.***
7. *The applicant/owner attempted to comply with the Ordinance by obtaining proper permits prior to commencing work.*
8. *The Variance is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
9. *The Variance is consistent with the Comprehensive Plan.*

Motion was made by Jim Mladek to Approve the application. Conditions: 1. The applicant removes the Pavers 1 Area completely and reseeds the area with vegetation. Due to the location of the Pavers 1 Area, the water table is more than likely too high and would not work with pervious paver construction. 2. Remove retaining wall #8, which is 40 sq. feet. This will reduce the impervious surface from 31.6% to 31.4%. Retaining wall #8 is protecting the Pavers 1 Area, and will not be needed if the Pavers 1 Area is removed. 3. Reduce the beach sand blanket area to not exceed 50 feet in length by 10 feet in width (measuring from the Ordinary High Water Level), and 6 inches thick. The beach sand blanket increased in size sometime between 2013 and 2016 and was not permitted to do so. Currently the beach sand blanket exceeds the dimensions that are allowed per County Ordinance and DNR standards. The area where sand is removed should be reseeded with vegetation. Seconded by Roy McIntyre. Motion approved via roll call vote 5-0. Motion carried.

ITEM #2: CHAD GRISM, 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 21 feet to the road Right-Of-Way (ROW), 52 feet from the Ordinary High Water Level (OHWL), and a total of 34.6% impervious surface coverage on the lot in a Recreational Residential "RR" Shoreland District, and Flood Fringe "FF" Floodplain Overlay District on a Recreational Development "RD" lake. Property is located at Lot 12, Edgewater Terrace, Section 12, Cleveland Township. **VARIANCE IS FOR ROAD ROW & OHWL SETBACKS AND IMPERVIOUS SURFACE.**

Chad Grism was present for the application. Township: None. DNR: E-mail from Garry Bennett, outlining the state minimum standard for structure setback from the OHWL and impervious surface, He stated that the purpose of the impervious surface standards is to maintain infiltration and reduce runoff rates. He recommended that conditions should be considered that incorporate BMPs to address issues caused by increased impervious surface rates. Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to table the application so the applicant can better address concerns with the amount of impervious surface being proposed. She also recommended conditions if the application was approved; 1. Install rain barrels for all of the downspouts located on the house. 2. Install another best management practice that will help slow down and reduce the amount of stormwater runoff from the additional impervious surface that is being proposed. It is recommended that the applicant work with environmental services staff to discuss which practices would be appropriate for the lot and where the practice should be located.

Discussion was held regarding: The recommendations from Holly Kalbus, the amount of impervious surface, and the expected timeline for the project were discussed.

Motion was made by Roy McIntyre to Table the application to allow the applicant to address the concerns raised in Holly Kalbus' letter. Seconded by Jim Mladek. Motion approved via roll call vote 5-0. Motion carried.

5. **Discussion Items:** Joshua Mankowski stated that this will be his last meeting with the Planning Commission and thanked them for the time he spent working with them.
6. **Warrants/Claims:** Sign warrants/claim sheets
7. **Adjourn:** Motion to adjourn meeting by John Wolf. Seconded by Roy McIntyre. Motion approved via roll call vote 5-0. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

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