

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

September 16, 2021

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

MEMBERS ABSENT: None

OTHERS PRESENT: Aaron Stubbs

1. **Call to Order:** 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda: September 16, 2021**, Additions/Corrections: NONE.
Motion to approve the agenda by JOHN WOLF. Seconded by ROY MCINTYRE.
MOTION APPROVED. MOTION CARRIED.
3. **Minutes: August 19, 2021**, Additions/Corrections: NONE.
Motion to approve minutes by ROY MCINTYRE. Seconded by JIM MLADEK.
MOTION APPROVED. MOTION CARRIED.

4. Applications:

ITEM #1: NIKKI & DAVE RASK, COTTAGE GROVE, MN, (APPLICANT/OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a holding tank 1 foot from the deck, 6 feet from the shed, and 48 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" Shoreland District, Lake Tetonka a Recreational Development "RD" lake, a Flood Fringe "FF" Floodplain Overlay District, and a Mineral Resources Overlay District. Property is located at Lots 5 & 6, Raedeke's Lake Tetonka Subdivision No. 1, Section 20, Waterville Township. **VARIANCE IS FOR STRUCTURE AND OHWL SETBACKS.**

DAVE RASK was present for application.

TOWNSHIP: Notified. Response: None

DNR: Notified. Response: None

PUBLIC CORRESPONDENCE: None

PUBLIC COMMENT: None

Discussion was held regarding: **Tank Placement:** The proposed location was selected based on the plumber's recommendation and the interior layout of the home. **Avoiding the Shore Impact Zone:** There is a concern with allowing work in the Shore Impact Zone, it should be avoided when possible.

FINDINGS BY MAJORITY VOTE:

1. *The property owner is proposing to use the property in a reasonable manner.*
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. ***This request would have no impact on the essential character of the neighborhood.***
5. *The alleged Practical Difficulty involves more than economic considerations.*
 - a. ***This request would facilitate bringing the septic system into compliance.***
 - b. ***It is important that the septic system be brought into compliance.***
6. *The Variance is consistent with and supported by the Statement of Purposes, Policies, Goals and Objectives in the Zoning Ordinance.*
 - a. ***Would've like to have seen more thought be given to relocating the tank outside of the Shore Impact Zone.***
7. *The Variance is consistent with the Comprehensive Plan.*
 - a. ***Will bring the system into compliance.***
 - b. ***Primary goal is to protect the water so there is a concern with the tank being located in the Shore Impact Zone.***

Motion was made by COLIN HARRIS to APPROVE the application with the conditions proposed in the staff report.

Second by JOHN WOLF. MOTION APPROVED. MOTION CARRIED.

ITEM #2: DANIEL & JOLENE CHRISTENSEN, MADISON LAKE, MN,(APPLICANT/OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling with a walkout basement 20 feet from the bluff (West), 24 feet from the bluff (North), 28 feet from the road Right-Of-Way (ROW); and 87 feet from the Ordinary High Water Level (OHWL) in a Recreational Residential "RR" Shoreland District, Lake Jefferson a Recreational Development "RD" lake. Property is located at Lot 11, Block 1, Biehn's Southview, Section 4, Washington Township. **VARIANCE IS FOR BLUFF, ROAD, AND OHWL SETBACKS.**

DAN CHRISTENSEN was present for application.

TOWNSHIP: Notified. Response: None

DNR: Notified. Response: None

PUBLIC CORRESPONDENCE: None.

PUBLIC COMMENT: None

Discussion was held regarding: **The Onsite Survey Stakes:** Chairperson Doheny stated the survey stakes are not consistent with others that have been reviewed in the past. The applicant stated that the Lot was staked by the surveyor as requested by staff. Chairperson Doheny stated

that these stakes did not call out corners of the structure, bluff line, or required setbacks. These stakes were numbered and no key was provided to determine what each stake was representing. Member Wolf stated the bluff lines were not marked either. Mr. Christensen stated that the surveyor followed direction from County staff. Chairperson Doheny stated that because the stakes did not show the pertinent information, it was the same as if the Lot was not staked at all. Member Harris stated that the staking of the property is not consistent with previous projects done by Bolton and Menk. The applicant discussed the process that he used to plat this land previously and asked why he needed to provide an additional survey.

Jolene Christensen stated that it is her understanding that Bolton and Menk staked based on recommendations of County staff. Chairperson Doheny stated that Bolton and Menk has surveyed several other projects within the County and are aware of what is required to be shown. It was also stated that the item would have to be tabled, pending the property being properly staked.

Dan Christensen asked how long it would take for this item to be acted on. Chairperson Doheny stated they could come back to the October 21st Board of Adjustment meeting or request a Special Meeting. Discussion was held on the cost of a Special Meeting.

Staff asked the applicants if the surveyor supplied a key for the stakes. The applicants stated that the surveyor was working directly with staff, and staff should have received everything from Bolton and Menk.

Mr. Christensen explained his process on platting this location and how the rules have changed. Members of the Board of Adjustment stated that even though the area was platted under previous rules, all structures would be required to meet the rules during the time a permit is requested.

Member Harris stated that this Board has never seen Bolton and Menk stake a property in this manner. Member Wolf stated that the top of bluff has to be staked for the Board to be able to review the request.

Motion was made by JIM MLADEK to TABLE the application until the property has been staked in a manner that allows the Board to properly review the request.

Second by ROY MCINTYRE. MOTION APPROVED. MOTION CARRIED.

5. Discussion Items:

- At least three applications on the October 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*