

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

October 12, 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:** **October 12, 2021**, Additions/Corrections: NONE.
Motion to approve the agenda by JOHN WOLF. Seconded by ROY MCINTYRE.
MOTION APPROVED. MOTION CARRIED.
3. **Minutes:** NONE.
4. **Applications:**
**ITEM #1: 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: **Walk-out basement:** The applicants were asked if they were going to have a walk-out basement and if so, how much excavation would be required. Mr. Christensen referred to the building plans and stated that due to the existing topography of the Lot, there would be no need to excavate

any more than 4 feet so the first floor would be even with the road. **Existing platform and steps for lake access:** The Board of Adjustment expressed a concern with the condition of the platform overlooking the bluff and the steps going down the hillside. They asked the applicant what his future plans were with the steps and platform and if he were willing to remove them from the property. Mr. Christensen stated that those two items were left by the previous landowners. He also stated that they were aware of the deteriorating conditions and had no desire to try and repair or replace the platform. He did say that the steps were their only means of accessing the lake so those would be repaired or replaced at a later date. **Property boundaries:** The applicants were asked how far does the property extend beyond the bluff lines. Mr. Christensen stated that the property was much larger than it looks while onsite. He explained that the property extends well beyond the hill side and includes a neighboring pond and wetland area to the east. **Rain Gardens:** The original proposal called for a rain garden; however, a staff review stated that rain gardens may not be placed in the Bluff Impact Zone so there may not be adequate space to include the rain garden on the east or north sides of the house. The applicants stated that they plan to use native vegetation to disperse water and plans to use the area between the house and the Bluff Impact Zone for rain gardens. The Board of Adjustment asked the applicants to continue working with staff to determine and develop the best BMP for this property.

FINDINGS BY MAJORITY VOTE:

1. *The property owner is proposing to use the property in a reasonable manner.*
 - a. *The request for a variance to facilitate the construction of the house is reasonable but the platform needs to be removed.*
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. *The applicant must take into consideration managing stormwater and the runoff potential.*
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. *Continue to work with staff to determine and develop appropriate BMP for this location.*
7. *The Variance is consistent with the Comprehensive Plan.*

Motion was made by JOHN WOLF to APPROVE the application with the conditions proposed in the staff report and the following conditions:

- 1.) **The applicants shall continue to work with staff to determine and develop the most appropriate stormwater BMP for this location.**
- 2.) **The applicants shall remove the platform located at the top of the northern bluff and shall repair the steps so a safety concern no longer exists.**

Second by ROY MCINTYRE. MOTION APPROVED. MOTION CARRIED.

5. **Discussion Items:**

- None.

6. **Warrants/Claim-signatures:**

7. **Adjournment:**
Motion to adjourn meeting by ROY MCINTYRE. Second by COLIN HARRIS.
Motion approved. Motion carried.

Respectfully submitted,

Aaron Stubbs

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

DRAFT