

LE SUEUR COUNTY BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER, MINNESOTA 56057
November 6, 2025

MEMBERS PRESENT: Jim Mladek, Jeanne Doheny, Colin Harris, Russel Anderson

MEMBERS ABSENT: John Wolf

OTHERS PRESENT: Michelle Mettler, Brad O'Malley, Trevor Rudenick

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

2. **Agenda:** Additions/Corrections:
Item #1: Change setback distance from 3,800 to 3,776
Item #6: Remove variance requests for septic tank and septic absorption area setbacks, and change the size of proposed shed from 40'x50' to 38'x45'
Item #7: Add Flood Fringe "FF" Floodplain Overlay into request
Item #8: Add in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" Lake.

Motion to approve the agenda with corrections was made by **COLIN HARRIS**.

Second by **RUSSEL ANDERSON**.

MOTION APPROVED. MOTION CARRIED.

3. **Minutes:** **October 2, 2025**, Meeting, Additions/Corrections: NONE.

Motion to approve the minutes was made by **JIM MLADEK**

Second by **RUSSEL ANDERSON**

MOTION APPROVED. MOTION CARRIED.

4. **Applications:**

ITEM #1: EE SOLAR 22, LLC/ENTERPRISE ENERGY, MINNEAPOLIS, MN (APPLICANT); TIM & RUTH VETTER, KASOTA, MN (OWNER): Request the County grant an extension of Variance (#BOA-000239-2024 approved July 18, 2024) from the Le Sueur County Zoning Ordinance to allow the applicant to reduce the required setback between the road Right-Of-Way (ROW) for a Scenic Byway and a Large Solar Energy System from 5,280 feet to 3,776 feet in an Agriculture "A" District. Property is located in the East 1/2 of the NW 1/4, Section 16, Kasota Township. **VARIANCE IS FOR SCENIC BYWAY ROW SETBACK.**

Brad O'Malley presented the PowerPoint presentation.

Evan Carlson was present for the applicants.

REVIEW OF PROPOSED CONDITIONS:

Mr. O'Malley read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

INITIAL COMMENTS FROM THE APPLICANT:

Mr. Carlson stated that they intended to break ground in the spring with the project. He stated the project was now accepted by the Department of Commerce, and all necessary permits were in place. He stated the project was on high ground and out of view from the scenic byway.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT: NONE

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. *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. (3-1 in support, Member Mladek in dissent)*
 - *Change in schedule for our office- Member Mladek in dissent*
 - *No fault of their own- Chairperson Doheny in support*
2. *Has the applicant established a good faith attempt to complete the work permitted in the Variance. (4-0 in support)*
 - *There was a law change that caused delays- Member Mladek in support*

Motion made by COLIN HARRIS to recommend APPROVAL of the extension for 1 year.

Second by JIM MLADEK

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #2: NEW ENERGY EQUITY LLC, ROSEVILLE, MN (APPLICANT); DANIEL & KAROLYNN HINIKER, KASOTA, MN (OWNER): Request the County grant an extension of Variance (#BOA-000124-2024 approved May 16, 2024) from the Le Sueur County Zoning Ordinance to allow the applicant to reduce the required setback between the road Right-Of-Way (ROW) for a Scenic Byway and a Large Solar Energy System from 5,280 feet to 3,060 feet in an Agriculture "A" District. Property is located in the West 1/2 of the NW 1/4, Section 16, Kasota Township. **VARIANCE IS FOR SCENIC BYWAY ROW SETBACK.**

Brad O'Malley presented the PowerPoint presentation.

Brain Keenan was present for the applicants.

REVIEW OF PROPOSED CONDITIONS:

Mr. O'Malley read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

INITIAL COMMENTS FROM THE APPLICANT:

Mr. Keenan stated the delays were due to Xcel Energy and the Highway 22 project holding off on final pole placements, which was needed before approval on the interconnection permit.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Member Mladek asked the applicant if they were ready to start the project. Mr. Keenan said that they were.

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.) *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. (4-0 in support)*
2. *Has the applicant established a good faith attempt to complete the work permitted in the Variance. (4-0 in support)*
 - *Due to other delays- Member Mladek in support*
 - *Extenuating circumstances- Chairperson Doheny in support*

Motion made by COLIN HARRIS to recommend APPROVAL of the extension for 1 year.

Second by RUSSEL ANDERSON

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #3: NEW ENERGY EQUITY, ROSEVILLE, MN (APPLICANT); DANIEL & KAROLYNN HINIKER, KASOTA, MN (OWNER): Request the County grant an extension of Variance (#BOA-000098-2024 approved May 6, 2024 from the Le Sueur County Zoning Ordinance to allow the applicant to reduce the required setback between the road Right-Of-Way (ROW) for a Scenic Byway and a Large Solar Energy System from 5,280 feet to 3,128 feet in an Agriculture "A" District. Property is located in the North 1/2 of the SW 1/4, Section 16, Kasota Township. **VARIANCE IS FOR SCENIC BYWAY ROW SETBACK.**

Brad O'Malley presented the PowerPoint presentation.

Brian Keenan was present for the applicants.

REVIEW OF PROPOSED CONDITIONS:

Mr. O'Malley read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

INITIAL COMMENTS FROM THE APPLICANT:

Mr. Keenan stated the project is very similar, being on adjacent parcels. The same issues with Xcel and MNDOT occurred.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Member Harris asked if the applicant knew about the Highway 22 project when they started their project. Mr. Keenan stated they had worked with MNDOT and shifted their project west due to that. He stated Xcel would not sign off due to details like pole placement and other factors.

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. *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. (4-0 in support)*
2. *Has the applicant established a good faith attempt to complete the work permitted in the Variance. (4-0 in support)*
 - *Delay was due to other circumstances- Member Mladek in support*

Motion made by JIM MLADEK to recommend APPROVAL of the extension for 1 year.

Second by COLIN HARRIS.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #4: DAVID M JONES, LE SUEUR, MN (APPLICANT/OWNER): Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback between an existing Animal Feedlot to an existing dwelling from 1,000 feet to 63 feet and reduce the required setback between the structure of an Animal Feedlot to a side yard lot line from 100 feet to 25 feet to accommodate a proposed property split & combination. The subject property is part of the W 1/2 of the SE 1/4, Section 25, Ottawa Township. **VARIANCE IS FOR SIDE YARD AND FEEDLOT TO A DWELLING SETBACKS.**

Brad O'Malley presented the PowerPoint presentation.

David Jones and Melissa Edmondson were present for the applicants.

REVIEW OF PROPOSED CONDITIONS:

Mr. O'Malley read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

INITIAL COMMENTS FROM THE APPLICANT:

Chairperson Doheny commented that a few years ago, this property had a Conditional Use Permit for a Temporary Dwelling. Mr. Jones stated they were apart of the feedlot operation. Mr. Jones stated his dad had purchased the corner property around 1960 to build his house on, and there was no issues at the time. He stated that when a road project occurred in the past, he believed it moved the parcel line farther back in the property. He stated they wanted to fix the property line issue for when they sell it to their nephew.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Chairperson Doheny asked who lived in the house on the lot. Mr. Jones stated it was his dads who had passed away. He stated it was being remodeled and that the Edmondson's would live their after the remodel. Chairperson Doheny asked if the Edmondson's currently participated with the feedlot, and that they were ok with being close to the feedlot. Ms. Edmondson stated that they were for both. Mr. Jones stated that they needed better access to the property as the driveway is technically on the other parcel currently.

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. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The official controls in the request are the required setback from a feedlot to a dwelling and the required setback from a feedlot to an adjoining property line.*
 - *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 neighboring dwelling have been coexisting since the 1960's without issue.*
 - *The owners of the neighboring dwelling plan to work on the feedlot and operate it once the current owners are no longer able to.*
 - *Based on the above information, the setback from the dwelling to the feedlot will not negatively impact the feedlot.*
 - *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 have been coexisting since the 1960's without issue.*
 - *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.*
 - *Working together and coexisting since the 1960s- Chairperson Doheny in support.*
2. *The request is consistent with the comprehensive plan. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The land use plan lists protecting agriculture land for agriculture resources or uses.*
 - *A feedlot is a listed use in the Agriculture (A) District.*
 - *The request does not involve new construction on the subject property.*
 - *The land use plan lists the location of livestock feedlots and non-feedlot uses too close to one another can cause conflicts.*
 - *The subject feedlot has been coexisting with the dwelling on parcel 10.025.5200 since the 1960s without issue.*
 - *Approval of the variance would not alter the operations of the existing feedlot.*
 - *The landowners of parcel 10.025.5200 intend to assist in operating the feedlot.*
 - *Based on the above information, County staff have determined the request is consistent with the Comprehensive Land Use Plan.*
 - *Maintaining status quo- Chairperson Doheny in support*
3. *The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The applicant is not proposing to alter the existing use of the feedlot.*
 - *The property split/combination requires a variance due to feedlot setbacks.*
 - *Based on the above information, the request is a reasonable use not permitted by an official control.*
 - *Being proactive- Chairperson Doheny in support*
4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (4-0 in support)*
 - *All members adopted proposed finding*
 - *When the feedlot was originally developed, there were not required setbacks for a feedlot to a lot line.*
 - *When the dwelling on the adjacent parcel (10.025.5200) was originally developed, there were not required setbacks to a feedlot.*
 - *The feedlot was deemed a Nonconformity once the Animal Feedlot and Manure Management (Section 16) was adopted by the Le Sueur County Zoning Ordinance in 1996.*
 - *Based on the above information, the plight of the landowner was not created by the landowner.*
 - *Rules changed after feedlot was established- Chairperson Doheny in support*
5. *Whether the variance would alter the essential character of the locality. (4-0 in support)*
 - *All members adopted proposed finding*

- *The subject feedlot has been coexisting with the dwelling on parcel 10.025.5200 since the 1960s without issue.*
 - *The request is to accommodate a property split and combination to adjust the property lines.*
 - *There is no proposed change to the existing feedlot.*
 - *Based on the above information, the request would maintain the essential character of the locality.*
 - *An improvement- Member Harris in support*
6. *Whether the request for the variance involves more than economic considerations. (4-0 in support)*
- *All members adopted proposed finding*
 - *If approved, the feedlot would become conforming.*
 - *If approved, a grain bin on the subject property would meet the required side lot line setback.*
 - *Approval of the variance would not alter the operations of the feedlot.*
 - *Based on the above information, the request does involve more than economic considerations.*

Motion made by JIM MLADEK to recommend APPROVAL of the application with the conditions proposed in the staff report.

Second by COLIN HARRIS

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #5 JOSH & MELISSA EDMONDSON, LE SUEUR, MN (APPLICANT); DAVID JONES, LE SUEUR, MN (OWNER): Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback between an existing dwelling and an existing Animal Feedlot from 1,000 feet to 63 feet; and reduce the required setback between a dwelling and side yard lot line from 50 feet to 13 feet; and reduce the required Lot Depth from 300 feet to 217 feet; and reduce the required Lot Area from 1.5 acres to 1.21 acres; and enlarge a nonconforming structure to accommodate a dwelling addition and property split & combination. The subject property is part of the SW 1/4 of the SE 1/4, Section 25, Ottawa Township. **VARIANCE IS FOR ENLARGING A NONCONFORMING STRUCTURE, LOT DEPTH, LOT AREA, SIDE YARD AND DWELLING TO FEEDLOT SETBACKS.**

Brad O'Malley presented the PowerPoint presentation.

David Jones and Melissa Edmondson were present for the applicants.

REVIEW OF PROPOSED CONDITIONS:

Mr. O'Malley read each of the proposed conditions into the record.

There were no questions or objections from the applicant.

INITIAL COMMENTS FROM THE APPLICANT: NONE

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Chairperson Doheny asked what the septic system for the property was. Mr. Jones stated the septic mound was installed in September. Michelle Mettler clarified that the feedlot property has the mound installed, and the property with the dwelling still needed to be updated. She also clarified that the temporary dwelling had its own holding tank installed.

PUBLIC CORRESPONDENCE: NONE

PUBLIC COMMENTS: NONE

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

Chairperson asked the applicant for clarification about the enlargement of the dwelling with the attached garage. Ms. Edmondson stated the current house was small for her family so they wanted to convert the current garage into a living room and add on an attached garage. Chairperson Doheny asked the applicant about reducing the side yard and feedlot to dwelling setbacks, and that the applicant was ok with the proximity. Ms. Edmondson stated she was fine with the proximity and the feedlot smell didn't bother her.

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. (4-0 in support)*
 - *Members Mladek, Harris, and Anderson adopted proposed finding*
 - *The official controls in the request are enlarging a Nonconforming structure, Lot Area, Lot Depth, Side Yard setback, and the setback from a dwelling to a feedlot.*
 - *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 plan to work on the feedlot and operate it once the current owners are no longer able to.*
 - *Based on the above information, the setback from the dwelling to the feedlot will not negatively impact the feedlot.*
 - *Side Yard Setback. The setback from a dwelling to a side yard lot line is related to not infringing on neighboring properties.*
 - *The dwelling is currently closer to the side property line than the requested setback.*
 - *If approved, the new property lines created by the property split and combination will be further from dwelling.*
 - *Based on the above information, the setback to the side property line will not have negative impacts on the feedlot or neighboring properties.*
 - *Expanding a Nonconforming Structure. When Nonconforming Structures are enlarged, a variance is required.*
 - *The subject dwelling became a nonconforming in 1996 when feedlot standards were adopted.*
 - *The dwelling addition will be set back further from the proposed lot line than the existing dwelling is from the current lot line.*
 - *A variance is required to enlarge a Nonconforming structure.*
 - *The proposed dwelling addition meets the required setbacks to the septic system.*
 - *Based on the above information, enlarging the dwelling structure would not negatively impact the feedlot or neighboring properties.*
 - *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 subject property is increasing its existing lot area from .72-acres to 1.21-acres.*
 - *The subject property cannot be expanded to meet the lot area requirement without creating or increasing a nonconformity for feedlot or structure setbacks.*
 - *Based on the above information, reducing the required lot area would not negatively impact the feedlot or neighboring properties.*
 - *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 a nonconforming structure (existing sheds north of parcel).*
 - *The dwelling addition meets the required rear yard setback.*

- *Based on the above information, reducing the required lot depth would not negatively impact the feedlot or neighboring properties.*
 - *Unique circumstances, no surprises with Feedlot to Dwelling distances- Chairperson Doheny in support.*
2. *The request is consistent with the comprehensive plan. (4-0 in support)*
 - *All members adopted proposed findings*
 - *The land use plan lists protecting agriculture land for agriculture resources or uses.*
 - *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 were existing at the time of the adoption of feedlot separation requirement.*
 - *The subject feedlot has been coexisting with the dwelling on parcel 10.025.5200 since the 1960s without issue.*
 - *A dwelling is a permitted use in the Agriculture (A) District.*
 - *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. *The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The setback to the dwelling will increase with the proposed lot lines.*
 - *A dwelling is a permitted use in the Agriculture (A) District.*
 - *The property split & combination requires a variance for lot area and lot depth.*
 - *The lot area of the subject property will increase from .72-acres to 1.21-acres.*

Based on the above information, the request is a reasonable use not permitted by an official control.
 4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (4-0 in support)*
 - *All members adopted proposed finding*
 - *When the dwelling was originally developed, there were no required setbacks to a feedlot.*
 - *At the time the subject property was split from the parcel 10.025.5100, there were no regulations for lot area, depth, or width.*
 - *Based on the above information, the plight of the landowner was not created by the landowner.*
 - *Rules and regulations changed - Chairperson Doheny in support*
 5. *Whether the variance would alter the essential character of the locality. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The subject dwelling and feedlot have been coexisting since the 1960s without issue.*
 - *The request is to accommodate a property split and combination to adjust the lot lines.*
 - *The dwelling addition is an attached garage. This is an allowed use if not the need for a variance for enlarging a Nonconforming structure and side yard setback.*
 - *The Temporary Dwelling will be removed from the property once the dwelling addition is completed and the landowners move into the dwelling.*
 - *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. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The request is to accommodate a dwelling addition to allow for more storage and use of the existing dwelling.*
 - *The property split and combination will allow the road access to be located on the subject property.*
 - *The request is to improve the existing use of a dwelling.*
 - *Based on the above information, the request does involve more than economic considerations.*

Motion made by JIM MLADEK to recommend APPROVAL of the application with the conditions proposed in the staff report.

Second by COLIN HARRIS.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #8 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.**

The project was not staked so the item is being continued to the December Board of Adjustment agenda.

Motion made by COLIN HARRIS to recommend Continuation of the application.

Second by RUSSEL ANDERSON.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #6 KURT & VAL LUKES, GLENVILLE, MN (APPLICANT/OWNER): Requests the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the required setback from a Private Road Right-Of-Way (ROW) from 65 feet to 25 feet; and reduce the required side yard setback from 15 feet to 10 feet to accommodate a 38' x 45' shed in a Recreational Residential "RR" Shoreland District of German Lake, a Recreational Development "RD" Lake. The subject property is located in part of the SW 1/4 of the SE 1/4 of Section 4, Elysian Township. **VARIANCE IS FOR ROAD ROW AND SIDE YARD SETBACKS.**

Trevor Rudenick presented the PowerPoint presentation.

Kurt Lukes was present for the applicants.

REVIEW OF PROPOSED CONDITIONS:

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

Chairperson Doheny asked for clarification for the removal of conditions relating to reducing shed size and drainage towards septic. Mr. Lukes stated after receiving the packet that he perceived those reducing the size and being away from the septic would be a benefit.

INITIAL COMMENTS FROM THE APPLICANT:

Chairperson Doheny asked what the timeline for the project would be. Mr. Lukes stated fall or spring was his plan, but that was weather permitting, and the septic would be on the same timeline. He stated that the project should hopefully be done around June.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT:

Member Harris asked if the applicant had any issue with conditions 5 or 6. The applicant stated he did not and that putting a barrier around the septic would not be a problem, and he did not plan on parking on the septic system.

PUBLIC CORRESPONDENCE: NONE

PUBLIC COMMENTS: NONE

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

After the first finding was read, Chairperson Doheny asked if there was any potential that the road would expand. Mr. Lukes stated he didn't think they had any plans. He stated it was recently paved and did not change size, and the road was owned by the landowners in Glens Beach.

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. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The official controls in the request are the required setbacks from a Private Road Right-Of-Way, and Side Yard lot line.*
 - *Road ROW Setback: The setback from a road ROW is to ensure safe sight lines and road safety issues.*
 - *The road is a private road which serves as the main road for the Glens Beach Subdivision. Traffic for the road would mainly consist of those that live in and visit the subdivision.*
 - *There is a posted speed limit of 15 miles per hour for this road, and it is a dead end road.*
 - *Based on the above information, the setback from the shed to the road right-of-way will not negatively road safety or sight line.*
 - *Side yard Setback: The setback to a side yard is to ensure minimal impact to neighboring properties.*
 - *There are no structures on the adjacent parcels, however there are similar garages along Glens Beach Road.*
 - *Based on the above information, the setback to the side yard setback would not cause a negative impact to the neighboring property.*
2. *The request is consistent with the comprehensive plan. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The land use plan lists protecting groundwater as one of its objectives. The installation of septic systems that are properly functioning prevents wastewater from impacting groundwater.*
 - *The applicant is proposing to construct a shed on an undeveloped lot, and will be meeting setback distances to both the septic tanks and septic absorption area.*
 - *Based on the above information, the request is consistent with the Comprehensive Land Use Plan.*
3. *The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The land use plan lists protecting groundwater as one of its objectives. The installation of septic systems that are properly functioning prevents wastewater from impacting groundwater.*
 - *The applicant is proposing to construct a shed on an undeveloped lot, and will be meeting setback distances to both the septic tanks and septic absorption area.*
 - *Based on the above information, the request is consistent with the Comprehensive Land Use Plan.*
4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The land use plan lists protecting groundwater as one of its objectives. The installation of septic systems that are properly functioning prevents wastewater from impacting groundwater.*
 - *The applicant is proposing to construct a shed on an undeveloped lot, and will be meeting setback distances to both the septic tanks and septic absorption area.*
 - *Based on the above information, the request is consistent with the Comprehensive Land Use Plan.*

- *Similar structures along the road- Chairperson Doheny in support*
5. *Whether the variance would alter the essential character of the locality. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The locality is lakeshore residential lots. The applicant is proposing a shed on an undeveloped lot across the road from the primary dwelling.*
 - *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. (4-0 in support)*
 - *All members adopted proposed finding*
 - *If approved, the applicant would be able construct a storage shed, allowing for the winter storage of equipment and vehicles.*
 - *Based on the above information, the request does involve more than economic considerations.*

Motion made by COLIN HARRIS to recommend APPROVAL of the application with the conditions read into record.

Second by RUSSEL ANDERSON.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #7 FRANK & CINDY SCHUCHARD, MILLVILLE, MN (APPLICANT); ROY WANGEN, WATERVILLE, MN (OWNER): Request the County grant a Variance from the Le Sueur County Zoning Ordinance to reduce the exempted setback to a side yard lot line (South) from 10 feet to 2 feet; and reduce the required setback to the Ordinary High Water Level (OHWL) from 100 feet to 62; and reduce the required setback to a Private Road Right-Of-Way (ROW) from 65 feet to 22 feet; and to increase the maximum allowed Impervious Surface coverage on a lot to 28.5% to accommodate a 52' x 24' single-family dwelling in a Flood Fringe "FF" Floodplain Overlay, Recreational Residential "RR" Shoreland District of Lake Tetonka, a Recreational Development "RD" Lake. The subject property is part of Lot 29 and part of Lot 30, Tetonka Beach Subdivision of Section 24, Elysian Township. **VARIANCE IS FOR SIDE, OHWL, AND ROAD ROW SETBACKS AND IMPERVIOUS SURFACE.**

Trevor Rudenick presented the PowerPoint presentation.

Frank and Cindy Schuchard 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. Schuchard stated that the house was flooded, and rather than remodel it due to mold, they were going to take down the current dwelling. He stated they would add block, backfill and lay a slab, and bring in a new structure. Chairperson Doheny asked how far they were going to raise it. Mr. Schuchard stated they would be using three courses of block.

Member Harris asked if the applicant was ok with conditions 5 and 7. Mr. Schuchard stated confusion with condition 5 regarding the landscaping. Mr. Rudenick clarified that there was currently plastic underneath the landscaping, so when it is redone after construction, either fabric or nothing underneath would make it pervious.

INITIAL QUESTIONS FROM THE BOARD OF ADJUSTMENT: NONE

Member Mladek asked if the applicant was starting the project in the fall. Mr. Schuchard stated he planned on starting in the spring. Chairperson Doheny asked what the septic for the property was. Mr. Schuchard stated it was only on a holding tank. Member Mladek asked if it was a cabin or year round structure. Mr. Schuchard stated it was only a cabin at this time.

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:

Member Mladek asked the applicant if he was aware of what impervious surface was. Mr. Schuchard said he was not completely familiar. Member Mladek replied explaining it and that the 25% limit in shoreland was important and other reductions should be looked at. Mr. Schuchard stated he could remove the front porch to reduce some impervious. Member Mladek stated it was something to be aware of, and that the applicant should work with staff for guidance.

FINDINGS:

1. *The request is in harmony with the general purpose and intent of the official control. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The official controls in the request are the required setbacks from a Private Road Right-Of-Way (ROW), side yard, and OHWL, and the maximum impervious surface allowed on a lot.*
 - *Road ROW Setback: The setback from a road ROW is to ensure safe sight lines and road safety issues.*
 - *The existing dwelling has not had any reported issues with its current configuration. The proposed porch will only be 4 feet closer than the existing dwelling*
 - *The road is a private road which serves as the main road for the Tetonka Beach Subdivision, and dwellings are situated in similar ways throughout the neighborhood. Traffic for the road would mainly consist of those that live in the subdivision.*
 - *Based on the above information, the setback from the dwelling to the road ROW will not negatively impact road safety or sight line.*
 - *Side yard Setback: The setback to a side yard is to ensure minimal impact to neighboring properties.*
 - *The proposed dwelling will not be any closer than the existing dwelling.*
 - *There are no reported issues for the existing dwelling's proximity to the side yard lot line from the neighboring property.*
 - *Based on the above information, the setback to the side yard setback would not cause a negative impact to the neighboring property.*
 - *OHWL setback: The setback to the OHWL is for the protection of the sensitive feature-the lake.*
 - *The proposed dwelling will not be going any closer to the OHWL than the existing dwelling.*
 - *The proposed dwelling will be outside of the Shore Impact Zone.*
 - *Based on the above information, the setback from the dwelling to the OHWL will not negatively impact the lake.*
 - *Maximum Impervious Surface: The maximum Impervious Surface limit is for the prevention of stormwater runoff into the sensitive feature-the lake*
 - *The applicant is proposing to add an additional 131 square feet of impervious surface with the proposal. This would put the lot at 28.5%. This is a small shoreland lot and there are no applicable means to expand the property.*
 - *There are some potential removals of Impervious Surface to get the lot closer to the allowed 25%. These*

- include landscaping on the property, which totals at 150 square feet on the survey.*
- *Based on the above information, there are potential improvements to the proposal to reduce the amount of Impervious Surface on the lot.*
2. *The request is consistent with the comprehensive plan. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The land use plan lists protecting lake health as one of the goals.*
 - *The applicant is proposing to replace a dwelling due to flood damage. The proposed front porch addition will be on the road side of the dwelling.*
 - *Based on the above information, the request is consistent with the Comprehensive Land Use Plan.*
 - *Proposal will rehabilitate the lot.- Chairperson Doheny in support*
 3. *The property owner is proposing to use the property in a reasonable manner, not permitted by an official control. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The applicant is proposing to replace a flood damaged dwelling.*
 - *The roof slopes away from the side yard so runoff would not impact neighboring properties.*
 - *Based on the above information, the request is a reasonable use not permitted by an official control.*
 4. *The plight of the landowner is due to circumstances unique to the property, not created by the landowner. (4-0 in support)*
 - *All members adopted proposed finding*
 - *When the lots were originally created, ordinance standards for lot size and setbacks were not as restrictive as current ordinance standards.*
 - *There are dwellings on both sides of this parcel, so there is no reasonable means to expand the property.*
 - *There is an existing well on the northwest side of the house which prevents it from moving farther away from the south property line.*
 - *Based on the above information, the plight of the landowner was not created by the landowner.*
 - *An improvement- Chairperson Doheny in support*
 5. *Whether the variance would alter the essential character of the locality. (4-0 in support)*
 - *All members adopted proposed finding*
 - *The locality is lake-frontage residential lots. The applicant is proposing to construct a new dwelling in the same location.*
 - *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. (4-0 in support)*
 - *All members adopted proposed finding*
 - *If approved, the applicant would be able to remove a flood damaged dwelling and construct a new dwelling that meets FEMA standards.*
 - *Based on the above information, the request involves more than economic considerations.*

Motion made by JIM MLADEK to recommend APPROVAL of the application with the conditions proposed in the staff report.

Second by COLIN HARRIS.

MOTION APPROVED (4-0). MOTION CARRIED.

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

- Comp Plan Update
 - Open House was held on October 30, 2025.
 - Comment period ended November 4th.
 - Consultant will compile input from the public and submit Draft Plan to staff to review.
 - Planning Commission potentially in January
 - County Board potentially in February
- Open Position – Planner 1
 - Interviews are being held
- Next BOA Meeting December 4, 2025 @ 3pm

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

7. **Adjournment:**

Motion to adjourn meeting by **COLIN HARRIS**.

Second by **RUSSEL ANDERSON**.

MOTION APPROVED (4-0). MOTION CARRIED.

The meeting was adjourned by Chairperson Jeanne Doheny at 5:00 pm.

Respectfully submitted,

Trevor Rudenick

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