

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

April 22, 2021

MEMBERS PRESENT: Colin Harris, Jim Mladek, John Wolf, Roy McIntyre
MEMBERS ABSENT: Jeanne Dohoney
OTHERS PRESENT: Michelle Mettler

1. **Call to Order** at 3:00 p.m. by Vice Chairperson Colin Harris
2. **Agenda:** Additions/Corrections: Correction-Hauge packet-disregard email. Motion to approve agenda by Roy McIntyre. Seconded by Jim Mladek. Motion approved. Motion carried.
3. **Meeting Minutes: February 18, 2021** Additions/Corrections: None. Motion to approve minutes by Roy McIntyre. Seconded by Jim Mladek. Motion approved. Motion carried.
4. **Meeting Minutes: March 18, 2021** Additions/Corrections: None. Motion to approve minutes by Roy McIntyre. Seconded by John Wolf. Motion approved. Motion carried.
5. **Applications:**

ITEM #1: 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 a reduced parking area; Replace/repair an existing deck and porch 7 feet from the property line and 31 feet from the Ordinary High Water Level (OHWL); Construct a shed 5 feet from the property line, 14 feet from the road Right-Of-Way (ROW), and 70 feet from the OHWL 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 in Government Lot 3, Section 19, Waterville Township. **VARIANCE IS FOR PROPERTY LINE, ROAD ROW, & OHWL SETBACKS, & PARKING AREA. APPLICATION WAS POSTPONED FROM THE MARCH 18, 2021 MEETING.**

Chad & Sunni Neegaard were present for application. Township: No response. DNR: No response. Letters submitted: None.

No additional discussion was held.

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 Jim Mladek. Motion approved. Motion carried.

ITEM #2: 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 of 37.8% of the lot in a Recreational Residential "RR" Shoreland District, Lake Washington, a Recreational Development "RD" lake. Property is located at Lots 9, 10, 22, & 23, Linder Bay Subdivision, Section 17, Washington Township. **VARIANCE IS FOR ROAD ROW SETBACK, NONCONFORMING LOT SIZE & IMPERVIOUS SURFACE. APPLICATION WAS TABLED AT THE MARCH 18, 2021 MEETING.**

Paul & Julia Hilfer, James Arentson were present for application. Township: No response. DNR: No response. Letters submitted: Holly Kalbus, Environmental Resource Specialist.

No additional discussion was held.

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 approve application. Conditions: None. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #3: 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 16 feet from the bluff in a Recreational Residential "RR" Shoreland District, Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 23, Connors Point Subdivision, Section 18, Washington Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE & BLUFF SETBACK. APPLICATION WAS TABLED AT THE MARCH 18, 2021 MEETING.**

Nick & Bridget Hermer were present for application. Township: No response. DNR: No response. Letters submitted: None.

Discussion was held regarding minimal impact on the lot, proposal no closer to the bluff than the existing structure, removes impervious surface from the shore impact zone, practical difficulty because house was built into the bluff. Plan water management, use rain barrels, move the water away from 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 John Wolf to approve application. Conditions: None. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #4: RUSTY TIEDE, LE CENTER, MN, (APPLICANT); RUSTY & NANCY TIEDE REVOCABLE TRUST, LE CENTER, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a grain bin 48 feet from the road Right-Of-Way (ROW) in an Agriculture "A" District. Property is located in the SW 1/4, Section 27, Derrynane Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

Rusty Tiede was present for application. Township: No response. DNR: No response. Letters submitted: None.

No additional discussion was held.

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 approve application. Conditions: None. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #5: MATHEW & ANDREA HAUGE, NEW ULM, 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; Construct a dwelling addition 7 feet from the west property line & 22 feet from the road Right-Of-Way (ROW); Total impervious surface coverage of 31.04 % of the lot in a Recreational Residential "RR" Shoreland District, German Lake, a Recreational Development "RD" lake. Property is located at Lot 22, Block 1, Stavenau's Beach, Section 9, Elysian Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE, PROPERTY LINE & ROAD ROW SETBACKS, & IMPERVIOUS SURFACE.**

Andrea Hauge was present for application. Township: No response. DNR: No response. Letters submitted: None.

No additional discussion was held.

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 Roy McIntyre. Motion approved. Motion carried.

ITEM #6: 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 16 feet from the bluff and 17 feet from the road Right-Of-Way (ROW) in a Recreational Residential “RR” Shoreland District, Lake Jefferson a Recreational Development “RD” lake. Property is located at Lot 4, Block 1, Cape Horn, Section 1, Cleveland Township. **VARIANCE IS FOR BLUFF & ROAD ROW SETBACKS, & ENLARGING A NONCONFORMING STRUCTURE.**

Derrick Ledvina, and Jerod Cook, attorney for applicant, were present for application. Township: No response. DNR: No response. Letters submitted: None.

Discussion was held regarding the previous proposal board expressed concerns about the proposal to expand the structure toward bluff, and previous proposal was to expand the paver patio closer to the bluff. Current proposal is more limited than before, paver patio no longer part of the proposal, working with Environmental Services, Land Alteration Plan has been approved to take the portion of the lot along the bluff and add sod and deep-rooted bushes to make sure the water runoff is being addressed and preventing erosion. Current proposal is not to expand the current structure, expansion is to fill in space between cabin and detached garage and add additional living space on the second floor. Impervious surface will be over existing impervious surface shouldn't add any impact to the bluff or to environmental impact than what the current structure is. Reasonable way to address issues, not moving closer to bluff. Existing structure built prior to purchase, minimal way to add living space to property and not impact the bluff, consistent with ordinance and comp plan. Taken steps to minimize impact. Sufficient sewage disposal on the property, holding tank. Michelle Mettler clarification on site plan between garage and well impervious surface not indicated on site plan, site visit noted gravel surfaced area south side of the house. Noted in staff report total impervious surface of the lot reduced from 22.4% to 21.4%, patio near bluff no longer part of application, applicant has proposed to plant deep-rooted native vegetation adjacent to the structure after construction complete, additional efforts and all measures to protect the bluff and lake. Clarify area noted is south side of the driveway and garage. Area where boats and trailers were sitting needs to be changed during construction. Shore up during construction or it will all wash out to bluff. Reconstruct area to secure runoff from property, add vegetation. Derrick Ledvina-plan is to remove that, temporary, make grass and yard area, rock with grass growing through, area tore up when septic was put in, plan to add grass and bushes and green space after construction. Take care of area after construction, parking trailers/boats in that area putting pressure on the bluff, needs to be properly taken care of after finished with construction. Need to follow up with vegetation to keep bluff together

Findings of Fact by majority roll call vote:

1. *The property owner proposes to use the property in a reasonable manner. Using the property in the most reasonable manner. Modifications are good. Plans to take care of area south of driveway and garage to make sure the bluff is protected.*
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. Condition: Take care of area on the south side by the bluff, after construction is complete, plant deep-rooted native vegetation adjacent to the bluff and grasses on the side of the garage and along bluff. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #7: SCHMAHL CONSTRUCTION LLC, ELYSIAN, MN, (APPLICANT); PHYLLIS MARTINSON, ELYSIAN, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to enlarge a nonconforming structure for height 25 feet from the bluff in a Recreational Residential “RR” District, German Lake, a

Recreational Development "RD" lake. Property is located at Lot 20, Stavenau's Beach, Section 9, Elysian Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE & BLUFF SETBACK.**

Garrett Schmahl, Schmahl Construction, was present for application. Township: No response. DNR: No response. Letters submitted: None.

No additional discussion was held.

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 Roy McIntyre. Motion approved. Motion carried.

ITEM #8: SOLAR CONNECTION INC, ROCHESTER, MN, (APPLICANT); JOE & CHRISTINE CHRISTENSON, WATERVILLE, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow an existing dwelling 20 feet from the property line in an Agriculture "A" District and a Mineral Resources "MR" Overlay District. Property is located in the NW 1/4 NW 1/4, Section 22, Waterville Township. **VARIANCE IS FOR PROPERTY LINE SETBACK.**

Joe & Christy Christenson, Timothy Clancy were present for application. Township: No response. DNR: No response. Letters submitted: None.

Discussion was held regarding purchased the house with the property line and house where it is now. Proposed solar will not be closer to the property line than the house is currently. Michelle Mettler clarify-previously was an issue with the property line, corrected property line was moved over, solar is roof-mount only will not extend further than the roof of the house.

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 approve application. Conditions: Roof-mount only. Seconded by Jim Mladek. Motion approved. Motion carried.

6. **Discussion Items:** None.
7. **Warrants/Claims:** Sign warrants/claim sheets
8. **Adjourn:** Motion to adjourn meeting by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

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

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