

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

February 18, 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 the agenda by Roy McIntyre Seconded by John Wolf. Motion approved. Motion carried.
3. **Meeting Minutes:** January 21, 2021 Additions/Corrections: None. Motion to approve the minutes by Roy McIntyre. 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" lake. 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: No response. DNR: Email-Discourages zoning decisions that would make an already non-conforming property even more non-conforming.

Letters submitted: Holly Kalbus, Environmental Resource Specialist.

Geldner's Addition Association of Lake Jefferson letter and resolution of support.

Discussion was held regarding removing impervious surface (sidewalk) in the shore impact zone 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 Colin Harris to approve the application as written. 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 (OWHL); 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: No response.

DNR: Email-Discourages zoning decisions of expansions of non-conformities.

Letters submitted: Holly Kalbus, Environmental Resource Specialist

Discussion was held regarding: Rebuilding the deck that was removed, originally the deck was not built from treated lumber.

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 as written. 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 Roy McIntyre. Seconded by Colin Harris. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Molly Just, Consultant Planner

Revised-Michelle R. Mettler

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