

LE SUEUR COUNTY BOARD OF ADJUSTMENT

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

June 18, 2020

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

MEMBERS ABSENT: None

OTHERS PRESENT: Michelle R. Mettler

1. **Call to Order** at 3:00 p.m. by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: Item #2 Booth Mathison-Correction-3 feet to property line. Motion to approve agenda by John Wolf. Seconded by Roy McIntyre. Motion approved via roll call vote 5-0. Motion approved. Motion carried.

**Meeting was muted. Reviewed correction to Agenda Item #2.

3. **Meeting Minutes:** May 21, 2020 Additions/Corrections: None. Motion to approve minutes by Roy McIntyre. Seconded by Jim Mladek. Motion approved via roll call vote 5-0. Motion approved. Motion carried.

4. Applications:

ITEM #1: CHARLES STANGLER, ELYSIAN, 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 (dwelling) and construct a 40 x 140 shed on an existing foundation 4 feet from the township road Right-Of-Way (ROW) in an Agriculture "A" District. Property is located in the NE 1/4 SE 1/4, Section 16, Elysian Township. **VARIANCE IS FOR ENLARGING A NON-CONFORMING STRUCTURE AND ROAD ROW SETBACK.**

Charles Stangler was present for application. Township: None. DNR: na. Letters submitted: None.

Discussion was held regarding existing foundation's deteriorated condition, not safe enough to put a building on it, some of the foundation is crumbling. Charles Stangler-Had a company come out to look at it and nothing wrong with putting a building on the foundation (Kokischko Poured Walls). Dad worked for Kopischke's, was looked at a couple of weeks ago, opinion based on experience with cement work and what has seen in the past, but nothing in writing. Discussion to have it looked at by someone else, looks very deteriorated. Charles Stangler-Going to put in 9-inch thick cement-poured wall and some spots its 2-3 feet into ground, attach building to foundation either post anchors or stick frame hammer in anchor bolts. Discussion whether anchor bolts will deteriorate the foundation even more than it already is. Charles Stangler-Proposed structure to be used for cold storage, gravel floor, no power. Timeline for construction-depends on variance and permits and contractor, would like to finish before winter. Discussion to have a concrete expert look at the foundation, should be another opinion and get it in writing. Breezeway and garage also part of the application. Can approve part of the variance request and deny part of the variance request, but cannot table part and approve part. If the variance application is tabled, then the applicant will not need to pay variance fee is again. Get a second opinion in writing, capable of bolts into the foundation to put shed onto it, send to Environmental Services Department. Will be on next meeting agenda since the variance request isn't changing. July 16th meeting agenda.

Motion was made by John Wolf to table the application. Get opinion in writing regarding concrete foundation. Seconded by Roy McIntyre. Motion approved via roll call vote 5-0. Motion approved. Motion carried.

ITEM #2: MICHAEL BOOTH & CHRISTINA MATHISON, NEW MARKET, MN, (APPLICANT); CHRISTINA MATHISON, NEW MARKET, MN, (OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a new basement for an existing dwelling 32 feet from the OHWL, and 3 feet from the property line; Construct a 10 x 20 deck 23 feet from the Ordinary High Water Level (OHWL); Construct an 11 x 16 shed 43 feet from the OHWL; Create impervious

surface within the shore impact zone in a Recreational Residential "RR" Shoreland District and a Flood Fringe "FF" Floodplain Overlay District, German Lake a Recreational Development "RD" lake. Property is located at Lot 34, Glen's Beach Subdivision, Section 4, Elysian Township. **VARIANCE IS FOR OHWL & PROPERTY LINE SETBACKS AND CREATING IMPERVIOUS SURFACE WITHIN THE SHORE IMPACT ZONE.**

Christina Mathison was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus-recommendation to table the application so the applicant can look at alternative locations for basement, deck, and shed outside the shore impact zone. If choose not to take recommendation to table the application then put on condition to deny the variance for deck 23 feet from OHWL and deny the request to construct the shed 43 feet from the OHWL.

Discussion was held regarding: Additional information submitted-shed plans, floor plan from assessor's office file, and letter from applicant's attorney Bryan Huntington. Info just received added to the boards folders, was not in the packets.

New information just received and have not had a chance to review, difference with what Mr. Huntington is stating in letter versus what is on file. Additional time is necessary to do some research. Christina Mathison-trying to replace damaged areas of the house-the basement. Was built in the 50's on cinder block that is crumbling on the inside that is flooding water into the cabin. The deck and shed were already existing, not making any different than the existing. There was a covered porch that was removed and not replacing it, already reducing foot print by removing that porch. Reason talked to attorney didn't understand why you can't replace existing structures. Not proposing to impact shoreline only what was already there. Discussion regarding nonconformities, illegal and legal nonconformities. Section 24 of the Zoning Ordinance-Nonconformities. Checking before purchasing property regarding property and regulations. Staff didn't find any permits for additions on house, (deck or porch), or shed. Christina Mathison-Got information in Mr. Huntington's letter from the seller. The seller had to get permission from the neighbor to build back then. Discussion regarding documentation supporting the previous construction, can do research. Submit info if get anything in writing from seller. Christina Mathison-Intent is to invest in the property, only want to replace what was there except the porch, and restore some of the area from the dwelling to shorefront, feels that not approving the way it is leaving the shoreline is worse than the proposal. Discussion regarding what is proposed and what is allowed, any deviation goes before BOA, if can't meet requirements need to request variance. What is there doesn't mean it was ever allowed to be there, need to find documentation. Need more information to make a decision, see if there is any documentation is available. Need to know if the structure is a legal nonconformity or illegal nonconformity. Need more research and look at next month.

Motion was made by Roy McIntyre to table the application. Allow more time for research. Seconded by Jim Mladek. Motion approved via roll call vote 5-0. Motion approved. Motion carried.

5. **Discussion Items:** Presentation regarding shoreline projects to protect natural resources from Holly Kalbus. Roy McIntyre request address runoff and erosion control and sandbags with Holly for next month's meeting for Item #2.
6. **Warrants/Claims:** Sign warrants/claim sheets
7. **Adjourn:** Motion to adjourn meeting by Colin Harris. Seconded by Roy McIntyre. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

APPROVED JULY 16, 2020

Tape of meeting is on file in the

Le Sueur County Environmental Services Office