

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

March 18, 2021

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

MEMBERS ABSENT: None

OTHERS PRESENT: Michelle Mettler

1. **Call to Order** at 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: Corrections numbering, postponed application #4. Motion to approve the agenda by Jim Mladek. Seconded by Roy McIntyre. Motion approved. Motion carried.
3. **Meeting Minutes:** February 18, 2021 Additions/Corrections: No details. Motion to table minutes by John Wolf to update the minutes to include details from the meeting. 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; and 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 is 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. APPLICATION WAS TABLED AT THE JANUARY 21, 2021 MEETING.**

Christina Mathison and Michael Booth present for application.

Township: No response.

DNR: No Response.

Letters submitted: Holly Kalbus, Environmental Resource Specialist.

Discussion was held regarding the following: After the January meeting met with Holly and made accommodations and reduced the footprint. Preserve the bluff and hill, so it does not erode from the runoff from the house. Silt fence for erosion control. Additional excavation will have silt fence. After moving house out of shore impact zone will be putting in retaining walls. Storm water from rain gutters will drain away from the lake. Apply for a Conditional Use Permit, erosion control plan will be a part of the conditional use and zoning permit. Limit the size of deck and patio to what is stated in the application.

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: Limit the size of the deck and patio to what is proposed in the plan, 20 x 11 deck & 13 x 39 patio. Seconded by Roy McIntyre. Motion approved. Motion carried.

ITEM #2: DERRICK & STEPHANIE 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 12 feet from the bluff in a Recreational Residential "RR" Shoreland District, Lake Jefferson is a 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. APPLICATION WAS TABLED AT THE JANUARY 21, 2021 MEETING.**

Derrick Ledvina was present for application.

Township: None. DNR: None.

Letters submitted: Holly Kalbus, Environmental Resource Specialist.

Discussion was held regarding January 21st meeting, most of the construction will stay within the existing footprint of the detached garage, concern about the bluff, moved back the construction of the house further away from the garage, pulled back patio away from the bluff and put in a planted buffer, worked out construction plans, porch is not planned to be replaced, neighbor's septic is close to the property line on that side, concern of how close to the bluff on the south side, 12 feet to the bluff, house on a very small lot, trying to expand, not necessary to have 3-car garage on a lot so small, extension was for the stairwell between the house and dwelling addition, too much on a small lot, paver patio too close, have one patio already covered by the deck, need to protect the bluff, patio had sand that was washing the sand out, adding paver and pea rock was meant to keep the sand in place, bluff preservation.

Findings of Fact by majority roll call vote:

1. *The property owner does not propose to use the property in a reasonable manner. **Too close to the bluff, too much on a small lot, not practical, can be dangerous, in time will deteriorate the property.***
2. *The circumstances causing the practical difficulty was not created by someone other than the applicant/landowner. **Issues were there when he purchased the property.***
3. *The issuance of the Variance will not maintain the essential character of the locality. **Way too close to the bluff, too much on a small lot, endangering bluff and ravine.***
4. *The Variance is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
5. *The Variance is not consistent with the Comprehensive Plan. **Objective is to protect and not overburden the property.***

Motion was made by Roy McIntyre to deny the application. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #3: JAMES ARENTSON, MANKATO, MN, (APPLICANT); PAUL & JULIA HILFER, 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 53 feet from the road Right-Of-Way (ROW), reduced lot size of a nonconforming lot, and total impervious surface

coverage on the nonconforming lot of 34.8% in a Recreational Residential "RR" Shoreland District, Lake Washington is a Recreational Development "RD" lake. Property is located at Lot 9, 23, 10 & 22, Linder Bay Subdivision, Section 17, Washington Township. **VARIANCE IS FOR NONCONFORMING LOT SIZE, IMPERVIOUS SURFACE & ROW SETBACKS.**

Paul Hilfer and James Arentson present for the application.

Site was not staked. Automatic table until the site is staked.

Motion was made by Jim Mladek to table the application. Seconded by John Wolf. Motion approved. Motion carried. Have the site staked before the next meeting.

ITEM #4: **POSTPONED***CHAD & SUNNI NEEGAARD, WALDORF, MN, (APPLICANT & OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a shed 5 feet from the side property line and construct a 14' x 14' parking pad in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, Lake Tetonka a Recreational Development "RD" lake. Property is located at Lot 3, Section 19, Waterville Township. **VARIANCE IS FOR STRUCTURE SETBACK & PARKING.**

ITEM #5: M.S. EXCAVATING INC., NEW PRAGUE, MN, (APPLICANT); DAVID & CAROL ORR, MONTGOMERY, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a septic tank 120 feet, a septic pump tank 126 feet, and a septic absorption area 78 feet from the Ordinary High Water Level (OWHL); in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, Lake Pepin is a Natural Environment "NE" lake. Property is located at Lot 12, Benson Subdivision, Section 28, Lanesburgh Township. **VARIANCE IS FOR OHWL.**

Mike Skluzacek, M.S. Excavating was present for the application.

Township: None.

DNR: None. Letters submitted: None.

Discussion was held regarding currently a nonconforming septic system, only area on the lot for the septic system.

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner. **To get the septic upgraded, in compliance.***
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. Conditions: None. Seconded by Roy McIntyre. Motion approved. Motion carried.

ITEM #6: BRIDGET & NICK HERMER, MADISON LAKE, 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 11 feet from the bluff; in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, Lake Washington is a Recreational Development "RD" lake. Property is located at Lot 23, Connors Pt

Subdivision, Section 18, Washington Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE & BLUFF SETBACKS.**

Nick & Bridget Hermer present for the application.

Township: None.

DNR: None.

Letters submitted: Holly Kalbus, Environmental Resource Specialist.

Discussion was held regarding screen porch, concern about protecting the bluff, getting closer to the bluff end up causing problems, plan is to attach to the existing foundation and footing in place that can be already used, design was made to use that footing, won't be necessary to disturb the bluff, changes close to the bluff can run into trouble with rain and runoff, will be taking all of stones out of bluff impact zone, proposal will not direct water toward the lake, taking out impervious surface, screen porch near the kitchen area, will be able to sit on porch as age, 5 feet closer to the bluff, cantilever over, moving closer, won't be disturbing-will cantilever over, move water away from the lake, setback is from the closest point of the structure, currently 16 feet from the bluff, proposing to be 11 feet, cantilever over the existing impervious surface, issue is with the bluff and adding to it, changes and disturbances to the bluff with structures takes a lot to protect the bluff from eroding, will have silt fence, concerned about the lake, trying not to build an enormous house that can age in, screen porch in the entertainment area of the house, worked with the county to come up with a good plan, DNR and Ordinance both promote to protect the bluff, issue with building 5 feet closer to the bluff, no erosion on the lot now, already have a footing there, overhang 5 feet closer to 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.*
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 table the application. Seconded by Colin Harris. Motion approved. Motion carried.

5. **Discussion Items:** Staff letters.

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

7. **Adjourn:** Motion to adjourn meeting by Colin Harris. Seconded by John Wolf. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler