

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

2-18-21

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 Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.
3. **Meeting Minutes:** January 21, 2021 Additions/Corrections: None. Motion to APPROVE minutes by John Wolf. Seconded by Jim Mladek. Motion approved. Motion carried.
4. **Applications:**

ITEM #1: HENRI VALIUKAS, WOODBURY, MN, (APPLICANT); REDROCK PROPERTIES, LLC, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to relocate 80 square-foot shed 3 feet from the dwelling, 5 feet from the South property line, 4 feet from the proposed detached garage and 67 feet from the Ordinary High Water Level (OHWL); Construct a detached garage 18 feet from the road Right-Of-Way (ROW) and 79 feet from the OHWL; and total impervious surface coverage on the lot of 30.6% in a Recreational Residential "RR" Shoreland District and Flood Fringe "FF" Floodplain Overlay District, Lake Jefferson a Recreational Development "RD" District. Property is located at Lot 10, Geldner's Unrecorded Plat, Section 6, Elysian Township. **VARIANCE IS FOR OHWL, PROPERTY LINE, STRUCTURE, ROAD ROW SETBACKS, AND IMPERVIOUS COVERAGE.**

Henri Valiukas was present for application. Township: None DNR: Discourages zoning decisions that would make an already non-conforming property even more non-conforming.. Letters submitted: Holly Kalbus and Geldner's Addition Association of Lake Jefferson letter and resolution of support.

Letter from Holly Kalbus.

Description: Variance request to allow the applicant to relocate 80 square-foot shed 3 feet from the dwelling, 5 feet from the South property line, 4 feet from the proposed detached garage and 67 feet from the Ordinary High Water Level (OHWL); Construct a detached garage 18 feet from the road Right-Of-Way (ROW) and 79 feet from the OHWL; and total impervious surface coverage on the lot of 30.6% in a Recreational Residential "RR" Shoreland District and Flood Fringe "FF" Floodplain Overlay District, Lake Jefferson a Recreational Development "RD" District.

Recommendation: It would be my recommendation approve application. The applicant is proposing to construct a detached garage and relocate the shed; both will be located outside of the Shore Impact Zone. Additionally, the applicant is proposing to reduce some impervious surface on the lot, specifically, the gravel driveway and a sidewalk.

No additional impervious surface will be located within the Shore Impact Zone. The applicant will also be removing 121.5 square feet, or 1.6% impervious surface from the Shore Impact Zone.

Geldner's Addition Association of Lake Jefferson

The Geldner's Addition Association Variance Committee was created in 2008 to assist and advise the Board of Adjustment should there be a neighbor disagreement with any recorded Owner's request for a Variance from your Board, or if said Variance could have impact on the traffic flow of Geldner Lane, enacting Resolution attached hereto.

The Variance Committee has seen Mr. Valiukus's Site Plan, attached hereto, and no objections have been raised. In addition, personal telephone conversations with the adjoining neighbors, Mr. Adam Thompson and Angela Jenkins, have revealed absolutely no opposition to Mr. Valiukus's Variance Request. Therefore the Variance Committee is of unanimous opinion that Mr. Valiukus's Request for Variance for OHWM, Property Line, Structure & Road ROW Setbacks is reasonable and should be granted.

Thank you for your consideration in this Recommendation. Sincerely, David Tripp, Chair, Geldner's Addition Association Variance Committee 24324 Geldner Lane, Cleveland (1317 Broadway Avenue S., Sauk Rapids, MN. 56379) William John, President, Geldner's Addition Association Geldner's Addition Association Variance Committee Members

Discussion was held regarding Impervious surface being removed and condition of trees in the project area.

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 Jim Mladek to APPROVE application. Conditions: NONE. Seconded by Roy McIntyre. Motion approved. Motion carried.

ITEM #2: MIKE JIRIK, NEW MARKET, MN, (APPLICANT); DALE & JANET GARVICK, 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 36' wide x 12' and 17' deep attached deck 85 feet from the Ordinary High Water Level (OHWL); in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, Lake Jefferson a Recreational Development "RD" lake. Property is located at Lot 16, Jefferson Heights Subdivision, Section 6, Elysian Township. **VARIANCE IS FOR OHWL.**

Mike Jirik was present for application. Township: None. DNR: Discourages zoning decisions that would make an already non-conforming property even more non-conforming. Letters submitted: Holly Kalbus

Letter from Holly Kalbus. Description: Variance request to allow the applicant to construct a 36' wide x 12' and 17' deep attached deck 85 feet from the Ordinary High Water Level (OHWL); in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, Lake Jefferson a Recreational Development "RD" lake.

Recommendation: It would be my recommendation to approve application. The existing deck was failing and unsafe to utilize; therefore, it needs to be replaced. Additionally, the applicant is proposing to construct a deck that will be smaller in size than the existing

deck. The proposed deck will not be closer to the OWHL, is located outside of the Shore Impact Zone, and the total amount of impervious surface for the lot will be decreased.

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

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

5. **Discussion Items:** None

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

7. **Adjourn:** Motion to adjourn meeting by McIntyre. Seconded by Harris. Motion APPROVED. Motion carried. Meeting Adjourned.

Respectfully submitted,

Molly Just

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