

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

January 21, 2021

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

MEMBERS ABSENT: None

OTHERS PRESENT: Molly Just, Consultant Planner

1. **Call to Order** at 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: NONE. Motion to approve agenda by Roy McIntyre. Seconded by Jim Mladek. Motion approved. Motion carried.
3. **Meeting Minutes:** December 17, 2020. Additions/Corrections: NONE. Motion to approve minutes by Roy McIntyre. Seconded by Jim Mladek. Motion approved. Motion carried.
4. **Applications:**

ITEM #1: MICHAEL BOOTH & CHRISTINA MATHISON, NEW MARKET, MN, (APPLICANT); CHRISTINA MATHISON, NEW MARKET, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a 20 x 11 deck 35 feet from the Ordinary High Water Level (OWHL) for a proposed dwelling with a walkout basement; Construct a 12 x 16 shed 15 feet from the road Right-Of-Way (ROW); Create impervious surface within the shore impact zone; Total impervious surface coverage of the lot 25.9%; Construct septic drainfield 2 feet from the road ROW and 4 feet from the property lines in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, German Lake a Recreational Development "RD" lake. Property is located at Lot 34, Glen's Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR OHWL, ROAD ROW & PROPERTY LINE SETBACKS, CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE, AND TOTAL IMPERVIOUS SURFACE. APPLICATION WAS TABLED AT THE JUNE 18, 2020 MEETING.**

Jacob Steen and Christina Mathison were present for application. Township: None. DNR: None.

Letters submitted: None

Discussion was held regarding: What is existing and what is proposed. Applicant states that if application not approved there will be more impervious surface than proposed. Discussion of why impervious can't be moved closer to the road – even if existing. Discussion of tabling the application for additional work with Holly Kalbus. Commission finds the Bluff and the Shore Impact Zone more important than where the house is located in relation to abutters.

Motion was made by Jim Mladek to TABLE application. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #2: DEMARS CONSTRUCTION-MAX DEMARS, MANKATO, MN, (APPLICANT); JON & CHERYL KIETZER, MADISON LAKE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct an

attached garage and home addition 10 feet and 14 feet from the road Right-Of-Way (ROW) and construct a 14 x 40 in-ground pool and fence 8 feet from the road Right-Of-Way (ROW), and a total of 37.8 % impervious surface coverage on the lot in a Recreational Residential "RR" Shoreland District, Lake Washington a Recreational Development "RD" Lake. Property is located in Government Lot 3, Section 18, Kasota Township. **VARIANCE IS FOR ROAD ROW SETBACKS AND IMPERVIOUS SURFACE. APPLICATION WAS TABLED AT THE NOVEMBER 19, 2020 MEETING.**

Max Demars was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to approve the application.

Discussion was held regarding how the salt water pool would be drained. Pool would not be drained. Would have water year-round. If needed would be pumped into a truck. Would water freeze in winter? Pool cover needs the support of the water and so if it freezes cover rests there.

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner. **If pool is drained it must be done so as to protect the environment.***
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. **Being that the road in front of the property is counted as impervious surface.***
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 application. Conditions: None. Seconded by Roy McIntyre. Motion approved. Motion carried.

ITEM #3: CHAD GRISIM, 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), 55 feet from the Ordinary High Water Level (OHWL), and a total of 32.3% impervious surface coverage on the lot in a Recreational Residential "RR" Shoreland District, and Flood Fringe "FF" Floodplain Overlay District on Lake Jefferson a Recreational Development "RD" lake. Property is located at Lot 12, Edgewater Terrace, Section 3, Cleveland Township. **VARIANCE IS FOR ROAD ROW & OHWL SETBACKS AND IMPERVIOUS SURFACE. APPLICATION WAS TABLED AT THE DECEMBER 17, 2020 MEETING.**

Chad Grisim was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to approve the application with a condition to install rain barrels for all of the downspouts located on the house.

Discussion was held regarding current impervious surface relative to the reduction. Confirmation that applicant will arrange and install rain barrels to help reduce runoff.

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner. **Needs to control rain runoff***
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. **Project will improve the property.***
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 application. Condition: Install rain barrels for all of the downspouts located on the house. Seconded Jim Mladek. Motion approved. Motion carried.

ITEM #4: BRENDA HENNECK SCHOLL, ST PETER, MN, (APPLICANT/TOWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow two water-oriented accessory structures (detached deck and boathouse); Boathouse size 616 square feet, height 14 feet in a Recreational Residential “RR” Shoreland District, Lake Washington a Recreational Development “RD” lake. Property is located at Lot 7, Da Mar Estates, Section 6 & 7, Washington Township. **VARIANCE IS FOR TWO WATER-ORIENTED ACCESSORY STRUCTURES**

Brenda Henneck Scholl was present for application and states that the deck is needed for a physically impaired resident to access the shoreline. Boathouse is being repaired not replaced. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to approve the application.

Discussion was held regarding. none

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner. **Best management practices along lakeshore are appreciated.***
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 Roy McIntyre to APPROVE application. Conditions: NONE. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #5: DERRICK & STAPHANIE LEDVINA, CLEVELAND, MN, (APPLICANT); RICK LEDVINA, WAUSAUKEE, WI, (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) with an addition 17 feet from the road ROW and 8 feet from the bluff in a Recreational Residential “RR” Shoreland District, Lake Jefferson, Recreational Development “RD” lake. Property is located at Lot 4, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE, ROAD ROW & BLUFF SETBACKS.**

DERRICK LEDVINA was present for application. Township: None. DNR: None.

Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to table the application as the applicant is proposing to enlarge a structure which will be closer to the bluff. Additionally, the applicant is proposing to add a 300 square foot paver patio and a retaining wall east of the deck which is adjacent to the bluff. The bluff should

be protected to prevent future erosion and runoff issues especially if the landowner is currently experiencing some erosion and runoff issues on the lot. If you choose not to table the application I recommend the following condition: 1. Plant deep rooted Minnesota native vegetation landscaping areas next to the current structure and proposed structure to help slow down stormwater and to help prevent erosion and runoff.

Discussion was held regarding: The letter from Holly Kalbus and the expansion closer to the bluff. Paver patio near the bluff. Applicant volunteered to remove paver patio request in order move the home variance forward. Trying to do too much within the constraints. May have outgrown this property. Nothing should be within 30 feet of the bluff – certainly nothing new. Need to work to reduce the variance request.

Motion was made by John Wolf to TABLE application. Seconded by Jim Mladeck. Motion approved. Motion carried.

ITEM #6: MICHAEL & CAROL BERTRAND, ST PETER, MN, (APPLICANT\OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to replace a dwelling on an existing basement with an addition and attached garage 22 feet from the bluff and 21 feet from the road ROW; Construct a 12 x 20 deck 18 feet from the bluff in a “Recreational Residential “RR” Shoreland District and a Flood Fringe “FF” Floodplain Overlay District, Lake Washington a Recreational Development “RD” lake. Property is located at Lot 22, Block 4, Connors Point, Section 17, Washington Township. **VARIANCE IS FOR ROAD ROW & BLUFF SETBACKS.**

MICHAEL BERTRAND was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist, stating her recommendation to approve the application.

Discussion was held regarding: none

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. **Protect the bluff***
7. *The Variance is consistent with the Comprehensive Plan.*

Motion was made by John Wolf to APPROVE application. Conditions: None. Seconded by Roy McIntyre. Motion approved. Motion carried.

5. **Discussion Items:** Training on 1/27 at 1:00 pm and participation is in person or virtual.
6. **Warrants/Claims:** Sign warrants/claim sheets
7. **Adjourn:** Motion to adjourn meeting by Colin Harris. Seconded by Roy McIntyre. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Molly Just
Consultant Planner

Tape of meeting is on file in the

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