

# LE SUEUR COUNTY BOARD OF ADJUSTMENT

## MEETING AGENDA

**Meeting Date:** March 5, 2026

**Time:** 3:00 PM

**Place:** Le Sueur County Government Center (Historic Courthouse)  
88 South Park Ave, Le Center, MN

**Onsite Date:** March 5, 2026

**Onsite Time:** 11:30 AM

**\*\*\*\*Board of Adjustment Members if you CANNOT be at the meeting contact the Environmental Services Department at 357-8538.**

1. Call To Order
2. Agenda: Additions/Corrections/Approval

2.I. 03-05-2026 AGENDA

Documents:

[03-05-2026 AGENDA.PDF](#)

3. Meeting Minutes: Additions/Corrections/Approval

3.I. 01-08.2026 DRAFT Minutes

Documents:

[01-08-2026 DRAFT MINUTES.PDF](#)

4. Applications

4.I. FRANKLIN SCHWARTZ & YVETTE BENSE, KASOTA, MN (APPLICANT/OWNER)

Request the County grant an extension of Variance (#BOA-000533-2024 approved March 6, 2025) from the Le Sueur County Zoning Ordinance for Intensifying the Use of a Nonconforming Structure to accommodate the conversion of an existing attached garage into living space; and to reduce the required setback to the side yard lot line (north) from 10 feet to 5 feet; and, reduce the required setback to the Road Right-of-Way (ROW) from 25 feet to 21 feet to accommodate a 24' X 24' Detached Garage;

and increase the maximum allowed Impervious Surface Coverage on a lot to 46.6% in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" Lake. The subject parcel is Lot 17 of Baker Bay Subdivision, and part of Government Lot 3, Section 12, Kasota Township. **VARIANCE IS FOR INTENSIFYING THE USE OF A NONCONFORMING STRUCTURE, SIDE YARD SETBACK, ROAD ROW SETBACK, AND IMPERVIOUS SURFACE.**

Documents:

[SCHWARTZ PACKET.PDF](#)

4.I.i. \*\*\*WITHDRAWN\*\*\*SCOTT M & KATIE E THOMPSON, MANKATO, MN  
(APPLICANT/OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a Private Road Right-Of-Way (ROW) from 60 feet to 30 feet; and reduce the exempted setback to the Ordinary High Water Level (OHWL) from 58 feet to 52 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 27.54% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of German Lake, a Recreational Development "RD" Lake. The subject property is Lot 32 of Glen's Beach Subdivision in Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK, OHWL SETBACK, AND IMPERVIOUS SURFACE.**

4.I.i.1. AMANDA WILKMAN, HERMOSA BEACH, CA (APPLICANT/OWNER)

Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township road Right-Of-Way from 65 feet to 36 feet; and reduce the exempted setback to a Side Yard lot line from 10 feet to 7 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 25.8% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake. The subject property is Lot 5 of Edgewater Terrace Subdivision in Section 3 of Cleveland Township. **VARIANCE IS FOR ROAD ROW AND SIDE YARD SETBACKS, AND IMPERVIOUS SURFACE.**

Documents:

[WILKMAN\(STROMGEN\) PACKET.PDF](#)

4.I.i.1.1. CHAD ZIEMKE, MANKATO, MN (APPLICANT); DEANNE NELSON,  
MADISON LAKE, MN (OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a Township Road Right-Of-Way (ROW) from 25 feet to 15 feet; and reduce the exempted setback from a side yard lot line (westerly) from 10 feet to 2 feet; and to increase the maximum structure height from 20 feet to 25 feet; and to increase the maximum allowed Impervious Surface coverage on a lot from 25% to 27.9% to accommodate a 28' x 34' detached garage in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" lake. The subject property is Lot 11 of Kennywood Beach Subdivision, Section 18, of Kasota Township. **VARIANCE IS FOR ROAD ROW AND SIDE YARD SETBACKS, STRUCTURE HEIGHT, AND IMPERVIOUS SURFACE.**

Documents:

[NELSON PACKET.PDF](#)

4.1.i.1.2. KEVIN L BUSCHO & JOYCE L BUSCHO, KILKENNY, MN  
(APPLICANT/OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a County Road Right-of-Way (ROW) from 75 feet to 56 feet, and to enlarge a lawful nonconforming structure to accommodate a 25' x 33' dwelling addition in the Agriculture "A" District. The subject property is located in part of the W 1/2 of the SW 1/4, Section 11 of Waterville Township. **VARIANCE IS FOR ROAD ROW SETBACK AND ENLARGING A NONCONFORMING STRUCTURE.**

Documents:

[PACKET - BUSCHO \(VARIANCE\).PDF](#)

4.1.i.2. JAMES & MARILYN KLUNTZ, CLEVELAND, MN (APPLICANT/OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 55 feet; and reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 52 feet; and enlarge a lawful nonconforming structure to accommodate a 16' x 18' dwelling addition, a 20' x 12' deck, and a 4' x 12' front porch in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake. The subject property is Lot 4, Block 2, Kluntz's Lakewood Knoll, Section 1 of Cleveland Township. **VARIANCE IS FOR ROAD ROW SETBACK AND ENLARGING A NONCONFORMING STRUCTURE.**

Documents:

[PACKET - KLUNTZ \(VARIANCE\).PDF](#)

4.1.i.2.1. JAMES A HOEFS, NEW PRAGUE, MN (APPLICANT); JAMES A HOEFS TRUST & DONNA M HOEFS TRUST, NEW PRAGUE, MN (OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing Animal Feedlot to an existing dwelling on an adjacent lot from 1,000 feet to 97 feet; and reduce the required setback between an existing Animal Feedlot to an existing dwelling from 1,000 feet to 775 feet; and reduce the required setback between the structure of an Animal Feedlot to a lot line from 100 feet to 15 feet; and reduce the required setback from an accessory structure to a side yard lot line from 15 feet to 6 feet to accommodate a 115' x 70' barn and a property split and combination to adjust existing lot lines. The subject property is located in the SE 1/4, Section 30 of Lanesburgh Township. **VARIANCE IF FOR FEEDLOT SEPARATION DISTANCE AND LOT LINE SETBACK.**

Documents:

[PACKET - HOEFS \(VARIANCE\).PDF](#)

4.1.i.2.2. JAMES A HOEFS, NEW PRAGUE, MN (APPLICANT); JASON & EMILY HOEFS, NEW PRAGUE, MN (OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing dwelling and an existing Animal Feedlot from 1,000 feet to 97 feet; and reduce the required Lot Depth from 300 feet to 250 feet; and reduce the required Buildable Area from 16,335 square feet to 10,086 square feet to accommodate a property split & combination to adjust existing lot lines. The subject property is located in the NE 1/4 of the SE 1/4, Section 30 of Lanesburgh Township. **VARIANCE IS FOR SEPARATION DISTANCE TO A FEEDLOT, LOT DEPTH, AND BUILDABLE AREA.**

Documents:

[PACKET - HOEFS \(VARIANCE\).PDF](#)

4.1.i.2.3. RICHARD & ANN RYNDA, MONTGOMERY, MN (APPLICANT/OWNER)

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required acreage from 40 acres to 20 acres to accommodate a Temporary Dwelling for farm labor in an Agriculture "A" District. The subject property is located on the E 1/2 of the SE 1/4 of Section 31, of Lanesburgh Township. **VARIANCE IS FOR LOT SIZE.**

Documents:

[PACKET - RYNDA \(VARIANCE\).PDF](#)

5. Discussion Items
6. Warrants/Claims
7. Adjourn

**Board of Adjustment Hearing Procedure:** The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. All questions or comments are to be directed **to the board, not the applicant.** After the public comments the Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.

# AGENDA

## LE SUEUR COUNTY BOARD OF ADJUSTMENT

**MEETING DATE:** MARCH 5, 2026

**TIME:** 3:00 PM

**PLACE:** Le Sueur County Government Center  
88 S. Park Avenue, Le Center, MN 56057  
1<sup>st</sup> Floor, County Commissioner's Boardroom

**VIRTUAL:** Online via Microsoft Teams  
Dial in by phone: 1-469-850-4198  
Meeting ID: 216 544 366 080 56  
Passcode: Sz6bP7YU  
Please contact the Department for information on how to attend virtually.

**ONSITE DATE:** MARCH 5, 2026

**ONSITE TIME:** 11:30 AM

**ALT. DATE:** MARCH 9, 2026 – This alternate date will be used in case of inclement weather or extenuating circumstances which would not allow the Public Hearing to be held on the original date.

**\*\*Board of Adjustment Members if you CANNOT be at the meeting or onsite contact the Department at 357-8538\*\***

1. Call to Order
2. Agenda Additions/Corrections/Approval  
Meeting Minutes JANUARY 8, 2026. Additions/Corrections/Approval
3. Applications

**ITEM #1: FRANKLIN SCHWARTZ & YVETTE BENSE, KASOTA, MN (APPLICANT/OWNER):** Request the County grant an extension of Variance (#BOA-000533-2024 approved March 6, 2025) from the Le Sueur County Zoning Ordinance for Intensifying the Use of a Nonconforming Structure to accommodate the conversion of an existing attached garage into living space; and to reduce the required setback to the side yard lot line (north) from 10 feet to 5 feet; and, reduce the required setback to the Road Right-of-Way (ROW) from 25 feet to 21 feet to accommodate a 24' X 24' Detached Garage; and increase the maximum allowed Impervious Surface Coverage on a lot to 46.6% in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" Lake. The subject parcel is Lot 17 of Baker Bay Subdivision, and part of Government Lot 3, Section 12, Kasota Township. **VARIANCE IS FOR INTENSIFYING THE USE OF A NONCONFORMING STRUCTURE, SIDE YARD SETBACK, ROAD ROW SETBACK, AND IMPERVIOUS SURFACE.**

**ITEM #2: \*\*\*WITHDRAWN\*\*\* SCOTT M & KATIE E THOMPSON, MANKATO, MN (APPLICANT/OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a Private Road Right-Of-Way (ROW) from 60 feet to 30 feet; and reduce the exempted setback to the Ordinary High Water Level (OHWL) from 58 feet to 52 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 27.54% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of German Lake, a Recreational Development "RD" Lake. The subject property is Lot 32 of Glen's Beach Subdivision in Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW SETBACK, OHWL SETBACK, AND IMPERVIOUS SURFACE.**

**ITEM #3: AMANDA WILKMAN, HERMOSA BEACH, CA (APPLICANT/OWNER):** Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township road Right-Of-Way from 65 feet to 36 feet; and reduce the exempted setback to a Side Yard lot line from 10 feet to 7 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 25.8% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake. The subject property is Lot 5 of Edgewater Terrace Subdivision in Section 3 of Cleveland Township. **VARIANCE IS FOR ROAD ROW AND SIDE YARD SETBACKS, AND IMPERVIOUS SURFACE.**

- ITEM #4: CHAD ZIEMKE, MANKATO, MN (APPLICANT); DEANNE NELSON, MADISON LAKE, MN (OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a Township Road Right-Of-Way (ROW) from 25 feet to 15 feet; and reduce the exempted setback from a side yard lot line (westerly) from 10 feet to 2 feet; and to increase the maximum structure height from 20 feet to 25 feet; and to increase the maximum allowed Impervious Surface coverage on a lot from 25% to 27.9% to accommodate a 28' x 34' detached garage in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" lake. The subject property is Lot 11 of Kennywood Beach Subdivision, Section 18, of Kasota Township. **VARIANCE IS FOR ROAD ROW AND SIDE YARD SETBACKS, STRUCTURE HEIGHT, AND IMPERVIOUS SURFACE.**
- ITEM #5: KEVIN L BUSCHO & JOYCE L BUSCHO, KILKENNY, MN (APPLICANT/OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a County Road Right-of-Way (ROW) from 75 feet to 56 feet, and to enlarge a lawful nonconforming structure to accommodate a 25' x 33' dwelling addition in the Agriculture "A" District. The subject property is located in part of the W 1/2 of the SW 1/4, Section 11 of Waterville Township. **VARIANCE IS FOR ROAD ROW SETBACK AND ENLARGING A NONCONFORMING STRUCTURE.**
- ITEM #6: JAMES & MARILYN KLUNTZ, CLEVELAND, MN (APPLICANT/OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 55 feet; and reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 52 feet; and enlarge a lawful nonconforming structure to accommodate a 16' x 18' dwelling addition, a 20' x 12' deck, and a 4' x 12' front porch in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake. The subject property is Lot 4, Block 2, Kluntz's Lakewood Knoll, Section 1 of Cleveland Township. **VARIANCE IS FOR ROAD ROW SETBACK AND ENLARGING A NONCONFORMING STRUCTURE.**
- ITEM #7: JAMES A HOEFS, NEW PRAGUE, MN (APPLICANT); JAMES A HOEFS TRUST & DONNA M HOEFS TRUST, NEW PRAGUE, MN (OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing Animal Feedlot to an existing dwelling on an adjacent lot from 1,000 feet to 97 feet; and reduce the required setback between an existing Animal Feedlot to an existing dwelling from 1,000 feet to 775 feet; and reduce the required setback between the structure of an Animal Feedlot to a lot line from 100 feet to 15 feet; and reduce the required setback from an accessory structure to a side yard lot line from 15 feet to 6 feet to accommodate a 115' x 70' barn and a property split and combination to adjust existing lot lines. The subject property is located in the SE 1/4, Section 30 of Lanesburgh Township. **VARIANCE IF FOR FEEDLOT SEPARATION DISTANCE AND LOT LINE SETBACK.**
- ITEM #8: JAMES A HOEFS, NEW PRAGUE, MN (APPLICANT); JASON & EMILY HOEFS, NEW PRAGUE, MN (OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing dwelling and an existing Animal Feedlot from 1,000 feet to 97 feet; and reduce the required Lot Depth from 300 feet to 250 feet; and reduce the required Buildable Area from 16,335 square feet to 10,086 square feet to accommodate a property split & combination to adjust existing lot lines. The subject property is located in the NE 1/4 of the SE 1/4, Section 30 of Lanesburgh Township. **VARIANCE IS FOR SEPARATION DISTANCE TO A FEEDLOT, LOT DEPTH, AND BUILDABLE AREA.**
- ITEM #9: RICHARD & ANN RYNDA, MONTGOMERY, MN (APPLICANT/OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required acreage from 40 acres to 20 acres to accommodate a Temporary Dwelling for farm labor in an Agriculture "A" District. The subject property is located on the E 1/2 of the SE 1/4 of Section 31, of Lanesburgh Township. **VARIANCE IS FOR LOT SIZE.**

4. Discussion Items
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**LE SUEUR COUNTY BOARD OF ADJUSTMENT**  
**88 SOUTH PARK AVENUE**  
**LE CENTER, MINNESOTA 56057**  
January 8, 2026

**MEMBERS PRESENT:** John Wolf, Jeanne Doheny, and Russel Anderson

**MEMBERS ABSENT:** Jim Mladek and Colin Harris

**OTHERS PRESENT:** Aaron Stubbs and Trevor Rudenick

1. **Call to Order:** Chairperson Jeanne Doheny called the meeting to order at 3:00 pm.

2. **Agenda:** Additions/Corrections: NONE.  
Motion to approve the agenda was made by **JOHN WOLF**.  
Second by **RUSSEL ANDERSON**.  
**MOTION APPROVED. MOTION CARRIED.**

3. **Minutes:** **November 6, 2025** Meeting, Additions/Corrections: NONE.  
Motion to approve the minutes was made by **RUSSEL ANDERSON**.  
Second by **JOHN WOLF**.  
**MOTION APPROVED. MOTION CARRIED.**

4. **Applications:**

**ITEM #1: CHRISTOPHER & BROOKE MOORE, CLEVELAND, MN (APPLICANT/OWNER):**  
Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback to a the Ordinary High Water Level (OHWL) from 100 feet to 55 feet and increase the maximum allowed Impervious Surface coverage on a lot to 36.3% to accommodate a 36' x 16' in-ground pool in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake. The subject property is Lot 10 and part of Lot 9, Beaver Dam Plat of Section 5, Elysian Township.

**VARIANCE IS FOR OHWL SETBACK AND IMPERVIOUS SURFACE. ITEM WAS  
TABLED FROM NOVEMBER 6, 2025 BOARD OF ADJUSTMENT MEETING**

Trevor Rudenick presented the PowerPoint presentation.

Brooke Moore was present for the applicants.

**PUBLIC CORRESPONDENCE:**

A letter of correspondence in opposition of the request received November 5, 2025 was read into the record. In the letter, the neighbor expressed concern with existing stormwater runoff and drainage issues resulting from the existing impervious surface coverage. They were concerned about the addition of more impervious surface. They questioned how the applicants would access the lake if existing stairs were removed, and whether the new access would also be impervious surface.

They believed the applicant should be required to reduce impervious surface on the southerly side of the driveway and capture excess stormwater that flows to their property. They submitted a picture of a rock area next to the driveway that was being parked on. They were concerned with how the pool would be drained and filled, and submitted a copy of a shared well agreement limiting the use to household use.

#### REVIEW OF PROPOSED CONDITIONS:

Mr. Rudenick read each of the proposed conditions from the presentation into the record.

There were no questions or objections from the applicant.

#### INITIAL COMMENTS FROM THE APPLICANT:

Ms. Moore stated they are looking to install a pool for personal use only. She stated she felt it was safer for their kids to swim in than the lake. In regards to the runoff from the driveway, Ms. Moore stated that a Land Alteration Permit from the previous owners addressed the concern. She stated she was not aware that parking on the rocks made the area impervious, and she did not have any issue mitigating it by converting it to pervious. She stated that she believed they were removing enough impervious surface to balance the increase from the pool.

#### INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Chairperson Doheny asked how the applicant would access the lake with the removal of the steps. Ms. Moore stated she would work with her contractor to develop a pervious option when they work on the Zoning Permit. Chairperson Doheny asked if they have considered other options to reduce surface runoff on the property. Ms. Moore stated that she would be willing to work with her contractor to develop options in order to meet the proposed conditions.

PUBLIC COMMENTS: NONE

#### FOLLOW-UP QUESTIONS AND COMMENTS FROM THE BOARD OF ADJUSTMENT:

Member Wolf asked whether the applicant would use pervious pavers for replacing the stairs. Ms. Moore stated that they did not have a plan for that yet. Member Wolf asked staff whether pervious pavers would require a permit. Mr. Rudenick clarified that it would be done with the Zoning Permit, and that the specs for any pervious pavers would need to be reviewed and approved by staff. Chairperson Doheny asked about other impervious removals such as the Water Oriented Accessory Structures as stated in the proposed conditions. Ms. Moore stated that she could remove the lake shed and lake deck. Mr. Rudenick displayed a chart indicating the square footage of impervious that would be removed.

ADDITIONAL PUBLIC COMMENTS: NONE

BOARD OF ADJUSTMENT DISCUSSION: NONE

#### FINDINGS:

- The request is in harmony with the general purpose and intent of the official control. (3-0 in support)*
  - If the applicant meets all proposed conditions- Members Wolf and Anderson in support*
  - Still concerned with impervious surface and runoff to lake. Would like to see it reduced further- Chairperson Doheny in support.*
- The request is consistent with the comprehensive plan. (2-1 in support, Chairperson Doheny in dissent)*
  - If the applicant meets all proposed conditions- Members Wolf and Anderson in support*
  - Still concerned with runoff to lake, more can be done- Chairperson Doheny in dissent*
- The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (3-0 in support)*
  - Still question need for pool if you live on the lake- Chairperson Doheny*

4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (3-0 in support)*
  - *All members adopted proposed findings*
    - *When the lots were originally created, a Zoning Ordinance was not in effect, and therefore no lot size standards existed.*
    - *The septic absorption area is located in the front yard of the property, which restricts the pool from being put in that area.*
    - *Based on the above information, the plight of the landowner was not created by the landowner.*
5. *Whether the variance would alter the essential character of the locality. (3-0 in support)*
  - *All members adopted proposed findings*
    - *The locality is lakeshore residential lots.*
    - *The applicant is proposing to add a pool on the lake side of their house, not visible from the road.*
    - *Pools are a permitted accessory structure for the Recreational Residential zoning that the parcel is current zoned.*
    - *There are accessory structures located similarly in the area.*
    - *Based on the above information, the request would maintain the essential character of the locality.*
6. *Whether the request for the variance involves more than economic considerations. (3-0 in support)*
  - *All members adopted proposed findings*
    - *If approved, the applicant would be able to construct a pool on their property for personal use.*
    - *Based on the above information, the request does involve more than economic considerations.*

**Motion made by JOHN WOLF to recommend Approval of the application with the conditions read into the record from the Powerpoint presentation.**

**Second by RUSSEL ANDERSON.**

**MOTION APPROVED (3-0). MOTION CARRIED.**

**ITEM #2: STEVE & PAULA HAUGDAHL, INVER GROVE HEIGHTS, MN (APPLICANT); PAULA C HAUGDAHL TRUST, ST. PETER, MN (OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback to a side yard lot line (Southerly) from 50 feet to 33 feet to accommodate a Single-Family Dwelling, and reduce the required setback to a side yard lot line (Easterly) from 50 feet to 20 feet to accommodate a 30' x 50' shed in a Conservancy "C" District. The subject property is in the NW 1/4 of the SW 1/4, Section 23, Kasota Township.

**VARIANCE IS FOR SIDE YARD SETBACKS.**

Trevor Rudenick presented the PowerPoint presentation.

Steve and Paula Haugdahl were present for the applicants.

**REVIEW OF PROPOSED CONDITIONS:**

Mr. Rudenick read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

**INITIAL COMMENTS FROM THE APPLICANT:**

Mr. Haugdahl stated that the lot had been created in 2003. He stated he and his wife had always planned to retire to this parcel. Mr. Haugdahl stated that they had designed a house layout last winter, but there was confusion with the surveyor about the Bluff setback. The initial setback shown was 30 feet, when the requirement is 50 feet for undeveloped lots. Mr. Haugdahl stated that after discussion with County staff, the request was changed to reduce the Side Yard setbacks instead of Bluff setbacks for the dwelling and the shed.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Chairperson Doheny asked what the applicants timeline was. Mr. Haugdahl stated they planned to start as soon as road restrictions were off in the spring, and they planned to be done with the structure by the fall of 2026. Chairperson Doheny asked which side of the shed the doors would be on. Mr. Haugdahl presented his shed plan to the Board and explained the main doors would be on the west side of the structure. Chairperson Doheny asked whether there would be a concrete drive up to the shed doors. Mr. Haugdahl stated there would only be a small concrete apron. Mrs. Haugdahl added that there would be tile to move stormwater to the bottom of the Bluff instead of running down it and causing erosion.

PUBLIC CORRESPONDENCE: NONE

PUBLIC COMMENTS: NONE

FOLLOW-UP QUESTIONS AND COMMENTS FROM THE BOARD OF ADJUSTMENT:

Member Wolf thanked the applicant for moving the structures away from the bluff.

ADDITIONAL PUBLIC COMMENTS: NONE

BOARD OF ADJUSTMENT DISCUSSION: NONE

**FINDINGS:**

1. *The request is in harmony with the general purpose and intent of the official control. (3-0 in support)*
  - *All Members adopted proposed findings*
    - *The official controls in the request are the required setback to a side yard lot line.*
    - *The setback from the side yard lot line is to prevent infringement of structures onto neighboring properties.*
    - *For both the shed and dwelling, the neighboring properties are either vacant or have sufficient open space between them and the proposed structures.*
    - *It is unlikely that the proposed structures will cause an impact to neighboring properties.*
2. *The request is consistent with the comprehensive plan. (3-0 in support)*
  - *All Members adopted proposed findings*
    - *The Le Sueur County Comprehensive Plan (adopted in 2007) lists the protection of bluff areas in the Conservancy district in Goal #2, Objective 1.*
    - *The applicant has revised their proposal so all structures and septic system meet the required bluff setback.*
    - *This request appears to be consistent with the Comprehensive Plan.*
3. *The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (3-0 in support)*
  - *All Members adopted proposed findings*
    - *This parcel has never been developed.*
    - *The bluff represents a sensitive characteristic that would require additional consideration during development.*
    - *The applicant has revised their site plan from an earlier plan and moved both of their proposed structures to meet the bluff setbacks and instead is requesting a side yard setback. This is less impactful compared to potential impacts to the sensitive feature of the bluff.*
    - *This request appears to be a reasonable request not permitted by official controls.*

4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (3-0 in support)*
  - *All members adopted proposed findings*
    - *This request is a result of significant bluff areas on a majority of the subject parcel.*
    - *Through discussions with County staff, the request was revised to meet bluff setbacks and instead request a Variance to the side yard.*
    - *Due to the amount of bluff on the property, this request appears to be unique circumstances to the property not created by the landowner.*
    - *Appreciate they revised their plan to consider the bluff setback-Chairperson Doheny in support*
5. *Whether the variance would alter the essential character of the locality. (3-0 in support)*
  - *All members adopted proposed findings*
    - *The subject property has been an undeveloped lot for over sixty years.*
    - *The essential character of the locality is rural, with scattered dwellings and Shoreland Country Club to the south.*
    - *Approving the variance would not alter the essential character of the locality.*
6. *Whether the request for the variance involves more than economic considerations. (3-0 in support)*
  - *All members adopted proposed findings*
    - *This request is related to improved personal use on an existing lot.*
    - *The applicant is proposing to develop this property and build a single-family dwelling for personal use.*
    - *The basis for this request does not appear to be exclusively economic in nature.*

**Motion made by JOHN WOLF to recommend APPROVAL of the application with the conditions proposed in the staff report.**

**Second by RUSSEL ANDERSON.**

**MOTION APPROVED (3-0). MOTION CARRIED.**

**ITEM #3: SEAN MCCASLIN, WATERVILLE, MN (APPLICANT); MCCASLIN PROPERTIES LLC, WATERVILLE, MN (OWNER):** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to expand a nonconforming structure to accommodate a 24' x 32' attached garage and a 15' x 20' attached office in a Recreational Commercial "RC" Shoreland District of Lake Sakatah, a Recreational Development "RD" Lake. The subject property is located in Government Lot 4, Section 23, Waterville Township.

**VARIANCE IS FOR EXPANDING A NONCONFORMING STRUCTURE.**

Trevor Rudenick presented the PowerPoint presentation.

Sean McCaslin was present for the applicant.

**REVIEW OF PROPOSED CONDITIONS:**

Mr. Rudenick read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

**INITIAL COMMENTS FROM THE APPLICANT:**

Mr. McCaslin stated that on September 9, 2025, fire damaged the office, detached garage, and part of the dwelling on the property. He stated that the Variance was due to attaching the structures to the house. He stated the reason for this was to alleviate congestion for vehicles in that area of the campground.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Chairperson Doheny asked what the applicants timeline was. Mr. McCaslin stated he would like to start the next Monday if the variance was approved. Chairperson Doheny asked Mr. Rudenick if the Zoning Permit would be ready that soon. Mr. Rudenick stated that the applicant had submitted the Zoning permit with the Variance application and that it would be ready to issue after Variance approval.

PUBLIC CORRESPONDENCE: NONE

PUBLIC COMMENTS: NONE

FOLLOW-UP QUESTIONS AND COMMENTS FROM THE BOARD OF ADJUSTMENT: NONE

ADDITIONAL PUBLIC COMMENTS: NONE

BOARD OF ADJUSTMENT DISCUSSION: NONE

**FINDINGS:**

1. *The request is in harmony with the general purpose and intent of the official control. (3-0 in support)*
  - *All Members adopted proposed findings*
    - *The official controls in the request are the expansion of a Nonconforming structure.*
    - *The subject property is a conforming lot, and the existing dwelling was built closer to the road Right-of-Way (ROW) than what is allowed under the current standards.*
    - *Whenever nonconforming structures are expanded, a variance is required and steps should be taken to bring the lot into compliance with current regulations. In this request, the applicant is proposing to rebuild a previously detached garage and office as attached onto the existing dwelling. The garage and office were completely destroyed and the house damaged by a fire in September of 2025.*
    - *No part of the project is getting closer to the road ROW than what is currently existing.*
    - *The proposed addition meets required setbacks.*
    - *It appears that the proposed additions would be in harmony with the general purposes and intent of the official controls.*
2. *The request is consistent with the comprehensive plan. (3-0 in support)*
  - *All Members adopted proposed findings*
    - *The Le Sueur County Comprehensive Plan (adopted in 2007) lists the protection of natural resources and improving water quality as two of its goals.*
    - *The proposed dwelling additions will not be getting any closer to the sensitive feature of the lake, and would not add any additional hard-surface and cause runoff issues.*
    - *This request appears to be consistent with the comprehensive plan.*
3. *The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (3-0 in support)*
  - *All Members adopted proposed findings*
    - *This area was originally developed in the 1960's. In that time, there have been no reported issues with the existing dwelling on the campground.*
    - *Attaching the garage and office to the dwelling area will resolve traffic congestion and a parking issue in this area.*
    - *The proposed additions meet the required 100 foot road ROW setback.*
    - *This appears to be a reasonable request not permitted by official controls.*
    - *Improvement to efficiency of movement in the area.-Chairperson Doheny in support.*

4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (3-0 in support)*
  - *All members adopted proposed findings*
    - *This request is a result of changing standards in the County's Zoning Ordinance.*
    - *This area was developed in the 1960's. Since that time, minimum standards have been created or increased for road ROW setbacks. For these reasons the dwelling is considered to be a lawful non-conforming structure.*
    - *This request appear to be due to circumstances unique to the property not created by the landowner.*
5. *Whether the variance would alter the essential character of the locality. (3-0 in support)*
  - *All members adopted proposed findings*
    - *The subject property has been a campground lot for over sixty years.*
    - *The essential character of the locality is residential and commercial. The applicant is proposing to rebuild the two structures but attach to the existing dwelling.*
    - *This appears to maintain the essential character of the locality.*
    - *Improvement to movement in campground- Chairperson Doheny in support*
6. *Whether the request for the variance involves more than economic considerations. (3-0 in support)*
  - *All members adopted proposed findings*
    - *This request is related to improved personal use on an existing Lot.*
    - *The existing structures and dwelling were damaged by fire, and the applicant is looking to rebuild and repair.*
    - *The basis for this request does not appear to be exclusively economic in nature.*

**Motion made by JOHN WOLF to recommend APPROVAL of the application with the conditions proposed in the staff report.**

**Second by RUSSEL ANDERSON.**

**MOTION APPROVED (3-0). MOTION CARRIED.**

**5. B.O.A. Discussion Items:**

- 2026 Board of Adjustment Dates
- Comp Plan Update
  - DRAFT complete
  - Public Hearing with the Planning Commission January 15, 2026
  - Public Hearing with the County Board tentatively scheduled February 17, 2026
- New Planner Position filled – Meghan Bajula-Hagen
- Open Position – Environmental Programs Administrator
  - Posted December 29, 2025

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

**7. Adjournment:**

Motion to adjourn meeting by **JOHN WOLF**.

Second by **RUSSEL ANDERSON**.

**MOTION APPROVED (3-0). MOTION CARRIED.**

The meeting was adjourned by Chairperson Jeanne Doheny at 4:06 pm.

Respectfully submitted,

**Trevor Rudenick**

*Recording of the meeting not available due to technical error with recording device.  
Minutes created from notes taken during meeting.*

DRAFT

# VARIANCE TIME EXTENSION

## STAFF REPORT

### GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT/OWNERS:** Franklin Schwartz and Yvette Bense

**911 ADDRESS:** 1222 Baker Bay Road, Kasota, MN 56050

**VARIANCE REQUEST:** Request the County grant an extension of Variance (#BOA-000533-2024 approved March 6, 2025) from the Le Sueur County Zoning Ordinance for Intensifying the Use of a Nonconforming Structure to accommodate the conversion of an existing attached garage into living space; and to reduce the required setback to the side yard lot line (north) from 10 feet to 5 feet; and, reduce the required setback to the Road Right-of-Way (ROW) from 25 feet to 21 feet to accommodate a 24' X 24' Detached Garage; and increase the maximum allowed Impervious Surface Coverage on a lot to 46.6% in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" Lake.

**VARIANCE NUMBER:** BOA-001105-2026

**PARCEL NUMBER:** 05.440.0170

### SITE INFORMATION

**LOCATION:** The subject parcel is Lot 17 of Baker Bay Subdivision, and part of Government Lot 3, Section 12, Kasota Township.

**ZONING & PURPOSE:** Recreational Residential (RR) District

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protection of the ecological systems of the natural environment.

**GOAL #2:** Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

**Objective 2:** Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

**GENERAL SITE DESCRIPTION:** Platted lake-frontage Lot, Nonconforming Lot

**ACCESS:** Existing access from Baker Bay Road

**LAKE:** Lake Washington, Recreational Development (RD) Lake

**RD LAKE -** Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

**RFPE:** Regulatory Flood Protection Elevation: 985.8      Lowest floor must be at or above RFPE.

## BACKGROUND INFORMATION

The subject parcel is part of a Subdivision Plat (Baker Bay) created in 1957. The Lot is considered Nonconforming due to not meeting the Lot Width, Depth, and Area requirements of the current Zoning Ordinance standards. County records indicate the current dwelling was built approximately in 1970. At the time it was built, it did not meet Ordinance standards. The applicant is proposing to convert the attached garage into living space by adding a bedroom, bathroom, and office space along with replacing a narrow staircase. They are also proposing a new 24'x24' Detached Garage to accommodate for the loss of current garage space. The applicant has discussed water mitigation with staff and will use rain barrels. The applicant has stated that the reason for the extension is due to issues with getting a contractor for the project.

## ATTACHMENTS

Application, Survey (Existing & Proposed Conditions), Building Plans, Aerial Image, & Findings of Fact Form

## FINDINGS

Staff findings per Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

<u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Time Extension:			Section 22, Subdiv. 7.	22-6

## ORDINANCE REVIEW

**ZONING ORDINANCE SECTIONS:** Section 22 - Board of Adjustment

## BOARD OF ADJUSTMENT CONSIDERATIONS

1. Did the applicant and/or landowner submit the time extension request in writing, and was the request submitted at least thirty (30) days prior to the expiration of the original Variance?
2. Has the applicant established a good faith attempt to complete the work permitted in the Variance?

## STAFF REVIEW COMMENTS

1. Variance# BOA-000533-2024 was approved by the Board of Adjustment on March 6, 2025.
2. In the time since the March 2025 approval, the applicant has encountered the following issues:
  - a. The applicant has stated that there were issues in getting a contractor for building the detached garage.
3. A Zoning Permit, approving the construction of this project, has not yet been submitted
4. If approved for the 1-year Time Extension, the project would need to be completed **prior to March 6, 2027**



# TIME EXTENSION

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



<b>Application Date:</b> <u>January 31, 2026</u>	<b>Permit Number:</b> <u>BOA-001105-2026</u>	<b>Fee:</b> <u>\$646.00</u>
<b>60-Day Ruling Date:</b> <u>April 1, 2026</u>	<b>911-Address:</b> <u>1222 Baker Bay Rd, Kasota, MN 56050</u>	
<b>Applicant(s):</b> <u>Franklin Schwartz, Yvette Bense</u>	<b>Landowner(s):</b> <u>Franklin Schwartz, Yvette Bense</u>	
<b>Mailing Address:</b> <u>1222 Baker Bay Road</u>	<b>Mailing Address:</b> <u>1222 Baker Bay Road</u>	
<b>City:</b> <u>Kasota</u>	<b>City:</b> <u>Kasota</u>	
<b>State:</b> <u>MN</u> <b>Zip:</b> <u>56050</u>	<b>State:</b> <u>MN</u> <b>Zip:</b> <u>56050</u>	
<b>Phone:</b> <u>507-363-4372</u>	<b>Phone:</b> <u>507-363-4372</u>	
<b>Email:</b> _____	<b>Email:</b> _____	
<b>Township:</b> <u>Kasota</u>	<b>Parcel No.:</b> <u>05.440.0170</u>	
<b>Section:</b> <u>12</u>	<b>Subdivision:</b> <u>Baker Bay Subdivision</u>	
<b>TWP #:</b> <u>109</u>	<b>Lot #:</b> <u>17</u>	<b>Zoning District:</b> <u>RR</u>
<b>Range#:</b> <u>26</u>	<b>Block#:</b> _____	<b>FEMA Panel #:</b> <u>27079C0 245E</u>
<b>1/4 - 1/4:</b> <u>Govt. Lot 3</u>	<b>Road Type:</b> <u>TWP</u>	<b>Flood Zone:</b> <u>X Outside</u>

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Time Extension, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Time Extension:

Request the County grant an extension of Variance (#BOA-000533-2024 approved March 6, 2025) from the Le Sueur County Zoning Ordinance for Intensifying the Use of a Nonconforming Structure to accommodate the conversion of an existing attached garage into living space; and to reduce the required setback to the side yard lot line (north) from 10 feet to 5 feet; and, reduce the required setback to the Road Right-of-Way (ROW) from 25 feet to 21 feet to accommodate a 24' X 24' Detached Garage; and increase the maximum allowed Impervious Surface Coverage on a lot to 46.6% in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" Lake.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Request:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 \_\_\_\_\_  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
 February 13, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

<b>ON-SITE TOUR DATE:</b> <u>March 5, 2026</u>	<b>ACTION:</b> _____
<b>PUBLIC HEARING DATE:</b> <u>March 5, 2026</u>	_____
	_____
<b>AS WRITTEN</b>	<b>WITH CONDITIONS</b>

\_\_\_\_\_  
 BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
 DATE





# TIME EXTENSION FINDINGS OF FACT



Name of Applicant(s) or Landowner(s): Franklin Schwartz, Yvette Bense

Variance #: BOA-001105-2026

**Variance Request:** Request the County grant an extension of Variance (#BOA-000533-2024 approved March 6, 2025) from the LeSueur County Zoning Ordinance for Intensifying the Use of a Nonconforming Structure to accommodate the conversion of an existing attached garage into living space; and to reduce the required setback to the side yard lot line (north) from 10 feet to 5 feet; and, reduce the required setback to the Road Right-of-Way (ROW) from 25 feet to 21 feet to accommodate a 24' X 24' Detached Garage; and increase the maximum allowed Impervious Surface Coverage on a lot to 46.6% in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" Lake.

- A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.
- B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Did the applicant and/or landowner submit the time extension request in writing, and was the request submitted at least thirty (30) days prior to the expiration of the original Variance?

Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

**Finding:** \_\_\_\_\_  
\_\_\_\_\_

Y      N      2.) Has the applicant established a good faith attempt to complete the work permitted in the Variance?

Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

**Finding:** \_\_\_\_\_  
\_\_\_\_\_

E. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR GRANTING A TIME EXTENSION HAS BEEN ESTABLISHED.

**ACTION:**              APPROVED              DENIED

**CONDITION(S):** \_\_\_\_\_

**APPLICANT'S RESPONSE TO THE CONDITIONS:** \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE



**ENVIRONMENTAL SERVICES**

88 South Park Avenue, Le Center MN 56057

Website: www.lesueurcounty.gov

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)

Le Sueur County  
**ENVIRONMENTAL  
SERVICES**

*Application – Variance Time Extension***I. Applicant:**Name Franklin Schwartz, Yvette BenseMailing Address 1222 baker bay rdCity Kasota State mn Zip 56050Phone # 5073634372 Phone # \_\_\_\_\_**II. Landowner:**Name Franklin Schwartz, Yvette BenseProperty Address 1222 Baker Bay RDCity Kasota State mn Zip 56050Phone # 5073634372 Phone # \_\_\_\_\_**III. Parcel Information:**Parcel Number 05.440.0170 Parcel Acreage \_\_\_\_\_Township Kasota Section \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).***IV. Variance Request:** List requested alternative to development standard(s).Requesting a variance extension of one year.**V. Description of Request:**a. A full written description outlining the need for the Time Extension must be attached.**VI. Quantities and Submittal Formats:**

a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.

b. Electronic version of any supporting documents are preferred, *if available*.

c. Additional copies may be requested as deemed necessary by the Department.

**VII. Fees:**

Time Extension: \$ 600

Filing Fee: \$ 46

**Additional Fees:**

Special Meeting: \$1,500

After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.

After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

# ENVIRONMENTAL SERVICES

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



## Le Sueur County ENVIRONMENTAL SERVICES

### VIII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- a. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- b. All required information must be submitted at the time of application, or the application may not be deemed complete.
- c. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- d. **All fees shall be paid at the time of application.**
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Time Extension at a scheduled Board of Adjustment meeting.
- i. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to determine Time Extension approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- k. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- l. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- m. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

### IX. Acknowledgement:

**I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.**

**If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.**

**By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.**

### X. Signatures:

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

\_\_\_\_\_  
Applicant signature

01/31/2026

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner signature

01/31/2026

\_\_\_\_\_  
Date

To whom it may concern:

A variance extension is being requested from Le Sueur County because the project to convert the existing garage into living space, along with the construction of a new detached garage, has not yet been completed. The primary reason for the delay is that the contractor had prior commitments, which postponed the project start date. Work is now progressing, and the interior of the home is currently in its final stages of completion. The remaining major component—the detached garage—will likely need to be finished in multiple phases due to the project's scope and timing. An additional year on the variance would provide the necessary time to complete all remaining tasks responsibly and in accordance with county requirements.

Thank You

Franklin Schwartz

Yvette Bense



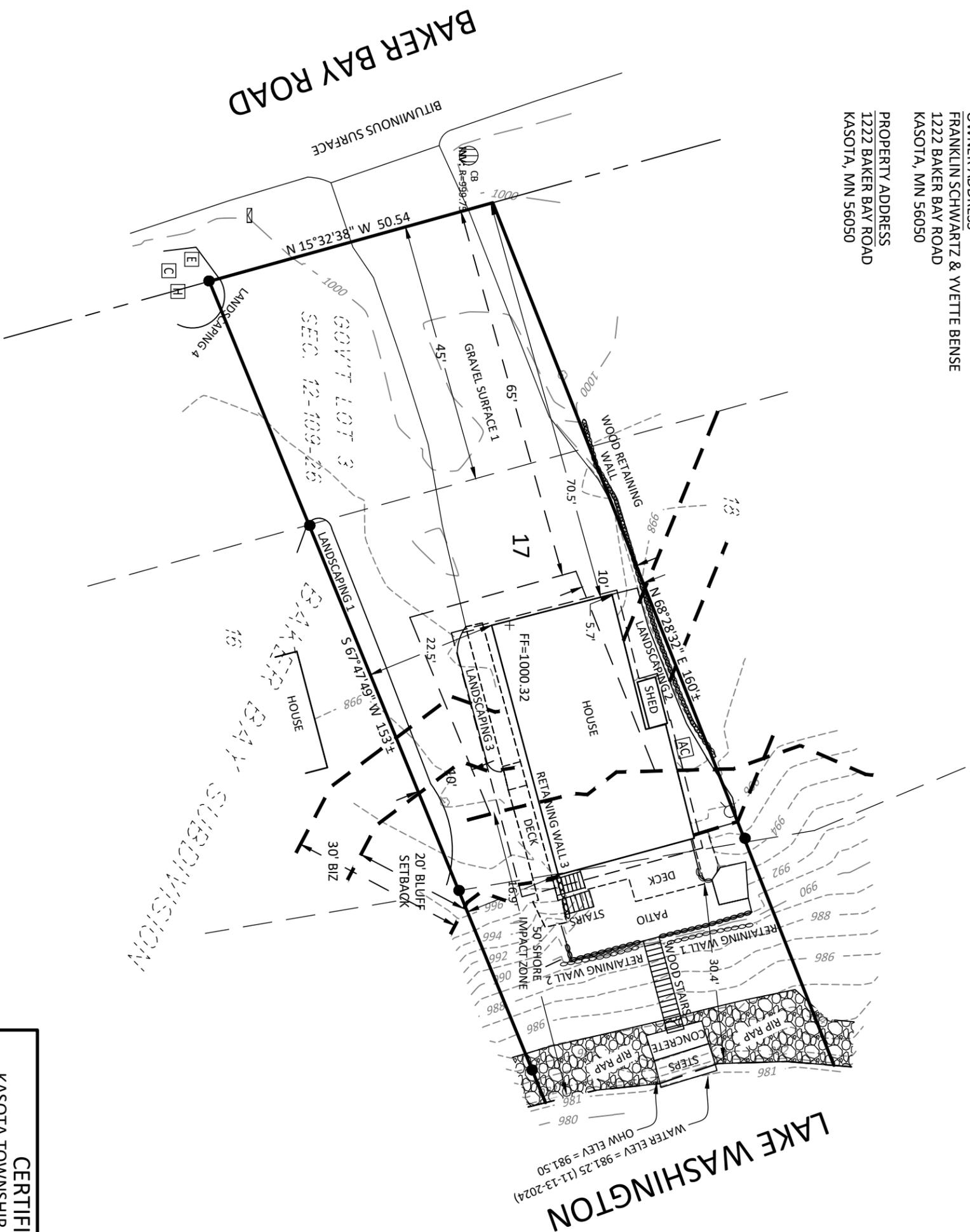
PID 05.440.0170

**OWNER ADDRESS**  
 FRANKLIN SCHWARTZ & YVETTE BENSE  
 1222 BAKER BAY ROAD  
 KASOTA, MN 56050

**PROPERTY ADDRESS**  
 1222 BAKER BAY ROAD  
 KASOTA, MN 56050

**EXISTING CONDITIONS**

<b>TOTAL LOT AREA</b>	4009 SQ. FT (52.6%)
<b>7615 SQ. FT</b>	
<b>EXISTING IMPERVIOUS SURFACES</b>	
HOUSE & SHED W/ OVERHANG	1467 SQ. FT
GRAVEL SURFACE	1646 SQ. FT
DECK W/ STAIRS	132 SQ. FT
PATIO	233 SQ. FT
WOOD STAIRS	47 SQ. FT
CONCRETE	41 SQ. FT
STEPS	48 SQ. FT
LANDSCAPING 1	183 SQ. FT
LANDSCAPING 2	176 SQ. FT
LANDSCAPING 3	0 SQ. FT
LANDSCAPING 4	7 SQ. FT
RETAINING WALL 1	8 SQ. FT
RETAINING WALL 2	7 SQ. FT
WOOD RETAINING WALL	14 SQ. FT
<b>TOTAL</b>	<b>4009 SQ. FT (52.6%)</b>



**LEGEND**

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- ⊕ CATCH BASIN
- ✉ MAILBOX
- PEDESTAL-COMMUNICATION
- PEDESTAL-ELECTRIC
- HANDHOLE
- AIR CONDITIONER
- POLE-UTILITY
- TREE-DECIDUOUS
- TREE-DECIDUOUS
- RETAINING WALL

**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Michael M. Eichers  
 License Number 46564  
 11/14/2024  
 Date



**CERTIFICATE OF SURVEY**  
 KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

**BOLTON & MENK**  
 1960 PREMIER DRIVE  
 MANKATO, MN 56001  
 (507) 625-4171

LOT 17 OF BAKER BAY SUBDIVISION & 45 FEET OF GOV'T LOT 3 OF SECTION 12, TOWNSHIP 109 NORTH, RANGE 26 WEST, KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA  
 FOR: FRANKLIN SCHWARTZ



PID 05.440.0170

OWNER ADDRESS

FRANKLIN SCHWARTZ & YVETTE BENSE  
1222 BAKER BAY ROAD  
KASOTA, MN 56050

PROPERTY ADDRESS  
1222 BAKER BAY ROAD  
KASOTA, MN 56050

PROPOSED CONDITIONS

TOTAL LOT AREA  
7615 SQ.FT

REMOVAL IMPERVIOUS SURFACES

GRAVEL SURFACE 1646 SQ.FT  
TOTAL 1646 SQ.FT (4.6%)

PROPOSED IMPERVIOUS SURFACES

NEW DRIVEWAY 490 SQ.FT  
GARAGE 701 SQ.FT  
TOTAL 1191 SQ.FT (15.6%)

TOTALS

EXISTING - REMOVALS + PROPOSED = TOTAL  
4009 - 1646 + 1191 = 3554 SQ.FT (46.6%)

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- ⊙ CATCH BASIN
- ⊞ MAILBOX
- ⊞ PEDESTAL-COMMUNICATION
- ⊞ PEDESTAL-ELECTRIC
- ⊞ HANDHOLE
- ⊞ AIR CONDITIONER
- ⊞ POLE-UTILITY
- ⊞ TREE-DECIDUOUS
- ⊞ RETAINING WALL

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Michael M. Eichers  
License Number 46564  
Date 11/18/2024

REVISED ORIGINAL SURVEY: 11/22/2024: ADDED EXISTING GARAGE  
CONVERTED TO LIVING SPACE  
11/26/2024: ADDED OVERHANG TO PROPOSED GARAGE  
02/11/2025: REVISED DRAWING (MOVED GARAGE)

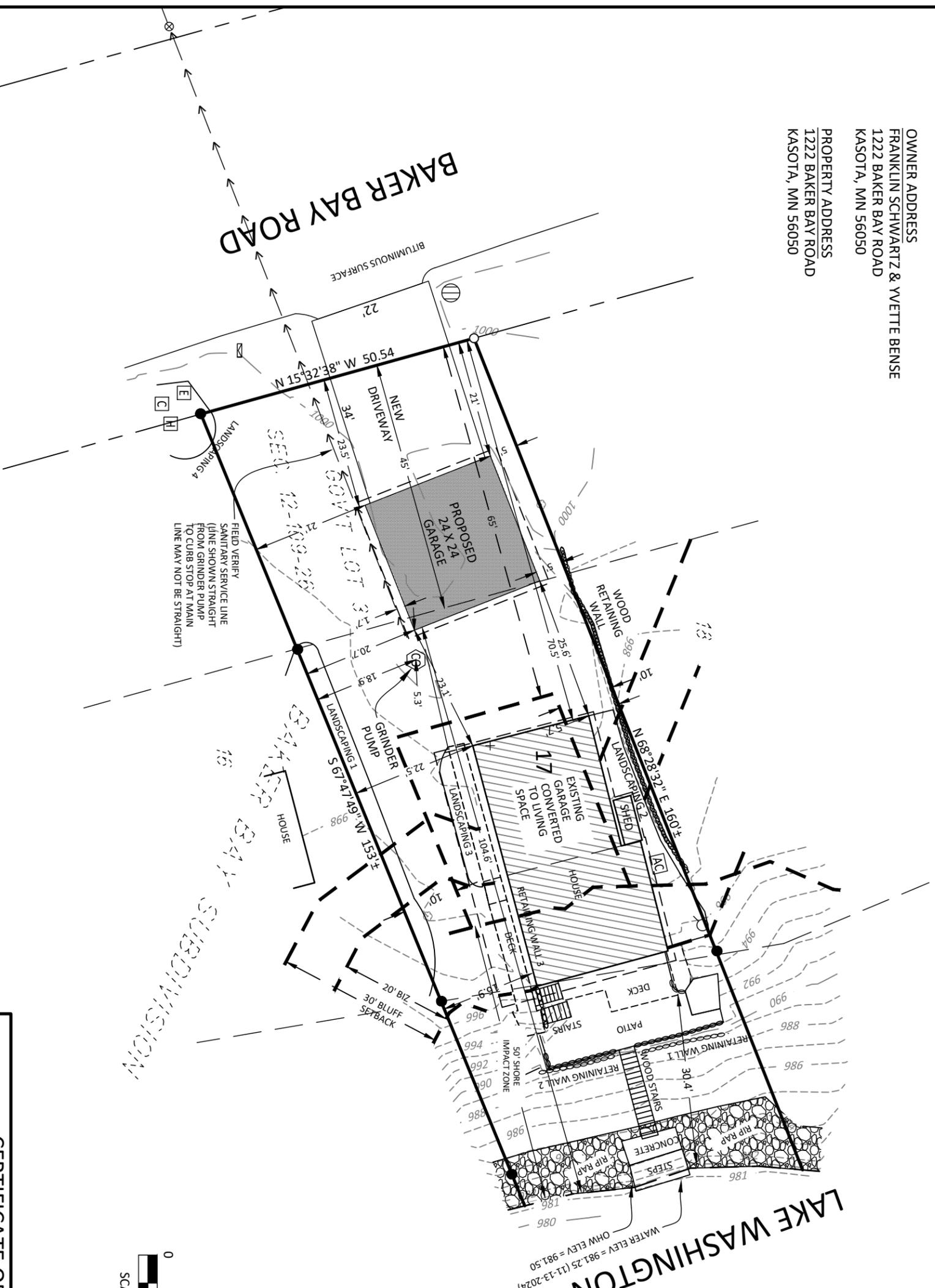
CERTIFICATE OF SURVEY

KASOTA TOWNSHIP, LESUEUR COUNTY, MINNESOTA

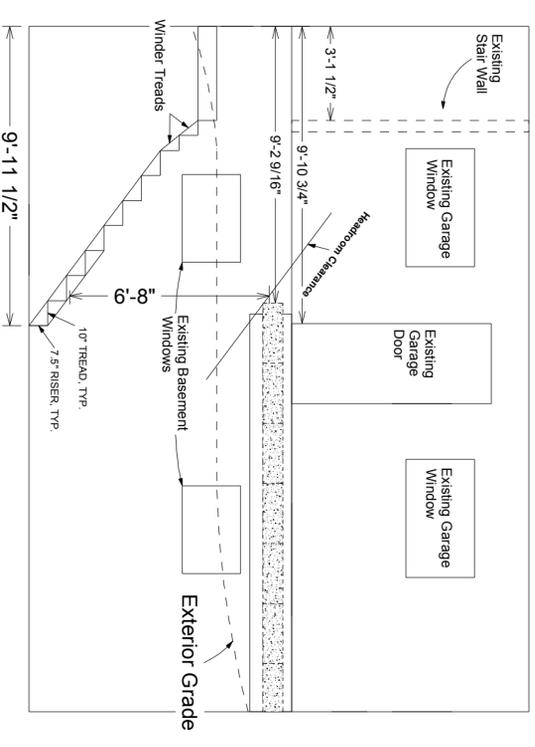
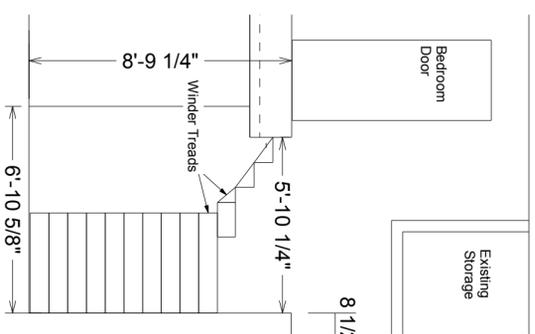
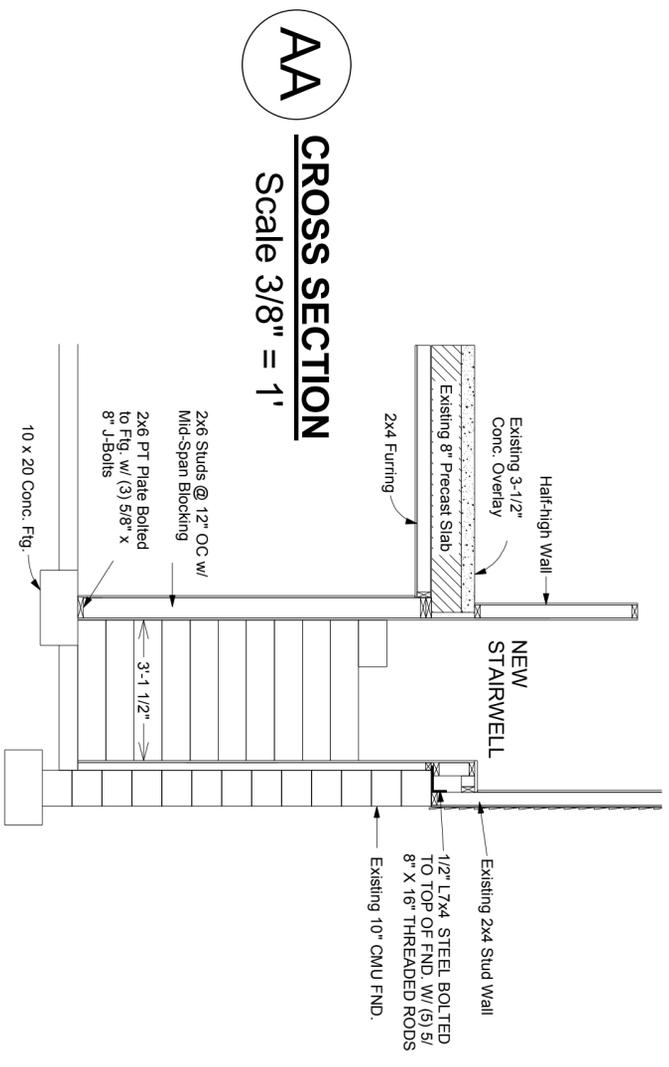
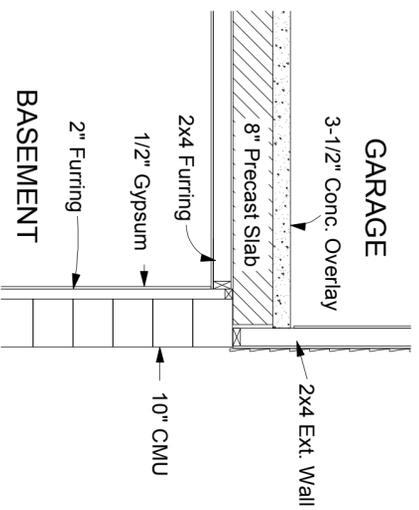
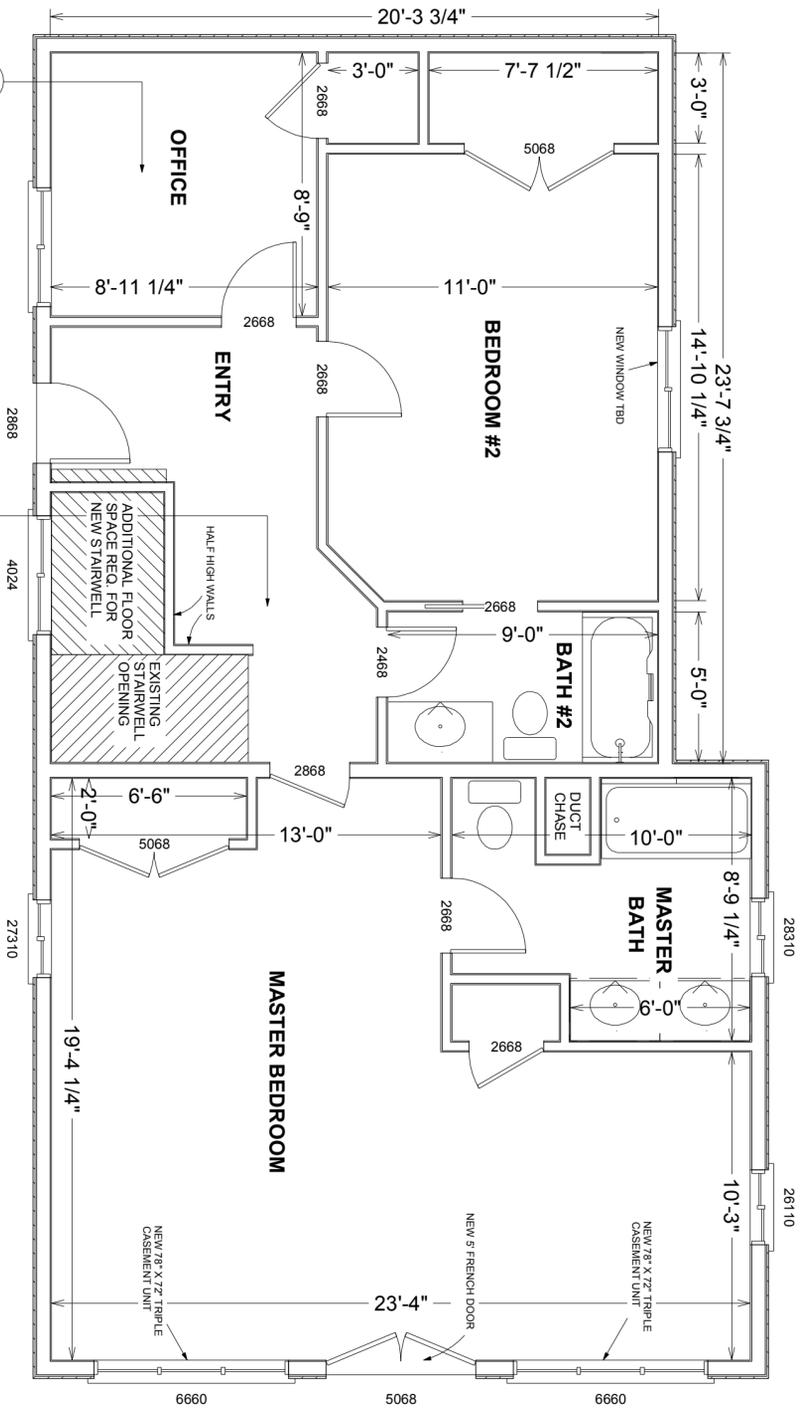


1960 PREMIER DRIVE  
MANKATO, MN 56001  
(507) 625-4171

LOT 17 OF BAKER BAY SUBDIVISION & 45 FEET  
OF GOV'T LOT 3 OF SECTION 12, TOWNSHIP  
109 NORTH, RANGE 26 WEST, KASOTA TOWNSHIP,  
LE SUEUR COUNTY, MINNESOTA  
FOR: FRANKLIN SCHWARTZ



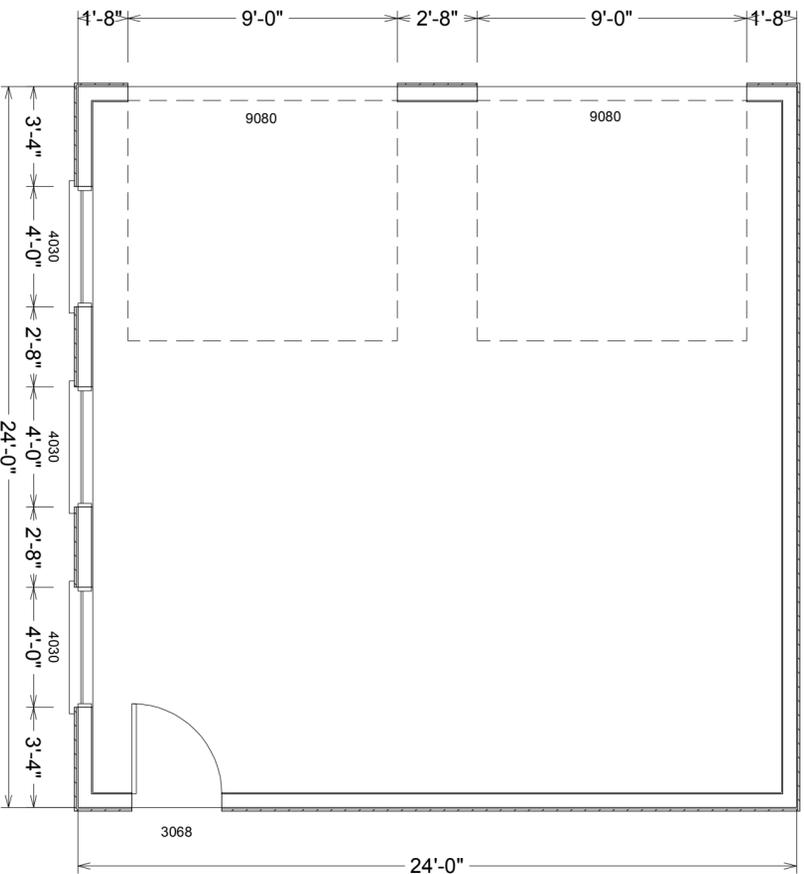




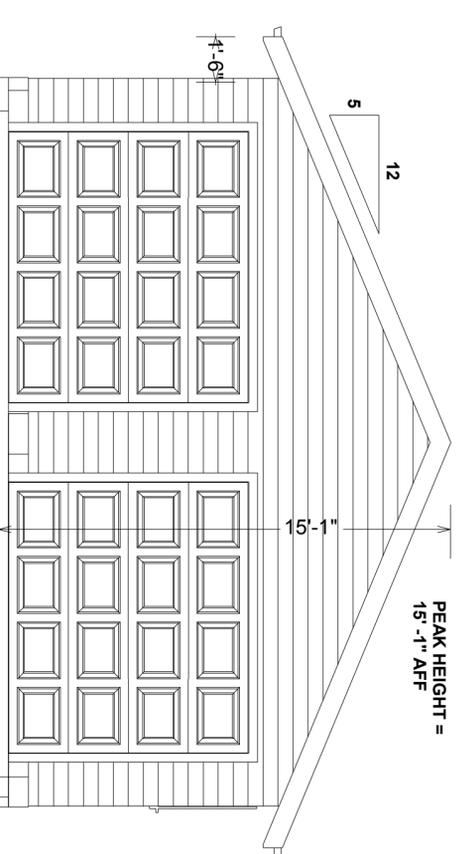
**BB**  
**FOUNDATION WALL TOP**  
Scale 1/2" = 1'

**AA**  
**CROSS SECTION**  
Scale 3/8" = 1'

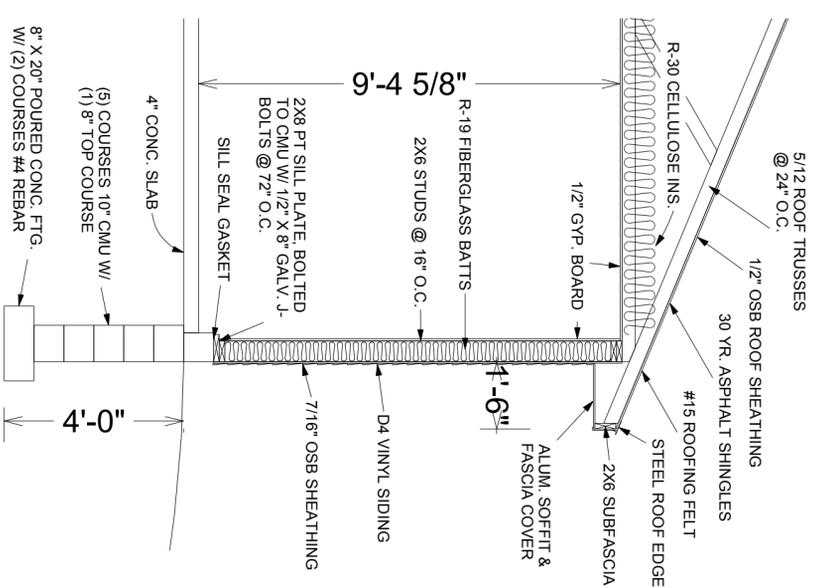
**STAIRCASE ELEVATIONS**  
Scale 1/4" = 1'



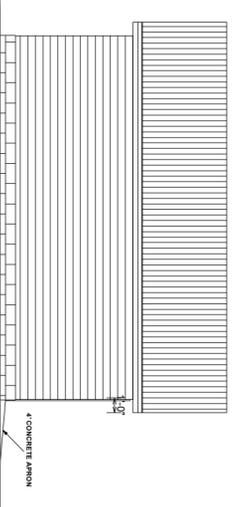
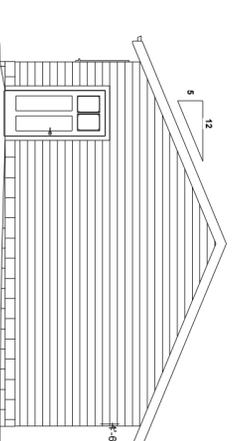
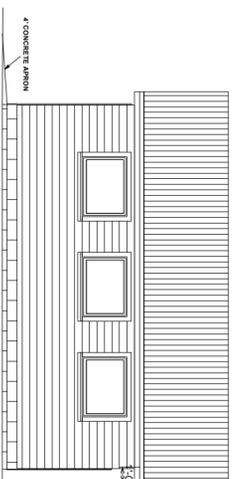
**GARAGE FLOOR PLAN**  
Scale 1/4" = 1'



**FRONT (WEST) ELEVATION**  
Scale 1/4" = 1'



**WALL SECTION**  
Scale 3/8" = 1'



**SIDE & REAR ELEVATIONS**  
Scale 1/8" = 1'

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT/OWNER:** Amanda Wilkman

**911 ADDRESS:** 46525 Evergreen Lane, Cleveland, MN 56017

**VARIANCE REQUEST:** Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township road ROW from 65 feet to 36 feet; and reduce the exempted setback to a Side Yard lot line from 10 feet to 7 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 25.8% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake.

**VARIANCE NUMBER:** BOA-001088-2026

**PARCEL NUMBER:** 01.550.0050

## SITE INFORMATION

**LOCATION:** The subject property is Lot 5 of Edgewater Terrace Subdivision in Section 3, Cleveland Township.

**ZONING & PURPOSE:** Recreational Residential (RR) District

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protection of the ecological systems of the natural environment.

**GOAL #2:** Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

**Objective 2:** Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design

### GENERAL SITE

**DESCRIPTION:** Platted lake-frontage lot, Legal Nonconforming lot

**ACCESS:** Existing access from Evergreen Lane

**LAKE:** Lake Jefferson, a Recreational Development (RD) Lake

**Recreational Development Lake -** Lakes that usually have between sixty (60) and two hundred twenty-five (225) acres of water per mile of shoreline, between three (3) and twenty-five (25) dwellings per mile of shoreline and are more than fifteen (15) feet deep.

**RFPE:** Regulatory Flood Protection Elevation: 1022.1      Lowest floor must be at or above RFPE.

## BACKGROUND INFORMATION

The subject parcel is part of a Subdivision Plat from 1964. County records indicate the subject parcel was developed in 1969 with a building/zoning permit for a mobile home. The residential lot is considered a nonconforming parcel because it does not meet the required Lot Area, Lot Depth, or Lot Width requirements of the current applicable Zoning District. The applicants intend to redevelop the subject parcel by constructing a single-family dwelling with an attached garage. If approved, the variance would allow the new structure to be built with reduced setbacks from the road ROW and side yard. In addition, the maximum allowed Impervious Surface coverage would increase to 25.8%

## ATTACHMENTS

Application, Description of Request, Survey (Existing & Proposed Conditions), Building Plans, LIDAR map, Aerial Image, & Findings of Fact Form

## FINDINGS

Staff findings per Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

- | <u>1. Variance:</u>              | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>              | <u>Page:</u> |
|----------------------------------|-----------------|------------------|--------------------------------|--------------|
| a. Reduce ROW Setback:           | 51 feet         | 65 feet          | Section 13.3, Subdiv. 7. A. 3. | 13-52        |
| b. Reduce Side Yard Setback:     | 7 feet          | 10 feet          | Section 13.3, Subdiv.7. B. 2.  | 13-53        |
| c. Increase Impervious Coverage: | 25.8%           | 25%              | Section 13.3, Subdiv. 7. I. 3. | 13-56        |
- The applicant is requesting the variance to develop the property with a single family dwelling.
  - The subject parcel is a legal nonconforming Lot.

## CONSIDERATIONS

- The following shall be considered at the hearing:
  - There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.

### 2. Additional Considerations:

- The request is to accommodate the development of the subject parcel.

## PRACTICAL DIFFICULTY

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

- Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
- Variances shall only be permitted when the request is consistent with the comprehensive plan.
- Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - The variance, if granted, will not alter the essential character of the locality.
  - Economic considerations alone do not constitute practical difficulties.

## ADDITIONAL REVIEW COMMENTS

1. This request was submitted to the County Water Resource Manager, Holly Bushman, for review. She stated the following: The proposed new dwelling is located outside of the Shore Impact Zone, Bluff Impact Zone, and Bluff. Additionally, the proposal is meeting the required Ordinary High Water Level (OHWL) and Bluff setback. This will help protect the bluff and lake from erosion and runoff. The property is currently under the maximum 25% Impervious Surface coverage on the lot that is allowed. However, the proposed new dwelling would put the total Impervious Surface on the lot to 25.8%. The applicant can meet the 25% Impervious Surface standard for the lot if they reduce 100 square feet of Impervious Surface. This can be done by removing the sidewalk, reducing the driveway to the minimum 14 foot width, reduce size of the porch, reduce the size of the deck, or a combination of these suggestions.
2. This request has been submitted to Alan Gleisner, an Area Hydrologist with the Minnesota Department of Natural Resources. At the time this report was written, no comments were received. More information may be available during the Board of Adjustment hearing.

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official controls in the request are the required setbacks from a Township Road ROW and Side Yard, and increasing the maximum Impervious Surface Coverage.
  - a. **Road ROW Setback: The setback from a road ROW is to ensure safe sight lines and road safety.**
    - The road is a Township road which serves as the main road for the Edgewater Terrace Subdivision. Traffic for this road mainly consists of those that live in and visit the subdivision.
    - The road is relatively straight adjacent to this parcel, and the increased proximity would not cause any sight line issues.
    - Based on the above information, the setback from the dwelling to the road right-of-way will not negatively impact road safety or sight line.
  - b. **Side Yard Setback: The setback to a side yard is to ensure minimal impact to neighboring properties.**
    - There are similarly situated dwellings in the neighborhood.
    - The side yard that is being encroached on is at a higher elevation than the subject parcel, making it unlikely that runoff would flow towards the neighbor.
    - Based on the above information, the setback to the Side Yard lot line setback would not cause a negative impact to the neighboring property.
  - c. **Maximum Impervious Surface Coverage: The Maximum Impervious Surface Coverage is to reduce runoff to the lake and neighboring properties.**
    - The applicant is proposing 25.8% Impervious Surface for the lot.
    - The applicant would be able to meet the 25% Impervious Surface limit with the reduction of 100 square feet.
    - Based on the above information, there are opportunities for the applicant to meet the Impervious Surface Coverage limit.
2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists protecting lakes as one of the goals.
  - The applicant is proposing to construct a dwelling on an undeveloped lot.
  - The proposed distance to the OHWL is further away than neighboring properties.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.
3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing to construct a Single-Family Dwelling.
  - Due to the size of the lot, there is not a viable location for a dwelling without the need for a Variance to the OHWL or Road ROW.
  - Based on the above information, the request is a reasonable use not permitted by the official control.
4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
  - When the lot was originally created, there were no ordinance standards for width, depth, or area.
  - The lot is currently undeveloped. The building envelope for a dwelling is 696 square feet, which would not meet the required 760 square-foot minimum requirement for dwellings.
  - Based on the above information, the plight of the landowner was not created by them.

5. **Will the issuance of the variance maintain the essential character of the locality?**
  - The locality is lakeshore residential lots. The applicant is proposing a dwelling on an undeveloped lot.
  - Based on the above information, the request would maintain the essential character of the locality.
6. **Does the alleged Practical Difficulty involve more than economic considerations?**
  - If approved, the applicant would be able to construct a dwelling, allowing for residential use of the lot and living quarters.
  - Based on the above information, the request does involve more than economic considerations.

<b>PROPOSED CONDITIONS</b>
----------------------------

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the survey (submitted January 30, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, a **Zoning Permit** shall be submitted and issued for the house.
5. *If approved, and prior to the issuance of the permit*, the stormwater plan must be reviewed and approved by County Environmental Services staff.
6. *If approved*, the applicant shall incorporate a reduction of 100 square feet of impervious surface to bring the proposed Impervious Surface to 25%



# VARIANCE

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



Application Date:	<u>January 30, 2026</u>	Permit Number:	<u>BOA-001088-2026</u>	Fee:	<u>\$846.00</u>
60-Day Ruling Date:	<u>March 31, 2026</u>	911-Address:	<u>46525 Evergreen Lane, Cleveland, MN 56017</u>		
Applicant(s):	<u>Amanda Wilkman</u>	Landowner(s):	<u>Amanda Wilkman</u>		
Mailing Address:	<u>546 11th Street, #B</u>		Mailing Address:	<u>546 11th Street, #B</u>	
City:	<u>Hermosa Beach</u>		City:	<u>Hermosa Beach</u>	
State:	<u>CA</u>	Zip:	<u>90254</u>	State:	<u>CA</u>
Phone:	<u>310-251-7825</u>		Phone:	<u>310-251-7825</u>	
Email:	_____		Email:	_____	

Township:	<u>Cleveland</u>	Parcel No.:	<u>01.550.0050</u>		
Section:	<u>3</u>	Subdivision:	<u>Edgewater Terrace</u>		
TWP #:	_____	Lot #:	<u>5</u>	Zoning District:	<u>RR</u>
Range#:	_____	Block#:	_____	FEMA Panel #:	<u>27079C0 265E</u>
1/4 - 1/4:	_____	Road Type:	<u>TWP</u>	Flood Zone:	<u>X Outside</u>

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Variance, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Variance:

Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township road ROW from 65 feet to 36 feet; and reduce the exempted setback to a Side Yard lot line from 10 feet to 7 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 25.8% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Variance:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 \_\_\_\_\_  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
 February 13, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

ON-SITE TOUR DATE:	<u>March 5, 2026</u>	ACTION:	_____
PUBLIC HEARING DATE:	<u>March 5, 2026</u>		_____
	_____		_____
	_____		_____
AS WRITTEN		WITH CONDITIONS	

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE



# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): Amanda Wilkman

Variance #: BOA-001088-2026

**Variance Request:** Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township road ROW from 65 feet to 36 feet; and reduce the exempted setback to a Side Yard lot line from 10 feet to 7 feet; and increase the maximum allowed Impervious Surface coverage on a lot from 25% to 25.8% to accommodate a new Single-Family Dwelling in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake.

A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE



# ENVIRONMENTAL SERVICES

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



## Le Sueur County ENVIRONMENTAL SERVICES

### Application – Variance

**I. Applicant:**

Name Amanda Wilkman  
Mailing Address 546 11th Street, #B  
City Hermosa Beach State CA Zip 90254  
Phone # 310-251-7825 Phone # alwilkman@gmail.com

**II. Landowner:**

Name See above  
Property Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

**III. Parcel Information:**

Parcel Number 01.550.0050 Parcel Acreage 12,192 SF  
Township Cleveland Section \_\_\_\_\_  
Subdivision Edgewater Terrace Lot 5 Block \_\_\_\_\_

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).*

**IV. Variance Request:** List requested alternative to development standard(s).

Extend house and garage into front yard setback  
Extend corner of screen porch into west side yard setback

**V. Description of Request:**

a. A full written description of the proposed variance request with detailed information must be attached.

**VI. Township Notification:**

**Township must be notified prior to application.** *(County Commissioners are not the Township Board.)*

Cleveland Township notified on 12/5/25  
*(Township Name) (Date)*

Board Member Pat McCabe regarding the proposed request.  
*(Name)*

**VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - **Within and adjacent to project area.**
- Lot Dimensions
- Ponds
- Location of trees to be removed - **Shoreland Districts.**
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

**\*Site shall be physically staked, then surveyed\***

**\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\***

**\*Stakes must remain in place until construction commences\***

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Le Sueur County  
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SERVICES**

## VIII. Practical Difficulty:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

**1. Is the variance in harmony with the general purposes and intent of the official controls?**

*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

The variance is in harmony with the general purpose of the official controls.  
We are asking to modify the front yard setback standard. We are also asking to slightly modify the sideyard setback on the west side. This will not impact any sensitive features. The structure will be outside of the bluff impact zone.

Text

**2. Is the request consistent with the comprehensive plan?** *Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

The variance request is consistent with the comprehensive plan.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?** *Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

The property owner is proposing to use the property to construct a moderate size home, similar in size to the neighboring homes. The official controls prevent this, specifically the front yard setback and side yard setback.  
\_\_\_\_\_  
\_\_\_\_\_

# ENVIRONMENTAL SERVICES

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Le Sueur County  
**ENVIRONMENTAL  
SERVICES**

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

The landowner is proposing the variance to deal with the conditions of the dimensions of the property. The Buildable Area defined by the setbacks is too small to build a home.

5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

The existing neighborhood is comprised of single family homes of moderate size. The proposed variance would not change the character of the neighborhood.

6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

The variance would allow the property owner build their home. This allows for increased personal use by the property owner. Without the variance the home could not be built.

## IX. Attachments shall include but not limited to:

- Description of Request**
- Site Plan(s)** – Survey showing Existing & Proposed Conditions
- Surveyor Certification**
- Township Notification** – See Part VI
- Access Approval** – Attached approval from the applicable road authority
- Full Legal Description** – Not abbreviated description from tax statement
- Septic Compliance** (if applicable)
- Floor Plans or Building Plans** (if applicable)
- Erosion Control Form**
- Erosion Control Plan**

**The Department may request additional information regarding the application.**

**ENVIRONMENTAL SERVICES**

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SERVICES**

**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance:	\$ 800
Time Extension:	\$ 600
Filing Fee:	\$ 46

Variance for Clusters:	\$ 800 + \$200 per household
Filing Fee:	\$ 46

**Additional Fees:**

Special Meeting:	\$1,500
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

**XII. Procedure:** *See Section 22 of the Zoning Ordinance for full details.*

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

# ENVIRONMENTAL SERVICES

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



Le Sueur County  
ENVIRONMENTAL  
SERVICES

- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

### XIII. Acknowledgement:

**I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.**

**If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.**

**By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.**

### XIV. Signatures:

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

  
\_\_\_\_\_  
Applicant signature

1/30/26

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner signature

1/30/26

\_\_\_\_\_  
Date



## Variance Request

Address: 46525 Evergreen Lane, Cleveland, MN

Property Owner: Amanda Wilkman

Variance request: The property owner proposes to build a new three bedroom home on the property. The proposed new home cannot be built within the Buildable Area defined by the setbacks. We request that the porch and deck extend into the bluff setback. We request that the house and garage extend into the front yard setback.

In addition we request that the screen porch extend slightly into the sideyard setback on the west side. The neighbor on the west side had stated that they have no objection to this.

## Legal Description

Lot Five (5), "Edgewater Terrace", part of Government Lots 5 and 4, Section 3, Township 109 North of Range 25 West, according to the recorded maps and plats thereof on file and of record in the Office of the County Recorder, in and for Le Sueur County, Minnesota.



**EXISTING CONDITIONS**

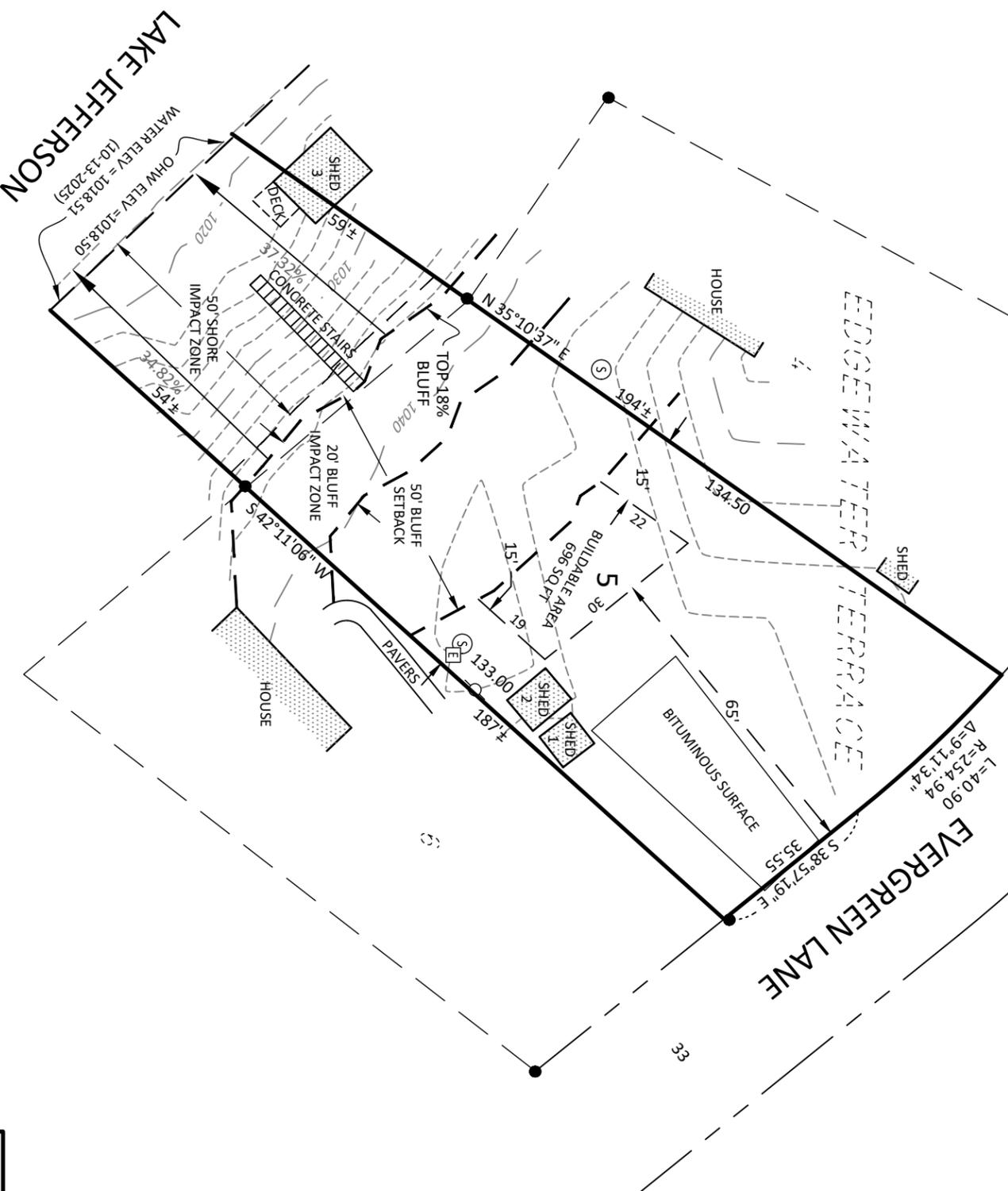
PID 01.550.0050

**PARCEL ADDRESS**  
 46525 EVERGREEN LANE  
 CLEVELAND, MN

**OWNERS ADDRESS**  
 BRENT HALL  
 3469 SE POWERS DRIVE  
 RUNNELLS, IA 50237

LOT AREA = 12,192 SQ. FT

EXISTING IMPERVIOUS SURFACES	
BITUMINOUS SURFACE	922 SQ. FT
SHED 1	64 SQ. FT
SHED 2	85 SQ. FT
SHED 3	52 SQ. FT
DECK	44 SQ. FT
CONCRETE STAIRS	93 SQ. FT
<b>TOTAL</b>	<b>1260 SQ. FT (10.3%)</b>



**LEGEND**

- 3/4" IRON PIPE MONUMENT SET
- MARKED BY LIC. NO. 46564 MONUMENT FOUND
- Ⓢ MANHOLE-SANITARY SEWER
- ⓔ PEDESTAL-ELECTRIC
- Ⓟ POLE-UTILITY

**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Michael M. Eichers  
 License Number 46564  
 Date 10/15/2025

<b>CERTIFICATE OF SURVEY</b> CLEVELAND TOWNSHIP, LE SUEUR COUNTY, MINNESOTA	
 <b>BOLTON &amp; MENK</b>	1960 PREMIER DRIVE MANKATO, MN 56001 (507) 625-4171
LOT 5, EDGEWATER TERRACE, CLEVELAND TOWNSHIP, LE SUEUR COUNTY, MINNESOTA	FOR: AMANDA WILKMAN



LOT AREA = 12,192 SQ. FT

REMOVAL IMPERVIOUS SURFACES	922 SQ. FT
BITUMINOUS SURFACE	64 SQ. FT
SHED 1	85 SQ. FT
SHED 2	44 SQ. FT
DECK	44 SQ. FT
TOTAL	1115 SQ. FT (9.1%)

PROPOSED IMPERVIOUS SURFACES	3003 SQ. FT (24.3%)
HOUSE	1304 SQ. FT
GARAGE	528 SQ. FT
DRIVEWAY	568 SQ. FT
PORCH	138 SQ. FT
DECK	322 SQ. FT
SIDEWALK	120 SQ. FT
LANDING & STEPS	23 SQ. FT
TOTAL	3003 SQ. FT (24.3%)

EXISTING - REMOVAL + PROPOSED = TOTAL  
 1260 - 1115 + 3003 = 3148 SQ. FT (25.8%)

**PROPOSED CONDITIONS**

PID 01.550.0050

PARCEL ADDRESS  
 46525 EVERGREEN LANE  
 CLEVELAND, MN

OWNERS ADDRESS  
 BRENT HALL  
 3469 SE POWERS DRIVE  
 RUNNELLS, IA 50237

**LEGEND**

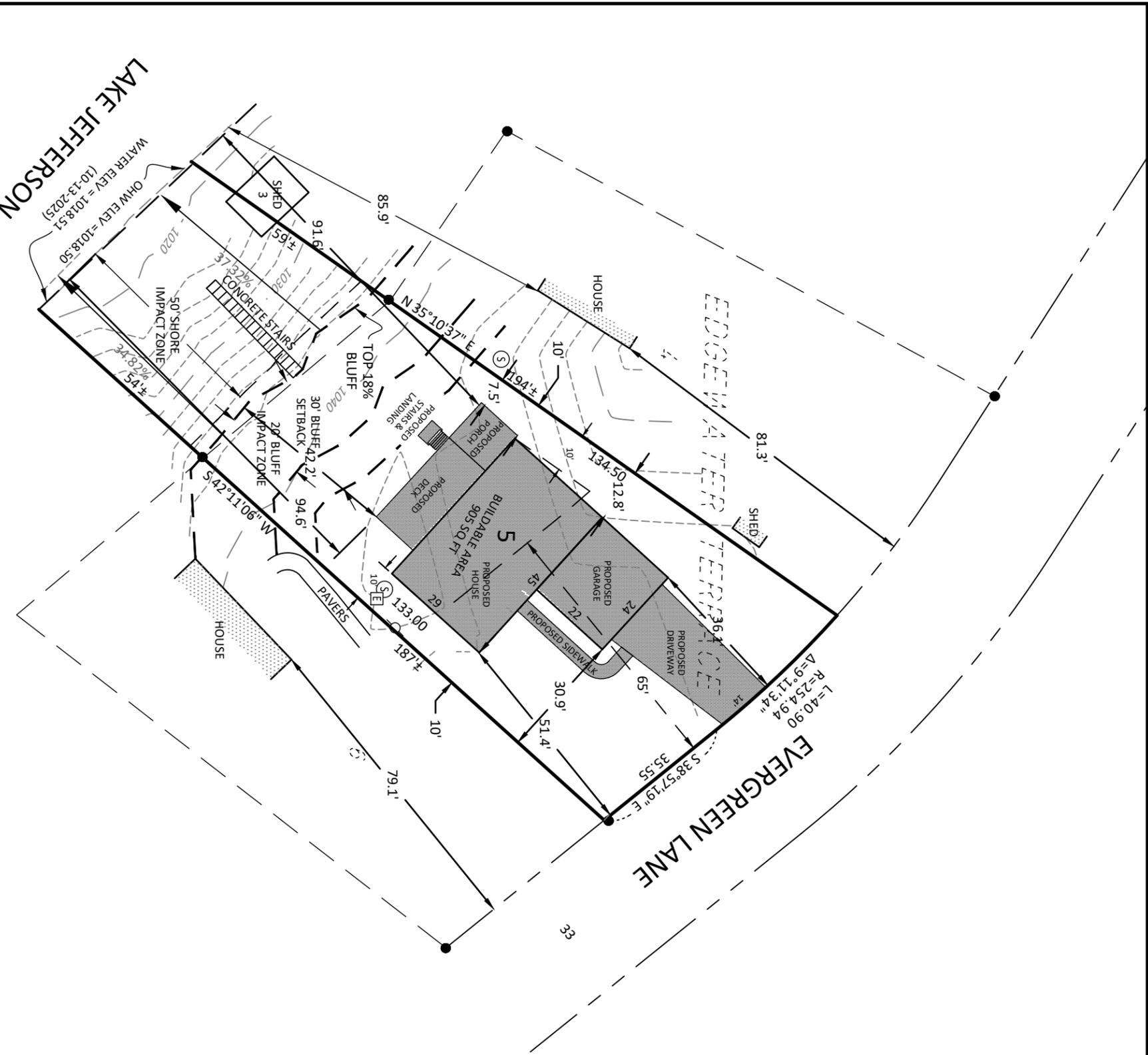
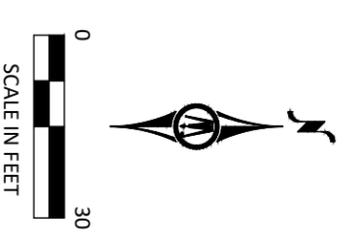
- 3/4" IRON PIPE MONUMENT SET
- MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- ⊙ MANHOLE-SANITARY SEWER
- ⊞ PEDESTAL-ELECTRIC
- ⊚ POLE-UTILITY

**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

*Michael M. Eichers*  
 Michael M. Eichers  
 License Number 46564  
 Date 01/20/2026

REVISED ORIGINAL SURVEY: 1-30-2026 30' BLUFF SETBACK



**CERTIFICATE OF SURVEY**  
 CLEVELAND TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

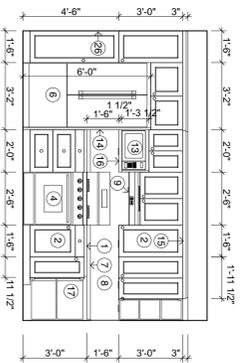
**BOLTON & MENK**  
 1960 PREMIER DRIVE  
 MANKATO, MN 56001  
 (507) 625-4171

LOT 5, EDGEWATER TERRACE, CLEVELAND TOWNSHIP, LE SUEUR COUNTY, MINNESOTA  
 FOR: AMANDA WILKMAN

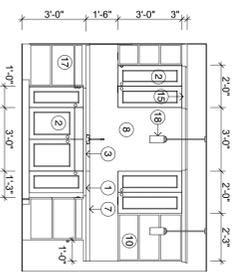




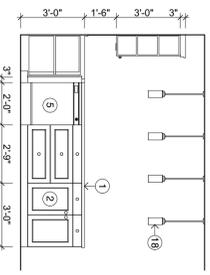




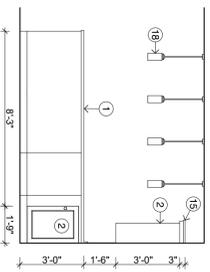
3 Kitchen  
1/4" = 1'-0"



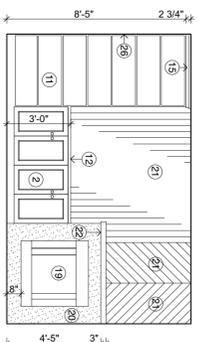
4 Kitchen  
1/4" = 1'-0"



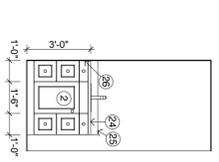
5 Kitchen  
1/4" = 1'-0"



6 Kitchen  
1/4" = 1'-0"



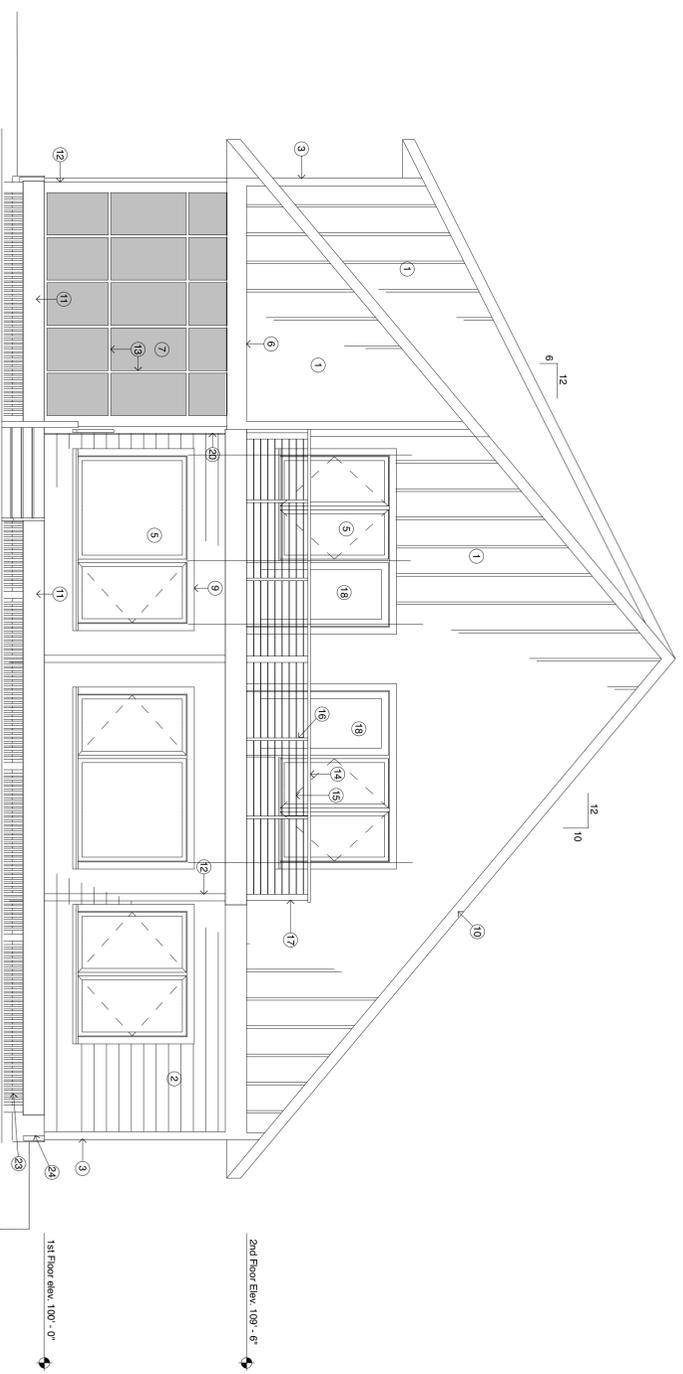
7 Living Room  
1/4" = 1'-0"



8 Vanity - typical  
1/4" = 1'-0"

**Interior Elevation Key Notes**

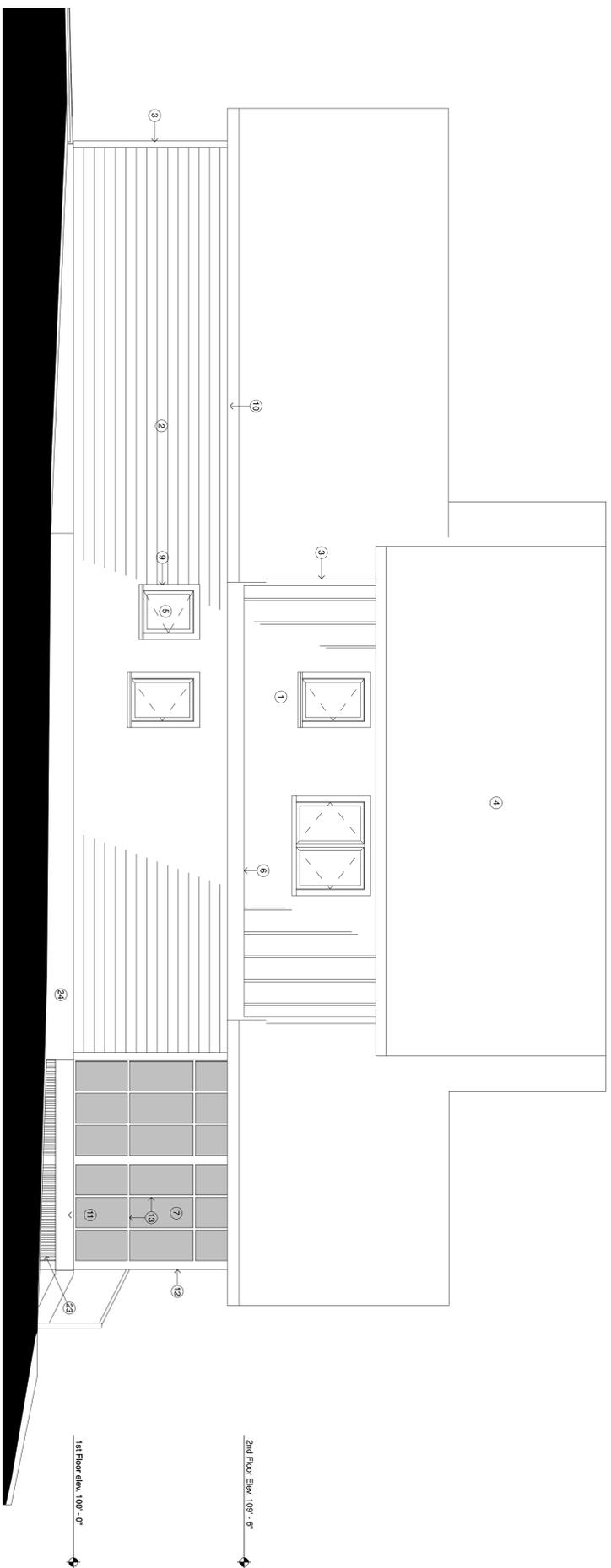
- 1 Granite countertop.
- 2 Maple cabinets - shaker style doors.
- 3 Sink.
- 4 Gas range.
- 5 Dishwasher.
- 6 Refrigerator.
- 7 2" backsplash.
- 8 Trip backsplash.
- 9 Range hood.
- 10 Open shelves.
- 11 Adjustable shelves.
- 12 Maple top.
- 13 Microwave.
- 14 Vertical panel.
- 15 Crown molding.
- 16 Microwave shelf - 1' 3" deep.
- 17 Lazy susan.
- 18 Pendant light fixture.
- 19 Gas fireplace.
- 20 Manufactured stone veneer.
- 21 1 x 4 T & G wood paneling.
- 22 Maple mantel.
- 23 Maple mantel.
- 24 Fax marble countertop with sink.
- 25 4" backsplash.
- 26 Scribe as necessary.



1 South Elevation  
1/4" = 1'-0"

**Elevation Key Notes**

- 1 LP siding w/ 1 1/2" battens @ 16" o.c.
- 2 LP lap siding - 7" exposure.
- 3 LP corner board.
- 4 Asphalt shingles - GAF Timberline.
- 5 Cold wood windows.
- 6 LP trim board.
- 7 Insect screen.
- 8 Pre-finished overhead door.
- 9 LP window & door trim - 4".
- 10 Pre-finish metal fascia.
- 11 LP trim on deck framing.
- 12 LP trim on 4 x 4 posts.
- 13 2 x 4's - pt.
- 14 Composite railing top.
- 15 Stainless steel cable rail.
- 16 Treated 2 x 4 post.
- 17 Treated 4 x 4 post.
- 18 Cold wood door.
- 19 Cold wood door and slide.
- 20 LP inside corner board.
- 21 Sillim assurance.
- 22 Flue.
- 23 Siding - 1 x 2's.
- 24 Siluxo panel.
- 25 Steel door.



2 West Elevation  
1/4" = 1'-0"

Project No.	No.	Revisions/Submissions	Date
25011.00			
Scale 1/4" = 1' - 0"			
Designed			
Drawn			
Checked			
Reviewed			
Date	12/1/25		

**RICE · STROMGREN ARCHITECTS**

711 West Lake Street  
#603  
Minneapolis, MN 55408  
612-827-7802  
612-827-1528 Fax  
jeff@ricestromgren.com  
©Rice Stromgren Architects

**Exterior Elevations**

**Wilman Residence**

46525 Evergreen Lane  
Cleveland, Minnesota

**A 4.1**

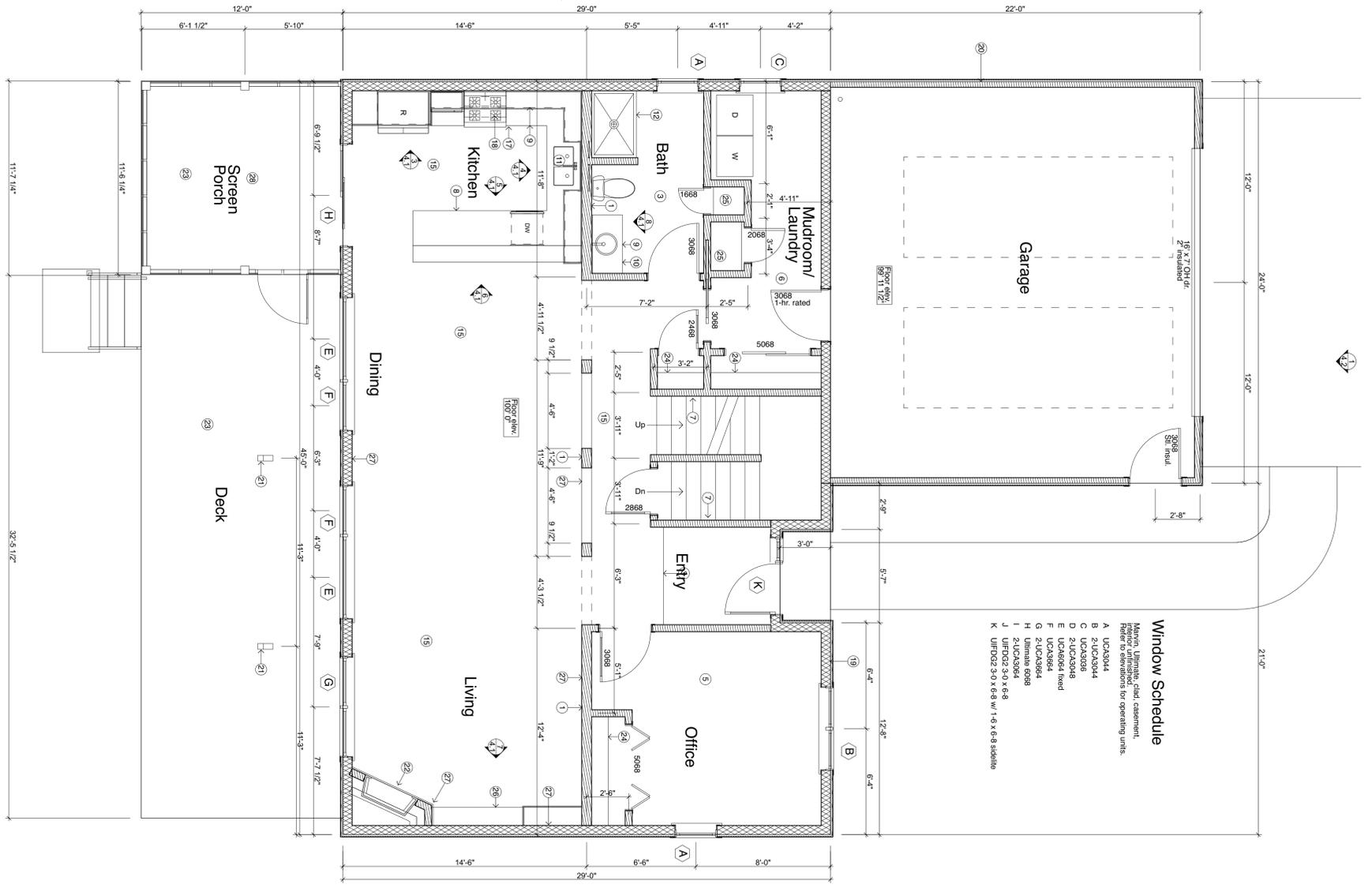
Project No.	No. Revisions/Submissions	Date
25011.00		
Scale 1/4" = 1'-0"		
Designed		
Drawn		
Checked		
Reviewed		
Date	12/1/25	

**1st Floor Plan**  
**2nd Floor Plan**

**Wilkman Residence**

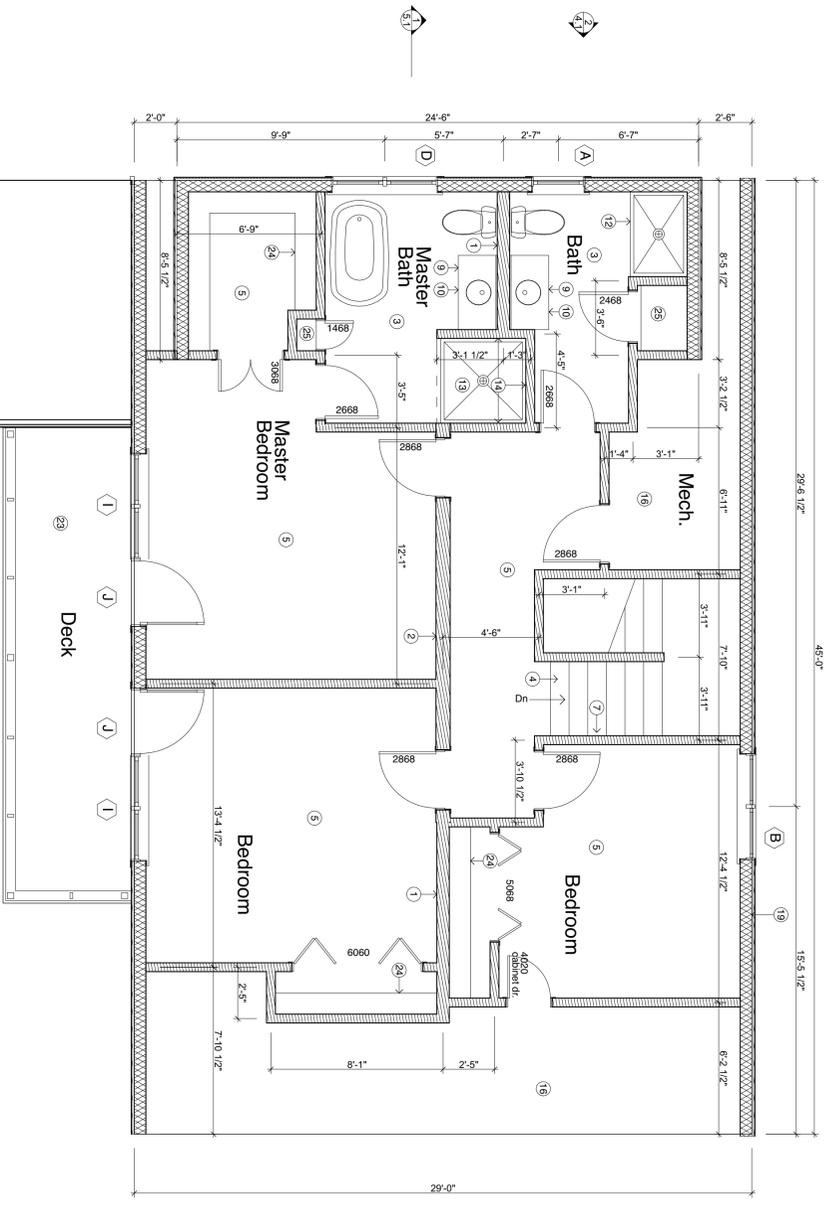
46525 Evergreen Lane  
 Cleveland, Minnesota

**A 2.2**



- Key Notes**
- 1 2 x 6 stud wall
  - 2 2 x 8 Timberstud wall
  - 3 Ceramic tile flooring over 3/8" tile backer
  - 4 Install carpet on stairs
  - 5 Carpet
  - 6 Sheet vinyl flooring
  - 7 Handrail
  - 8 Granite Countertops
  - 9 Maple cabinets
  - 10 Faux marble countertop w/ sink
  - 11 Stainless steel sink
  - 12 32" x 48" shower enclosure
  - 13 48" x 48" shower base
  - 14 Ceramic tile on the backer
  - 15 Laminate wood flooring
  - 16 Unfinished floor
  - 17 Gas range
  - 18 Gas vent
  - 19 Range hood
  - 20 6 1/2" structural insulated panel
  - 21 2 x 4 stud wall w/ 1/2" sheathing
  - 22 4 x 4 column w/ LP trim
  - 23 Gas fireplace
  - 24 Composite decking
  - 25 Closet rod end shelf
  - 26 5 adjustable shelves
  - 27 Maple cabinets w/ maple top - 30" high
  - 28 1 x 4 pine T & G ceiling
  - 29 1 x 4 pine T & G ceiling
  - 30 2 x 4 stud wall - 6' high

- Specifications**
- Interior Doors Koehn Pine, PPKC2, 2 panel, refer to plan for size.  
 Interior Casings Pine, 2 1/2" x 1 1/2".  
 Base Pine, 23/64, 4 1/4" x 7/16".  
 Fireplace Heat N Glo, SG-599X, Cream Flare, Black.  
 Cabinets Woodland, Maple, Argosia doors.  
 Wood Finishing 1 x 4 wood trim, 1 & G.

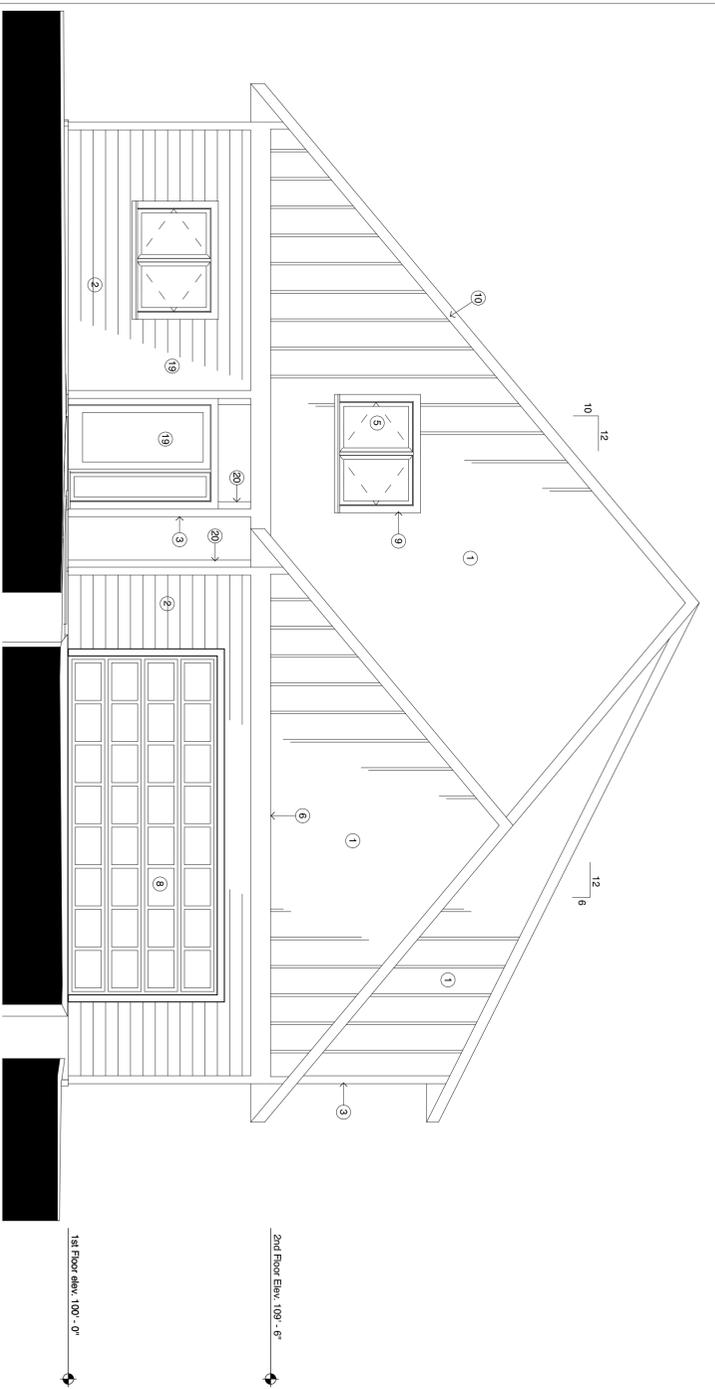


**2**  
**2nd Floor Plan**  
 1/4" = 1'-0"

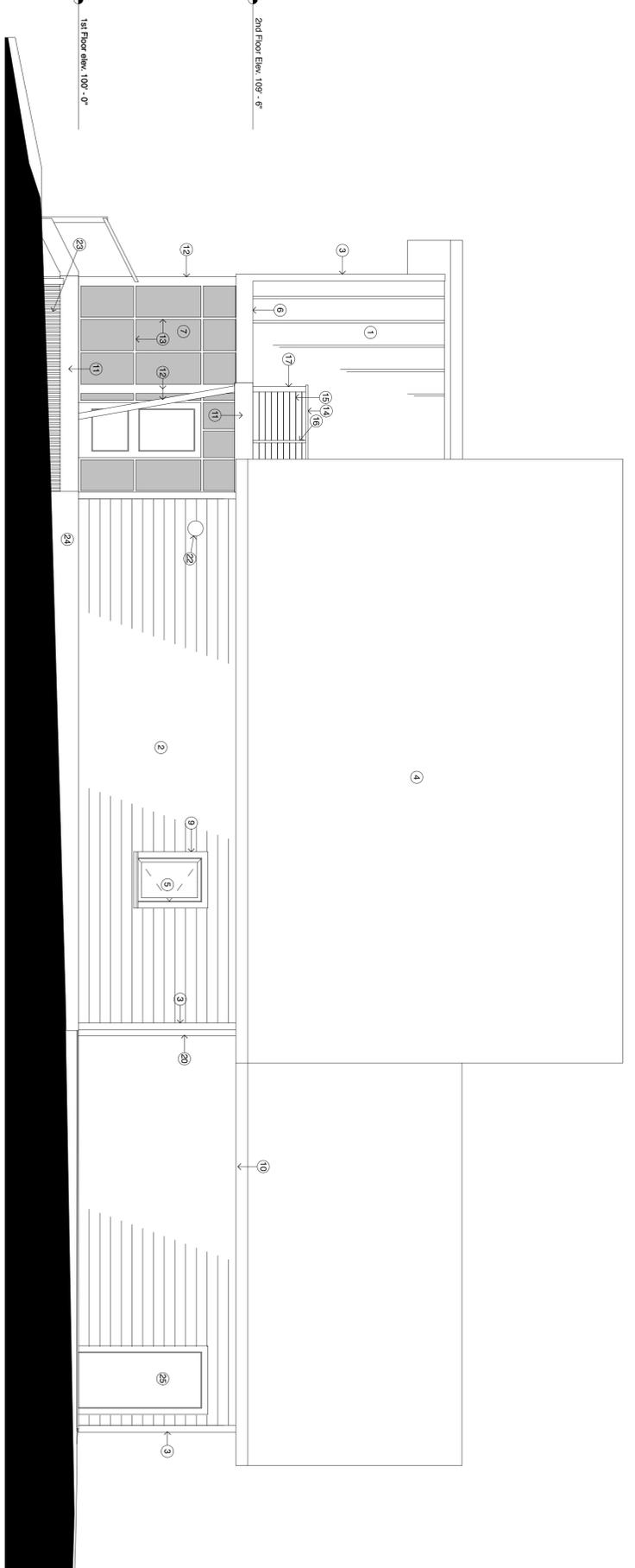
**1**  
**1st Floor Plan**  
 1/4" = 1'-0"

Elevation Key Notes

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- 17 Treated 4 x 4 post.
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- 19 Cold wood door and slide.
- 20 LP inside corner board
- 21 Sillim closure.
- 22 Flue.
- 23 Siding - 1 x 2's.
- 24 Silvio panel.
- 25 Steel door.



1 North Elevation  
1/4" = 1'-0"



2 East Elevation  
1/4" = 1'-0"

**RICE · STROMGREN ARCHITECTS**



711 West Lake Street  
#603  
Minneapolis, MN 55408  
612-827-7802  
612-827-1528 Fax  
jeff@ricestromgren.com  
©Rice Stromgren Architects

Project No.	No.	Revisions/Submissions	Date
25011.00			
Scale	1/4" = 1' - 0"		
Designed			
Drawn			
Checked			
Reviewed			
Date	1/18/26		

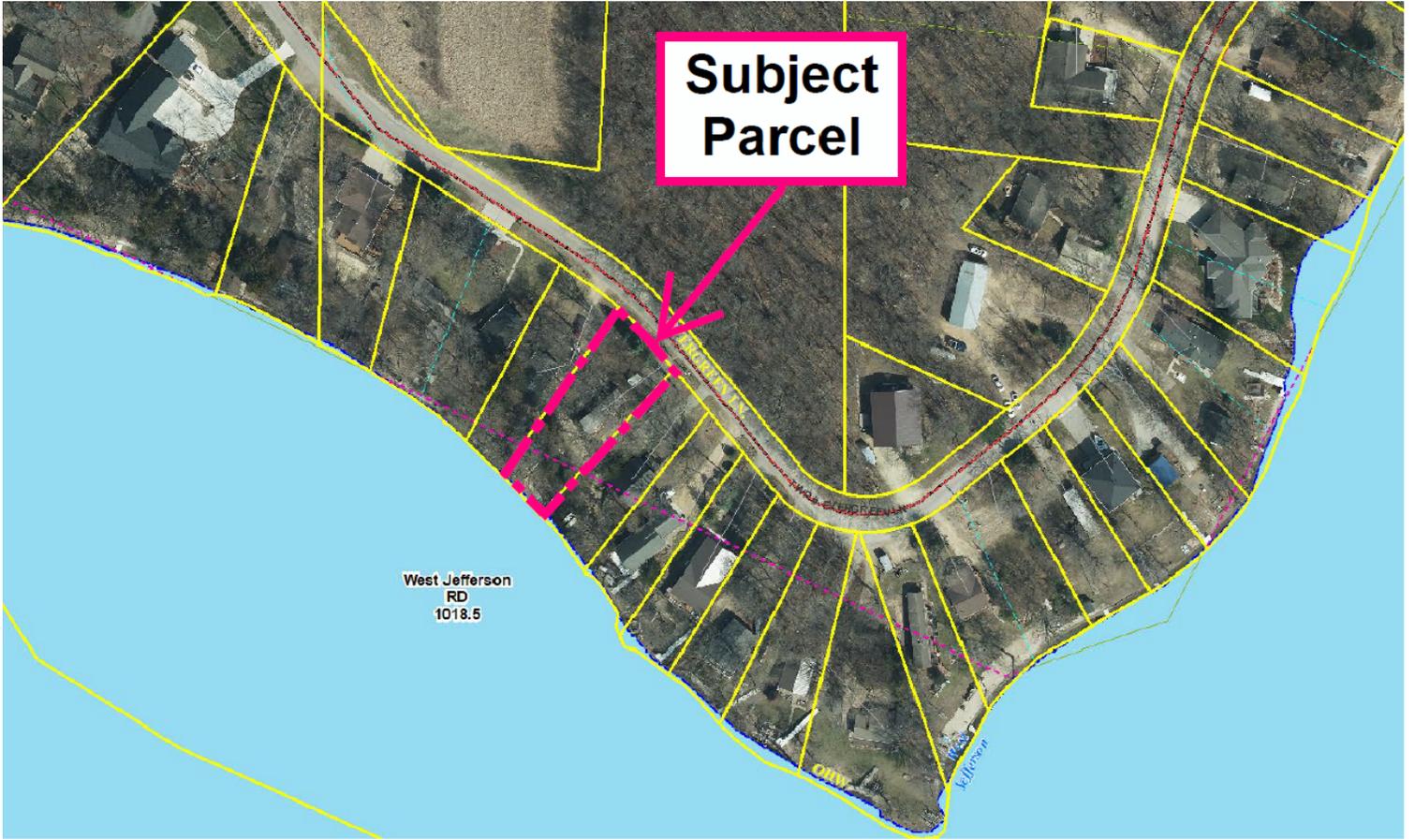
Exterior Elevations

**Wilkman Residence**

46525 Evergreen Lane  
Cleveland, Minnesota

**A 4.1**





# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT:** Chad Ziemke

**OWNERS:** Deanne Nelson

**911 ADDRESS:** 2510 Crystal Cove Rd, Madison Lake, MN 56063

**VARIANCE REQUEST:** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a Township Road Right-Of-Way (ROW) from 25 feet to 15 feet; and reduce the exempted setback from a Side Yard lot line (Westerly) from 10 feet to 2 feet; and to increase the maximum structure height from 20 feet to 25 feet; and to increase the maximum allowed Impervious Surface coverage on a lot from 25% to 27.9% to accommodate a 28' x 34' detached garage in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" lake.

**VARIANCE NUMBER:** BOA-001103-2026

**PARCEL NUMBER:** 05.500.0110

## SITE INFORMATION

**LOCATION:** The subject property is Lot 11 of Kennywood Beach Subdivision, Section 18 of Kasota Township.

**ZONING & PURPOSE:** Recreational Residential (RR) District

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protection of the ecological systems of the natural environment.

**GOAL #2:** Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

**Objective 2:** Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

### GENERAL SITE

**DESCRIPTION:** Platted lake-frontage Lot, Legal Nonconforming Lot

**ACCESS:** Existing access from Crystal Cove Rd

**LAKE:** Lake Washington, a Recreational Development (RD) Lake

**Recreational Development Lake -** Lakes that usually have between sixty (60) and two hundred twenty-five (225) acres of water per mile of shoreline, between three (3) and twenty-five (25) dwellings per mile of shoreline and are more than fifteen (15) feet deep.

**RFPE:** Regulatory Flood Protection Elevation: 985.8      Lowest floor must be at or above RFPE.

## BACKGROUND INFORMATION

The subject parcel is part of a Subdivision Plat from 1947. County records indicate the subject parcel was developed in approximately 1963. The residential lot is considered a Legal Nonconforming parcel because it does not meet the Lot Area, Lot Depth, or Lot Width requirements of the current applicable Zoning District. The applicants are proposing to remove an existing accessory structure and detached garage to construct a larger detached garage to replace them. If approved, the variance would allow the new structure to be built with reduced setbacks from the Road ROW and Side Yard lot line, and increase structure height above the maximum standard of 20 feet. In addition, the maximum allowed Impervious Surface coverage on a lot would increase from 25% to 27.9% (proposed).

## ATTACHMENTS

Application, Description of Request, Survey (Existing & Proposed Conditions), Building Plans, LIDAR map, Aerial Image, & Findings of Fact Form

## FINDINGS

Staff findings per Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

- | <u>1. Variance:</u>              | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>              | <u>Page:</u> |
|----------------------------------|-----------------|------------------|--------------------------------|--------------|
| a. Reduce ROW Setback:           | 15 feet         | 25 feet          | Section 13, Subdiv. 7. A. 8.   | 13-52        |
| b. Reduce Side Yard Setback:     | 2 feet          | 10 feet          | Section 13.3, Subdiv. 7. B. 2. | 13-53        |
| c. Increase Structure Height:    | 25 feet         | 20 feet          | Section 13.3, Subdiv. 6. A. 1  | 13-49        |
| d. Increase Impervious Coverage: | 27.9%           | 25%              | Section 13.3, Subdiv. 7. I. 3. | 13-56        |
2. The applicant is requesting the variance to remove two existing accessory structures and construct one large accessory structure in their place.
3. The subject parcel is a Legal Nonconforming Lot.

## CONSIDERATIONS

1. The following shall be considered at the hearing:
- a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
- 2. Additional Considerations:**
- a. The request is to accommodate the construction of a detached garage to replace two existing accessory structures.
  - b. The applicant is proposing to reduce Impervious Surface from 31.4% to 27.9% with the removal of bituminous surface and structure area.

## PRACTICAL DIFFICULTY

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
2. Variances shall only be permitted when the request is consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.

## ADDITIONAL REVIEW COMMENTS

1. This request was submitted to the County Water Resource Manager, Holly Bushman, for review. She stated the following: The proposed garage is located outside of the shore impact zone and is meeting the OHWL setback. Additionally, the applicant is reducing the total existing impervious surface on the lot from 31.4% to 27.9%. All of these efforts will help reduce stormwater runoff and protect Lake Washington.
2. This request has been submitted to Alan Gleisner, an Area Hydrologist with the Minnesota Department of Natural Resources. At the time this report was written, no comments were received. More information may be available during the Board of Adjustment hearing.

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official controls in the request are the required setbacks from a Township Road Right-Of-Way, Side Yard, increasing Structure Height, and increasing the Maximum Impervious Surface Coverage.
  - a. **Road ROW Setback: The setback from a road ROW is to ensure safe sight lines and road safety.**
    - The road is a township road which serves as the main road for the Kennywood Beach Subdivision. Traffic for this road mainly consists of those that live in and visit the subdivision.
    - It is a dead end road, and is relatively straight in front of the subject parcel.
    - The proposed detached garage will not encroach further to the ROW than the current detached garage.
    - Based on the above information, the setback from the detached garage to the road right-of-way will not negatively impact road safety or sight lines.
  - b. **Side yard Setback: The setback to a side yard is to ensure minimal impact to neighboring properties.**
    - The applicant is proposing the detached garage to be 2 feet from the west Side Yard lot line. The existing structures are 1.6 feet from the west Side Yard lot line.
    - The neighbor has submitted a letter of support stating they do not have an issue with the Side Yard lot line setback.
    - There is space to the east of the garage that would allow the structure to be moved farther from the west Side Yard lot line.
    - Based on the above information, the setback to the Side Yard lot line setback could be mitigated.
  - c. **Increasing Structure Height: The structure height limit is to prevent runoff to neighboring properties and unsightly structures in residential neighborhoods.**
    - The applicant is proposing a structure with a height of 25 feet, with the second floor being utilized for storage.
    - The pitch of the roof is towards the neighboring property. At this time, no mitigation measures (gutters, rain barrels, etc.) have been proposed.
    - Based on the above information, the increased structure height could negatively impact stormwater runoff.
  - d. **Maximum Impervious Surface Coverage: The Maximum Impervious Surface Coverage is to reduce runoff to the lake and neighboring properties.**
    - The subject parcel is currently at 31.4% Impervious Surface. The applicant is proposing to reduce this to 27.9% through the removal of current structures and the removal of bituminous surface (the driveway).
    - Based on the above information, the Impervious Surface will not negatively impact runoff on the property.
2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists protecting surface water as one of its objectives. The applicant is proposing to reduce Impervious Surface on the lot from 31.4% to 27.9%
  - The proposed structure meets the OHWL setback.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.
3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing to construct a detached garage to replace an existing detached garage and accessory structure.
  - An accessory structure constructed after the primary dwelling has been built is a permitted use in the Recreational Residential "RR" Shoreland District.
  - Based on the above information, the request is a reasonable use not permitted by the official control.

4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
- When the lot was originally created, an ordinance did not exist enforcing lot width, depth, or area.
  - The applicant is proposing to take down existing accessory structures to accommodate a new detached garage.
  - There is an opportunity to move the structure to the East to eliminate the need for a Side Yard lot line setback.

Based on the above information, the plight of the landowner was created by them.

5. **Will the issuance of the variance maintain the essential character of the locality?**

- The locality is Lakeshore Residential lots. The applicant is proposing a detached garage on a developed lot to replace an existing accessory structure and detached garage.

Based on the above information, the request would maintain the essential character of the locality.

6. **Does the alleged Practical Difficulty involve more than economic considerations?**

- If approved, the applicant would be able to construct a detached garage, allowing for the winter storage of equipment and vehicles in order to live on the property year round.

Based on the above information, the request does involve more than economic considerations.

### PROPOSED CONDITIONS

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the survey (submitted February 9, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, a **Zoning Permit** shall be submitted and issued for the garage.
5. *If approved*, the applicant shall submit a proposal to include appropriate best management practices that ensure all stormwater runoff from the garage is captured onsite.
6. *If approved, and prior to the issuance of the permit*, the stormwater plan must be reviewed and approved by County Environmental Services staff.





# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): Chad Ziemke(Applicant), Deanne Nelson(Landowner)

Variance #: BOA-001103-2026

**Variance Request:** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a Township Road Right-Of-Way (ROW) from 25 feet to 15 feet; and reduce the exempted setback from a Side Yard lot line (Westerly) from 10 feet to 2 feet; and to increase the maximum structure height from 20 feet to 25 feet; and to increase the maximum allowed Impervious Surface coverage on a lot from 25% to 27.9% to accommodate a 28' x 34' detached garage in a Recreational Residential "RR" Shoreland District of Lake Washington, a Recreational Development "RD" lake.

A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE



# ENVIRONMENTAL SERVICES

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



## Le Sueur County ENVIRONMENTAL SERVICES

### *Application – Variance*

#### I. Applicant:

Name Chad Ziemke  
 Mailing Address 209 Torrey Pines Dr.  
 City Mankato State MN Zip 56001  
 Phone # 507-720-2005 Phone # \_\_\_\_\_

#### II. Landowner:

Name Deanne Nelson  
 Property Address 2510 Crystal Cove Rd.  
 City Madison Lake State MN Zip 56063  
 Phone # 507-213-0338 Phone # \_\_\_\_\_

#### III. Parcel Information:

Parcel Number 05.500.0110 Parcel Acreage .22  
 Township Kasota Township Section 18  
 Subdivision Kennywood Beach Lot 011 Block \_\_\_\_\_

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).*

#### IV. Variance Request: List requested alternative to development standard(s).

Please see attached addendum to Variance application document

#### V. Description of Request:

a. A full written description of the proposed variance request with detailed information must be attached.

#### VI. Township Notification:

**Township must be notified prior to application.** *(County Commissioners are not the Township Board.)*

Kasota Township notified on 01/26/2026  
*(Township Name) (Date)*

Board Member Left Voicemail regarding the proposed request.  
*(Name)*

#### VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts.*
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

**\*Site shall be physically staked, then surveyed\***

**\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\***

**\*Stakes must remain in place until construction commences\***

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Le Sueur County  
**ENVIRONMENTAL  
SERVICES**

## VIII. Practical Difficulty:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

**1. Is the variance in harmony with the general purposes and intent of the official controls?**  
*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

Please see attached addendum to Variance application document

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**2. Is the request consistent with the comprehensive plan?** *Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

Please see attached addendum to Variance application document

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**3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?** *Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

Please see attached addendum to Variance application document

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Le Sueur County  
**ENVIRONMENTAL SERVICES**

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

Please see attached addendum to Variance application document

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5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

Please see attached addendum to Variance application document

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6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

Please see attached addendum to Variance application document

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## IX. Attachments shall include but not limited to:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <b>Description of Request</b>  | <input type="checkbox"/> <b>Septic Compliance</b> (if applicable)                        |
| <input checked="" type="checkbox"/> <b>Site Plan(s)</b> – Survey showing Existing & Proposed Conditions            | <input checked="" type="checkbox"/> <b>Floor Plans or Building Plans</b> (if applicable) |
| <input checked="" type="checkbox"/> <b>Surveyor Certification</b>  | <input checked="" type="checkbox"/> <b>Erosion Control Form</b>                          |
| <input checked="" type="checkbox"/> <b>Township Notification</b> – See Part VI                                     | <input checked="" type="checkbox"/> <b>Erosion Control Plan</b>                          |
| <input checked="" type="checkbox"/> <b>Access Approval</b> – Attached approval from the applicable road authority  |  |
| <input checked="" type="checkbox"/> <b>Full Legal Description</b> – Not abbreviated description from tax statement |  |

***The Department may request additional information regarding the application.***

**ENVIRONMENTAL SERVICES**

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Le Sueur County  
**ENVIRONMENTAL  
 SERVICES**

**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance:	\$ 800
Time Extension:	\$ 600
Filing Fee:	\$ 46

Variance for Clusters:	\$ 800 + \$200 per household
Filing Fee:	\$ 46

**Additional Fees:**

Special Meeting:	\$1,500
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

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## Le Sueur County ENVIRONMENTAL SERVICES

- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

### XIII. Acknowledgement:

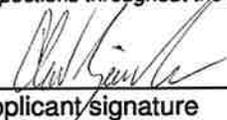
**I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.**

**If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.**

**By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.**

### XIV. Signatures:

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

  
\_\_\_\_\_  
Applicant signature

1/27/2026  
Date

  
\_\_\_\_\_  
Property Owner signature

1-29-26  
Date

## Addendum to Variance Application

### VIII. Practical Difficulty:

#### 1. Is the variance in harmony with the general purposes and intent of the official controls?

The intent of the right-of-way and side-yard setback standards is to provide adequate spacing between structures, protect neighboring properties, preserve sightlines, and maintain neighborhood character. The proposed garage placement improves the existing side-yard setback condition and does not negatively impact adjacent properties. With this property being on a dead-end road we feel the right-of-way setback variance request will not affect the safety of the road with how little traffic we get.

The intent of the structure height standard is to prevent visual dominance and ensure compatibility with surrounding development. The proposed garage height is consistent with other garages in the area and is necessary for proper roof pitch, snow load performance, and functional vehicle clearance while utilizing the second story for storage with easy and safe access with a standard pitched stair case.

The intent of the impervious surface standard is to manage stormwater runoff and protect water quality. The proposed impervious surface increase is minimal and will be offset through erosion prevention, sediment control, and permanent stabilization measures designed to protect Lake Washington.

Collectively, the variances maintain the spirit and intent of the ordinance while allowing reasonable use of the property.

#### 2. Is the request consistent with the comprehensive plan?

The request is consistent with the County's Comprehensive Land Use Plan goals, including responsible residential development, protection of shoreland resources, and preservation of neighborhood character.

The proposed garage supports continued residential use of the property and enables safe and functional year-round occupancy. The limited increase in impervious surface will be mitigated through erosion control and stormwater management measures to protect Lake Washington.

The project does not conflict with any stated goals of the Comprehensive Plan and enhances the long-term usability and maintenance of the property. We are excited to see continued improvements in our neighborhood.

## **Addendum to Variance Application**

### **3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?**

The applicant is proposing a reasonable residential improvement that is typical for lake-area homes and necessary for safe, functional, and year-round use of the property.

Strict application of the right-of-way setback, side-yard setback, height, and impervious surface standards would prevent construction of a garage of reasonable size anywhere on the lot due to existing structures, lot width, road placement, and shoreland restrictions.

The request represents the minimum deviations necessary to allow a reasonable accessory structure and does not exceed what is required to address the practical difficulty created by the property's physical and regulatory constraints.

### **4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The practical difficulty is due to unique characteristics of the property, including its narrow configuration, existing structure placement, right-of-way alignment, and shoreland setbacks toward Lake Washington.

These conditions were not created by the current landowner and limit the buildable area in a way that makes full compliance with all setback, height, and impervious surface standards difficult.

### **5. Would the variance maintain the essential character of the locality?**

The proposed garage is consistent in size, height, design, and placement with other garages and accessory structures in the surrounding neighborhood.

The variances will not alter the appearance or character of the area and will not result in a development pattern that is inconsistent with nearby properties.

A neighboring property owner has provided a letter of support confirming that the proposal does not negatively affect adjacent properties and that the side-yard setback condition is improved. We hope to continue our part in bettering the neighborhood and county.

### **6. Does the request involve more than economic considerations alone?**

While the proposed garage will add value to the property, the primary purpose is functional and safety-related, not economic.

The garage is intended to support year-round occupancy, protect vehicles and equipment, provide safe winter access, improve snow storage and drainage management, and enhance overall property usability. We are in NO way looking to add value to the property for the potential of profit. Strictly for usability and year round living.



## Addendum to Variance Application

### V. Description of Request:

The owner proposes construction of a 34' × 28' detached garage to improve functionality and support year-round living at the property located at 2510 Crystal Cove Rd., Madison Lake, MN 56063.

Following the passing of her husband a little over two years ago, Deanne Nelson (property owner and my mother-in-law) has found it increasingly difficult to maintain and financially carry both her primary residence in Waseca and her seasonal lake property at Crystal Cove. From both a financial standpoint and an upkeep standpoint, maintaining two separate homes is no longer sustainable. Deanne's intent is to transition to living full time at the Crystal Cove property and to sell her Waseca, MN residence.

However, the Crystal Cove home was originally constructed in 1963 as a seasonal cabin and was not designed for year-round living. The existing structure lacks sufficient space for indoor parking, storage, and basic functionality necessary for safe and practical full-time occupancy. The proposed detached garage is a critical improvement that would allow Deanne to reasonably occupy the property year-round by providing winter vehicle storage, storage for equipment and seasonal items, and improved main living area functionality.

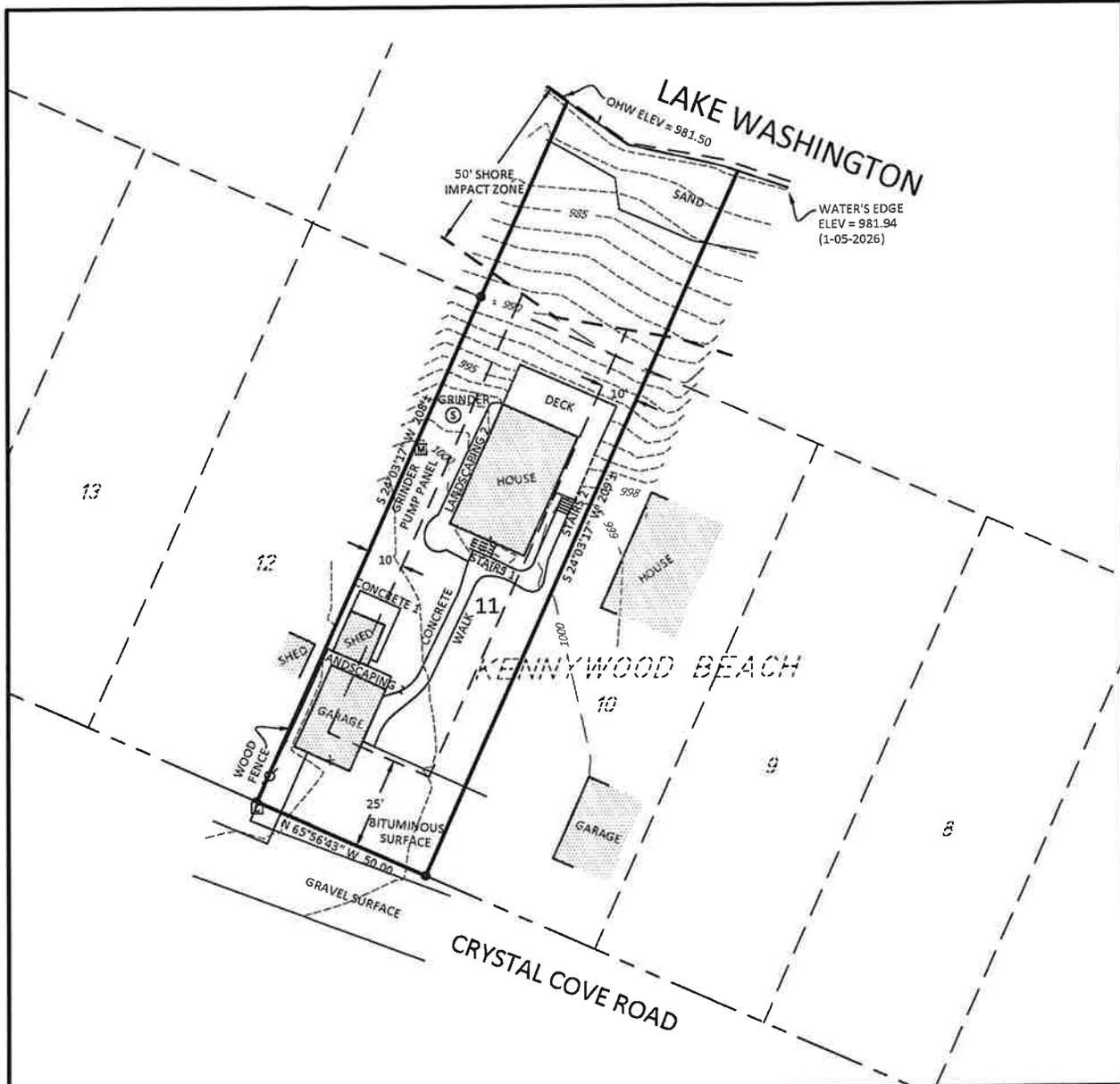
Due to the narrow configuration of the lot, existing structure placement, right-of-way location, and shoreland setbacks, there is no reasonable location on the property that fully complies with all setbacks, height, and impervious surface standards.

The proposed garage location minimizes grading and disturbance, improves the existing side-yard setback condition, and limits visual and environmental impacts. The requested structure height is consistent with neighborhood character and necessary for proper roof design, snow load management, and functional vehicle clearance. The impervious surface variance reflects the minimum increase required to allow a reasonable accessory structure and driveway access.

Erosion prevention and sediment control measures will be implemented to protect Lake Washington including downslope silt fencing, upslope stockpiles, a stabilized construction entrance, and prompt final stabilization.

A neighboring property owner has provided a letter of support confirming that the proposed garage will not negatively affect his adjacent property and that the side-yard setback condition will be improved compared to the current setback. The project represents the minimum deviation necessary to allow reasonable residential use of the property and is based on practical necessity rather than personal convenience or financial gain. This property is intended to remain in the family for years and years to come and we hope to be model residents of Le Sueur County and wonderful neighbors. We genuinely appreciate your time reviewing our variance requests.





**EXISTING CONDITIONS**

PID 05.500.0110

OWNER ADDRESS  
 DEANNE NELSON  
 521 7TH AVE NE  
 WASECA, MN 56093

SITE ADDRESS  
 2510 CRYSTAL COVE ROAD  
 MADISON LAKE, MN 56063

TOTAL LOT AREA = 10,369 SQ FT

**EXISTING IMPERVIOUS SURFACES**

HOUSE	781 SQ FT
SHED	121 SQ FT
GARAGE	395 SQ FT
BITUMINOUS SURFACE	1029 SQ FT
DECK W/ STAIRS 2	451 SQ FT
STAIRS 1	23 SQ FT
LANDSCAPING 1 (FABRIC)	0 SQ FT
LANDSCAPING 2 (FABRIC)	0 SQ FT
CONCRETE 1	91 SQ FT
CONCRETE WALK	366 SQ FT
<b>TOTAL</b>	<b>3257 SQ FT 31.4%</b>

NOTE: NO BLUFF  
 ON LOT  
 (< 15' ELEVATION  
 DIFFERENCE)



**LEGEND**

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- PEDESTAL-COMMUNICATION
- POLE-UTILITY
- Ⓜ METER
- Ⓢ MANHOLE-SANITARY SEWER

**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Michael M. Eichers  
 License Number 46564  
 01/08/2026  
 Date

**CERTIFICATE OF SURVEY**  
 LE SUEUR COUNTY, MINNESOTA

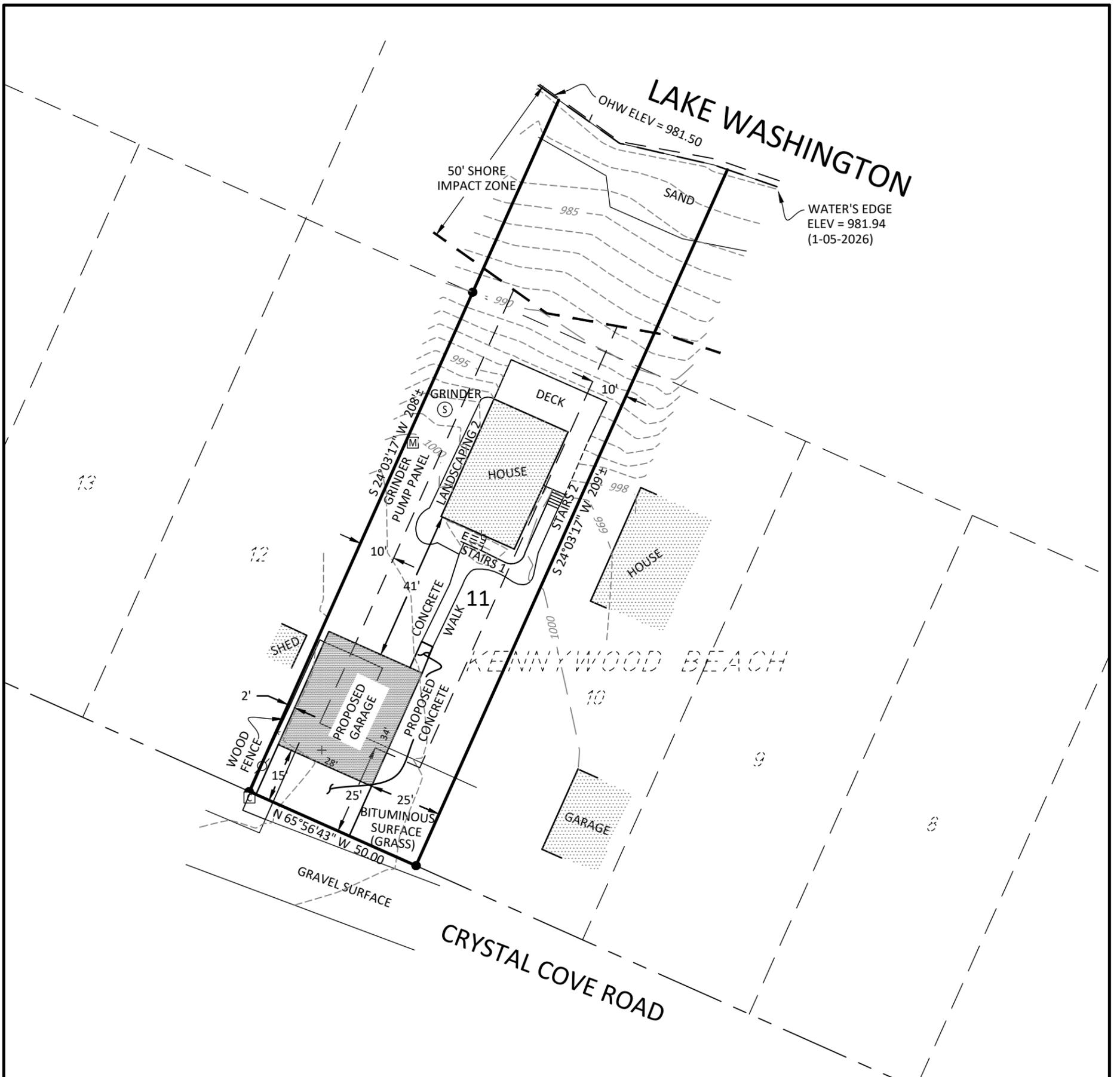
1960 PREMIER DRIVE  
 MANKATO, MN 56001  
 (507) 625-4171

LOT 11, KENNYWOOD BEACH SUBDIVISION, LE SUEUR COUNTY, MINNESOTA

FOR: DEANNE NELSON

SDB141825H





## PROPOSED CONDITIONS

PID 05.500.0110

OWNER ADDRESS  
DEANNE NELSON  
521 7TH AVE NE  
WASECA, MN 56093

SITE ADDRESS  
2510 CRYSTAL COVE ROAD  
MADISON LAKE, MN 56063

TOTAL LOT AREA = 10,369 SQ FT

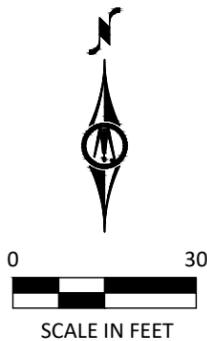
### REMOVAL IMPERVIOUS SURFACES

SHED	121 SQ FT
GARAGE	395 SQ FT
BITUMINOUS SURFACE	1029 SQ FT
CONCRETE 1	91 SQ FT
CONCRETE WALK	121 SQ FT
<b>TOTAL</b>	<b>1757 SQ FT (16.9%)</b>

### PROPOSED IMPERVIOUS SURFACES

GARAGE	952 SQ FT
CONCRETE	447 SQ FT
<b>TOTAL</b>	<b>1399 SQ FT (13.4%)</b>

EXISTING - REMOVAL + PROPOSED = TOTAL  
3257 - 1757 + 1399 = 2899 SQ FT (27.9%)



NOTE: NO BLUFF  
ON LOT  
( < 15' ELEVATION  
DIFFERENCE)

## LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- PEDESTAL-COMMUNICATION
- ⊕ POLE-UTILITY
- Ⓜ METER
- Ⓢ MANHOLE-SANITARY SEWER

## SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Michael M. Eichers  
License Number 46564

01/08/2026  
Date

## CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



**BOLTON  
& MENK**

1960 PREMIER DRIVE  
MANKATO, MN 56001  
(507) 625-4171

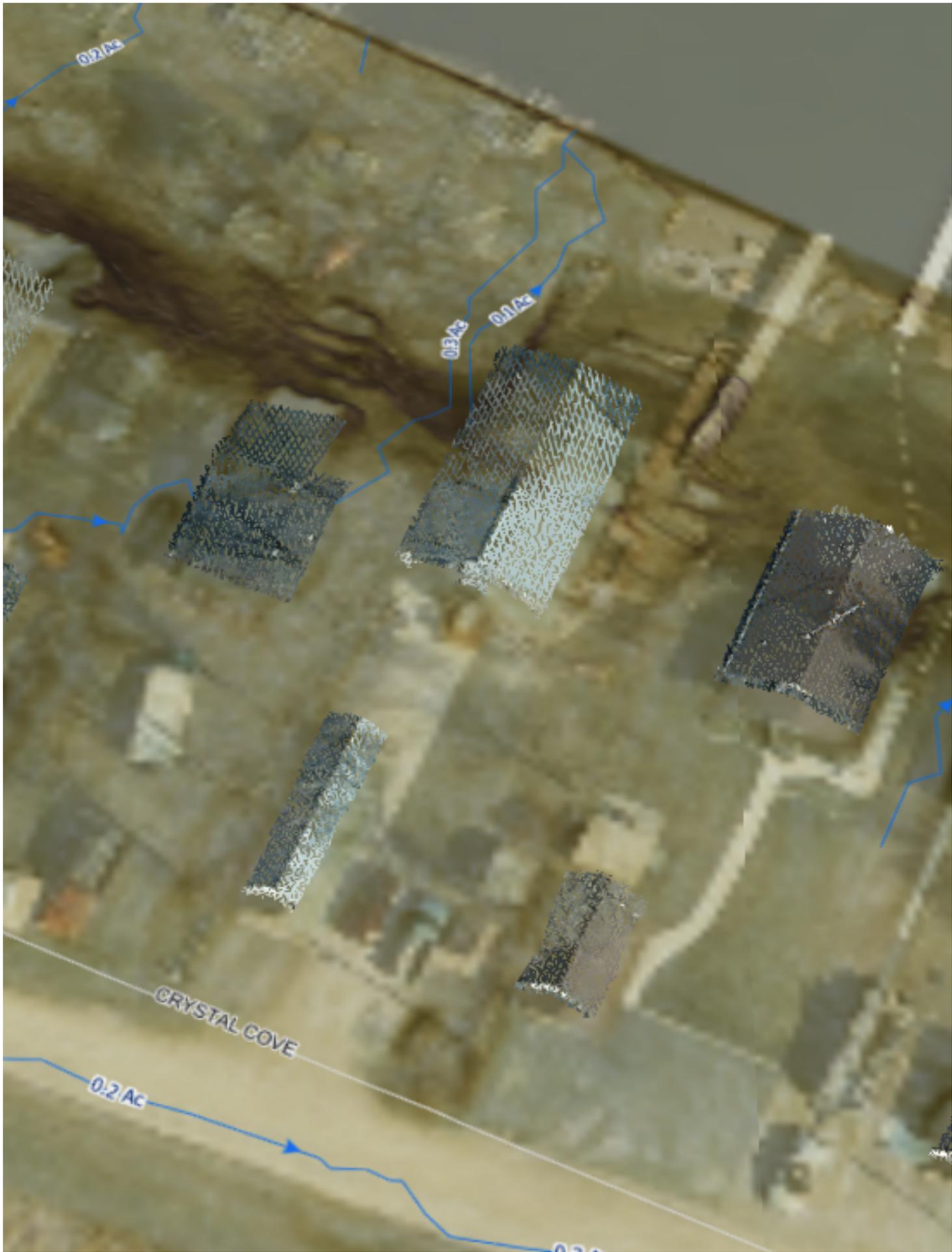
LOT 11, KENNYWOOD BEACH SUBDIVISION, LE  
SUEUR COUNTY, MINNESOTA

FOR: DEANNE NELSON

SDB141825H

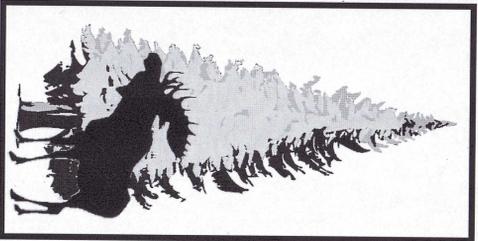
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RESIDENTIAL • URBAN • INTERIORS • PROJECT MANAGEMENT  
**R.L. ZIMMERMANN**  
*architecture/design*  
 36830 lake knoll drive waseca, minnesota  
 rclde@rlzdesign.com  
 507.363.6242

Drawn by: RLZ

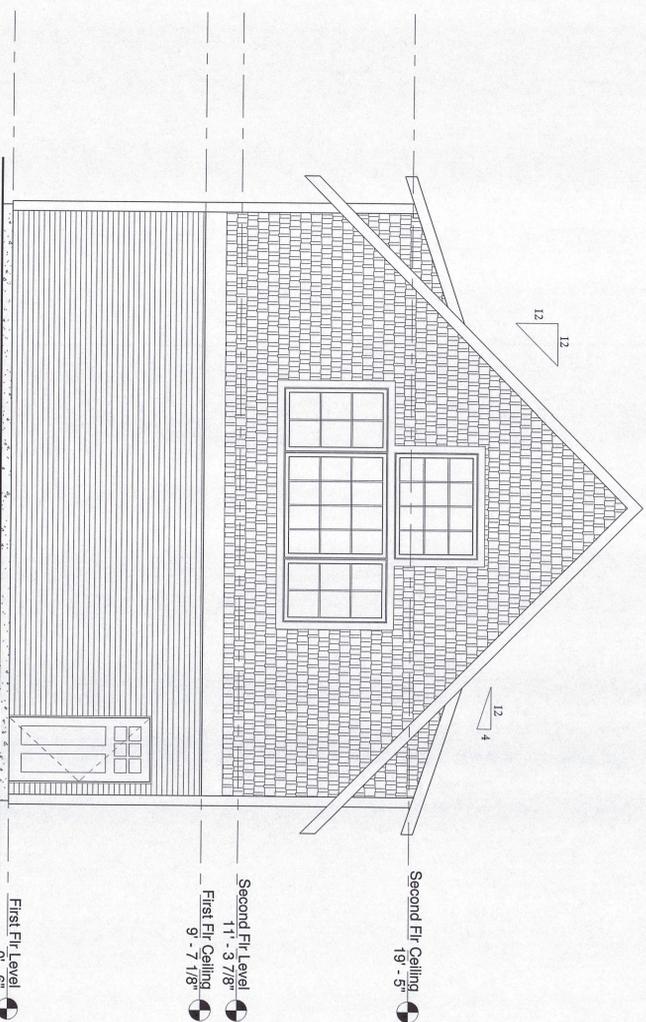
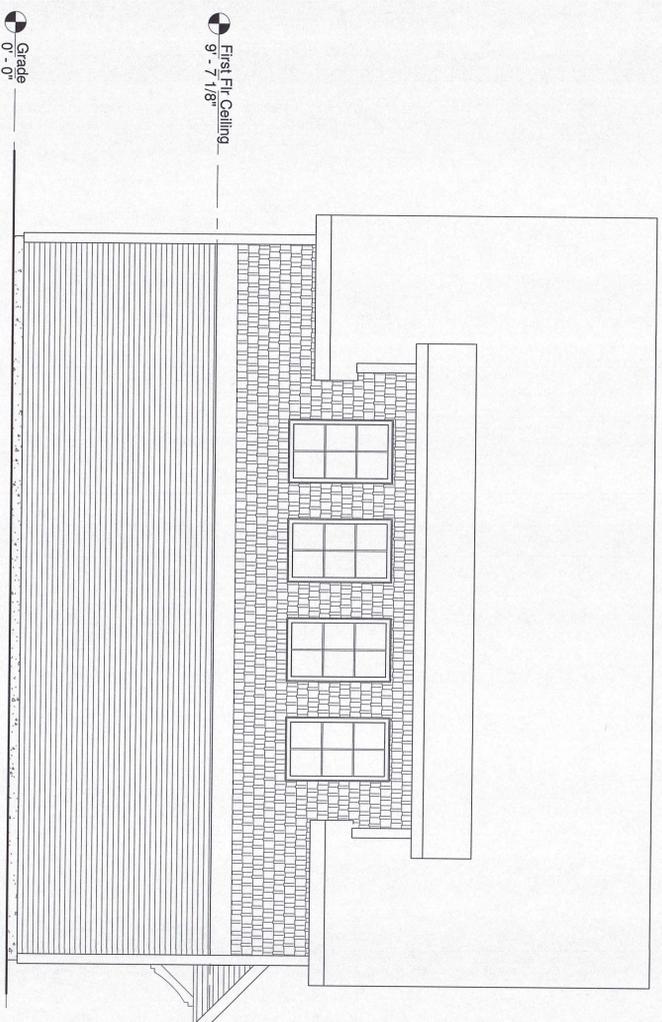
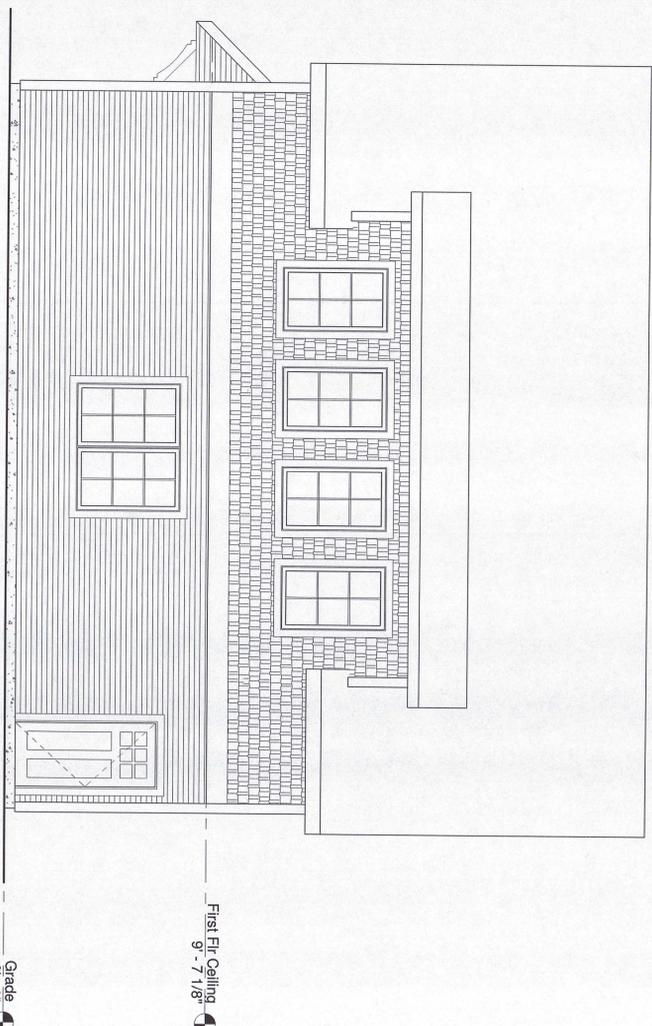
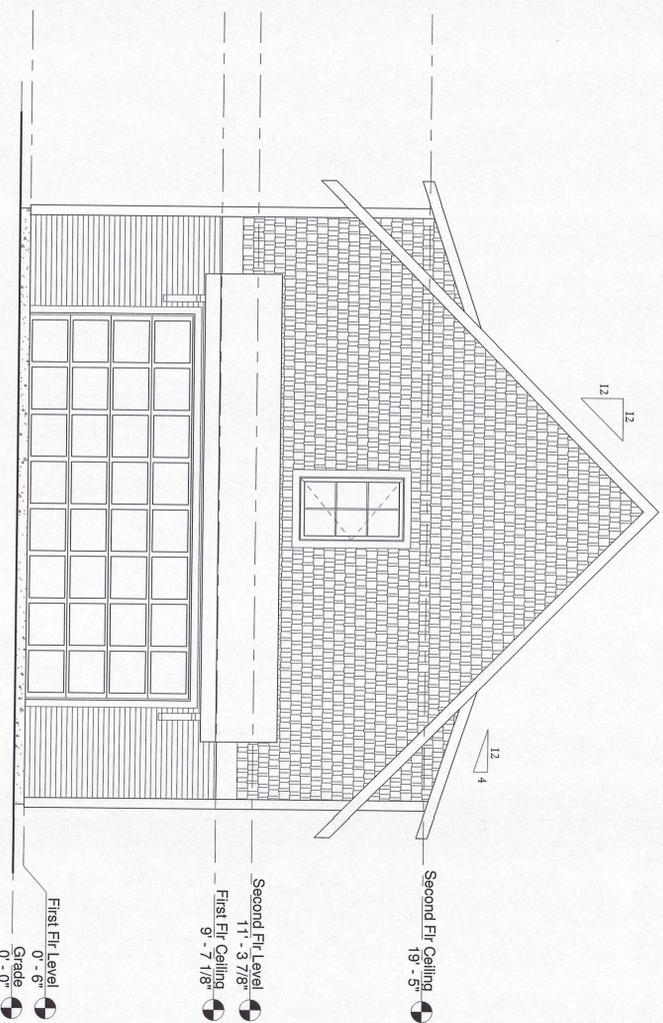
# Deanne Nelson Garage

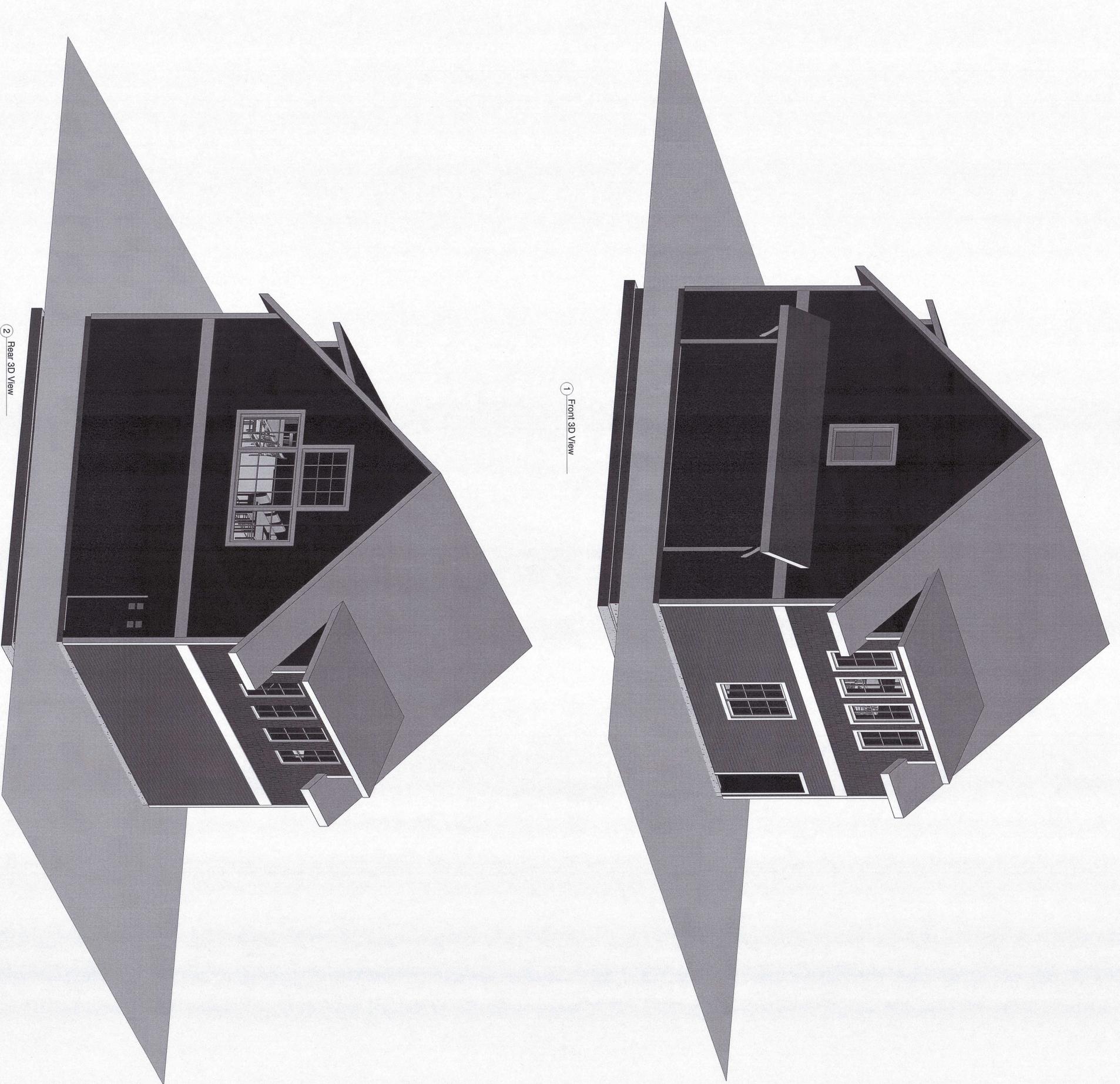
Document Date:  
August 5th 2025

rev. date remark

Elevations

# A1.3

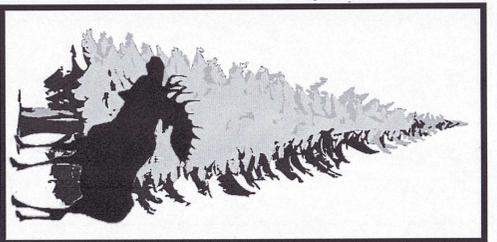




1 Front 3D View

2 Rear 3D View

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Drawn by: RLZ

# Deanne Nelson Garage

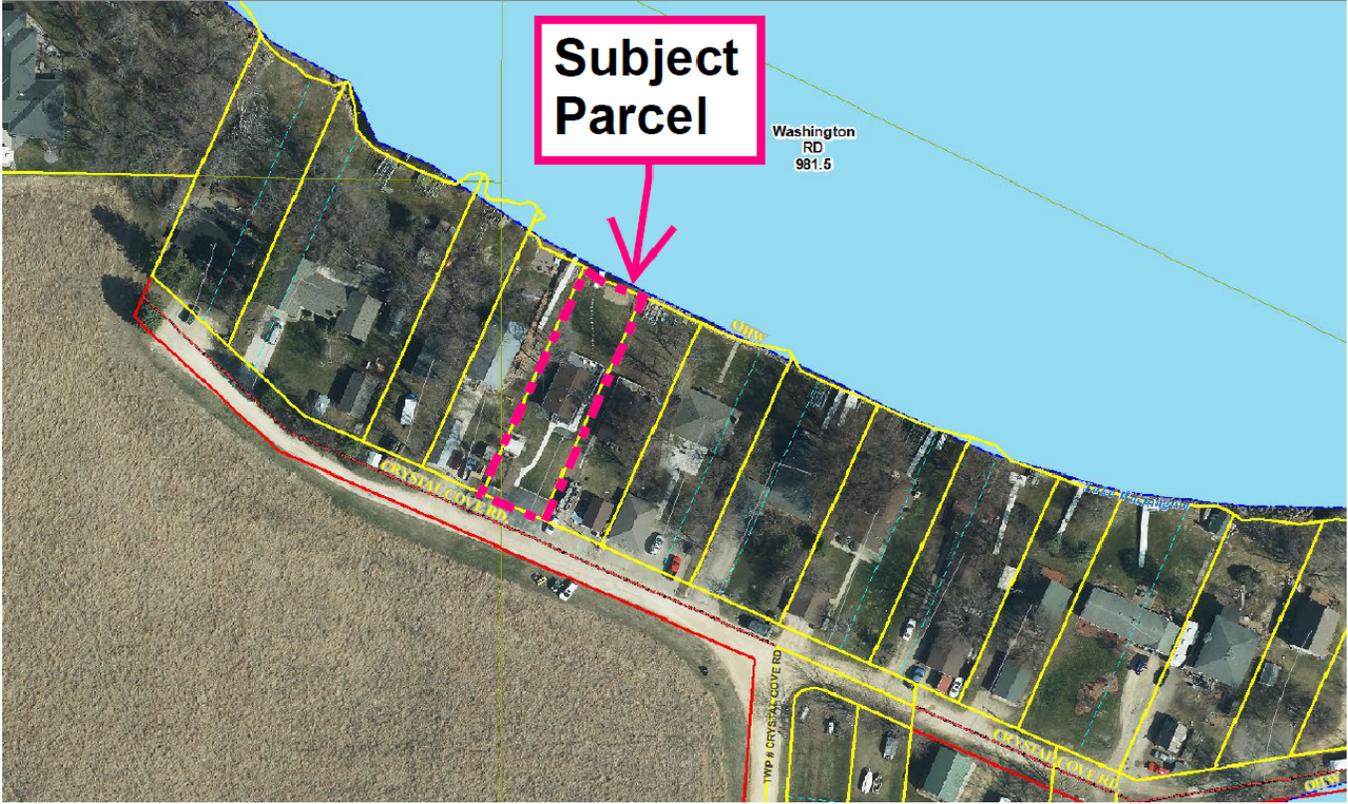
client name

address

Document Date:  
August 5th 2025

rev.	date	remark





**Subject  
Parcel**

Washington  
RD  
981.5

CRYSTAL COVE RD

TWP # CRYSTAL COVE RD

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT/OWNERS:** Kevin & Joyce Buscho

**911 ADDRESS:** 47763 151<sup>st</sup> Ave, Kilkenny, MN 56052

**VARIANCE REQUEST:** To reduce the required setback from a County Road Right-of-Way (ROW) from 75 feet to 56 feet, and to enlarge a lawful nonconforming structure to accommodate a 25' x 33' dwelling addition in the Agriculture "A" District.

**VARIANCE NUMBER:** BOA-001102-2026

**PARCEL NUMBER:** 14.011.7600

## SITE INFORMATION

**LOCATION:** The subject property is located in part of the W 1/2 of the SW 1/4, Section 11 of Waterville Township.

**ZONING & PURPOSE:** Agriculture "A" District

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protecting the best of its agricultural land as a resource for long term agricultural use.

**GOAL #1:** Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

**Objective 1:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**GENERAL SITE DESCRIPTION:** Developed Conforming Lot

**ACCESS:** Existing access from CSAH 3, 151<sup>st</sup> Ave

## BACKGROUND INFORMATION

County records indicate the subject property was developed in 1880. The dwelling was constructed prior to the adoption of the Le Sueur County Zoning Ordinance and does not meet the current County Road ROW setback. The applicants propose to construct a dwelling addition to connect the dwelling to the detached garage to allow for better use of the dwelling. If approved, the variance would allow the dwelling addition to be constructed with a reduced setback from the County Road ROW.

## ATTACHMENTS

Application, Description of Request, Site Plan (Proposed Conditions), Building Plans, LIDAR Map, Erosion Control Plan, Aerial Image, & Findings of Fact Form

## FINDINGS

Staff findings per Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

<u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Reduce Road ROW Setback:	56 feet	75 feet	Section 8, Subdiv. 7. A. 2.	8-8
b. Expand Legal Nonconforming Structure:			Section 24, Subdiv. 6. B. 1.	24-2
2. The applicant is requesting the variance to allow the construction of a 25' x 33' dwelling addition with a reduced ROW setback.				

## CONSIDERATIONS

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
2. **Additional Considerations:**
  - a. CSAH 3 has a 100-foot wide road ROW.
  - b. The proposal would connect the existing detached garage to the dwelling.

## PRACTICAL DIFFICULTY

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
2. Variances shall only be permitted when the request is consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official controls in the request are the required setbacks from a Township Road Right-Of-Way and enlarging a lawful Nonconforming structure.
  - a. **Road ROW Setback: The setback from a road ROW is to ensure safe sight lines and road safety issues.**
    - The proposed addition is located behind the existing dwelling and doesn't block any sight lines of the road.
    - The proposed addition would not be closer to the road ROW than the existing dwelling.
    - Based on the above information, the setback from the dwelling addition to the County Road ROW will not negatively affect road safety or sight line.
  - b. **Expansion of a Nonconforming Structure: Whenever nonconforming structures are expanded, a variance is required and steps should be taken to bring the lot into compliance with current regulations.**
    - The subject property is a conforming lot, and the existing dwelling was constructed closer to the County Road ROW than what is allowed under the current ordinance standards.
    - The proposed addition would not meet the front road ROW setback; however, it would meet all other required setbacks.
    - Based on the above information, the request is in harmony with the general purpose and intent of the official control.

2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists protecting agriculture land for agriculture resources or uses.
  - The proposed addition would not remove any productive agriculture soils from production.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.
  
3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing to construct a dwelling addition to increase the use of their dwelling.
  - A dwelling is a permitted use in the Agriculture “A” Zoning District.
  - Based on the above information, the request is a reasonable use not permitted by an official control.
  
4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
  - The subject dwelling was constructed in 1880 prior to the adoption of the Le Sueur County Zoning Ordinance.
  - Based on the above information, the plight of the landowner was not created by them.
  
5. **Will the issuance of the variance maintain the essential character of the locality?**
  - The locality is agriculture with two residential lots in the area.
  - The dwelling addition is proposed to be located behind the dwelling and would connect the existing garage to the dwelling.
  - Based on the above information, the request would maintain the essential character of the locality.
  
6. **Does the alleged Practical Difficulty involve more than economic considerations?**
  - If approved, the applicant would be able construct a dwelling addition that would connect the existing garage to the dwelling to allow for better access to the garage.
  - The dwelling addition will allow for less congestion in the kitchen and improve the overall use of the dwelling
  - Based on the above information, the request does involve more than economic considerations.

<b>PROPOSED CONDITIONS</b>
----------------------------

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the site plan (submitted February 9, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, a **Zoning Permit** shall be submitted and issued for the dwelling addition.





# VARIANCE

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



Application Date: January 28, 2026 Permit Number: BOA-001102-2026 Fee: \$846.00  
 60-Day Ruling Date: March 27, 2026 911-Address: 47763 151st Ave, Kilkenny, MN 56052  
 Applicant(s): Kevin & Joyce Buscho Landowner(s): Kevin & Joyce Buscho  
 Mailing Address: 47763 151st Ave Mailing Address: 47763 151st Ave  
 City: Kilkenny City: Kilkenny  
 State: MN Zip: 56052 State: MN Zip: 56052  
 Phone: 612.799.2687 Phone: 612799.2686

Township: Waterville Parcel No.: 14.011.7600  
 Section: 11 Subdivision: N/A  
 TWP #: 109 Lot #: N/A Zoning District: A  
 Range#: 23 Block#: N/A FEMA Panel #: 27079C0 325E  
 1/4 - 1/4: Part of the W 1/2 - SW 1/4 Road Type: CR Flood Zone: X-Outside

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Variance, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Variance:

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a County Road Right-of-Way (ROW) from 75 feet to 56 feet, and to enlarge a lawful nonconforming structure to accommodate a 25' x 33' dwelling addition in the Agriculture "A" District.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Variance:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 \_\_\_\_\_  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
February 11, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

ON-SITE TOUR DATE:	<u>March 5, 2026</u>	ACTION:	_____
PUBLIC HEARING DATE:	<u>March 5, 2026</u>		_____
	_____		_____
	_____		_____
AS WRITTEN		WITH CONDITIONS	

\_\_\_\_\_  
 BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
 DATE

# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): Kevin & Joyce Buscho

Variance #: BOA-001102-2026

Variance Request: Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a County Road Right-of-Way (ROW) from 75 feet to 56 feet, and to enlarge a lawful nonconforming structure to accommodate a 25' x 33' dwelling addition in the Agriculture "A" District.

- A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.
- B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

**ENVIRONMENTAL SERVICES**

88 South Park Avenue, Le Center MN 56057

Website: www.lesueurcounty.gov

Phone: 507-357-8538 Email: EnvServices@lesueurcounty.gov



Le Sueur County  
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*Application – Variance***I. Applicant:**Name Kevin L. Buscho and Joyce L. BuschoMailing Address 47763 151st AvenueCity Kilkenny State MN Zip 56052Phone # 612-799-2687 Phone # 612-799-2686**II. Landowner:**Name Kevin L. Buscho and Joyce L. BuschoProperty Address 47763 151st AvenueCity Kilkenny State MN Zip 56052Phone # 612-799-2687 Phone # 612-799-2686**III. Parcel Information:**Parcel Number 14.011.7600 Parcel Acreage 5 acresTownship Waterville Township Section 11Subdivision N/A Lot N/A Block N/A

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).***IV. Variance Request:** List requested alternative to development standard(s).Expanding a nonconforming structureReducing road right-of-way setback from 75 feet to 56 feet for the new addition.**V. Description of Request:**a. A full written description of the proposed variance request with detailed information must be attached.**VI. Township Notification:****Township must be notified prior to application.** *(County Commissioners are not the Township Board.)*Waterville Township notified on 12/22/2025*(Township Name)**(Date)*Board Member Alan Gehrke regarding the proposed request.*(Name)***VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts.*

## • Impervious Surface

- Required for *Shoreland, Business, & Industrial Districts.*

- Itemized current &amp; proposed impervious surfaces to include total percentages.

- Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.***\*Site shall be physically staked, then surveyed\*****\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\*****\*Stakes must remain in place until construction commences\***

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**VIII. Practical Difficulty:**

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

**1. Is the variance in harmony with the general purposes and intent of the official controls?**

*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

Our house is a non-conforming structure because the west side sits too close to the road. We are requesting permission to attach a family room to the southeast side of the house and to the existing garage. We understand that the intended purpose of the standard is for safety, however, we feel this does not apply here because we are not planning to build closer to the road. The proposed new family room would sit several feet back from the existing west side of the house.

**2. Is the request consistent with the comprehensive plan?** *Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

We do not feel our request violates any of the listed goals. Only Goal 1, Objective 1, could possibly apply. It states: "The County will protect the best of its agricultural land as a resource for long term agricultural use". However, Action 1 under Objective 1, does not apply because we do not own a large contiguous agricultural land tract. We feel Action 2, which states: "The County will eliminate the Agricultural Residential District from its zoning ordinance" applies, because our property is a small 5 acre residential parcel.

**3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?** *Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

We are requesting permission to attach a family room to the southeast side of our existing house. The west side of our home is the side that is nonconforming because it is too close to the road. The family room will sit back farther from the road than the west side of the house. We feel this is reasonable because it will not pose any greater safety issue than the current structure, which has been there since 1880.

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4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

Yes, our plight is due to circumstances unique to the property and not created by us. Our house was built in 1880. We purchased this property in 1999. The road which our house sits too close to was already positioned where it is today when we bought our property in 1999. It is not economically feasible to move our house back from the road or to tear it down and rebuild. The house has been almost entirely remodeled since it was built in 1880.

5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

Yes, the variance would maintain the essential character of our locality. Many of our neighbors have remodeled their homes. Several new homes have also recently been built in the area. We believe that adding a family room to our existing house and attaching it to our garage will make our house fit in better with our neighborhood. It will increase its curb appeal, which is also a good thing for the neighborhood.

6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

Yes, the request involves more than economic considerations. Adding a family room on to our kitchen is a practical way to improve the flow of our living space. Currently, our main outside entrance opens into our kitchen. One has to walk through the kitchen and dining room to get to our sitting room. Because of this, people tend to congregate in the kitchen for interaction, making it difficult to prepare meals. Also, connecting the garage to the house will be a very positive thing for us, especially during the cold winter months.

**IX. Attachments shall include but not limited to:**

- |  |  |
|--|--|
| <input type="radio"/> <b>Description of Request</b>  | <input type="radio"/> <b>Septic Compliance</b> (if applicable)             |
| <input type="radio"/> <b>Site Plan(s)</b> – Survey showing Existing & Proposed Conditions            | <input type="radio"/> <b>Floor Plans or Building Plans</b> (if applicable) |
| <input type="radio"/> <b>Surveyor Certification</b>  | <input type="radio"/> <b>Erosion Control Form</b>                          |
| <input type="radio"/> <b>Township Notification</b> – See Part VI                                     | <input type="radio"/> <b>Erosion Control Plan</b>                          |
| <input type="radio"/> <b>Access Approval</b> – Attached approval from the applicable road authority  |  |
| <input type="radio"/> <b>Full Legal Description</b> – Not abbreviated description from tax statement |  |

***The Department may request additional information regarding the application.***

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**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance:	\$ 800
Time Extension:	\$ 600
Filing Fee:	\$ 46

Variance for Clusters:	\$ 800 + \$200 per household
Filing Fee:	\$ 46

**Additional Fees:**

Special Meeting:	\$1,500
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

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- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

**XIII. Acknowledgement:**

I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.

If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.

By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.

**XIV. Signatures:**

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

Joyce Z Buscho  
Applicant signature

1-28-26  
Date

Joyce Z Buscho  
Property Owner signature

1-28-26  
Date



## V. DESCRIPTION OF PROPOSED VARIANCE REQUEST

We, Kevin and Joyce Buscho, are requesting a variance to build a 25 ft by 33 ft family room, including a covered porch for the new main entrance, on to our existing house. We would like to add the family room to the southeast side of the house. A variance is needed because our house is a nonconforming structure. The west side of the house, the parlor, sits too close to the road. The proposed family room would sit much farther back from the road than the west side of the house, which would not increase any safety issues.

Our house was built in 1880. It is not economically feasible to move the house back from the road or to tear it down and rebuild it in order to be compliant with the current standards. When we purchased the house in April of 1999, it had been almost completely remodeled. There was also a more recently built three car garage sitting in close proximity to the house. This garage is positioned close enough to attach to an addition to the house. The size of our proposed family room is being determined, in large part, by the position of the house and its proximity to the garage.

There are two main reasons we wish to add a family room to our house. These involve creating a better flow for our living area and gaining access to an attached garage. Through the years, we have found that the flow of our living space is very inconvenient and awkward because it is difficult to use our parlor/sitting room for its intended purpose. Since the main entrance to our house is currently on the north side and enters the kitchen, people tend to congregate in the kitchen because to reach the parlor, you have to walk through the kitchen and dining room. This makes it difficult to interact with anyone in the parlor while you are fixing meals. If people do not go to the parlor, but sit in the kitchen, it becomes very congested and safety issues arise, especially now that we have several small grandchildren. A family room off of the kitchen will provide a place for people to sit comfortably and interact while the kitchen is being used for its intended purpose.

The other reason we want to add a family room to the kitchen is to connect the house to the garage. We have spent the duration of our time since moving here in 1999, without the convenience of an attached garage in the cold winter months. As we grow older, it is really important to us to have this convenience. It will reduce the likelihood of falling on ice when going to our cars, which are currently parked outside on the north side of the house, where our main entrance is at this time.

The plan, in a nutshell, is to pour eight foot concrete walls for the basement. The garage foundation will be attached to the basement wall on the east side of the addition through a process called underpinning. We are planning to build an eight foot by 25 foot covered porch to the south side of the addition. The porch will be over an eight foot by twenty-five foot cold storage area in the basement. The floor of the porch will be a reinforced concrete slab covering the cold storage area beneath. There will be eight foot wide steps up to the porch from the south. This will become the main entrance to the house. The main entrance door will be on the right side of the porch with a french door on the left side of the porch to match.

The family room will make up the remainder of the square footage on the main floor. It is to have a vaulted ceiling so that the roof line from the outside will blend well between the two story house and the garage. We also plan to modify the roof line over the kitchen and to the north side of the house. This will create a covered porch over the north entrance, as well, which is much needed. Currently, when it rains or the ice melts from the roof, it tends to drip down your neck as you make entrance into the house from that side.

In addition to storage, there is to be a play area for our grandchildren in the basement part of the addition. We are also planning to have office space for both Kevin and Joyce in the basement part of the new structure.

Thank you for considering our request for a variance. Your time is much appreciated! If approved, we would like to start this project as soon as possible this spring, weather permitting.

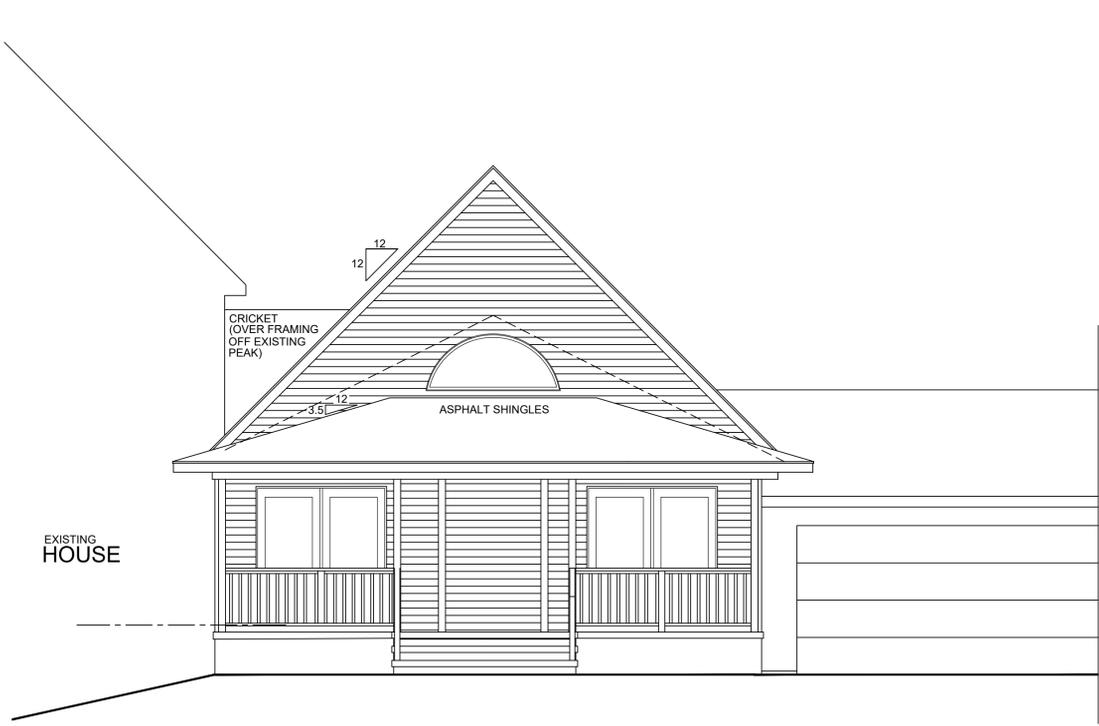




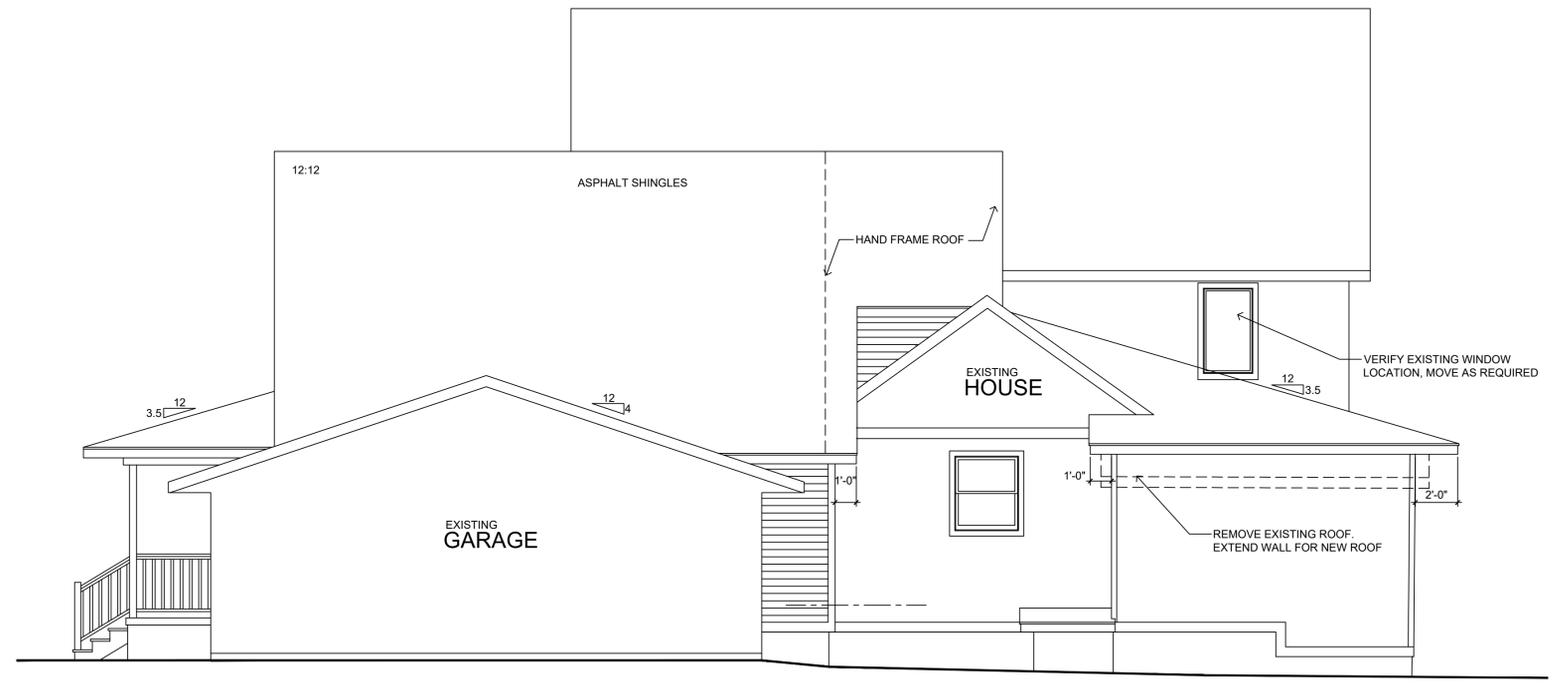




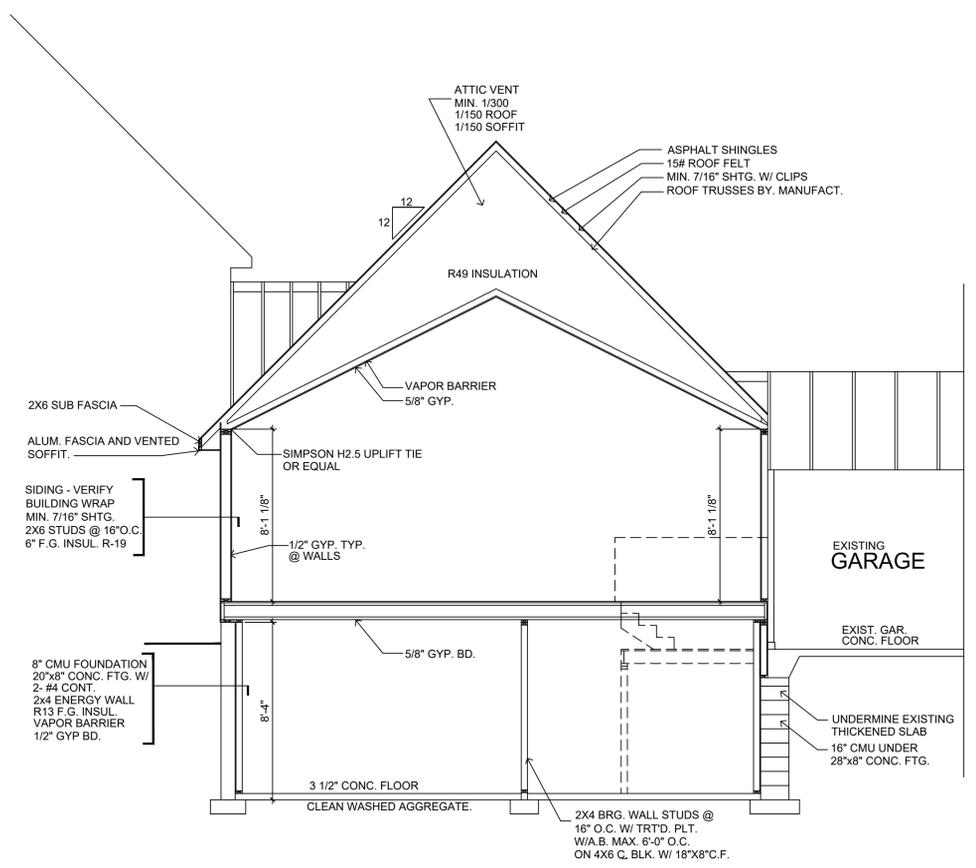




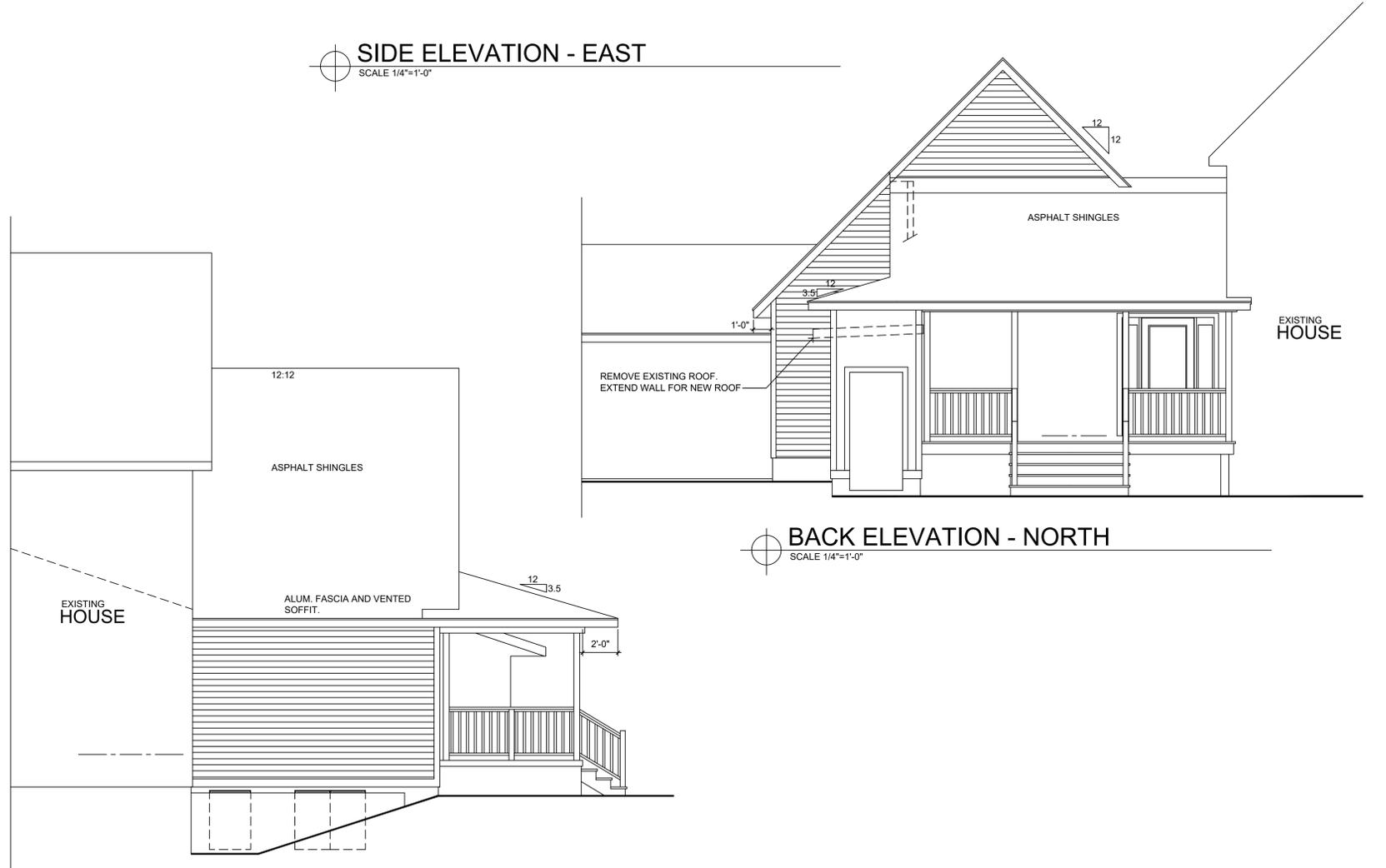
**FRONT ELEVATION - SOUTH**  
SCALE 1/4"=1'-0"



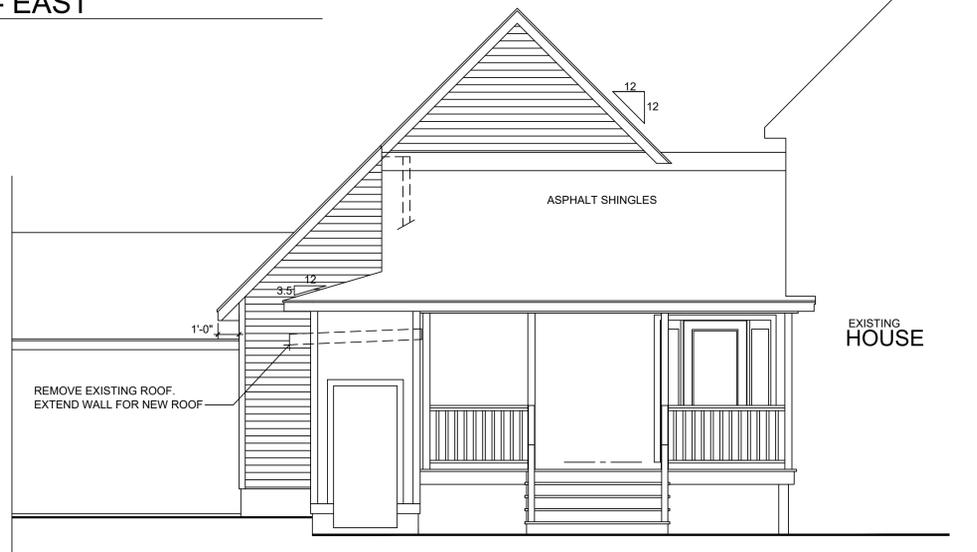
**SIDE ELEVATION - EAST**  
SCALE 1/4"=1'-0"



**CROSS SECTION**  
SCALE 1/4"=1'-0"



**SIDE ELEVATION - WEST**  
SCALE 1/4"=1'-0"



**BACK ELEVATION - NORTH**  
SCALE 1/4"=1'-0"

**WHEELER DESIGN**  
OWATONNA, MN  
PHONE (507) 649-0441

These plans are intended for use by the contractor. The contractor is responsible for obtaining all necessary permits and for verifying that the plans conform to all applicable codes and regulations. The contractor shall be responsible for any errors, omissions, alterations or improper construction. The contractor shall be responsible for any damage to the property during the construction of this structure or any time thereafter. WHEELER DESIGN retains all rights to original designs and / or drawings.

**RESIDENCE: KEVIN & JOY BUSCHO**  
**ADDRESS: 47763 151 ST. AVE. KILKENNY, MN. 56052**

9/17/2025





**ENVIRONMENTAL SERVICES**

Address: 88 South Park Avenue, Le Center MN 56057  
 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Le Sueur County Erosion Prevention and Sediment Control Plan**

OWNER / CONTRACTOR			
Owner's Name: <i>Kevin Buscho</i>	Email: <i>Kjboschoat@gmail.com</i>	Phone #: <i>612-799-2687</i>	
Address: <i>47763 151st Ave.</i>	City: <i>Kilkenny</i>	State: <i>MN</i>	Zip: <i>56052</i>
Contractor's Name: <i>Guy Thompson</i>	Email: <i>concreteguy27@yahoo.com</i>	Phone #: <i>952-454-4033</i>	
Address: <i>19616 Hibbing Way</i>	City: <i>LAKEVILLE</i>	State: <i>MN</i>	Zip: <i>55044</i>
SITE LOCATION			
Site Address: <i>47763 151st Ave Kilkenny, MN 56052</i>			
Subdivision:	Parcel ID: <i>14.011.7600</i>		
Project Purpose: <i>office and family room addition</i>			
Estimated Start Date: <i>OCT 2025</i>		Estimated Completion Date: <i>Dec 2025</i>	
COUNTY USE ONLY			
Environmental Services Approval:		Date:	
Permit Number:	Inspection Date:		

**Statement of Compliance**

The property owner and the contractor conducting work on the site are both responsible for all the construction activities that occur on the site. By signing this document both parties are responsible for the installation and maintenance of all erosion and sediment control BMPs to ensure that sediment, soil, and debris does not leave the construction site. This includes but is not limited to tracking of soil /mud onto public streets and roadways from vehicles leaving the site, soil eroding from the site onto roadways, lakes, streams, drainage ditches, or onto neighboring property. If sediment, soil/mud and/or debris leaves the site, both parties are responsible for the immediate clean up and all costs and fines associated with it. Both parties are also responsible for the total restoration of vegetation on the site (seed/mulch, sod, gardens) after construction disturbance is substantially complete, and only after vegetation has been established with vigorous growth can BMPs be cleaned and removed. Permits can be closed only after full restoration is complete. Both the property owner and contractor signatures are required.

Landowner Signature: 	Date: <i>10-13-25</i>
Contractor/Applicant Signature: 	Date: <i>10-12-25</i>



**ENVIRONMENTAL SERVICES**

Address: 88 South Park Avenue, Le Center MN 56057  
 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Erosion Prevention and Sediment Control Narrative**

A) Attach full description of your project and type of foundation/disturbance. (ex: constructing a 1,500 sq ft house w/full basement; constructing an attached 20 ft by 20 ft garage; constructing a 50 ft by 14 ft driveway, and constructing a 10 ft by 10 ft patio, etc.). *Adding a 36' x 25' addition to home for office & great room*

B) How much land are you disturbing?

Total (Square Feet):	<i>850</i>	
Are you importing/exporting any fill? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Amount of Grading, Excavating, and Filling Activities (Cubic Yards):	

C) Describe the slope of the land and slope of the adjacent land.

*the current area where the addition will go is fairly flat with approximate 1/4" per foot slope. The area is currently grass. When the addition is complete, no land elevations will be compromised and site conditions will be restored to current conditions.*

D) List all temporary erosion prevention and sediment control measures you intend to use and when you will be installing them. Show their proposed location in an attached drawing. [At a MINIMUM, you must have perimeter control such as silt fence and washing rock construction entrance.] Also, show and protect stockpiles.

*we will have a construction entrance according to the washing rock requirements described by environmental services. we will have a perimeter sediment control using Bio-Logs. All dirt stock piles will have Bio-Logs. No dirt will track to the street or ditches. Roadways will be inspected daily*

E) Final Stabilization. Date you will sod, or seed & mulch, or otherwise establish vegetation on the disturbed area.

Method:	<i>grass seed, any perimeter lawn will be restored that is damaged from construction</i>
Target Date:	<i>fall 2025 - erosion blankets; grass seed</i>

F) If the site is not vegetated before snow cover, describe below your selected winter-over protection methods.

*we will aim to get erosion blankets down prior to freeze up, maintain bio-logs if necessary*



Subject Parcel

CSK RD 16107 AVE

# VARIANCE STAFF REPORT

## GENERAL INFORMATION

<b>MEETING DATE:</b>	March 5, 2026
<b>APPLICANT/OWNERS:</b>	James & Marilyn Kluntz
<b>911 ADDRESS:</b>	46652 Cape Horn Rd, Cleveland, MN 56017
<b>VARIANCE REQUEST:</b>	To reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 55 feet; and reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 52 feet; and enlarge a lawful nonconforming structure to accommodate a 16' x 18' dwelling addition, a 20' x 12' deck, and a 4' x 12' front porch in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake
<b>VARIANCE NUMBER:</b>	BOA-001084-2026
<b>PARCEL NUMBER:</b>	01.650.0300

## SITE INFORMATION

<b>LOCATION:</b>	The subject property is Lot 4, Block 2, Kluntz's Lakewood Knoll, Section 1 of Cleveland Township.
<b>ZONING &amp; PURPOSE:</b>	Recreational Residential (RR) District  The intent of the Recreational Residential (RR) District is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.
<b>GOALS AND POLICIES:</b>	The current Land Use Plan, adopted in 2007, makes reference to protection of groundwater as well as surface water features.

<b>GOAL #3:</b>	Improve water quality in Le Sueur County.
<b>Objective 1:</b>	The County will undertake actions to help protect groundwater as well as surface water features.

<b>GENERAL SITE DESCRIPTION:</b>	Platted Shoreland Lot with no lake-frontage, developed Lot
<b>ACCESS:</b>	Existing access from Cape Horn Rd
<b>LAKE:</b>	Lake Jefferson
<b>Recreational Development Lake -</b>	Lakes that usually have between sixty (60) and two hundred twenty-five (225) acres of water per mile of shoreline, between three (3) and twenty-five (25) dwellings per mile of shoreline and are more than fifteen (15) feet deep.
<b>RFPE:</b>	Regulatory Flood Protection Elevation: 1027.8      Lowest floor must be at or above RFPE.

## BACKGROUND INFORMATION

The subject parcel is part of a Subdivision Plat from 1979. County records indicate the subject parcel was developed in 1983 with the issuance of a building/zoning permit to move in a dwelling. When the dwelling was placed on the lot it met the required setbacks at the time. Due to ordinance revisions, the ROW setback increased from 50 feet to 65 feet, causing the dwelling to become a legal Nonconforming structure. County records indicated that in 2000 a front porch was constructed on the dwelling without a permit. The applicants intend to construct a dwelling addition and deck onto the south side of the existing dwelling and bring the front porch into compliance. If approved, the variance would allow the addition and deck to be built with a reduced setback from the Township Road ROW and will bring the front porch into compliance. In addition, the Impervious Surface coverage of the lot would increase from 11.9% to 12.8% (proposed).

## ATTACHMENTS

Application, Description of Request, Survey (Proposed Conditions), Building Plans, LIDAR Map, Aerial Image, Erosion Control Plan, & Findings of Fact Form

## FINDINGS

Staff findings per Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

- | <u>Variance:</u>                         | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>            | <u>Page:</u> |
|--|-----------------|------------------|------------------------------|--------------|
| a. Reduce ROW Setback:                   | 52 feet         | 65 feet          | Section 13, Subdiv. 7. A. 3. | 13-52        |
| b. Reduce ROW Setback:                   | 55 feet         | 65 feet          | Section 13, Subdiv. 7. A. 3  | 13-52        |
| c. Expand Legal Nonconforming Structure: |                 |                  | Section 24, Subdiv. 6. B. 1. | 24-2         |
- The applicant is requesting the variance to allow the construction of a 16' x 18' dwelling addition and a 20' x 12' deck with a reduced ROW setback.
  - The front porch was constructed without permit, but would be brought into conformity with approval of this variance and issuance of the Zoning Permit.
  - No mature trees will be removed from the property for the proposed construction.
  - If approved, the Impervious Surface coverage of the lot would increase from 11.9% to 12.8%.

## CONSIDERATIONS

- The following shall be considered at the hearing:
  - There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
- Additional Considerations:
  - The request is to accommodate the construction of a 16' x 18' dwelling addition and a 20' x 12' deck with a reduced ROW setback.
  - The proposed Impervious Surface Coverage of the lot is 12.8%.
  - The front porch was constructed in 2000 without a permit and requires a reduced road ROW setback.
  - The dwelling is a legal Nonconforming structure.
  - The property does not have lake-frontage.

## PRACTICAL DIFFICULTY

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
2. Variances shall only be permitted when the request is consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.

## ADDITIONAL REVIEW COMMENTS

1. This request was submitted to Trevor Rudenick, the County's Water Resources Planner for review. In his review Mr. Rudenick stated the applicant is proposing a 18x16 addition and a 12x20 deck attached to their current dwelling. They are currently at 11.9% impervious and are proposing 12.8% impervious, putting them well below the 25% limit within Shoreland zoning. Additionally, they are across a road (Cape Horn Road) from the lake so minimal impact is likely. The submitted Erosion Control plan indicates the mulch will be put in place, but no site plan has been attached. The applicant will need to submit a site plan showing the proposed location of erosion control.
2. This request has been submitted to Trygve Capistrant-Kinney, County Senior Planner. In his review, Mr. Capistrant-Kinney stated there is a current SSTS compliance inspection on file dated October 15, 2025. The nature of work will have little to no impact on the viability of the existing septic system. Care should be taken so that the system is not impacted or harmed during construction (i.e. no staging or storage of materials in close proximity to system, no construction access or driving over existing buried sewer and supply lines).

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official controls in the request are the required setbacks from a Township Road Right-Of-Way (ROW) and the expansion of a lawful Nonconforming Structure.
  - a. **Road ROW Setback: The setback from a road ROW is to ensure safe sight lines and road safety issues.**
    - The proposed location of the addition and deck is where the existing deck is currently located, which has not caused any sight line issues to the knowledge of the County.
    - The proposed addition would not be located closer to the ROW than the existing dwelling.
    - Based on the above information, the setback from the addition and deck to the road ROW will not negatively road safety or sight line.
  - b. **Expansion of a Nonconforming Structure: Whenever nonconforming structures are expanded, a variance is required and steps should be taken to bring the lot into compliance with current regulations.**
    - The subject property is a conforming lot, and the existing dwelling was constructed closer to the Township Road ROW than what is allowed under the current ordinance standards.
    - The proposed addition would not meet the ROW setback, however it would meet all other required setbacks.
    - Based on the above information, the request is in harmony with the general purpose and intent of the official control.
2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists protecting groundwater and surface water as one of its objectives. The proposal will not exceed Impervious Surface Coverage of a lot.
  - The applicants are proposing to keep and maintain the mature trees on the lot which will help prevent potential erosion issues.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.

3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing a 16' x 18' dwelling addition and a 20' x 12' deck on an existing dwelling, which is a permitted use.
  - The proposed addition would not be located closer to the ROW than the existing dwelling.
  - Based on the above information, the request is a reasonable use not permitted by an official control.
  
4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
  - When the existing dwelling was constructed the setback to a Township Road ROW was 50 feet, however ordinance revisions changed the setback to 65 feet. This caused the dwelling to be classified as a legal Nonconforming structure.
  - If the ROW setback was not changed in the ordinance, then a variance would not be required.
  - Based on the above information, the plight of the landowner was not created by them.
  
5. **Will the issuance of the variance maintain the essential character of the locality?**
  - The locality is residential lots (riparian lots & non-riparian lots). The applicant is proposing a 16' x 18' dwelling addition and a 20' x 12' deck on an existing dwelling. This is a permitted use if not for the need of variance.
  - There are multiple lots in the vicinity that the dwelling does not meet the road ROW setback.
  - Based on the above information, the request would maintain the essential character of the locality.
  
6. **Does the alleged Practical Difficulty involve more than economic considerations?**
  - If approved, the applicants would be able to get more use out of their property and be able to have all their needs located on one floor.
  - Based on the above information, the request does involve more than economic considerations.

<b>PROPOSED CONDITIONS</b>
----------------------------

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the survey (submitted February 4, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, a **Zoning Permit** shall be submitted and issued for the dwelling addition, deck, and porch.
5. *If approved*, the applicant shall submit a proposal to include appropriate best management practices that ensure all stormwater runoff from the dwelling is captured onsite.



# VARIANCE

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



Application Date: January 26, 2026 Permit Number: BOA-001084-2026 Fee: \$846.00  
 60-Day Ruling Date: March 27, 2026 911-Address: 46652 Cape Horn Rd, Cleveland, MN 56017  
 Applicant(s): James & Marilyn Kluntz Landowner(s): James & Marilyn Kluntz  
 Mailing Address: 46652 Cape Horn Rd Mailing Address: 46652 Cape Horn Rd  
 City: Cleveland City: Cleveland  
 State: MN Zip: 56017 State: MN Zip: 56017  
 Phone: 507.381.4347 Phone: 507.931.2319

Township: Cleveland Parcel No.: 01.650.0300  
 Section: 1 Subdivision: Kluntz's Lakewood Knoll  
 TWP #: 109 Lot #: 4 Zoning District: RR  
 Range#: 25 Block#: 2 FEMA Panel #: 27079C0 270E  
 1/4 - 1/4: SE-SE Road Type: Twp Flood Zone: X-Outside

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Variance, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Variance:

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 55 feet; and reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 52 feet; and enlarge a lawful nonconforming structure to accommodate a 16' x 18' dwelling addition, a 20' x 12' deck, and a 4' x 12' front porch in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Variance:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 \_\_\_\_\_  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
February 11, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

ON-SITE TOUR DATE:	<u>March 5, 2026</u>	ACTION:	_____
PUBLIC HEARING DATE:	<u>March 5, 2026</u>		_____
	_____		_____
	_____		_____
AS WRITTEN		WITH CONDITIONS	

\_\_\_\_\_  
 BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
 DATE

# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): James & Marilyn Kluntz

Variance #: BOA-001084-2026

**Variance Request:** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 55 feet; and reduce the required setback from a Township Road Right-of-Way (ROW) from 65 feet to 52 feet; and enlarge a lawful nonconforming structure to accommodate a 16' x 18' dwelling addition, a 20' x 12' deck, and a 4' x 12' front porch in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake.

A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE

**ENVIRONMENTAL SERVICES**

88 South Park Avenue, Le Center MN 56057

Website: www.lesueurcounty.gov

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



Le Sueur County  
**ENVIRONMENTAL SERVICES**

*Application - Variance*

**I. Applicant:**

Name James & Marilyn Kluntz  
Mailing Address 46652 Cape Horn Rd.  
City Cleveland State MN. Zip 56017  
Phone # 507/931-4347 Phone # 507/931-2319

**II. Landowner:**

Name James & Marilyn Kluntz  
Property Address 46652 Cape Horn Rd.  
City Cleveland State MN. Zip 56017  
Phone # 507/931-4347 Phone # 507/931-2319

**III. Parcel Information:**

Parcel Number 01-650-0300 Parcel Acreage 0  
Township Cleveland Section 1 Range 25  
Subdivision Kluntz's Lakewood Ave Lot 004 Block 002

Full Legal Description must be attached.

(Full legal description can be found on deed, not abbreviated legal description from tax statement).

**IV. Variance Request:** List requested alternative to development standard(s).

See Attached

**V. Description of Request:**

a. A full written description of the proposed variance request with detailed information must be attached.

**VI. Township Notification:**

**Township must be notified prior to application.** (County Commissioners are *not* the Township Board.)

Cleveland Township notified on 1/19/2026  
(Township Name) (Date)

Board Member Susan Ely regarding the proposed request.  
(Name)

**VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts.*
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

**\*Site shall be physically staked, then surveyed\***  
**\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\***  
**\*Stakes must remain in place until construction commences\***

**ENVIRONMENTAL SERVICES**

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)

Le Sueur County  
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SERVICES**

**VIII. Practical Difficulty:**

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

**1. Is the variance in harmony with the general purposes and intent of the official controls?**

*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

*Yes. The variance is needed to enlarge the complying structure and decrease the road setback. Our home was moved in back in 1982 when the setback was 50' from the road, now it is 65'.*

**2. Is the request consistent with the comprehensive plan?**

*Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

*Yes, our home is separated from the lake by a township paved road, 2 houses, an oversized shed and most importantly our many mature trees. We will NOT be removing any of the mature trees on our property. Not doing anything that disrupts the shoreline.*

**3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?**

*Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

*Yes. The request is reasonable because the proposed structure addition is on the same footprint as the existing deck.*

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Le Sueur County  
**ENVIRONMENTAL SERVICES**

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

*Yes. Nothing has changed except the county changing the setbacks, from 50' to 65' from the road. The house has been here for 44 years.*

5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

*Yes. Our home is across the road from Lake Jefferson with many views to Big Gelf & Middle Lake Jefferson. We fit in with the many styles of homes. We will be able to enjoy the many large trees, landscaped gardens & flower beds.*

6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

*Yes. The request will allow us to "Age in Place" with everything we need on one floor, as not to go down steps that are too narrow for a chairlift.*

**IX. Attachments shall include but not limited to:**

- Description of Request**
- Site Plan(s)** – Survey showing Existing & Proposed Conditions
- Surveyor Certification**
- ~~Township Notification~~ – See Part VI
- ~~Access Approval~~ – Attached approval from the applicable road authority
- ~~Full Legal Description~~ – Not abbreviated description from tax statement
- ~~Septic Compliance~~ (if applicable)
- ~~Floor Plans or Building Plans~~ (if applicable)
- ~~Erosion Control Form~~
- ~~Erosion Control Plan~~

**The Department may request additional information regarding the application.**

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SERVICES**

**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance:	\$ 800
Time Extension:	\$ 600
Filing Fee:	\$ 46

Variance for Clusters:	\$ 800 + \$200 per household
Filing Fee:	\$ 46

**Additional Fees:**

Special Meeting:	\$1,500
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

**\*\*Fees are non-refundable, and must be paid at the time of application\*\***

**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

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Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

**XIII. Acknowledgement:**

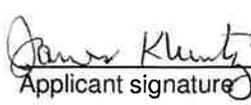
**I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.**

**If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.**

**By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.**

**XIV. Signatures:**

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

 Applicant signature		<u>1/19/2026</u> Date
 Property Owner signature		<u>1/19/2026</u> Date



**Variance Request – James J. and Marilyn S. Kluntz**  
**46652 Cape Horn Rd.**  
**Cleveland, MN 56017**

This variance request is to enlarge the complying structure and decrease the road setback. Our home was moved into its current location 44 years ago in 1982, at that time the setback was 50 feet from the road, now it is 65'. Our building plan is to tear off our 44-year-old deck and construct a sunroom the same size as the existing deck, on the same footprint. We are asking that the road setback be modified so that the new room, deck and our existing front step with portico will be in compliance and up to date. Our home faces Big Lake Jefferson to the front of the house and Middle Lake Jefferson to the side. There is a paved township road, 2 houses, large trees and an oversized shed separating us from the lake.

Our ultimate goal for this building project is to age in place in the home we love with everything we need on one floor.



**LEGAL DESCRIPTION:**  
 Lot 4, Block 2, Kluntz's Lakewood Knoll, Le Sueur County, Minnesota.

**SCOPE OF WORK & LIMITATIONS:**

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Existing building dimensions and setbacks measured to outside of siding or stucco.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- We have found and show on this survey existing irons and lines of occupation that are not in complete agreement with the plat of Kluntz's Lakewood Knoll. While we have shown the boundary of this property as best we can from this incomplete and conflicting information, we can't be sure that a judge would agree with our reasoning if the survey were challenged. If this uncertainty is something that you would like to remove, it is possible to go to court and have a judge rule on the matter, but like all legal proceedings, time and money would be involved.

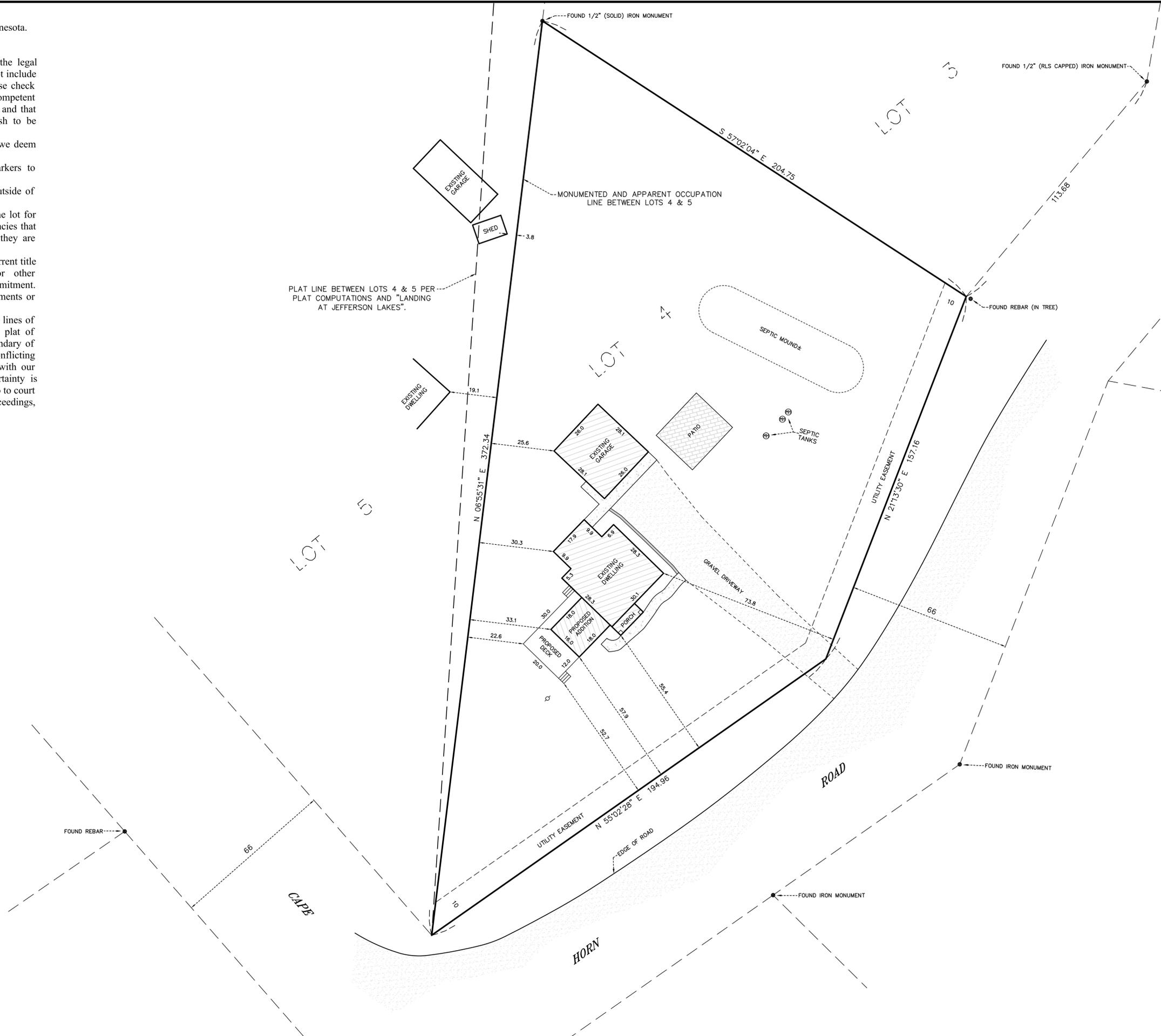
**STANDARD SYMBOLS & CONVENTIONS:**

"●" Denotes iron survey marker, found, unless otherwise noted.

EXISTING HARDCOVER	
HOUSE	1,029 SQ. FT.
GARAGE	729 SQ. FT.
GRAVEL DRIVEWAY	2,131 SQ. FT.
PAVER PATIO	479 SQ. FT.
FRONT PORCH	66 SQ. FT.
REAR WALK/APRON	205 SQ. FT.
FRONT WALK	188 SQ. FT.
BLOCK WALL	38 SQ. FT.
DECK	231 SQ. FT.
<b>TOTAL EXISTING HARDCOVER</b>	<b>5,096 SQ. FT.</b>
AREA OF LOT	42,776 SQ. FT.
LOT COVERAGE	11.9%

PROPOSED HARDCOVER	
HOUSE	1,029 SQ. FT.
GARAGE	729 SQ. FT.
GRAVEL DRIVEWAY	2,131 SQ. FT.
PAVER PATIO	479 SQ. FT.
FRONT PORCH	66 SQ. FT.
REAR WALK/APRON	205 SQ. FT.
FRONT WALK	188 SQ. FT.
BLOCK WALL	38 SQ. FT.
PROPOSED DECK	336 SQ. FT.
PROPOSED ADDITION	288 SQ. FT.
<b>TOTAL PROPOSED HARDCOVER</b>	<b>5,489 SQ. FT.</b>
AREA OF LOT	42,776 SQ. FT.
LOT COVERAGE	12.8%

NOTE: 1) AT THE TIME OF SURVEY, THERE WAS SIGNIFICANT SNOW COVERAGE. IT MAY BE POSSIBLE THERE ARE ADDITIONAL HARDCOVER ITEMS UNDER THE SNOW OR THAT THE AREA OF THE ITEMS WE DO SHOW ARE INCORRECT. WE ARE UNCERTAIN THAT ALL ITEMS WERE LOCATED. IF THIS UNCERTAINTY IS SOMETHING YOU WISH TO ELIMINATE, ALL HARDCOVER ITEMS WILL NEED TO BE CLEARED OF SNOW COVER. 2) THE HARDCOVER ITEMS SHOWN ABOVE ARE THOSE THAT WERE OBSERVED AND THAT ARE TYPICALLY COUNTED AS HARDCOVER IN MOST CITIES. BEFORE MOVING FORWARD WITH PLANNING OR CONSTRUCTION, BE SURE TO VERIFY WITH THE CITY THAT THESE ITEMS CONFORM TO THEIR CURRENT CODE.



**Advance**  
 Surveying & Engineering Co.

18202 Minnetonka Blvd. Suite 401  
 Deephaven, Minnesota 55391  
 Phone (952) 474-7964  
 Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Wayne W. Preufis*

Wayne W. Preufis

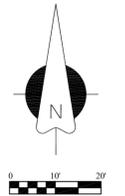
#43503

LICENSE NO.

JANUARY 30, 2026

DATE:

**DRAWING ORIENTATION & SCALE**



**CLIENT /JOB ADDRESS**

**MARILYN  
 KLUNTZ**

46652 CAPE  
 HORN RD.  
 CLEVELAND, MN

DATE	REVISION DESCRIPTION
2/4/26	DECK SETBACK TO SE LINE

**SURVEYED DATE:**  
 JANUARY 28, 2026

**DRAFTED DATE:**  
 JANUARY 30, 2026

**SHEET TITLE**  
**PROPOSED SURVEY**

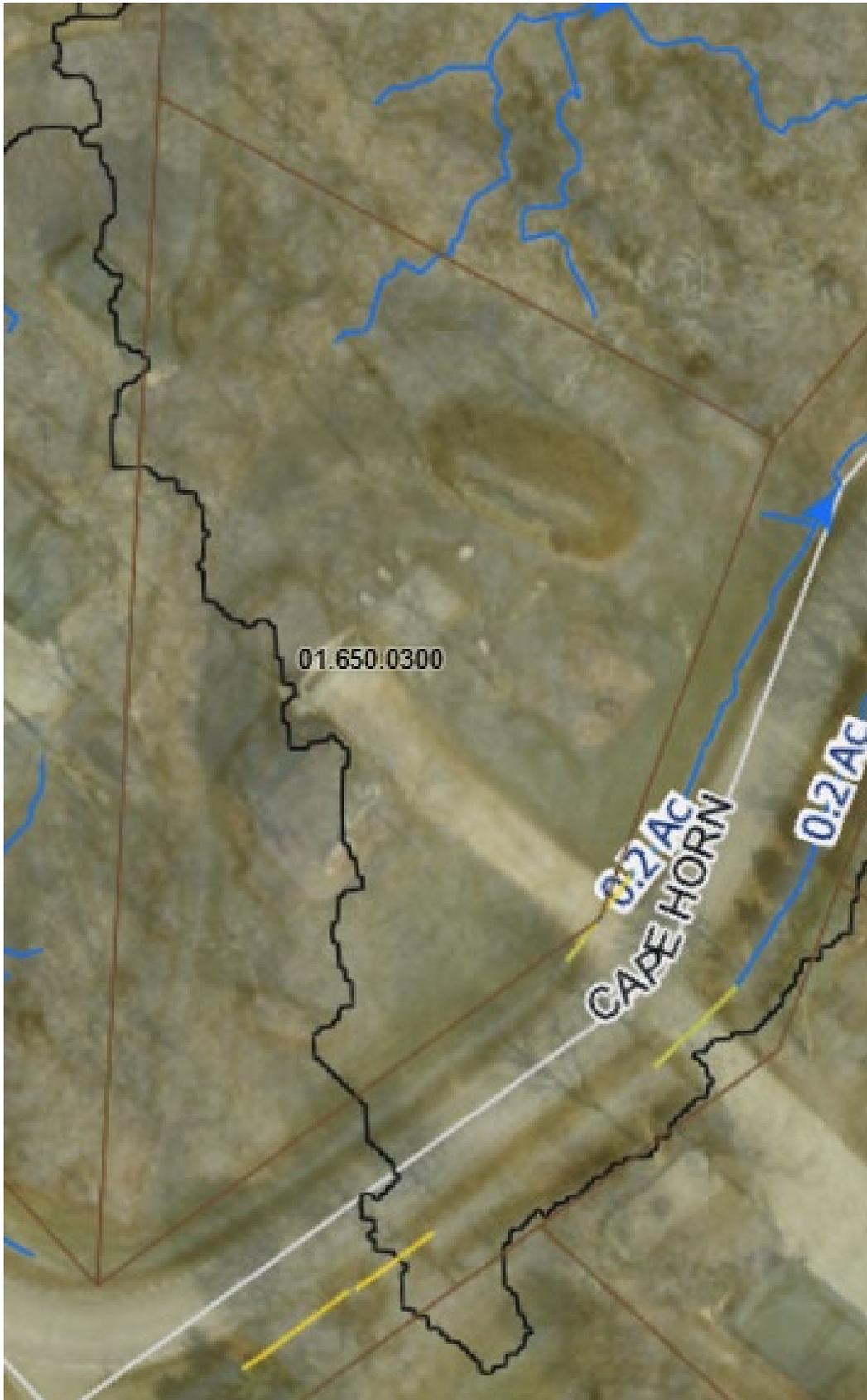
**SHEET SIZE:** 22 X 34

**DRAWING NUMBER**  
 260070 WP

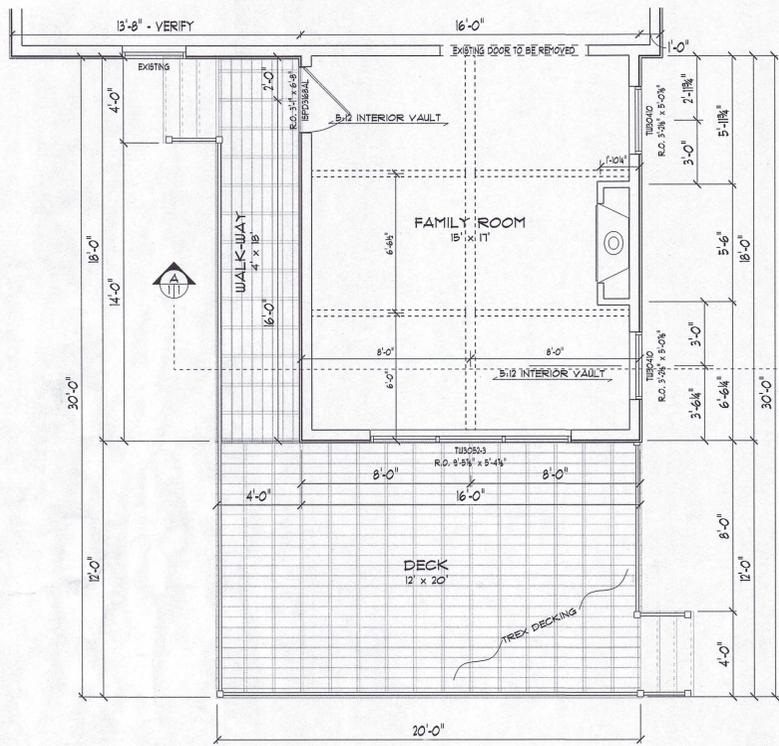
**SHEET NUMBER**

**S1**



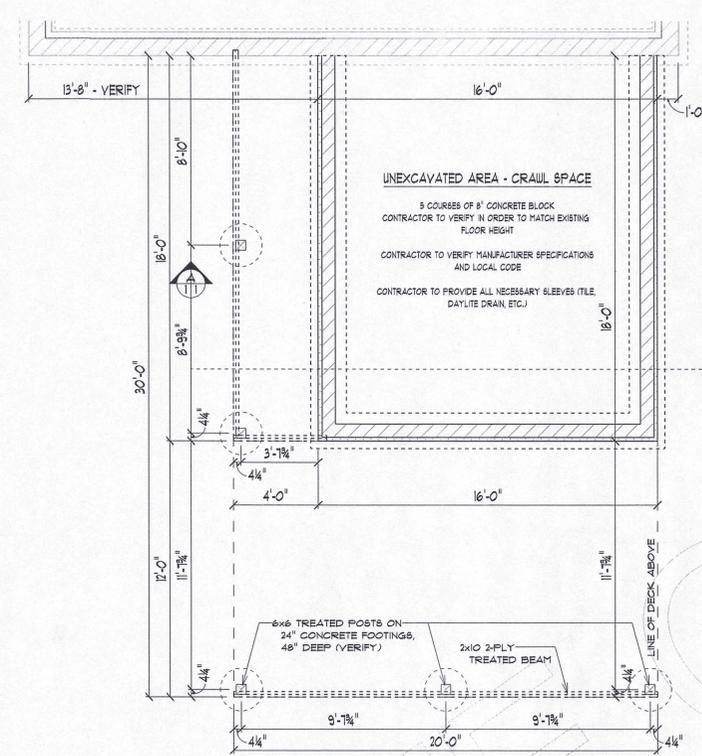






ADDITION PLAN

SCALE: 1/4" = 1'-0"

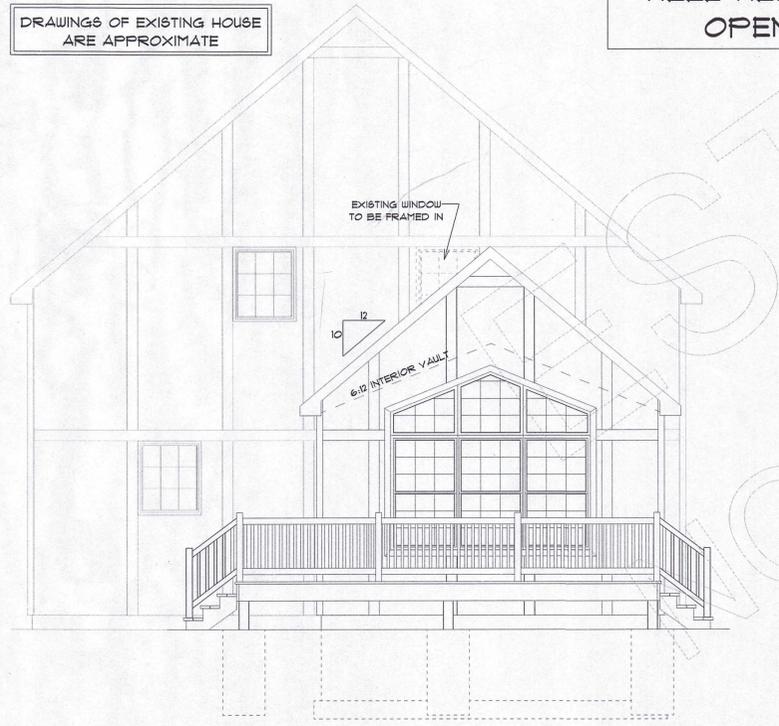


ADDITION FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

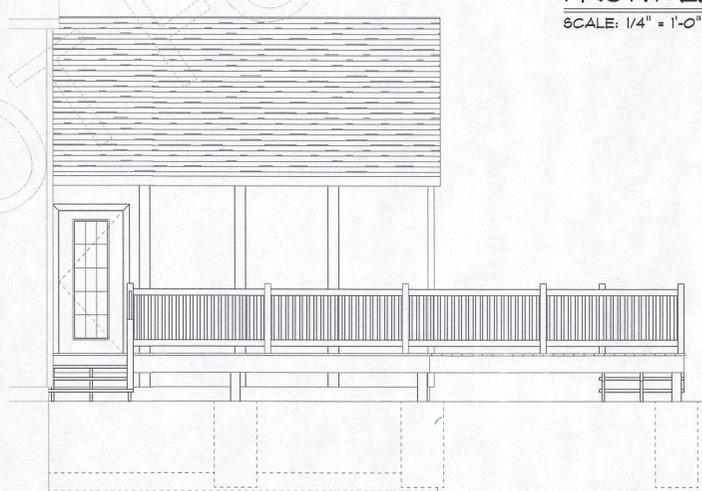
CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS, PLATE HEIGHTS, HEEL HEIGHTS, ROOF OVERHANGS, AND OPENING SIZES AND LOCATIONS

DRAWINGS OF EXISTING HOUSE ARE APPROXIMATE



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



BACK ELEVATION

SCALE: 1/4" = 1'-0"



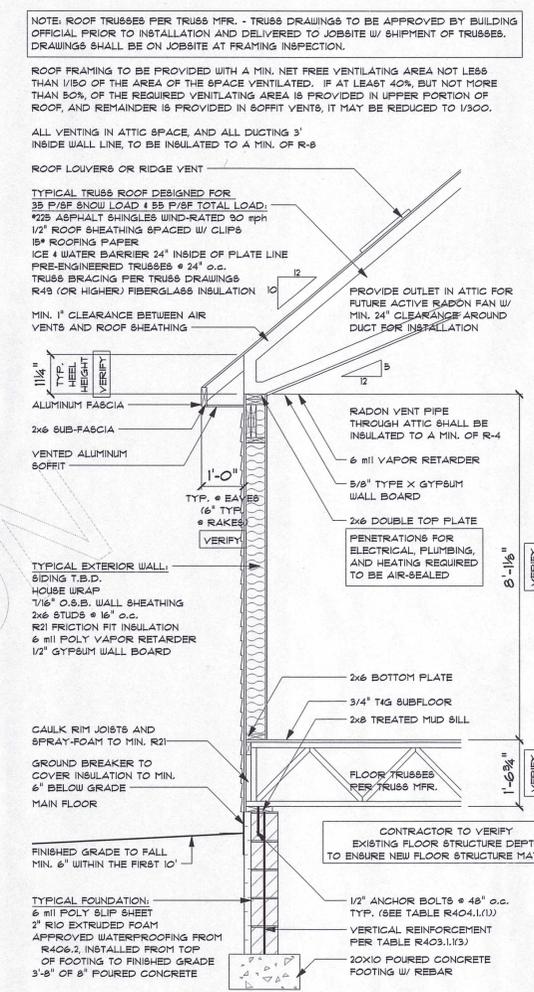
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



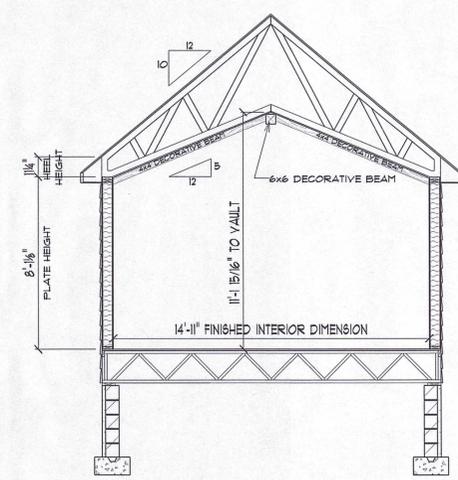
ROOF PLAN

SCALE: 1/8" = 1'-0"



WALL SECTION @ ADDITION

SCALE: 1/2" = 1'-0"



SECTION A

SCALE: 1/4" = 1'-0"

Lloyd Lumber Co. logo and contact information including address, phone, and fax numbers.

DISCLAIMER OF WARRANTIES: Great care and effort has gone into the design and preparation of these plans and blueprints...

PROJECT INFO KLUNTZ

GENERAL PLAN NOTES: EXTERIOR WALLS ARE DRAWN AT 4" AND DIMENSIONED TO THE OUTSIDE FACE OF SHEATHING...

DRAWN BY: ANK Tuesday, July 1, 2025

Revision table with columns for NO., DATE, and a description of changes.

SHEET NO. 1 46652 CAPE HORN ROAD CLEVELAND Summer 2025





**ENVIRONMENTAL SERVICES**

Address: 88 South Park Avenue, Le Center MN 56057  
 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Le Sueur County Erosion Prevention and Sediment Control Plan**

OWNER / CONTRACTOR			
Owner's Name: <i>James &amp; Marilyn Klantz</i>	Email: <i>507/381-4347</i>	Phone #: <i>507/381-4347</i>	
Address: <i>46652 Cape Horn Rd.</i>	City: <i>Cleveland</i>	State: <i>MN.</i>	Zip: <i>56017</i>
Contractor's Name: <i>Ken Preuks</i>	Email: <i>kenpreuks@gmail.com</i>	Phone #: <i>507/665-2244</i>	
Address: <i>28210 LeSueur</i>	City: <i>LeSueur</i>	State: <i>MN.</i>	Zip: <i>56258</i>
SITE LOCATION			
Site Address: <i>46652 Cape Horn Rd. Cleveland, MN. 56017</i>			
Subdivision:	Parcel ID: <i>R01-650-0300</i>		
Project Purpose:			
Estimated Start Date: <i>April 1, 2026</i>	Estimated Completion Date: <i>May 1, 2026</i>		
COUNTY USE ONLY			
Environmental Services Approval:		Date:	
Permit Number:	Inspection Date:		

**Statement of Compliance**

The property owner and the contractor conducting work on the site are both responsible for all the construction activities that occur on the site. By signing this document both parties are responsible for the installation and maintenance of all erosion and sediment control BMPs to ensure that sediment, soil, and debris does not leave the construction site. This includes but is not limited to tracking of soil /mud onto public streets and roadways from vehicles leaving the site, soil eroding from the site onto roadways, lakes, streams, drainage ditches, or onto neighboring property. If sediment, soil/mud and/or debris leaves the site, both parties are responsible for the immediate clean up and all costs and fines associated with it. Both parties are also responsible for the total restoration of vegetation on the site (seed/mulch, sod, gardens) after construction disturbance is substantially complete, and only after vegetation has been established with vigorous growth can BMPs be cleaned and removed. Permits can be closed only after full restoration is complete. **Both the property owner and contractor signatures are required.**

Landowner Signature: <i>James Klantz</i>	Date: <i>1/6/2026</i>
Contractor/Applicant Signature: <i>Marilyn Klantz</i>	Date: <i>1/6/2026</i>



**ENVIRONMENTAL SERVICES**

Address: 88 South Park Avenue, Le Center MN 56057  
 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Erosion Prevention and Sediment Control Narrative**

- A) Attach full description of your project and type of foundation/disturbance. (ex: constructing a 1,500 sq ft house w/full basement; constructing an attached 20 ft by 20 ft garage; constructing a 50 ft by 14 ft driveway, and constructing a 10 ft by 10 ft patio, etc.).
- B) How much land are you disturbing?

Total (Square Feet):	288		
Are you importing/exporting any fill? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Amount of Grading, Excavating, and Filling Activities (Cubic Yards):	288	

- C) Describe the slope of the land and slope of the adjacent land.

Flat

- D) List all temporary erosion prevention and sediment control measures you intend to use and when you will be installing them. Show their proposed location in an attached drawing. [At a MINIMUM, you must have perimeter control such as silt fence and washing rock construction entrance.] Also, show and protect stockpiles.

Mulch chips

- E) Final Stabilization. Date you will sod, or seed & mulch, or otherwise establish vegetation on the disturbed area.

Method:	<del>May 20</del> seed
Target Date:	May 2026

- F) If the site is not vegetated before snow cover, describe below your selected winter-over protection methods.

Straw blanket



# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT:** James Hoefs

**OWNERS:** James A Hoefs Trust & Donna M Hoefs Trust

**911 ADDRESS:** TBD, 181<sup>st</sup> Ave, New Prague

**VARIANCE REQUEST:** To reduce the required separation distance between an existing Animal Feedlot to an existing dwelling on an adjacent lot from 1,000 feet to 97 feet; and reduce the required setback between an existing Animal Feedlot to an existing dwelling from 1,000 feet to 775 feet; and reduce the required setback between the structure of an Animal Feedlot to a lot line from 100 feet to 15 feet; and reduce the required setback from an accessory structure to a side yard lot line from 15 feet to 6 feet to accommodate a 115' x 70' barn and a property split/combination to adjust existing property lines.

**VARIANCE NUMBER:** BOA-001089-2026

**PARCEL NUMBER:** 07.030.5110

## SITE INFORMATION

**LOCATION:** The subject property is located in part of the SE 1/4, Section 30 of Lanesburgh Township.

**ZONING & PURPOSE:** Agriculture "A" District

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protecting the best of its agricultural land as a resource for long term agricultural use.

**GOAL #1:** Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

**Objective 1:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**GENERAL SITE DESCRIPTION:** Developed Feedlot

**ACCESS:** Proposed access from CSAH 30 181<sup>st</sup> Ave

## BACKGROUND INFORMATION

The subject Feedlot has been family-owned for over 150 years. The dwelling on the adjoining property (parcel 07.030.5100) was originally part of the Feedlot. The dwelling was split from the Feedlot in 2012 for the landowner's son to live in. When the dwelling was split from the Feedlot the lot line went through an existing shed. The applicant intends to construct a barn addition for robotic milking and a property split/combination to correct structure setbacks. If approved, the variance would allow the construction of Feedlot structure addition with a reduced setback to dwelling, an existing grain bin to have a reduced side yard setback, and a property split/combination to correct structure setbacks.

**ATTACHMENTS**

Application, Description of Request, Survey (Proposed Conditions), Building Plans, Aerial Image, LIDAR Map, Erosion Control Plan, & Findings of Fact Form

**FINDINGS**

**Staff findings per Le Sueur County Zoning Ordinance**, the following findings have been developed for this request:

<b>1. Variance:</b>	<b>Request:</b>	<b>Required:</b>	<b>Ordinance:</b>	<b>Page:</b>
a. Reduced Setback from a Feedlot to Dwelling:	97 feet	1,000 feet	Section 16, Subdiv. 12. D. 2.	16-12
b. Reduced Setback from a Feedlot to Dwelling:	775 feet	1,000 feet	Section 16, Subdiv. 12. D. 2.	16-12
c. Reduced Lot Line Setback to a Feedlot:	15 feet	100 feet	Section 16, Subdiv. 12. A.	16-11
d. Reduced Side Yard Lot Line Setback to an Accessory Structure:	6 feet	15 feet	Section 8, Subdiv. 7. B. 2.	8-9
2. The applicant is requesting the variance to allow the construction of a barn addition used for robotic milking and a property split/combination to correct structure setback issues.				
3. Approval of the variance would correct setback issues for multiple structures.				

**CONSIDERATIONS**

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
2. **Additional Considerations:**
  - a. The request is to accommodate the construction of a barn used for milking robots and a property split/combination to correct structure setback issues.
  - b. Approval of the variance would bring multiple structures into conformity.

**PRACTICAL DIFFICULTY**

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
2. Variances shall only be permitted when the request is consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.

## ADDITIONAL REVIEW COMMENTS

1. This request has been submitted to Amy Beatty, County Feedlot Officer. In her review, Ms. Beatty stated the setback from an Animal Feedlot facility and manure storage area to an adjoining lot line is 100 feet. The setback from an animal feedlot facility registered at 51-2,000 animal units to a dwelling is 1,000 feet.

The existing dwelling closest to the Animal Feedlot facility was originally combined with the Animal Feedlot facility's parcel, and its current occupants are also an operator of the Animal Feedlot.

This variance should not have an effect on the closest existing dwelling since an owner of this dwelling is also an operator of the Animal Feedlot, and therefore has accepted living in close proximity to the Animal Feedlot. As for the other existing dwelling, the property owner has also lived in close proximity to an existing Animal Feedlot. To the best of my knowledge, there has not been a complaint due to odor from this animal feedlot facility.

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official controls in the request are the required setbacks from a Feedlot to a dwelling, Feedlot to an adjoining Lot Line, & Accessory Structure Side Yard Lot Line.
  - a. **Feedlot to Dwelling Setback (Parcel 07.030.5100): The setback from a feedlot to a dwelling is to ensure the Feedlot operations do not cause a nuisance to neighboring residential properties**
    - The dwelling was originally part of the Feedlot.
    - The landowners of parcel 07.030.5100 assist in operating the Feedlot.
    - Based on the above information, the setback from the Feedlot to the dwelling will not negatively impact neighboring properties.
  - b. **Feedlot to Dwelling Setback (Parcel 07.029.7500): The setback from a feedlot to a dwelling is to ensure the Feedlot operations do not cause a nuisance to neighboring residential properties**
    - The dwelling on parcel 07.029.7500 has been coexisting with the Feedlot since 1910.
    - Based on the above information, the setback from the Feedlot to the dwelling will not negatively impact neighboring properties.
  - c. **Feedlot to Adjoining Property Line. The setback from a feedlot to an adjoining lot line is to ensure the feedlot operations do not cause a nuisance to neighboring properties.**
    - The Feedlot and neighboring dwelling were originally on the same parcel and have been coexisting since 2012.
    - The current lot line goes through an existing shed.
    - The new lot line that does not meet the required 100-foot setback to the Feedlot however is further from the Feedlot than the existing lot line.
    - Based on the above information, the setback from the feedlot to an adjoining property line will not negatively impact the Feedlot.
  - d. **Side yard Setback: The setback to a side yard is to ensure minimal impact to neighboring properties.**
    - The grain bin is currently part of the neighboring home parcel (07.030.5100) and is used for Feedlot operations.
    - The neighboring landowners assist in operating the Feedlot.
    - Based on the above information, the setback to the side yard setback would not cause a negative impact to the neighboring property.
2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists protecting agriculture land for agriculture resources or uses.
  - The proposed barn addition is for an agricultural use and would not remove any productive tillable soils from production.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.
3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing to construct a barn addition for robotic milking on an existing Feedlot.
  - Based on the above information, the request is a reasonable use not permitted by an official control.
4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
  - Multiple structures became unable to meet setbacks when the property was split in 2012 prior to the adoption of the Land Division Ordinance.
  - The dwelling on parcel 07.029.7500 was constructed prior to the adoption of the Le Sueur County Zoning Ordinance and Feedlot setbacks.
  - Based on the above information, the plight of the landowner not was created by them.

5. **Will the issuance of the variance maintain the essential character of the locality?**
  - The locality is residential agriculture lots and tillable acreage. The applicant is proposing a barn on an existing Feedlot.
  - Based on the above information, the request would maintain the essential character of the locality.
6. **Does the alleged Practical Difficulty involve more than economic considerations?**
  - If approved, the applicant would be able construct the barn addition for robotic milking, which would assist with labor and time.
  - Based on the above information, the request does involve more than economic considerations.

<b>PROPOSED CONDITIONS</b>
----------------------------

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the survey (submitted February 4, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, a **Zoning Permit** shall be submitted and issued for the barn.
5. *If approved, and prior to recording the new deeds*, a **Property Split/Combination Permit Application** shall be submitted and issued for the property split & combination.



# VARIANCE

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



<b>Application Date:</b> <u>January 27, 2026</u>	<b>Permit Number:</b> <u>BOA-001089-2026</u>	<b>Fee:</b> <u>\$846.00</u>
<b>60-Day Ruling Date:</b> <u>March 27, 2026</u>	<b>911-Address:</b> <u>None</u>	
<b>Applicant(s):</b> <u>James Hoefs</u>	<b>Landowner(s):</b> <u>James A Hoefs Trust &amp; Donna M Hoefs Trust</u>	
<b>Mailing Address:</b> <u>17738 320th St</u>	<b>Mailing Address:</b> <u>17738 320th St</u>	
<b>City:</b> <u>New Prague</u>	<b>City:</b> <u>New Prague</u>	
<b>State:</b> <u>MN</u> <b>Zip:</b> <u>56071</u>	<b>State:</b> <u>MN</u> <b>Zip:</b> <u>56071</u>	
<b>Phone:</b> <u>507.291.1298</u>	<b>Phone:</b> <u>507.364.7785</u>	

<b>Township:</b> <u>Lanesburgh</u>	<b>Parcel No.:</b> <u>07.030.5110</u>	
<b>Section:</b> <u>30</u>	<b>Subdivision:</b> <u>N/A</u>	
<b>TWP #:</b> <u>112</u>	<b>Lot #:</b> <u>N/A</u>	<b>Zoning District:</b> <u>A</u>
<b>Range#:</b> <u>23</u>	<b>Block#:</b> <u>N/A</u>	<b>FEMA Panel #:</b> <u>27079C0 175E</u>
<b>1/4 - 1/4:</b> <u>Part of the SE 1/4</u>	<b>Road Type:</b> <u>CR</u>	<b>Flood Zone:</b> <u>X-Outside</u>

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Variance, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Variance:

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing Animal Feedlot to an existing dwelling on an adjacent lot from 1,000 feet to 97 feet; and reduce the required setback between an existing Animal Feedlot to an existing dwelling from 1,000 feet to 775 feet; and reduce the required setback between the structure of an Animal Feedlot to a lot line from 100 feet to 15 feet; and reduce the required setback from an accessory structure to a side yard lot line from 15 feet to 6 feet to accommodate a 115' x 70' barn and a property split and combination to adjust existing lot lines.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Variance:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
 February 11, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

<b>ON-SITE TOUR DATE:</b> <u>March 5, 2026</u>	<b>ACTION:</b> _____
<b>PUBLIC HEARING DATE:</b> <u>March 5, 2026</u>	_____
<b>AS WRITTEN</b>	<b>WITH CONDITIONS</b>

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE

# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): James Hoefs/James A Hoefs Trust & Donna M Hoefs Trust

Variance #: BOA-001089-2026

**Variance Request:** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing Animal Feedlot to an existing dwelling on an adjacent lot from 1,000 feet to 97 feet; and reduce the required setback between an existing Animal Feedlot to an existing dwelling from 1,000 feet to 775 feet; and reduce the required setback between the structure of an Animal Feedlot to a lot line from 100 feet to 15 feet; and reduce the required setback from an accessory structure to a side yard lot line from 15 feet to 6 feet to accommodate a 115' x 70' barn and a property split and combination to adjust existing lot lines.

A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE



88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)

### Application – Variance

**I. Applicant:**

Name JAMES A HOGES  
Mailing Address 17738 320st  
City NEW PRAQUE State MN Zip 56071  
Phone # 507-291-1298 Phone # 507-364-7785

**II. Landowner:**

Name JAMES A + DONNA M. HOGES  
Property Address 32606 181AV  
City NEW PRAQUE State MN Zip 56071  
Phone # 507-291-1298 Phone # 507-364-7785

**III. Parcel Information:**

Parcel Number R.07.30.5110 Parcel Acreage 108.36  
Township LANESBURGH Section 30  
Subdivision N-110 SEC 14 Lot \_\_\_\_\_ Block \_\_\_\_\_

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).*

**IV. Variance Request:** List requested alternative to development standard(s).

LESS THAN 1000 FT FROM DAVID ODENTHA! HOME 07.29 7500 3AC

**V. Description of Request:**

a. A full written description of the proposed variance request with detailed information must be attached.

**VI. Township Notification:**

**Township must be notified prior to application.** *(County Commissioners are not the Township Board.)*

LANESBURGH Township notified on 1-22-2026  
*(Township Name) (Date)*

Board Member LIZ KROCAK regarding the proposed request.  
*(Name)*

**VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - **Within and adjacent to project area.**
- Lot Dimensions
- Ponds
- Location of trees to be removed - **Shoreland Districts.**

• Impervious Surface

- Required for *Shoreland, Business, & Industrial Districts.*
- Itemized current & proposed impervious surfaces to include total percentages.
- Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

**\*Site shall be physically staked, then surveyed\***  
**\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\***  
**\*Stakes must remain in place until construction commences\***

# ENVIRONMENTAL SERVICES

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Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



Le Sueur County  
**ENVIRONMENTAL  
SERVICES**

## VIII. Practical Difficulty:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

### 1. Is the variance in harmony with the general purposes and intent of the official controls?

*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

FEEDlot to a dwelling & FEEDlot to lot line  
Also BARN BIN to lot line. Dwelling is part of  
LLC FEEDlot and the rest of the farm.

### 2. Is the request consistent with the comprehensive plan? *Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

Would like to meet goal 1 and objective 2 to  
keep it for protecting agriculture land

### 3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls? *Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

YES it is aloud if it met the SET BACKS  
with the neighbor SET BACKS make it impossible to  
MEET

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Le Sueur County

ENVIRONMENTAL SERVICES

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

Setback were not required back when it was started

5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

It will blend in with existing structures that are already there.

6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

Reason for the building is for robot cover also help with the business with labor & time

## IX. Attachments shall include but not limited to:

- |  |  |
|--|--|
| <input type="radio"/> <b>Description of Request</b>  | <input type="radio"/> <b>Septic Compliance</b> (if applicable)             |
| <input type="radio"/> <b>Site Plan(s)</b> – Survey showing Existing & Proposed Conditions            | <input type="radio"/> <b>Floor Plans or Building Plans</b> (if applicable) |
| <input type="radio"/> <b>Surveyor Certification</b>  | <input type="radio"/> <b>Erosion Control Form</b>                          |
| <input type="radio"/> <b>Township Notification</b> – See Part VI                                     | <input type="radio"/> <b>Erosion Control Plan</b>                          |
| <input type="radio"/> <b>Access Approval</b> – Attached approval from the applicable road authority  |  |
| <input type="radio"/> <b>Full Legal Description</b> – Not abbreviated description from tax statement |  |

**The Department may request additional information regarding the application.**



**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5” x 11” copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance:	\$ 800
Time Extension:	\$ 600
Filing Fee:	\$ 46

Variance for Clusters:	\$ 800 + \$200 per household
Filing Fee:	\$ 46

**Additional Fees:**

Special Meeting:	\$1,500
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.



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- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

**XIII. Acknowledgement:**

**I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.**

**If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.**

**By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.**

**XIV. Signatures:**

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

James A. Hoep  
Applicant signature

1-22-2026  
Date

James A + DOMINA M. HOEFS TRUST  
Property Owner signature

1-22-2026  
Date



## Description of Request

The dwelling was part of the farm for over 150 years. My son and his wife wanted to own their own house so it was given to them, which divided the feedlot from the house. The feedlot and house do not meet the setbacks and lot requirements. A variance to correct the setback issues is needed to build a new robot barn for milking cows.





# CERTIFICATE OF SURVEY

PART OF SECTION 30, TOWNSHIP 112 NORTH, RANGE 23 WEST, LESUEUR COUNTY, MINNESOTA

REVISION 2

**LEGAL DESCRIPTION A**

The North 110 acres of the Southeast Quarter of Section 30, Township 112 North, Range 23 West, LeSueur County, Minnesota.

**EXCEPTING THEREFROM**

The North 110 acres of the Southeast Quarter of Section 30, Township 112 North, Range 23 West, LeSueur County, Minnesota, described as follows: Commencing at the Northeast Corner of said North 110 acres, thence South 00°22'08" West (assumed bearing) along the East line of said North 110 acres, a distance of 350.69 feet to the point of beginning of the parcel to be herein described; thence continuing South 00°22'08" West along said East line, a distance of 336.16 feet; thence South 89°58'47" West, a distance of 250.46 feet; thence North 00°15'36" West, a distance of 189.78 feet; thence North 89°58'47" East, a distance of 132.22 feet; thence North 00°22'08" East, a distance of 146.37 feet; thence North 89°58'47" East, a distance of 120.32 feet to said point of beginning.

Subject to road right of way over and across the east side thereof and any easements and restrictions of record.

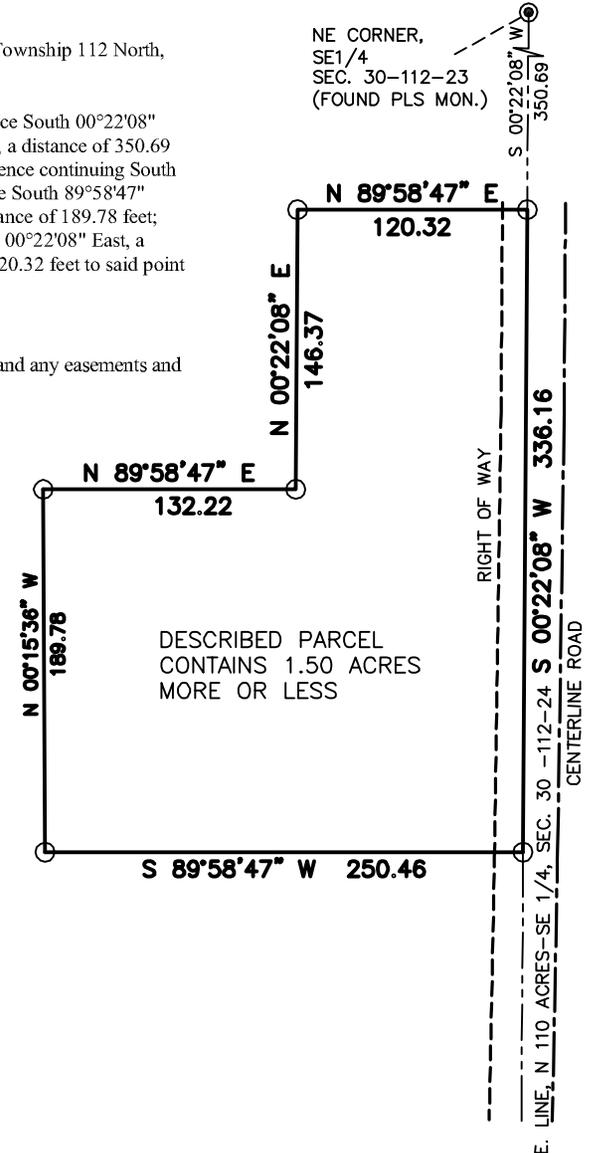
**LEGAL DESCRIPTION B**

Part of the North 110 acres of the Southeast Quarter of Section 30, Township 112 North, Range 23 West, LeSueur County, Minnesota, described as follows:

Commencing at the Northeast Corner of said North 110 acres, thence South 00°22'08" West (assumed bearing) along the East line of said North 110 acres, a distance of 350.69 feet to the point of beginning of the parcel to be herein described; thence continuing South 00°22'08" West along said East line, a distance of 336.16 feet; thence South 89°58'47" West, a distance of 250.46 feet; thence North 00°15'36" West, a distance of 189.78 feet; thence North 89°58'47" East, a distance of 132.22 feet; thence North 00°22'08" East, a distance of 146.37 feet; thence North 89°58'47" East, a distance of 120.32 feet to said point of beginning.

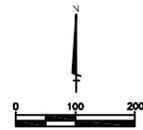
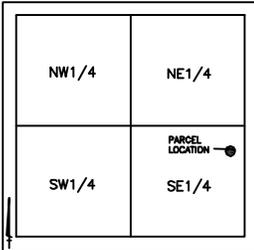
Subject to road right of way over and across the east side thereof and any easements and restrictions of record.

The above described parcel contains 1.5 acres more or less.



N 110 ACRES - SE 1/4, SEC. 30 -112-23

VICINITY MAP  
SECTION 30-112-23, LESUEUR COUNTY, MINNESOTA



- ⊙ DENOTES FOUND P.L.S. MONUMENT
- DENOTES FOUND IRON PIPE MONUMENT
- DENOTES SET 1/2" IRON PIPE MONUMENT MARKED MN LICENSE. NO. 49771

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

- PARCEL BOUNDARY
- - - - DENOTES RIGHT OF WAY LINE

NOTE: BEARINGS ARE ASSUMED AND BASED ON THE EAST LINE OF THE SE 1/4, SEC. 30 -112-23, BEING S 00°22'08" W.

NOTE: CERTIFICATE DOES NOT PURPORT TO SHOW ANY OR ALL APPLICABLE INFORMATION, EXCEPT AS SHOWN. QUESTIONS PERTAINING TO INFORMATION NOT SHOWN ON THIS CERTIFICATE SHOULD BE DIRECTED TO THE APPROPRIATE REVIEWING PARTY.



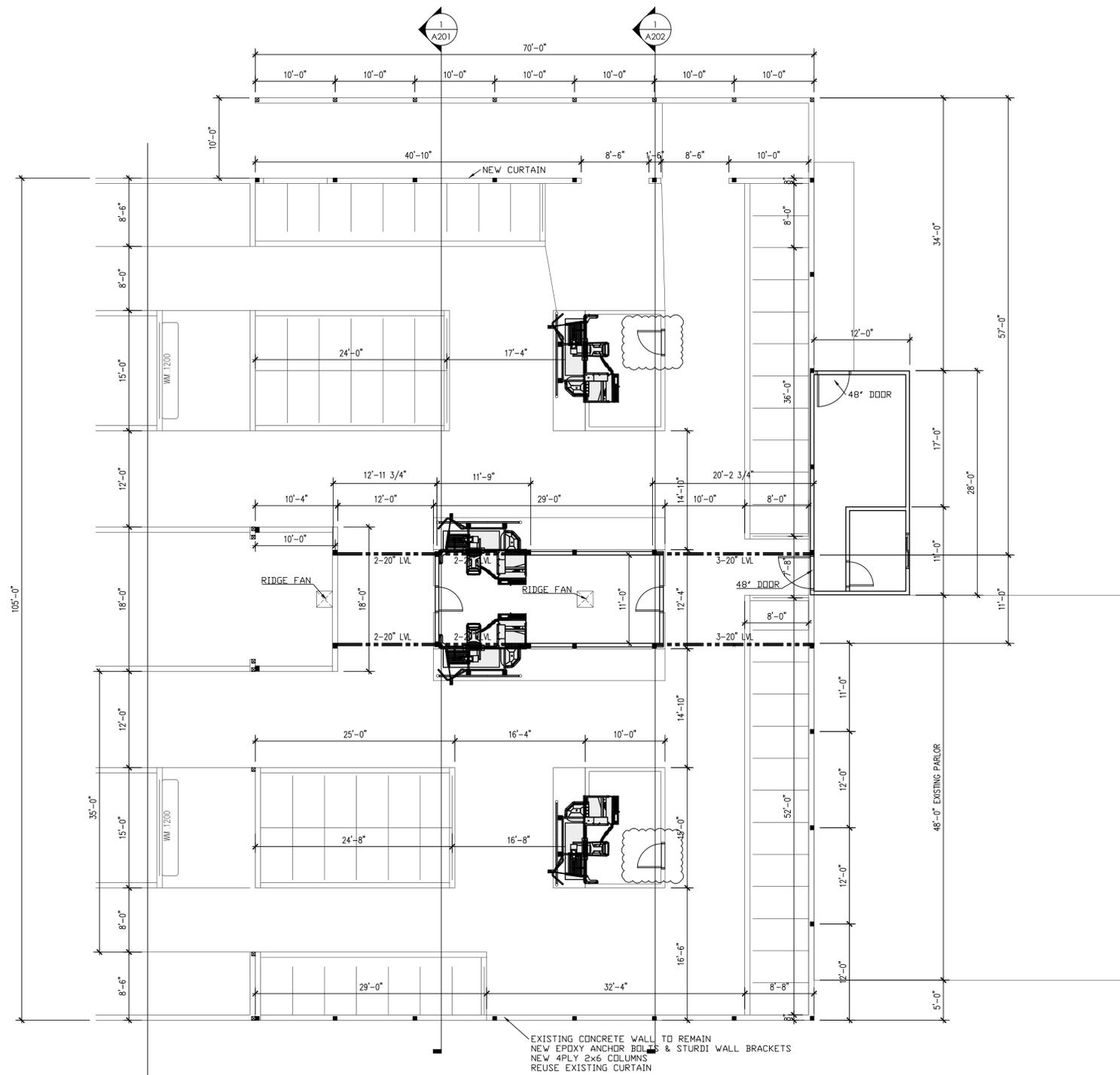
*[Signature]*  
BENJAMIN D. VOEGELE, L.S.  
MN LICENSE. NO. 49771

01-26-2026  
DATE:

PROJECT NO. 112233026	DATE: 01-26-2026	SCALE: 1" = 100'	SHEET SIZE: 8.5 X 11	SHEET 1 OF 1
-----------------------	------------------	------------------	----------------------	--------------







**01 FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

Wed, 07 Jan 2026 - 3:47pm

All Plans & Specifications shall be for the exclusive use of and remain the property of Kreofsky Building Systems, until they become a construction contract or signed proposal. No plans will be given to owners during the design process. Owners are to view all plans at the contractor's office or at your site.

**okbs**  
Kreofsky Building Systems  
865 Enterprise Drive • We (507) 534-3855  
Plainview MN 55964 • Fax (507) 534-3214

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REVISIONS	
△	Date: By:

Drawn By: HRI  
Date: 11/18/2025  
File Number:  
Plot Scale: 1/8"=1'  
Status:  
Updated By:  
Date:

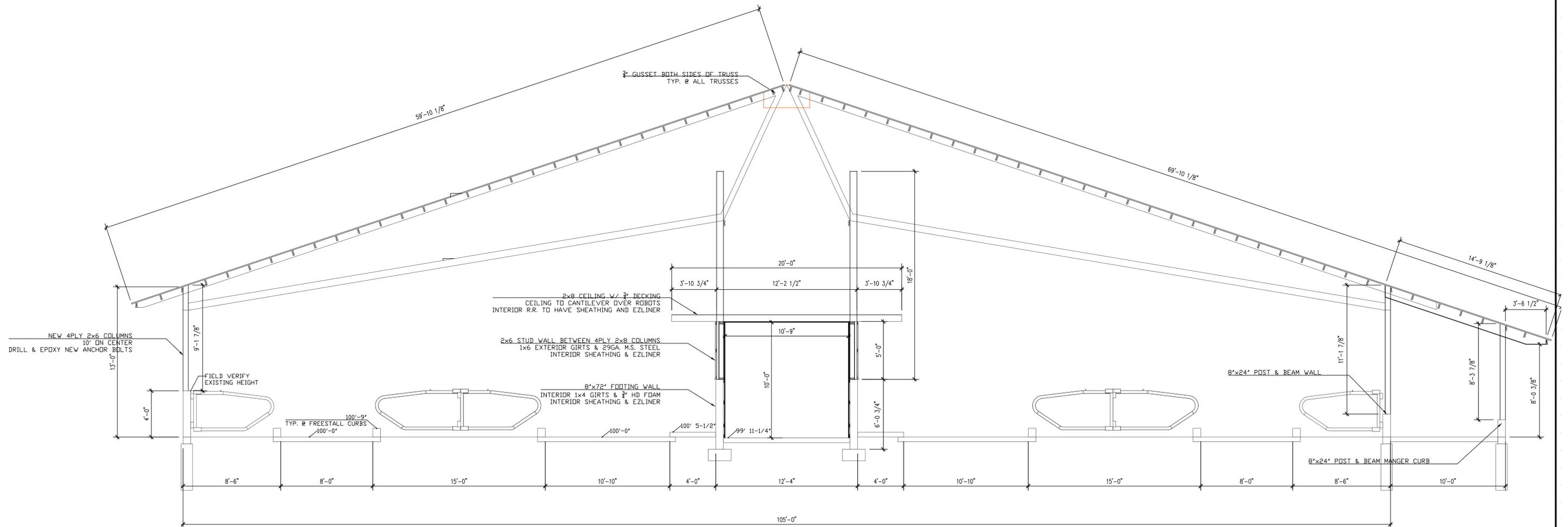
PROJECT NUMBER

Hoefs Dairy  
Robot Barn  
New Prague, Minnesota

ISSUE DATE

A101  
OF





# 01 CROSS SECTION

SCALE: 1/4" = 1'-0"

Fri, 02 Jan 2026 - 3:56pm

All Plans & Specifications shall be for the exclusive use of and remain the property of Kreofsky Building Systems, until they become a construction contract or signed proposal. No plans will be given to owners during the design process. Owners are to view all plans at the contractor's office or at your site.

**okbs**  
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 Plainview MN 55964 Fax (507) 534-3214

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REVISIONS	
△	Date: By:

Drawn By: HRI  
 Date: 11/18/2025  
 File Number:  
 Plot Scale: 1/4"=1'  
 Status:  
 Updated By:  
 Date:

Hoefs Dairy  
 Robot Barn  
 New Prague, Minnesota

ISSUE DATE	A201
PROJECT NUMBER	
OF	



a division of Bruce Kreofsky and Sons Inc

## Kreofsky Building Systems

865 Enterprise Drive SW

Plainview Minnesota 55964

Telephone: (507) 534-3855 Fax (507) 534-3214

# Proposal / Agreement

Submitted To:

**Jim Hoefs**

Telephone:

**507-291-1298**

Date:

**12/16/2025**

Address:

**32606 181<sup>st</sup> Ave.**

Project Name:

**Hoefs Robot Addition**

City State Zip:

**New Prague, MN 56071**

Project Location:

Drawings Prepared By:

Date of Drawing(s):

## Specifications: 70'x105' Barn Addition with 10' Drover's Lane and 12'x28' Support Area

This proposal is based on the above referenced drawing(s) and hereby becomes part of this proposal.

We propose the following:

### Concrete:

1. KBS to provide only structural concrete for the main barn. All other concrete to be done by others and not included in this price.
2. 152' of 8"x24" Post and Beam wall at north main barn wall, north drover's lane wall and east main barn wall.
3. 18' of 8"x18" Post and Beam manger curb
4. 138' of 8"x72" Footing Walls at the inner robot room.
5. No other flat concrete or walls/curbs figured into this bid. All flat and walls/curbs need to be completed by others before KBS can complete the Robot Room interiors.

### Building:

6. KBS to epoxy set new 4-ply 2x6 Glulam columns at existing south sidewall. New SturdiWall brackets will replace existing for larger columns.
7. 4-ply 2x6 columns will be set on new north 24" tall concrete wall and held down with SturdiWall brackets and 5/8" wet set anchor bolts.
8. 4-ply 2x8 columns to be set on new inner manger curb end as well as new 6' tall robot room footing walls. All columns to be set on top of concrete walls and held down with SturdiWall brackets and 5/8" wet set anchors.
9. North Drover's Lane lean-to to have solid sawn 6x6 columns, set on top of new poured wall and fastened with SturdiWall brackets and 5/8" wet set anchor bolts.
10. Some end wall columns to be added now where KBS will pour new concrete walls to help expedite and support the roof install. All other columns to be set after the remainder of the concrete is done by others.
11. All columns to be bolted to truss held with 1/2" carriage bolts and #30 torx lags.
12. New treated 2x8 curtain nailer added to both north (building, not drovers lane) and south sidewalls.
13. 2x6 SPF end wall girts to be added as needed on East end wall up and around existing parlor and new office.
14. Trusses to consist of 2 piece monoslope trusses that meet at their peaks and gusseted with 3/4" plywood on both sides. Trusses to have 4/12 roof pitch with a 2/12 bottom chord. Trusses to bear on exterior sidewall columns and at interior robot room columns. Trusses to be 10' on center with 2x6 purlins in clips at 24" on center. South trusses to have 48" overhangs.
15. Drovers lane rafter to be made of 14" LVL microlams at 10' on center and with 2x6 spf purlins in clips at 24" on center. Rafters to bear on north sidewall columns and north drovers lane manger curb columns.



**ENVIRONMENTAL SERVICES**

Address: 88 South Park Avenue, Le Center MN 56057  
 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Le Sueur County Erosion Prevention and Sediment Control Plan**

OWNER / CONTRACTOR			
Owner's Name: JAMES A. HOEFS	Email: JDHOEFS79@gmail.com	Phone #: 507-291-1298	
Address: 17738 320st	City: NEW PRAGUE	State: MN	Zip:
Contractor's Name: Heath Burke	Email: www.wkbs.companies.com	Phone #: 507-534-3855	
Address: Plainview 500 10th St SW MN 55964	City: Plainview	State: MN	Zip: 55964
SITE LOCATION			
Site Address: 32606 181st AV			
Subdivision:	Parcel ID:		
Project Purpose: Robot Barn			
Estimated Start Date:	Estimated Completion Date: Start Apr Finish Mid Summer		
COUNTY USE ONLY			
Environmental Services Approval:		Date:	
Permit Number:	Inspection Date:		

**Statement of Compliance**

The property owner and the contractor conducting work on the site are both responsible for all the construction activities that occur on the site. By signing this document both parties are responsible for the installation and maintenance of all erosion and sediment control BMPs to ensure that sediment, soil, and debris does not leave the construction site. This includes but is not limited to tracking of soil /mud onto public streets and roadways from vehicles leaving the site, soil eroding from the site onto roadways, lakes, streams, drainage ditches, or onto neighboring property. If sediment, soil/mud and/or debris leaves the site, both parties are responsible for the immediate clean up and all costs and fines associated with it. Both parties are also responsible for the total restoration of vegetation on the site (seed/mulch, sod, gardens) after construction disturbance is substantially complete, and only after vegetation has been established with vigorous growth can BMPs be cleaned and removed. Permits can be closed only after full restoration is complete. **Both the property owner and contractor signatures are required.**

Landowner Signature: James A. Hoef	Date: 1-9-2026
Contractor/Applicant Signature:	Date:



**ENVIRONMENTAL SERVICES**

Address: 88 South Park Avenue, Le Center MN 56057  
 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Erosion Prevention and Sediment Control Narrative**

- A) Attach full description of your project and type of foundation/disturbance. (ex: constructing a 1,500 sq ft house w/full basement; constructing an attached 20 ft by 20 ft garage; constructing a 50 ft by 14 ft driveway, and constructing a 10 ft by 10 ft patio, etc.).
- B) How much land are you disturbing?

Total (Square Feet): <u>7350</u>			
Are you importing/exporting any fill? Yes <input type="checkbox"/> No <input type="checkbox"/>		Amount of Grading, Excavating, and Filling Activities (Cubic Yards):	<u>SAME SI</u>

- C) Describe the slope of the land and slope of the adjacent land.

level land rolling hill to WEST AT SITE

- D) List all temporary erosion prevention and sediment control measures you intend to use and when you will be installing them. Show their proposed location in an attached drawing. [At a MINIMUM, you must have perimeter control such as silt fence and washing rock construction entrance.] Also, show and protect stockpiles.

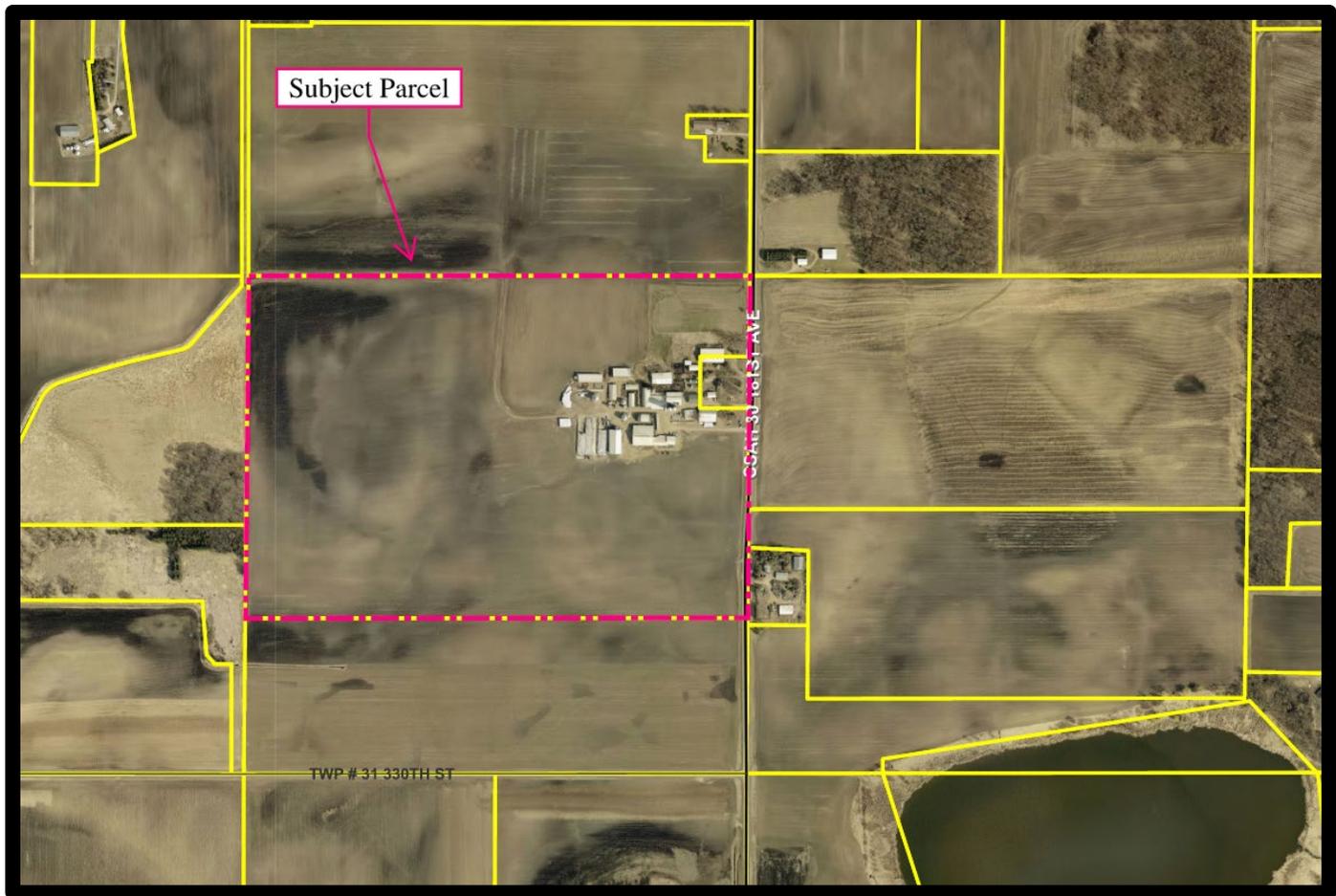
Ditching AND GRASS AREA

- E) Final Stabilization. Date you will sod, or seed & mulch, or otherwise establish vegetation on the disturbed area.

Method:	<u>SEED GRASS AND GRAVE</u>
Target Date:	

- F) If the site is not vegetated before snow cover, describe below your selected winter-over protection methods.

straw blanket



# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT:** James Hoefs

**OWNERS:** Jason & Emily Hoefs

**911 ADDRESS:** 32606 181<sup>st</sup> Ave, New Prague, MN 56071

**VARIANCE REQUEST:** To reduce the required separation distance between an existing dwelling and an existing Animal Feedlot from 1,000 feet to 97 feet; and reduce the required Lot Depth from 300 feet to 250 feet; and reduce the required Buildable Area from 16,335 square feet to 10,086 square feet to accommodate a property split & combination to adjust existing property lines.

**VARIANCE NUMBER:** BOA-001091-2026

**PARCEL NUMBER:** 07.030.5100

## SITE INFORMATION

**LOCATION:** The subject property is located in the NE 1/4 of the SE 1/4, Section 30 of Lanesburgh Township.

**ZONING & PURPOSE:** Agriculture "A" District

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protecting the best of its agricultural land as a resource for long term agricultural use.

**GOAL #1:** Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

**Objective 1:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**GENERAL SITE DESCRIPTION:** Developed Nonconforming Lot

**ACCESS:** Existing access from CSAH 30 181<sup>st</sup> Ave

## BACKGROUND INFORMATION

The subject parcel was originally part of the adjoining Animal Feedlot on parcel (07.030.5110) when the dwelling was constructed. In 2012, the previous landowner split the home site from the Feedlot to create the subject parcel. This split caused the dwelling to become a Nonconformity due to not meeting the setback from a dwelling to a Feedlot and put a lot line through an existing Feedlot structure. The subject parcel also did not meet the required structure setbacks, Buildable Area, and Lot Depth of the applicable Zoning District. The applicant intends to adjust the lot lines to correct structure setbacks and remove the portion of the Feedlot structure from the parcel. If approved, the variance would allow the proposed lot to be allowed with a reduced Buildable Area, Lot Depth, and setback from an existing dwelling to an existing Feedlot.

**ATTACHMENTS**

Application, Description of Request, Survey (Proposed Conditions), LIDAR Map, Aerial Image, & Findings of Fact Form

**FINDINGS**

**Staff findings per Le Sueur County Zoning Ordinance**, the following findings have been developed for this request:

<u>1. Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
a. Lot Depth:	250 feet	300 feet	Section 8, Subdiv. 7. I.	8-11
b. Buildable Area:	10,086 sq. feet	16,335 sq. feet	Section 8, Subdiv. 7. J	8-11
c. Reduce Dwelling to Feedlot Setback:	97 feet	1,000 feet	Section 16, Subdiv. 12. D. 2.	16-12
2. The applicant is requesting the variance to accommodate a property split & combination to adjust existing lot lines.				
3. The subject parcel is a Nonconforming Lot.				

**CONSIDERATIONS**

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
2. **Additional Considerations:**
  - a. The request is to accommodate a property split & combination to adjust existing lot lines.
  - b. The proposal would bring multiple Nonconforming Structures into conformity.

**PRACTICAL DIFFICULTY**

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
2. Variances shall only be permitted when the request is consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.

**ADDITIONAL REVIEW COMMENTS**

1. This request has been submitted to Amy Beatty, County Feedlot Officer. In her review, Ms. Beatty stated per Section 16, Subdivision 12.D.2, the setback from an Animal Feedlot facility registered at 51-2,000 animal units to a dwelling is 1,000 feet.

The existing dwelling closest to this Animal Feedlot facility was originally combined with the Animal Feedlot facility and its parcel. The current owners of this house parcel are also operators of the Animal Feedlot.

This variance should not have an effect on the existing dwelling since the owners of the dwelling are operators of the Animal Feedlot facility, and therefore have accepted living in close proximity to the Animal Feedlot.

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official controls in the request are the required setbacks from a Feedlot to a Dwelling, Lot Depth, and Buildable Area.
  - a. **Feedlot to Dwelling Setback: The setback from a Feedlot to a Dwelling is to ensure the feedlot operations do not cause a nuisance to neighboring residential properties.**
    - The Feedlot and dwelling have been coexisting since the 1960's without issue.
    - The dwelling owners assist with the Feedlot operations.
    - Based on the above information, the setback from the dwelling to the Feedlot will not negatively impact the Feedlot operations
  - b. **Lot Depth: The requirement for Lot Depth is to ensure that a property can meet the required Road ROW and Rear Yard lot line setbacks.**
    - The subject property cannot expand the Lot Depth without getting closer to the Feedlot and creating multiple Nonconforming Structures.
    - Based on the above information, reducing the required Lot Depth would not negatively impact the feedlot or neighboring properties.
  - c. **Buildable Area: The requirement for Buildable Area is to ensure a lot has enough area for its intended use while meeting the required setbacks.**
    - The lot already has an existing dwelling that meets lot line & Road ROW setbacks.
    - Buildable Area cannot be met due to the close proximity to the existing Feedlot.
    - Based on the above information, reducing the required Buildable Area would not negatively impact the use of the lot.
2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists the location of livestock Feedlots and non-Feedlot uses too close to one another can cause conflicts.
  - The subject dwelling and Feedlot existed at the time of the adoption of Feedlot separation requirement.
  - The landowners of the subject property intend to operate the Feedlot.
  - Approval of the variance would not alter the operations of the existing Feedlot.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.
3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing a property split/combination to correct lot line setbacks for existing structures.
  - The applicant is not proposing the construction of a new structure.
  - Based on the above information, the request is a reasonable use not permitted by an official control.
4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
  - The lot was created in 2012 when the previous landowners split it from parcel 07.030.5110.
  - The proposed lot cannot meet the required Buildable Area or Lot Depth due to the setbacks from the Feedlot & existing Feedlot structures. These setbacks were adopted by the Le Sueur County Zoning Ordinance after the dwelling & Feedlot were established.
  - Based on the above information, the plight of the landowner was not created by them.
5. **Will the issuance of the variance maintain the essential character of the locality?**
  - The Variance is to allow a property split/combination to correct lot line setback issues for existing structures.
  - The only visible change to the lot is the installation of a new septic system to be located on the adjacent parcel.
  - Based on the above information, the request would maintain the essential character of the locality.
6. **Does the alleged Practical Difficulty involve more than economic considerations?**
  - If approved, the applicant would be able to apply for a property split/combination to correct lot line setback issues for existing structures.
  - Based on the above information, the request does involve more than economic considerations.

## PROPOSED CONDITIONS

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the survey (submitted February 4, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, a **Property Split Permit Application** shall be submitted and issued for the property split & combination.
5. *If approved, and prior to the commencement of any construction related activities*, a **Septic Permit** shall be submitted and issued for the new septic system.



# VARIANCE

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



Application Date: January 27, 2026 Permit Number: BOA-001091-2026 Fee: \$846.00  
 60-Day Ruling Date: March 27, 2026 911-Address: \_\_\_\_\_  
 Applicant(s): James Hoefs Landowner(s): Jason & Emily Hoefs  
 Mailing Address: 32606 181st Ave Mailing Address: 32606 181st Ave  
 City: New Prague City: New Prague  
 State: MN Zip: 56071 State: MN Zip: 56071  
 Phone: 507.291.1298 Phone: 507.364.7785

Township: Lanesburgh Parcel No.: 07.030.5100  
 Section: 30 Subdivision: N/A  
 TWP #: 112 Lot #: N/A Zoning District: A  
 Range#: 23 Block#: N/A FEMA Panel #: 27079C0 175E  
 1/4 - 1/4: NE - SE Road Type: CR Flood Zone: X-Outside

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Variance, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Variance:

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing dwelling and an existing Animal Feedlot from 1,000 feet to 97 feet; and reduce the required Lot Depth from 300 feet to 250 feet; and reduce the required Buildable Area from 16,335 square feet to 10,086 square feet to accommodate a property split & combination to adjust existing lot lines.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Variance:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 \_\_\_\_\_  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
February 11, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

ON-SITE TOUR DATE:	<u>March 5, 2026</u>	ACTION:	_____
PUBLIC HEARING DATE:	<u>March 5, 2026</u>		_____
	_____		_____
	_____		_____
AS WRITTEN		WITH CONDITIONS	

\_\_\_\_\_  
 BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
 DATE

# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): James Hoefs/Jason & Emily Hoefs

Variance #: BOA-001091-2026

**Variance Request:** Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required separation distance between an existing dwelling and an existing Animal Feedlot from 1,000 feet to 97 feet; and reduce the required Lot Depth from 300 feet to 250 feet; and reduce the required Buildable Area from 16,335 square feet to 10,086 square feet to accommodate a property split & combination to adjust existing lot lines.

A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

                         
 Jim M.      John W.      Colin H.      Russell A.      Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE



*Application – Variance*

**I. Applicant:**

Name JAMES A. HOEFS  
Mailing Address 17738 320st  
City NEW PRAGUE State MN Zip 56071  
Phone # 507-291-1298 Phone # 507-364-7785

**II. Landowner:**

Name JAMES A DONNA M. HOEFS  
Property Address 32606 181AV  
City NEW PRAGUE State MN Zip 56071  
Phone # 507-291-1298 Phone # 507-364-7785

**III. Parcel Information:**

Parcel Number R 07.030.5110 Parcel Acreage 108.36 AC  
Township LANESBURGH Section 30  
Subdivision N 110 SE 1/4 Lot \_\_\_\_\_ Block \_\_\_\_\_

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).*

**IV. Variance Request:** List requested alternative to development standard(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**V. Description of Request:**

a. A full written description of the proposed variance request with detailed information must be attached.

**VI. Township Notification:**

**Township must be notified prior to application.** *(County Commissioners are not the Township Board.)*

LANESBURGH Liz KROCAK Township notified on 1-22-2026  
*(Township Name) (Date)*

Board Member Liz KROCAK regarding the proposed request.  
*(Name)*

**VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - *Within and adjacent to project area.*
- Lot Dimensions
- Ponds
- Location of trees to be removed - *Shoreland Districts.*
- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

**\*Site shall be physically staked, then surveyed\***  
**\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\***  
**\*Stakes must remain in place until construction commences\***

# ENVIRONMENTAL SERVICES

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



Received 2/2/26  
Le Sueur County

## ENVIRONMENTAL SERVICES

### VIII. Practical Difficulty:

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

**1. Is the variance in harmony with the general purposes and intent of the official controls?**

*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

Dwelling to the feed lot lot depth & buildable AREA Dwelling was part of the feed lot for over 150 years now owned by son 6th generation and also will be running the feed lot in the future.

**2. Is the request consistent with the comprehensive plan?** *Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

My request is to follow Goal 1 By only moving dirt for septic system

**3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?** *Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

YES existing home need septic system lot lines were fixed to meet setbacks

# ENVIRONMENTAL SERVICES

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



Le Sueur County  
**ENVIRONMENTAL SERVICES**

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

When house was given to son the lawyers split the line down the middle of shed & the change of set back & feedlot of calves in the building.

5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

Should be NO change to surrounding area

6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

YES fix the lot line & set backs and install new septic system.

**IX. Attachments shall include but not limited to:**

- Description of Request**
- Site Plan(s)** – Survey showing Existing & Proposed Conditions
- Surveyor Certification**
- Township Notification** – See Part VI
- Access Approval** – Attached approval from the applicable road authority
- Full Legal Description** – Not abbreviated description from tax statement
- Septic Compliance** (if applicable)
- Floor Plans or Building Plans** (if applicable)
- Erosion Control Form**
- Erosion Control Plan**

**The Department may request additional information regarding the application.**



**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance: — \$ 800  
 Time Extension: \$ 600  
 Filing Fee: — \$ 46

Variance for Clusters: \$ 800 + \$200 per household  
 Filing Fee: \$ 46

**Additional Fees:**

Special Meeting: \$1,500  
 After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.  
 After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.



- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

**XIII. Acknowledgement:**

**I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.**

**If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.**

**By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.**

**XIV. Signatures:**

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

James A. Hoep  
Applicant signature

1-22-2026  
Date

James A. Hoep Trust  
Property Owner signature  
Donna M Hoep

1-22-2026  
Date



## Description of Request

The dwelling was part of the farm for over 150 years. My son and his wife wanted to own their own house so it was given to them, which divided the feedlot from the house. The feedlot and house do not meet the setbacks and lot requirements. A variance to correct the setback issues is needed to build a new robot barn for milking cows.



# CERTIFICATE OF SURVEY

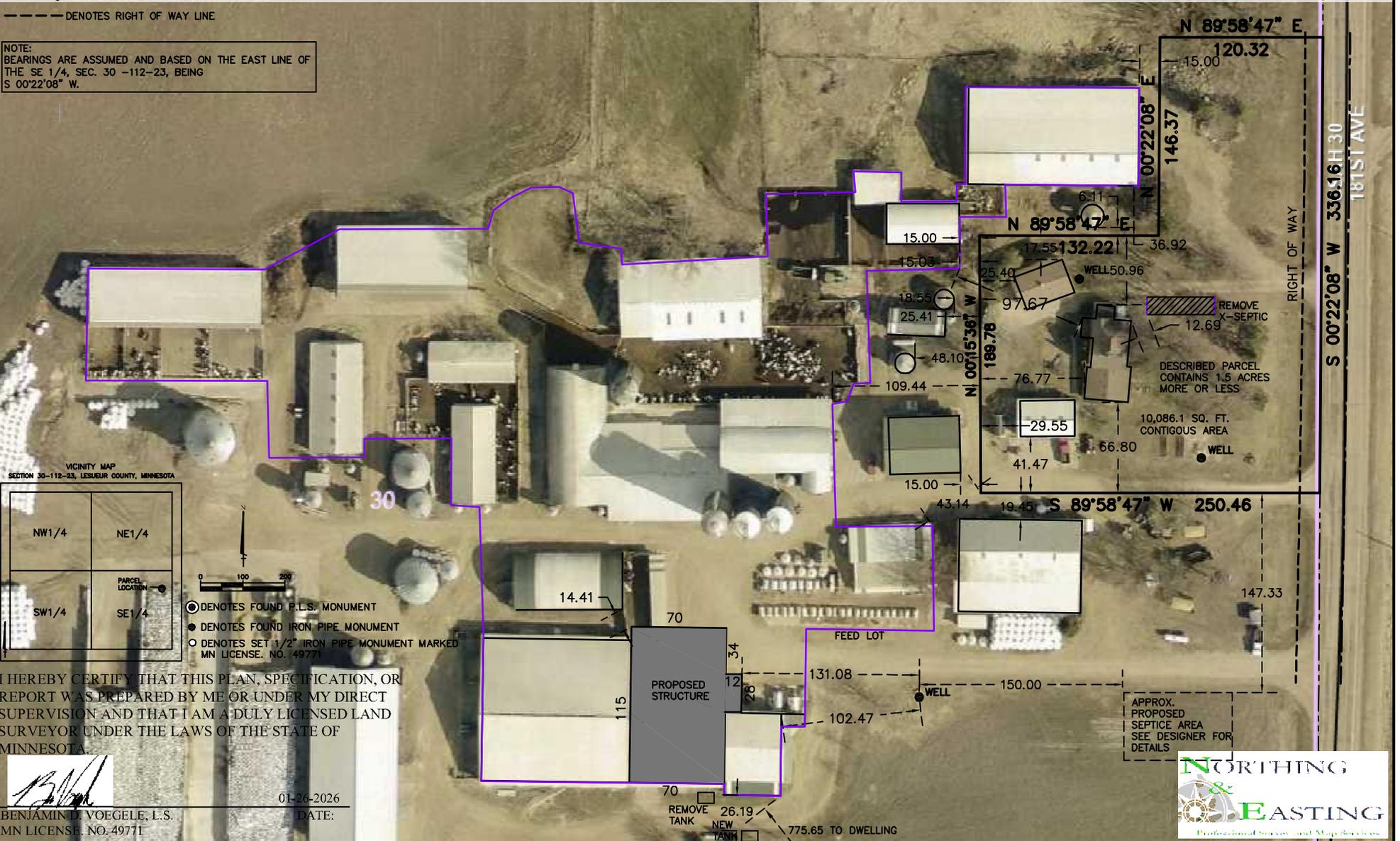
PART OF SECTION 30, TOWNSHIP 112 NORTH, RANGE 23 WEST, LESUEUR COUNTY, MINNESOTA

REVISION 3

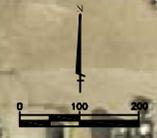
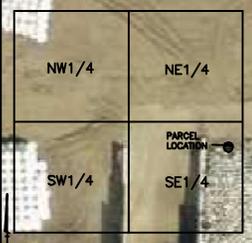
## LEGAL DESCRIPTION

- PARCEL BOUNDARY
- DENOTES COMPUTATION START AND END
- - - - DENOTES RIGHT OF WAY LINE

NOTE:  
BEARINGS ARE ASSUMED AND BASED ON THE EAST LINE OF  
THE SE 1/4, SEC. 30 -112-23, BEING  
S 00°22'08" W.



VICINITY MAP  
SECTION 30-112-23, LESUEUR COUNTY, MINNESOTA



- DENOTES FOUND P.L.S. MONUMENT
- DENOTES FOUND IRON PIPE MONUMENT
- DENOTES SET 1/2" IRON PIPE MONUMENT MARKED MN LICENSE. NO. 49771

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

BENJAMIN D. VOEGELE, L.S.  
MN LICENSE. NO. 49771

01-26-2026  
DATE:



# CERTIFICATE OF SURVEY

PART OF SECTION 30, TOWNSHIP 112 NORTH, RANGE 23 WEST, LESUEUR COUNTY, MINNESOTA

REVISION 2

### LEGAL DESCRIPTION A

The North 110 acres of the Southeast Quarter of Section 30, Township 112 North, Range 23 West, LeSueur County, Minnesota.

#### EXCEPTING THEREFROM

The North 110 acres of the Southeast Quarter of Section 30, Township 112 North, Range 23 West, LeSueur County, Minnesota, described as follows: Commencing at the Northeast Corner of said North 110 acres, thence South 00°22'08" West (assumed bearing) along the East line of said North 110 acres, a distance of 350.69 feet to the point of beginning of the parcel to be herein described; thence continuing South 00°22'08" West along said East line, a distance of 336.16 feet; thence South 89°58'47" West, a distance of 250.46 feet; thence North 00°15'36" West, a distance of 189.78 feet; thence North 89°58'47" East, a distance of 132.22 feet; thence North 00°22'08" East, a distance of 146.37 feet; thence North 89°58'47" East, a distance of 120.32 feet to said point of beginning.

Subject to road right of way over and across the east side thereof and any easements and restrictions of record.

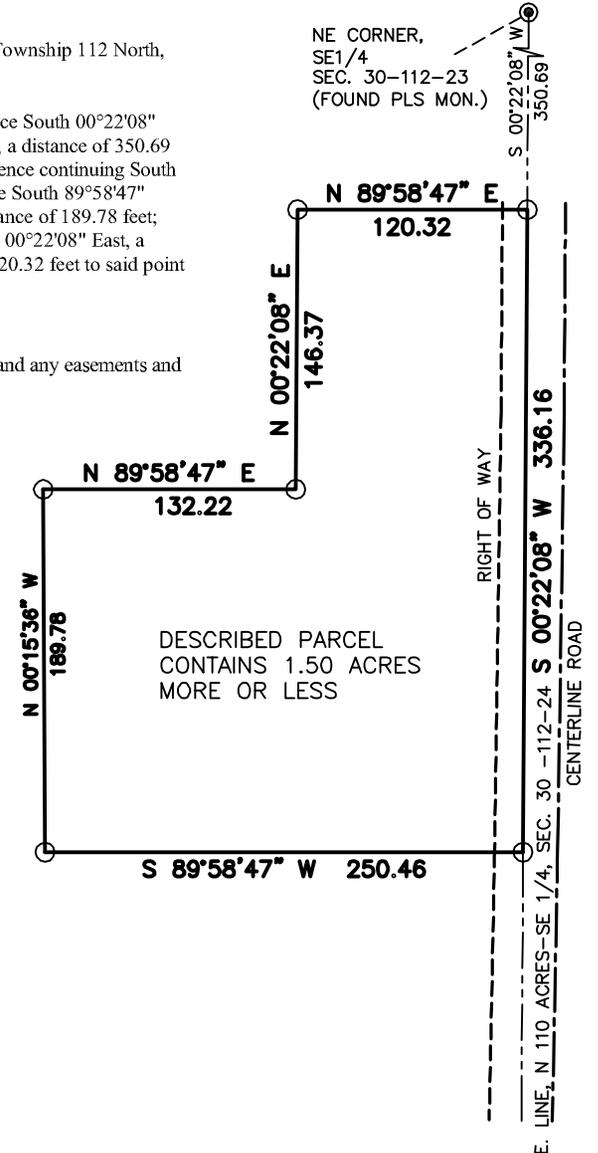
### LEGAL DESCRIPTION B

Part of the North 110 acres of the Southeast Quarter of Section 30, Township 112 North, Range 23 West, LeSueur County, Minnesota, described as follows:

Commencing at the Northeast Corner of said North 110 acres, thence South 00°22'08" West (assumed bearing) along the East line of said North 110 acres, a distance of 350.69 feet to the point of beginning of the parcel to be herein described; thence continuing South 00°22'08" West along said East line, a distance of 336.16 feet; thence South 89°58'47" West, a distance of 250.46 feet; thence North 00°15'36" West, a distance of 189.78 feet; thence North 89°58'47" East, a distance of 132.22 feet; thence North 00°22'08" East, a distance of 146.37 feet; thence North 89°58'47" East, a distance of 120.32 feet to said point of beginning.

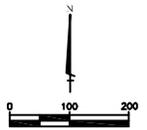
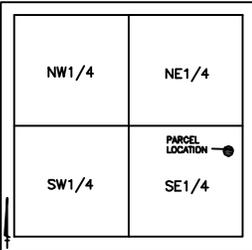
Subject to road right of way over and across the east side thereof and any easements and restrictions of record.

The above described parcel contains 1.5 acres more or less.



N 110 ACRES - SE 1/4, SEC. 30 -112-23

VICINITY MAP  
SECTION 30-112-23, LESUEUR COUNTY, MINNESOTA



- ⊙ DENOTES FOUND P.L.S. MONUMENT
- DENOTES FOUND IRON PIPE MONUMENT
- DENOTES SET 1/2" IRON PIPE MONUMENT MARKED MN LICENSE. NO. 49771

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

- PARCEL BOUNDARY
- - - - DENOTES RIGHT OF WAY LINE

NOTE:  
BEARINGS ARE ASSUMED AND BASED ON THE EAST LINE OF THE SE 1/4, SEC. 30 -112-23, BEING S 00°22'08" W.

NOTE: CERTIFICATE DOES NOT PURPORT TO SHOW ANY OR ALL APPLICABLE INFORMATION, EXCEPT AS SHOWN. QUESTIONS PERTAINING TO INFORMATION NOT SHOWN ON THIS CERTIFICATE SHOULD BE DIRECTED TO THE APPROPRIATE REVIEWING PARTY.



*[Signature]*  
BENJAMIN D. VOEGELE, L.S.  
MN LICENSE. NO. 49771  
DATE: 01-26-2026

PROJECT NO. 112233026	DATE: 01-26-2026	SCALE: 1" = 100'	SHEET SIZE: 8.5 X 11	SHEET 1 OF 1
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# VARIANCE STAFF REPORT

## GENERAL INFORMATION

**MEETING DATE:** March 5, 2026

**APPLICANT/OWNERS:** Richard & Ann Rynda

**911 ADDRESS:** 33700 181<sup>st</sup> Ave, Montgomery, MN 56069

**VARIANCE REQUEST:** To reduce the required acreage from 40 acres to 20 acres to accommodate a Temporary Dwelling for farm labor in an Agriculture "A" District.

**VARIANCE NUMBER:** BOA-001099-2026

**PARCEL NUMBER:** 07.031.5200

## SITE INFORMATION

**LOCATION:** The subject property is located in part of the E 1/2 of the SE 1/4, Section 31 of Lanesburgh Township.

**ZONING & PURPOSE:** Agriculture "A" District

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

**GOALS AND POLICIES:** The current Land Use Plan, adopted in 2007, makes reference to protecting the best of its agricultural land as a resource for long term agricultural use.

**GOAL #1:** Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

**Objective 2:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**GENERAL SITE DESCRIPTION:** Developed Conforming Lot

**ACCESS:** Existing access from CSAH 30 181<sup>st</sup> Ave

## BACKGROUND INFORMATION

The subject parcel was originally 120 acres when the feedlot began operations in the 1930s. In 2009, the landowners split and sold 100 acres surrounding the existing parcel. The applicants intend to construct a structure to include a Temporary Dwelling for farm labor. If approved, the variance would allow the applicants to apply for an Interim Use Permit for a Temporary Dwelling with a reduce lot area.

## ATTACHMENTS

Application, Description of Request, Site Plan (Proposed Conditions), Building Plans, LIDAR Map, Aerial Image, Erosion Control Plan, & Findings of Fact Form

## FINDINGS

Staff findings per Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

- | <u>1. Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u>                | <u>Page:</u> |
|---------------------|-----------------|------------------|----------------------------------|--------------|
| a. Lot Area:        | 20 acres        | 40 acres         | Section 19, Subdiv. 12. C. 1. a. | 19-20        |
2. The applicant is requesting a variance to reduce the required lot area for a Temporary Dwelling for farm labor.
  3. The subject parcel is a registered feedlot.
  4. The Temporary Dwelling would convert into an office or meeting space once it is no longer required.

## CONSIDERATIONS

1. The following shall be considered at the hearing:
  - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
  - b. Whether the granting of the application would be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
2. **Additional Considerations:**
  - a. The request is to allow the applicants to apply for an Interim Use Permit for a Temporary Dwelling (for farm labor) with a reduced lot area.
  - b. The lot area requirement for a Temporary Dwelling for farm labor was implemented for crop farming and did not take feedlots into account when it was created.
  - c. The proposed structure for the Temporary Dwelling would meet all the required setbacks.

## PRACTICAL DIFFICULTY

*The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on non-conformities.*

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.
2. Variances shall only be permitted when the request is consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties as used in connection with a variance means the following:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.

## ADDITIONAL REVIEW COMMENTS

1. This request has been submitted to Amy Beatty, County Feedlot Officer. In her review, Ms. Beatty stated based on the most recent feedlot registration the animal feedlot facility meets suitable area acreage. This variance request to reduce the required acreage for a Temporary Dwelling for farm labor should not effect the existing animal feedlot located on this parcel.
2. This request has been submitted to Trygve Capistrant-Kinney, County Senior Planner. In his review, Mr. Capistrant-Kinney stated a compliant SSTS inspection for existing dwelling is on file dated January 14, 2026. An SSTS design was received for Temporary Dwelling. Placement of SSTS is in an acceptable location and will not require a variance. SSTS staff are able to approve of this variance project.

## PROPOSED FINDINGS

1. **Is the variance in harmony with the general purpose and intent of the official control?** The official control in the request is the required Lot Area for a Temporary Dwelling for farm labor.
  - a. **Lot Area. The requirement for Lot Area is to ensure that a property can meet the required setbacks for a listed use in the applicable Zoning District.**
    - The proposed Temporary Dwelling would meet all the required setbacks.
    - The proposed Temporary Dwelling meets maximum the size requirements.
    - The amount of area a feedlot requires differs compared to crop farming.
    - Based on the above information, the variance is in harmony with the general purpose and intent of the official control
2. **Is the variance request consistent with the Comprehensive Land Use Plan?**
  - The land use plan lists protecting agriculture land for agriculture resources or uses.
  - The proposed structure for the Temporary Dwelling would not remove any productive agriculture soils from production.
  - Based on the above information, the request is consistent with the Comprehensive Land Use Plan.
3. **Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?**
  - The applicant is proposing to construct a structure for a Temporary Dwelling for farm labor.
  - The subject property has a registered feedlot that requires labor to manage.
  - Based on the above information, the request is a reasonable use not permitted by an official control.
4. **Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?**
  - The subject parcel was originally 120 acres; however, in 2009 the landowners sold the surrounding 100 acres.
  - The property was split prior to the adoption of the Land Division Ordinance.
  - The property split met the requirements for a dwelling and a Feedlot, however the idea of a Temporary Dwelling for farm labor was not in discussion during the split.
  - Based on the above information, the plight of the landowner was not created by them.
5. **Will the issuance of the variance maintain the essential character of the locality?**
  - The locality is scattered residential sites and tillable acreage. The applicant is proposing a Temporary Dwelling for farm labor with a reduced lot area.
  - The Temporary Dwelling would be in a new structure that would be designed similar to existing structures on the lot.
  - Based on the above information, the request would maintain the essential character of the locality.
6. **Does the alleged Practical Difficulty involve more than economic considerations?**
  - If approved, the applicant would be able accommodate a Temporary Dwelling for farm labor to assist with the feedlot operations and mentor the next generation of feedlot owners.
  - Based on the above information, the request does involve more than economic considerations.

## PROPOSED CONDITIONS

*In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.*

1. *If approved*, all necessary permits shall be issued and exterior construction completed **prior to March 5, 2027**, unless an extension is granted by the Board of Adjustment.
2. An extension must be requested in writing and filed with the Department at least 30 days prior to the Variance expiration.
3. *If approved*, the site plan (submitted January 29, 2026) shall become a part of the permit. Any deviation from the submitted plans shall first be reviewed by the Department for determination of whether additional variances would be required.
4. *If approved, and prior to the commencement of any construction related activities*, an **Interim Use Permit** shall be submitted and issued for the Temporary dwelling.
5. *If approved, and prior to the commencement of any construction related activities*, a **Zoning Permit** shall be submitted and issued for the Temporary dwelling.





# VARIANCE

LE SUEUR COUNTY  
BOARD OF ADJUSTMENT

88 SOUTH PARK AVENUE  
LE CENTER, MN 56057



Application Date: January 29, 2026 Permit Number: BOA-001099-2026 Fee: \$846.00  
 60-Day Ruling Date: March 30, 2026 911-Address: 33700 181st Ave, Montgomery, MN 56069  
 Applicant(s): Richard & Ann Rynda Landowner(s): Richard & Ann Rynda  
 Mailing Address: 33700 181st Ave Mailing Address: 33700 181st Ave  
 City: Montgomery City: Montgomery  
 State: MN Zip: 56069 State: MN Zip: 56069  
 Phone: 612.756.1363 Phone: 612.756.3466

Township: Lanesburgh Parcel No.: 07.031.5200  
 Section: 31 Subdivision: N/A  
 TWP #: 112 Lot #: N/A Zoning District: A  
 Range#: 23 Block#: N/A FEMA Panel #: 27079C0 175E  
 1/4 - 1/4: Part of the E 1/2 - SE 1/4 Road Type: CR Flood Zone: X-Outside

I (We), the undersigned, owner(s) and/or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Variance, as hereinafter designated, and in support thereof, the following facts are presented:

### 1.) Reason for the Requested Variance:

Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required acreage from 40 acres to 20 acres to accommodate a Temporary Dwelling for farm labor in an Agriculture "A" District.

### 2.) Reasons for approval or denial of the request are listed in the Findings of Fact.

### 3.) Special Conditions of the Variance:

Please see the Final Decision Notice for all Conditions related to this request.

\_\_\_\_\_  
 APPLICANT/PROPERTY OWNER  
  
 \_\_\_\_\_  
 LE SUEUR COUNTY PLANNING & ZONING AUTHORITY

\_\_\_\_\_  
 DATE  
February 11, 2026  
 \_\_\_\_\_  
 DATE

**\*\* ALL FEES ARE NON-REFUNDABLE\*\***

ON-SITE TOUR DATE:	<u>March 5, 2026</u>	ACTION:	_____
PUBLIC HEARING DATE:	<u>March 5, 2026</u>		_____
	_____		_____
	_____		_____
AS WRITTEN		WITH CONDITIONS	

\_\_\_\_\_  
 BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
 DATE

# VARIANCE FINDINGS OF FACT

Name of Applicant(s) or Landowner(s): Richard & Ann Rynda

Variance #: BOA-001099-2026

Variance Request: **Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required acreage from 40 acres to 20 acres to accommodate a Temporary Dwelling for farm labor in an Agriculture "A" District.**

A. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities.

B. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

C. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.

D. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.

Y      N      1.) Is the variance in harmony with the general purpose and intent of the official control(s)?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      2.) Is the variance request consistent with the Comprehensive Land Use Plan?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

E. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.

Y      N      3.) Is the property owner proposing to use the property in a reasonable manner, not permitted by an official control?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      4.) Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      5.) Will the issuance of the variance maintain the essential character of the locality?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

Y      N      6.) Does the alleged Practical Difficulty involve more than economic considerations?

<input type="checkbox"/>				
Jim M.	John W.	Colin H.	Russell A.	Jeanne D.

Finding: \_\_\_\_\_

F. IF THE BOARD OF ADJUSTMENT DETERMINES ALL OF THE ABOVE STANDARDS HAVE BEEN MET BY A SIMPLE MAJORITY, THEN THE STANDARD FOR IDENTIFYING A PRACTICAL DIFFICULTY HAS BEEN ESTABLISHED.

ACTION:              APPROVED              DENIED

CONDITION(S): \_\_\_\_\_

APPLICANT'S RESPONSE TO THE CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
BOARD OF ADJUSTMENT CHAIR

\_\_\_\_\_  
DATE

**ENVIRONMENTAL SERVICES**

88 South Park Avenue, Le Center MN 56057

Website: www.lesueurcounty.gov

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



Le Sueur County  
**ENVIRONMENTAL SERVICES**

*Application – Variance*

**I. Applicant:**

Name Richard and Ann Rynda  
Mailing Address 33700 181st Ave  
City Montgomery State MN Zip 56069  
Phone # 612-756-1363 Phone # 612 756 3466

**II. Landowner:**

Name Richard and Ann Rynda  
Property Address 33700 181st Ave  
City Montgomery State MN Zip 56069  
Phone # 612-756-1363 Phone # 612 756 3466

**III. Parcel Information:**

Parcel Number R.07.031.5200 Parcel Acreage 20  
Township 112 Section 31  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Full Legal Description must be attached.

*(Full legal description can be found on deed, not abbreviated legal description from tax statement).*

**IV. Variance Request:** List requested alternative to development standard(s).

We are asking for a variance from the 40 acre requirement for a farm, to build a 30 x 60 shed with 800 sq ft of temporary dwelling for farm labor on our 20 acre feedlot

**V. Description of Request:**

a. A full written description of the proposed variance request with detailed information must be attached.

**VI. Township Notification:**

**Township must be notified prior to application.** *(County Commissioners are not the Township Board.)*

Lanesburgh Township notified on 1-16-2026  
*(Township Name) (Date)*

Board Member Liz Krocak, Clerk regarding the proposed request.  
*(Name)*

**VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Lakes
- Well
- Access
- Setbacks
- Rivers
- Septic System
- Easements
- Property lines
- Wetlands
- Proposed Structures
- Road Right-Of-Way
- Streams
- Existing structures - **Within and adjacent to project area.**
- Lot Dimensions
- Ponds
- Location of trees to be removed - **Shoreland Districts.**

- Impervious Surface
  - Required for *Shoreland, Business, & Industrial Districts.*
  - Itemized current & proposed impervious surfaces to include total percentages.
  - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

**\*Site shall be physically staked, then surveyed\***

**\*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled\***

**\*Stakes must remain in place until construction commences\***

**ENVIRONMENTAL SERVICES**

88 South Park Avenue, Le Center MN 56057

Website: [www.lesueurcounty.gov](http://www.lesueurcounty.gov)

Phone: 507-357-8538 Email: [EnvServices@lesueurcounty.gov](mailto:EnvServices@lesueurcounty.gov)



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**VIII. Practical Difficulty:**

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in all cases when there are practical difficulties in the way of carrying out the strict letter of the official controls and when the terms of the variance are consistent with the comprehensive plan.
- B. An area variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- C. It is the responsibility of the applicant/landowner to provide evidence to prove a practical difficulty exists.
- D. A variance may be granted only in the event that the following circumstances are found to be true (or are answered in the affirmative, yes):

**1. Is the variance in harmony with the general purposes and intent of the official controls?**

*Consideration:* What standard (setback, structure size, etc.) are you asking to be modified? What is the intended purpose of that standard? How does your request meet the intended purpose?

Yes, We are feedlot and the reasoning is different than a row crop farms. A feedlot can and does exist on 20 acres.

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**2. Is the request consistent with the comprehensive plan?** *Consideration:* The County's Land Use Plan lists several goals (see attached). Does your request violate any of these listed goals? If so, what steps could be taken to off-set the impact(s) your request has on these goals?

Yes, goal 1, objective 2, action 1: There is no conflict with this goal policy

This current feedlot is requesting temporary housing for farm labor.

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**3. Is the property owner proposing to use the property in a reasonable manner not permitted by the official controls?** *Consideration:* Is the request reasonable based on the existing use of the property? Why? What County standard is keeping your request from being approved? How is the proposal reasonable in relation to the requirements of the zoning ordinance?

The request to build a new 30x60 shed with temporary dwelling for farm labor is reasonable even though the operating dairy operation only resides on a 20 acre parcel. The dairy farm has operated on this same 20 acres since 2009. The shed and land use are both listed uses in the agriculture district. The feedlot size and purpose will remain the same.

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4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?** *Consideration:* What unique characteristic does the property have that is making it impossible for your request to meet all County standards? Is the request the result of events outside the control of the landowner and not due to the landowner's previous decisions or actions?

20 acres met the requirements to have a feedlot, but the 20 acres does not currently  
 The dairy operation functions on 20 acres versus the 40 acres required by county standards for a temporary dwelling for farm labor. Regardless of our acreage, the need for a temporary dwelling for farm labor still exists. The original feedlot was originally on 120 acres, but in 2009 the land surrounding the feedlot was sold.

5. **Would the variance maintain the essential character of the locality?** *Consideration:* How would you describe the character of the neighborhood or surrounding area? If approved, would the end result of your request make your property appear different than those in the surrounding area?

Yes, To maintain the look of a farm environment, the proposed shed with temporary farm labor dwelling would blend in with character of the other farm buildings and sheds.

6. **Does the request involve more than economic considerations alone?** *Consideration:* Why are you seeking the variance? Would the request do more for you than add value to your property? If so, what?

Yes, as mentioned in our "Description of Request", we detail the need for temporary dwelling for farm labor to a successful transfer and operation of the current dairy operation. Our dairy operation is a two family operation, in both families are actively involved in the day to day operation to milk, house, feed and manage our dairy herd.

**IX. Attachments shall include but not limited to:**

- Description of Request**
- Site Plan(s)** – Survey showing Existing & Proposed Conditions
- Surveyor Certification**
- Township Notification** – See Part VI
- Access Approval** – Attached approval from the applicable road authority
- Full Legal Description** – Not abbreviated description from tax statement
- Septic Compliance** (if applicable)
- Floor Plans or Building Plans** (if applicable)
- Erosion Control Form**
- Erosion Control Plan**

**The Department may request additional information regarding the application.**

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**X. Quantities and Submittal Formats:**

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Electronic version of any supporting documents are preferred, *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.

**XI. Fees:**

Variance: \$ 800  
 Time Extension: \$ 600  
 Filing Fee: \$ 46

Variance for Clusters: \$ 800 + \$200 per household  
 Filing Fee: \$ 46

**Additional Fees:**

Special Meeting: \$1,500  
 After-The-Fact meeting fee: Doubled + After-The-Fact Penalty.  
 After-The-Fact Penalty: \$1,500 OR 10% of the improvement, whichever is greater.

***\*\*Fees are non-refundable, and must be paid at the time of application\*\****

**XII. Procedure:** See Section 22 of the Zoning Ordinance for full details.

- a. A pre-application meeting is highly recommended. Please note, applications submitted without having a pre-application meeting may need to be delayed if the submitted application cannot be deemed complete prior to the required application deadline. **Please note that scheduling an Appointment for this meeting is required.**
- b. An application must be submitted either in person or electronically by the applicant and/or landowner no later than 2 P.M. on the date of application deadline.
- c. All required information must be submitted at the time of application, or the application may not be deemed complete.
- d. Incomplete applications shall be placed on Hold until such time all required information is submitted.
- e. **All fees shall be paid at the time of application.**
- f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
- h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.

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## Le Sueur County ENVIRONMENTAL SERVICES

- i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- k. The Board of Adjustment has the authority to request additional information or impose conditions.
- l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allows any use that is prohibited in the Zoning District in which the property is located, unless that use is deemed a legal nonconforming use as defined by the Zoning Ordinance.
- m. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- n. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- o. A Zoning Permit is required prior to starting construction; however, Zoning Permits will not be available the day of the Board of Adjustment meeting. A Zoning Permit application shall be approved prior to obtaining a Zoning Permit.

### XIII. Acknowledgement:

I understand that Le Sueur County will never request payment from applicants via wire transfer, gift cards, cryptocurrency, or any other unconventional or insecure method. Any such request should be considered fraudulent and treated as a scam.

If I receive a suspicious communication claiming to be from Le Sueur County and asking for payment, I will not respond or send any money. Instead, I will immediately report the incident to Le Sueur Environmental Services Department and to the appropriate authorities, such as the Federal Trade Commission (FTC) or local law enforcement.

By signing below, I acknowledge this policy and agree to remain vigilant against potential scams.

### XIV. Signatures:

*I hereby certify that I am either the owner of the subject property or have been authorized on behalf of the landowner to apply for this permit. I have read this application and swear the submitted information is true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local laws regulating construction or the performance of construction. I understand the information I provided for this application will be utilized to determine suitability under the ordinances of Le Sueur County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant Le Sueur County Environmental Services Department staff authority to access the above property for inspections throughout the application and permitting process.*

Applicant signature

1-27-26  
Date

Property Owner signature

1-27-26  
Date



## DESCRIPTION OF REQUEST

Why are we asking for the variance:

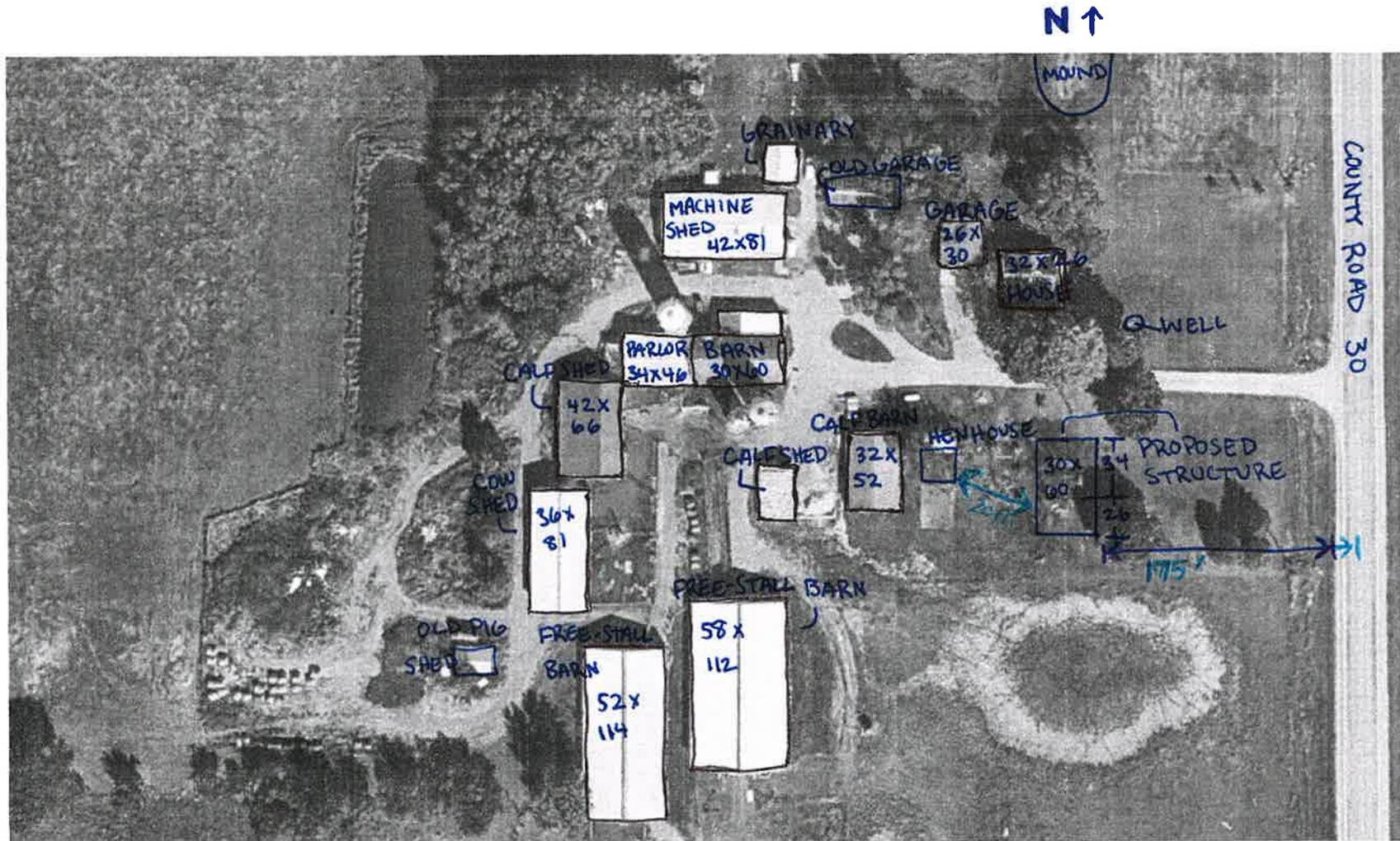
Currently, a temporary dwelling permit for farm labor requires 40 acres but our dairy farm feedlot has been operating on 20 acres since 2009. Our dairy farm has been in operation since the 1930's originally functioning on 120 acres. In 2009, we sold the surrounding acreage and continued the feed lot operation on 20 acres. The size of the acreage does not affect our business operation, and we plan to continue the dairy operation and transition to the next generation in our family. The feedlot is currently managed by our two families, where we actively manage and milk the dairy herd. As the older generation steadily passes on full ownership to the next generation, the need for temporary housing would allow the older generation a place to reside, while mentoring the future owner to succeed in maintaining the dairy operation.

In keeping with the look and structures of the farm, we propose to build a 30x60 shed and within this build, create the 800 sq ft of temporary dwelling for farm labor. The remainder of the shed would be designated for purposes such as a farm shop or farm storage.

When the need for farm labor ceases, the temporary dwelling space could be made available to the farm for office or meeting space.

The shed and current land use are both listed uses in the agriculture district.

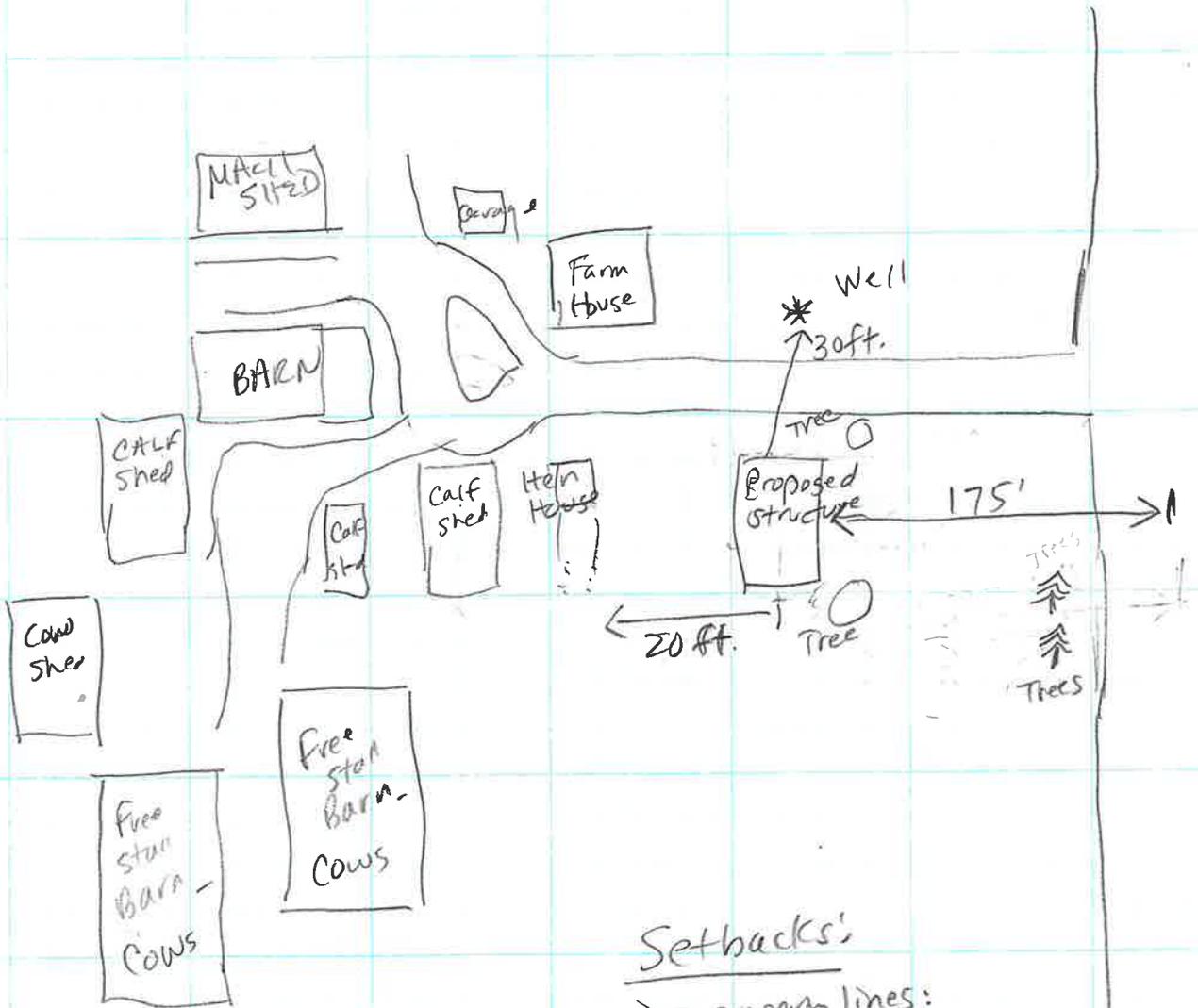




Setbacks: Country Rd 30 to Proposed Dwelling = 175 ft  
Property Lines - over 200 ft in all directions  
To nearest structure - 20 ft.

N ↑

Received 1/29/2026



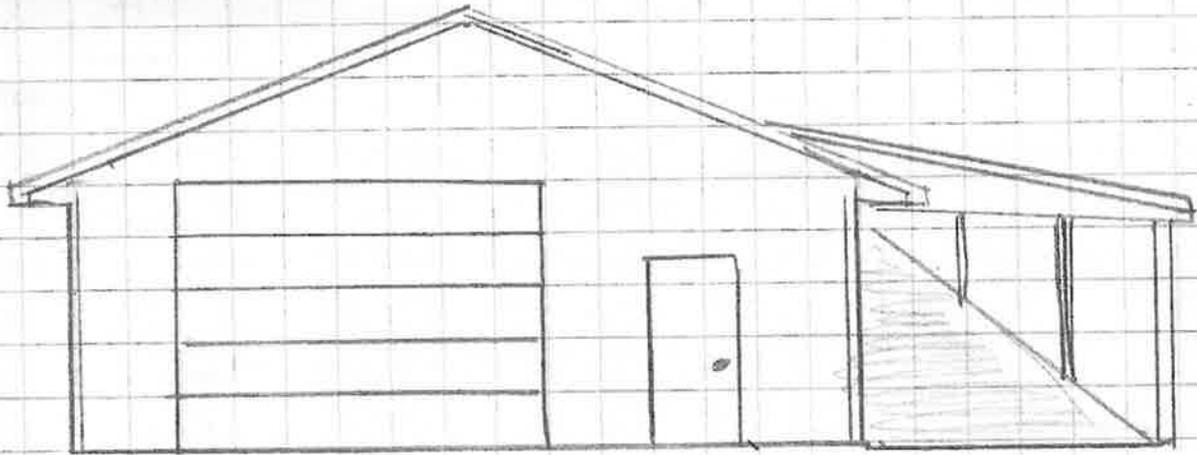
### Setbacks:

- 1) TO property lines:  
over 200 ft  
in all directions
- 2) City Rd 30 to  
proposed structure =  
175 ft.

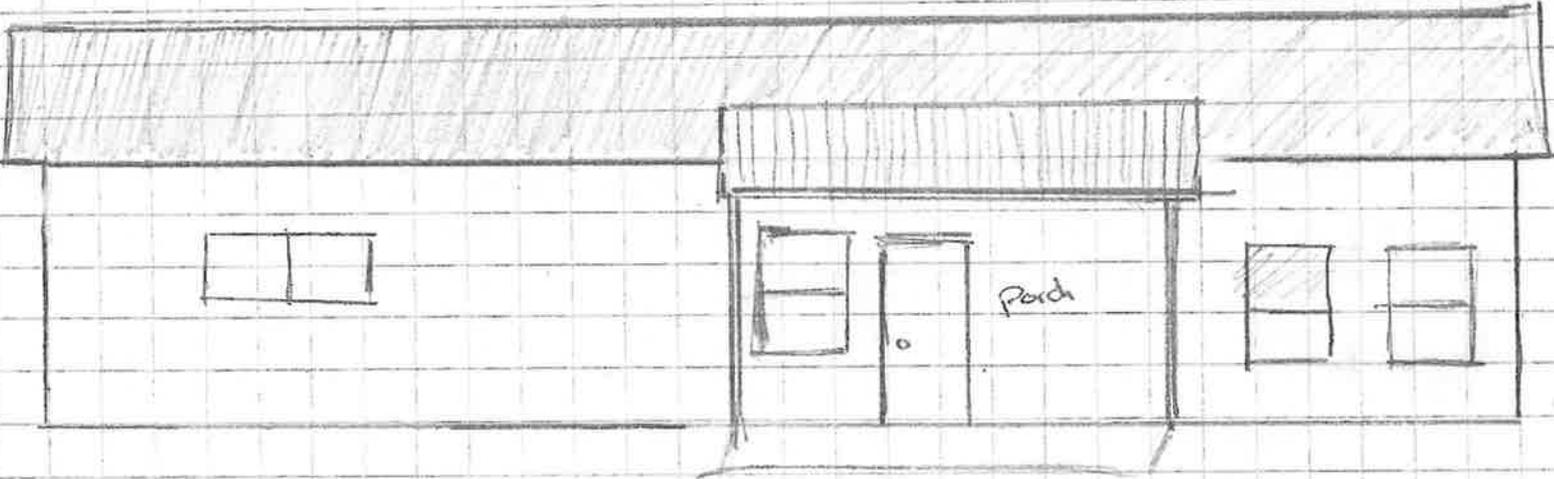




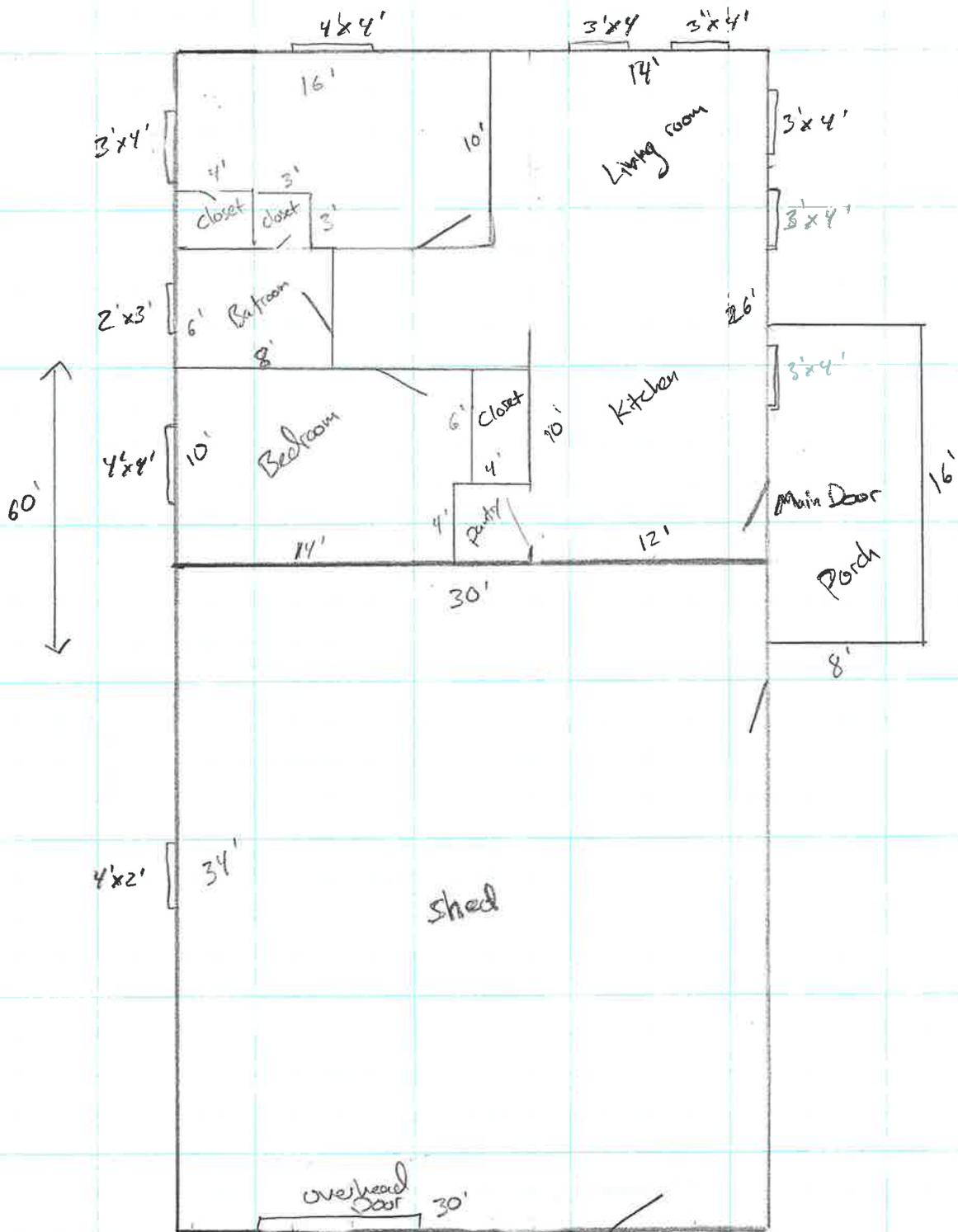
# Elevation



30'



Porch





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 Phone: 507-357-8538 [environmentalservices@co.le-sueur.mn.us](mailto:environmentalservices@co.le-sueur.mn.us)

**Le Sueur County Erosion Prevention and Sediment Control Plan**

OWNER / CONTRACTOR			
Owner's Name: <b>Richard &amp; Ann Rynda</b>	Email: <b>ryndaville@gmail.com</b>	Phone #: <b>612-756-1363</b>	
Address: <b>33700 181st Ave</b>	City: <b>Montgomery</b>	State: <b>MN</b>	Zip: <b>56069</b>
Contractor's Name: <b>Greg Rynda</b>	Email: <b>gregrynda@gmail.com</b>	Phone #: <b>612 756 4827</b>	
Address: <b>7527 Dodd Rd</b>	City: <b>Shieldsville</b>	State: <b>MN</b>	Zip: <b>55021</b>
SITE LOCATION			
Site Address: <b>33700 181st Ave, Montgomery, MN 56069</b>			
Subdivision:	Parcel ID:		
Project Purpose: <b>30 x 60 Shed</b>			
Estimated Start Date: <b>April 1, 2026</b>		Estimated Completion Date: <b>August 30, 2026</b>	
COUNTY USE ONLY			
Environmental Services Approval:		Date:	
Permit Number:	Inspection Date:		

**Statement of Compliance**

The property owner and the contractor conducting work on the site are both responsible for all the construction activities that occur on the site. By signing this document both parties are responsible for the installation and maintenance of all erosion and sediment control BMPs to ensure that sediment, soil, and debris does not leave the construction site. This includes but is not limited to tracking of soil /mud onto public streets and roadways from vehicles leaving the site, soil eroding from the site onto roadways, lakes, streams, drainage ditches, or onto neighboring property. If sediment, soil/mud and/or debris leaves the site, both parties are responsible for the immediate clean up and all costs and fines associated with it. Both parties are also responsible for the total restoration of vegetation on the site (seed/mulch, sod, gardens) after construction disturbance is substantially complete, and only after vegetation has been established with vigorous growth can BMPs be cleaned and removed. Permits can be closed only after full restoration is complete. **Both the property owner and contractor signatures are required.**

Landowner Signature: 	Date: <b>1-27-2026</b>
Contractor/Applicant Signature: 	Date: <b>1-27-2026</b>



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**Erosion Prevention and Sediment Control Narrative**

- A) Attach full description of your project and type of foundation/disturbance. (ex: constructing a 1,500 sq ft house w/full basement; constructing an attached 20 ft by 20 ft garage; constructing a 50 ft by 14 ft driveway, and constructing a 10 ft by 10 ft patio, etc.).
- B) How much land are you disturbing?

Total (Square Feet):	2400 sq ft.		
Are you importing/exporting any fill? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Amount of Grading, Excavating, and Filling Activities (Cubic Yards):	Less than 10 cubic yards	

- C) Describe the slope of the land and slope of the adjacent land.

Zero slope where the build will occur.

- D) List all temporary erosion prevention and sediment control measures you intend to use and when you will be installing them. Show their proposed location in an attached drawing. [At a MINIMUM, you must have perimeter control such as silt fence and washing rock construction entrance.] *Also, show and protect stockpiles.*

Minimal excavation -  
 Erosion prevention using silt logs (erosion control logs) to the west and south of the new structure.

- E) Final Stabilization. Date you will sod, or seed & mulch, or otherwise establish vegetation on the disturbed area.

Method:	Sow grass seed upon completion of project
Target Date:	September 1, 2026

- F) If the site is not vegetated before snow cover, describe below your selected winter-over protection methods.

Erosion control blankets over any remaining piles and blanket the new seeded area, if still bare.

