

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

July 18, 2019

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

MEMBERS ABSENT: Roy McIntyre

OTHERS PRESENT: Joshua Mankowski

1. **Call to Order** at 3:00 by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections None. Motion to approve agenda by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried.
3. **Meeting Minutes:** June 20, 2019 Additions/Corrections; Under Item # 3: Dianne Miller, Lonsdale, MN delete duplicate "that" in the last line of the second paragraph of the discussion. Motion to approve minutes with corrections by Jim Mladek. Seconded by Colin Harris. Motion approved. Motion carried.
4. **Applications**

ITEM #1: CHARLES & MARY HIRN, CLEVELAND, 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 25 feet from the top of the bluff in a Recreational Residential "RR" District, Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 16, Block 1, Bakersfield Subdivision, Section 13, Kasota Township.

VARIANCE IS FOR BLUFF SETBACK.

Charles & Mary Hirn were present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resource Specialist offering her recommendation for approval with conditions, 1) Install erosion control measures where the proposed impervious surfaces will be removed, and reseed those areas with vegetation.

Discussion was held regarding the area of impervious surface that will be removed as part of the current proposal that will reduce the impervious surface on the lot, a significant amount of which is currently located in the bluff. The changes in deck design from the last proposal were also discussed.

Motion was made by John Wolf to Approve the application with conditions. Conditions: 1) Install erosion control measures where the proposed impervious surfaces will be removed, and reseed those areas with vegetation. Seconded by Jim Mladek. Motion approved. Motion carried.

ITEM #2: JENNIFER & COREY MARBLE, NORTH MANKATO, 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 25 feet from the top of the bluff in a Recreational Residential "RR" District, Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 16, Block 1, Bakersfield Subdivision, Section 13, Kasota Township. **VARIANCE IS FOR BLUFF SETBACK.**

Jennifer & Cory Marble and Patrick Baker were present for the application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resource Specialist offering her recommendation for approval with conditions. 1) The new dwelling is to be constructed no closer than the 30 foot bluff setback that was originally platted for the Bakersfield subdivision.

Discussion was held regarding the requested 25 foot variance and the intent to maintain a 30 foot setback from the bluff. Why the setback request changed from a 30 foot to a 25 foot setback request. When the development was platted, the setback from the bluff was 30-feet and was latter changed to be 50-feet from a bluff with a slope greater than 30%. When situating the house, it was understood that the setback was only measured for that part of the house that was directly above the bluff, not for the portion that is off to the side of the bluff. The correct procedure for measuring a setback was discussed. The applicants' willingness to change their home design/site plan to meet a 30 foot setback instead of the requested 25 foot setback was discussed.

Motion was made by Jim Mladek to Approve the application with a 30 foot setback form the bluff instead of the 25 foot variance being requested. Conditions: None. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #3: ANDREW & CHERI ROHLFING, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to replace an existing deck with a 3-season porch 56 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District, Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 13, Block 1, Jefferson Shores, Section 1, Cleveland Township. **VARIANCE IS FOR ROAD ROW SETBACK.**

Andrew Rohlfing and John Schevelerm were present for the application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resource Specialist offering her recommendation for approval.

Discussion was held regarding overhang on the proposed porch.

Motion was made by Colin Harris to Approve the application as presented. Seconded by John Wolf. Motion approved. Motion carried.

ITEM #4: OTTO & EVELYN JENSEN, JANESVILLE, 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 37 feet and 45 feet from the Ordinary High Water Level (OHWL), 59 feet from the road Right-Of-Way (ROW), 4 feet from an existing holding tank, and within the shore impact zone in a Recreational Residential "RR" District, Lake Frances, a Recreational Development "RD" lake. Property is located at Lots 8 & 9, Auditor's Subdivision, Section 28, Elysian Township. **VARIANCE IS FOR OHWL, ROAD ROW, & HOLDING TANK SETBACKS & WITHIN THE SHORE IMPACT ZONE.**

Otto Jensen and Denny Woelfel were present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resource Specialist offering her recommendation for denial of the application.

Discussion was held regarding that the need to rebuild is due to the storms that went through the Waterville area last year, damaging the original cabin to the point that the insurance company declared it a total loss. Since they are not just repairing the original cabin but instead proposing to construct a new, larger cabin, the County Board resolution waiving fees and allowing

administrative variances does not apply. Holding tank locations and setbacks were discussed. The proposed OHWL setbacks were discussed. Discussion was had about the process for applying for a variance. The letter from Holly Kalbus, Environmental Resources Specialist and the importance of the Shore Impact Zone and why there is a setback from the OHWL were talk about. Weather the applicant wanted the Board to go through the Findings of Fact after their current discussion or if the applicant would like to request the application be tabled was conversed. Denny Woelfel, on behalf of the applicant, requested the application be tabled.

Motion was made by John Wolf to Table the application to allow the applicant to present a different design avoiding the Shore Impact Zone. Seconded by Colin Harris. Motion approved. Motion carried.

5. **Discussion Items:** County Board passed an Interim Zoning Ordinance establishing a moratorium on solar gardens and farms.
6. **Warrants/Claims:** Sign warrants/claim sheets
7. **Adjourn:** Motion to adjourn meeting by Jim Mladek. Seconded by John Wolf. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

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