

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

August 19, 2021

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

MEMBERS ABSENT: Colin Harris

OTHERS PRESENT: Aaron Stubbs

1. **Call to Order:** 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: NONE.
3. **Minutes:** **July 15, 2021**, Additions/Corrections: NONE.
Motion to approve minutes by JOHN WOLF. Seconded by ROY MCINTYRE.
MOTION APPROVED. MOTION CARRIED.

4. Applications:

ITEM #1: ROLAND & LINDA CONNORS, EAGAN, 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 to construct a dwelling addition 46.9' feet from the Ordinary High Water Level (OHWL) to the West, 10.7' from the side property line, and 10.7' 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 46, Tomahawk Point, Section 4, Washington Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE, ROAD ROW AND OWHL SETBACKS.**

CHRIS CONNORS was present for application.

TOWNSHIP: Notified. Response: None

DNR: Notified. Response: None

PUBLIC CORRESPONDENCE: None

PUBLIC COMMENT: None

Discussion was held regarding: **Explanation of the need for the variance:** The applicant's representative stated the house needed to be expanded to better accommodate the needs of his parents. He also stated that if the addition were to be built on the end, it would not match the interior layout. **Removal of trees:** The applicant stated that the two trees closest to the house would need to be removed during construction.

FINDINGS BY MAJORITY VOTE:

1. *The property owner is proposing to use the property in a reasonable manner.*
 - a. *If the addition were added onto the end of the structure it would increase the amount of impervious surface versus building in an area already covered by a deck.*
2. *The alleged Practical Difficulty is unique to the property.*

3. *The circumstances creating the Practical Difficulty were created by someone other than the 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 Zoning Ordinance.*
 - a. *Would like to see rain gutters as recommended by staff or rain gardens to filter the water before it goes towards the lake.*
7. *The Variance is consistent with the Comprehensive Plan.*

Motion was made by JIM MLADEK to approve the application with the conditions proposed in the staff report.

Second by JOHN WOLF. MOTION APPROVED. MOTION CARRIED.

ITEM #2: UNIQUE DESIGNS CONSTRUCTION, MANKATO, MN, (APPLICANT); ANDREW JOHNSON, MANKATO, 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 to construct a dwelling addition, 21 feet from the bluff, 87 feet from the Ordinary High Water Level, and 64 feet from the road Right-Of-Way (ROW); Lot size; and 34.2% total impervious surface coverage on a lot in a Recreational Residential "RR" Shoreland District, Lake Washington a Recreational Development "RD" lake. Property is located at Lot 20, Schmitts Plat #1, Section 18, Kasota Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE, BLUFF, ROAD ROW, & OHWL SETBACKS, LOT SIZE, & IMPERVIOUS SURFACE.**

JEREMY MERSETH was present for application.

- Mr. Merseth stated that he had worked with the property owner on several different options before applying for the variance. He stated that the location of the grinder pump and the nearby bluff made it difficult to meet the required setbacks. He also stated that using a detached garage left an open area to help address impervious surface concerns.

TOWNSHIP: Notified. Response: None

DNR: Notified. Response: None

PUBLIC CORRESPONDENCE: Letter from the LWIA in support of the request.

PUBLIC COMMENT: None

Discussion was held regarding: **Concerns with impacts to the bluff:** The applicant stated that there are existing tiles that run in the bluff so no additional tiles would need to be dug into the bluff. Mr. Merseth stated the new gutters would tie into the existing drainage system. **Bluff Stabilization:** The applicant stated that he and the homeowner are currently working with Environmental Services to identify native plants that would help anchor the soils on the bluff. If the variance were approved, they would develop and implement a plan with the assistance of Environmental Services. **Existing Erosion:** The applicant was asked about existing erosion issues on the southeastern side of the structure. Mr. Merseth stated that he had not seen that area but would add it to the proposed plan to ensure it is addressed. **Incorporating an attached versus a detached garage:** The applicant was asked about selecting a detached garage instead of an attached garage. Mr. Merseth stated that is they had attached the garage, the Zoning Ordinance would have required different setbacks and size restrictions. **Temporary Storage Shed:** The applicant was asked about the temporary shed on the property. Mr. Merseth stated it was for storage of materials and would be removed at the conclusion of the project.

FINDINGS BY MAJORITY VOTE:

1. *The property owner is proposing to use the property in a reasonable manner.*
 - a. *If all conditions are followed.*
 - b. *If the bluff is protected and conditions are followed.*
2. *The alleged Practical Difficulty is unique to the property.*
3. *The circumstances creating the Practical Difficulty were created by someone other than the landowner.*
4. *The issuance of the Variance will maintain the essential character of the locality.*
 - a. *If all conditions are followed.*
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 Zoning Ordinance.*
 - a. *If all conditions are met.*
 - b. *Condition related to erosion on SE side needs to be noted.*
7. *The Variance is consistent with the Comprehensive Plan.*
 - a. *If all conditions are met.*

Motion was made by ROY MCINTYRE to approve the application with the proposed conditions in the staff report and with the additional conditions that the erosion issue on the southeastern side of the house be addressed as a part of this project and the temporary shed being used for the storage of materials be removed at the conclusion of the project.

Second by JOHN WOLF. MOTION APPROVED. MOTION CARRIED.

5. Discussion Items:

- Two applications on the September BOA Agenda.

6. Warrants/Claim-signatures:

7. Adjournment:

**Motion to adjourn meeting by JOHN WOLF. Second by ROY MCINTYRE.
Motion approved. Motion carried.**

Respectfully submitted,

Aaron Stubbs

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