

# 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](http://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



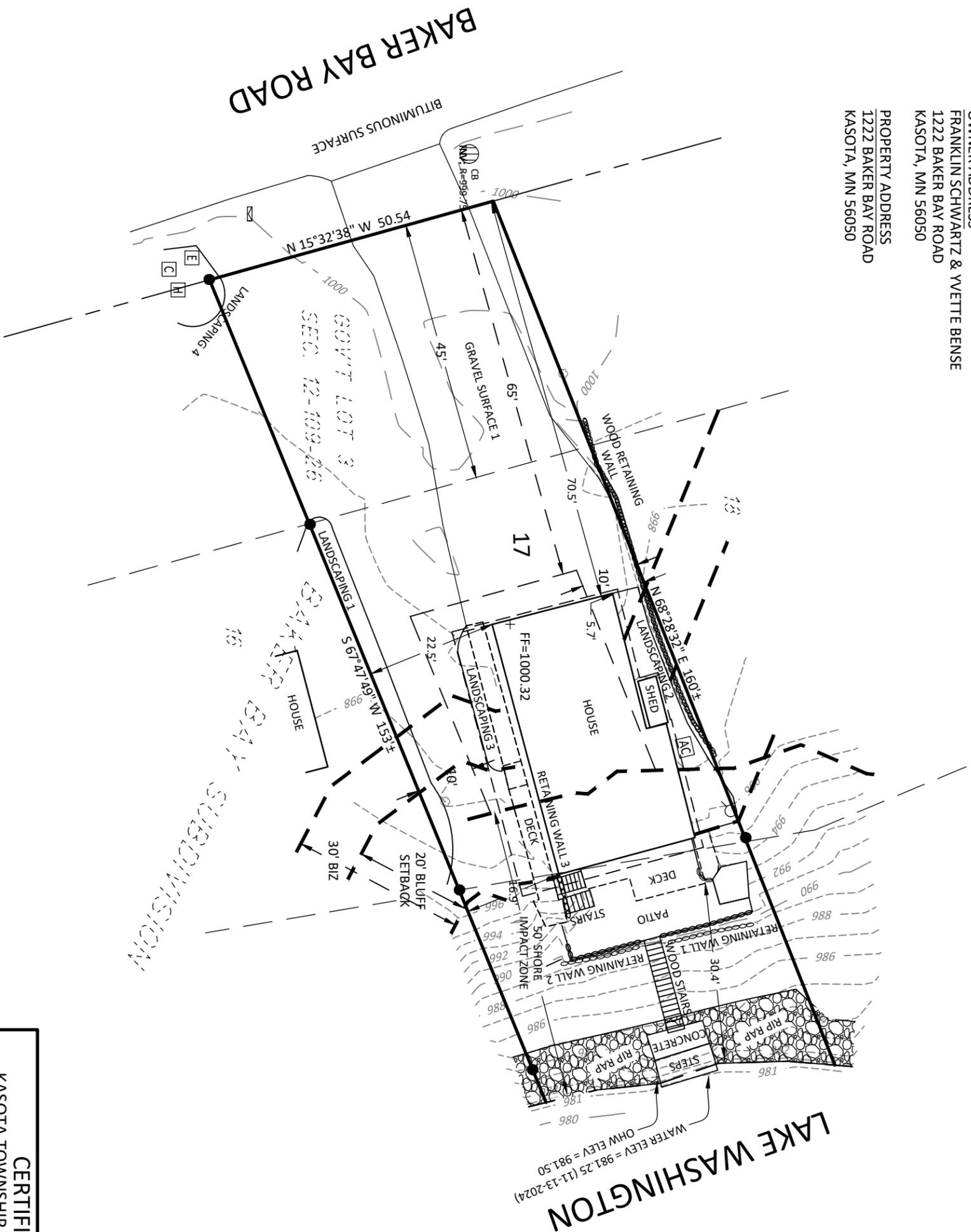
PID 05.440.0170

**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
- ☐ 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)

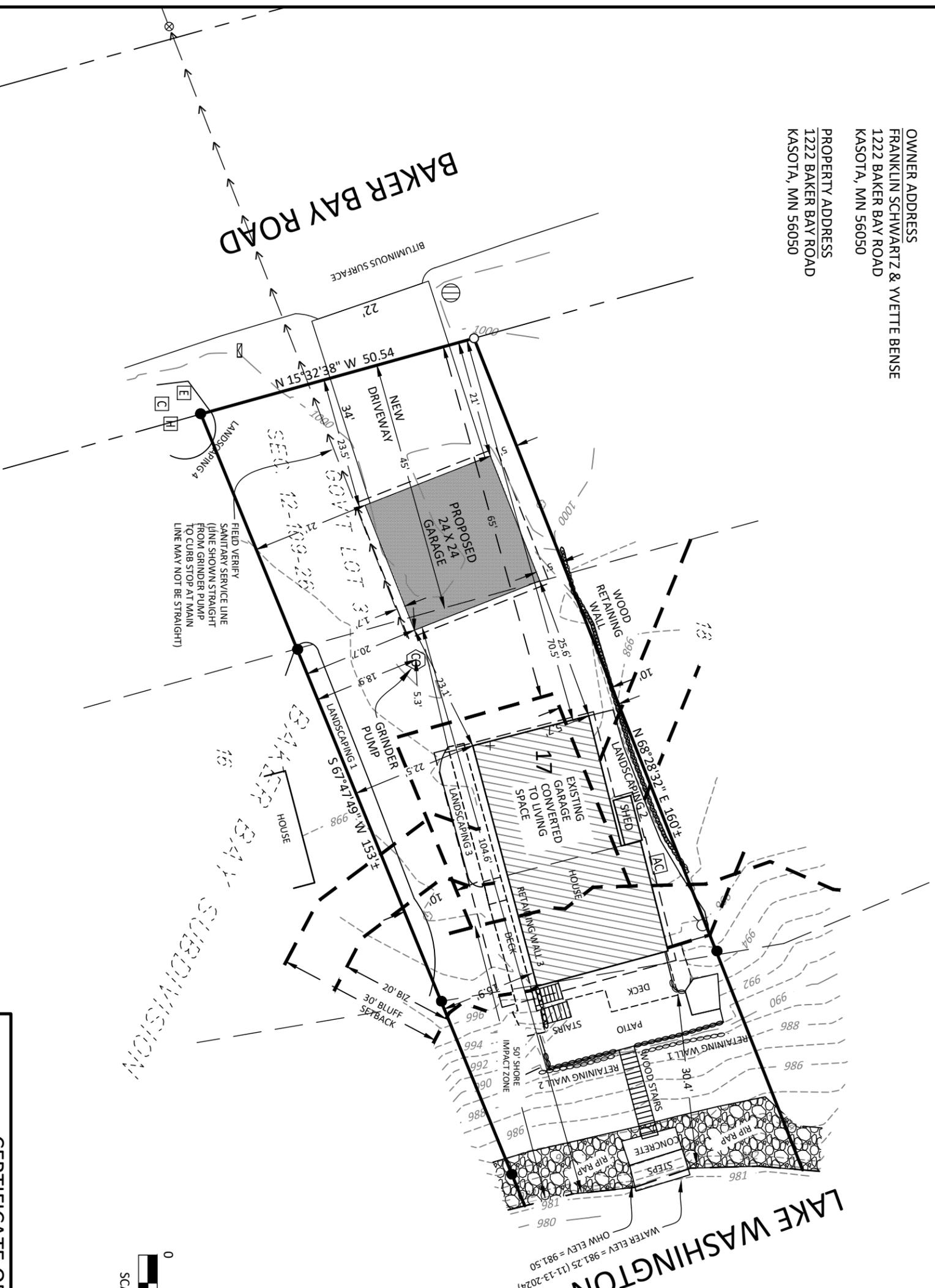
CERTIFICATE OF SURVEY

KASOTA TOWNSHIP, LESUEUR COUNTY, MINNESOTA



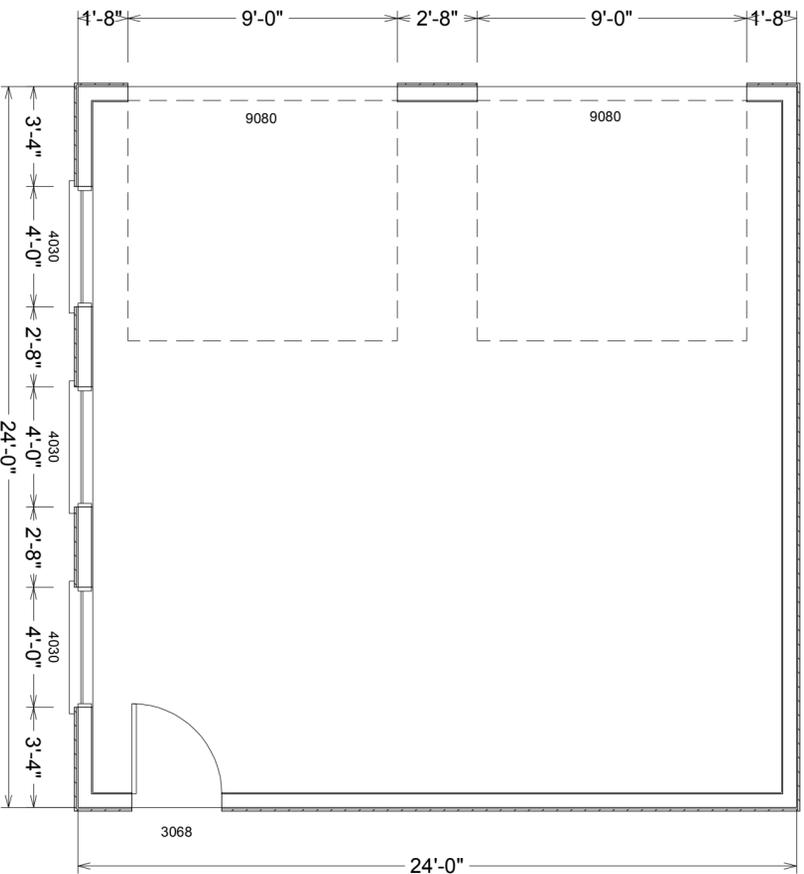
1960 PREMIER DRIVE  
MANKATO, MN 56001  
(507) 625-4171

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

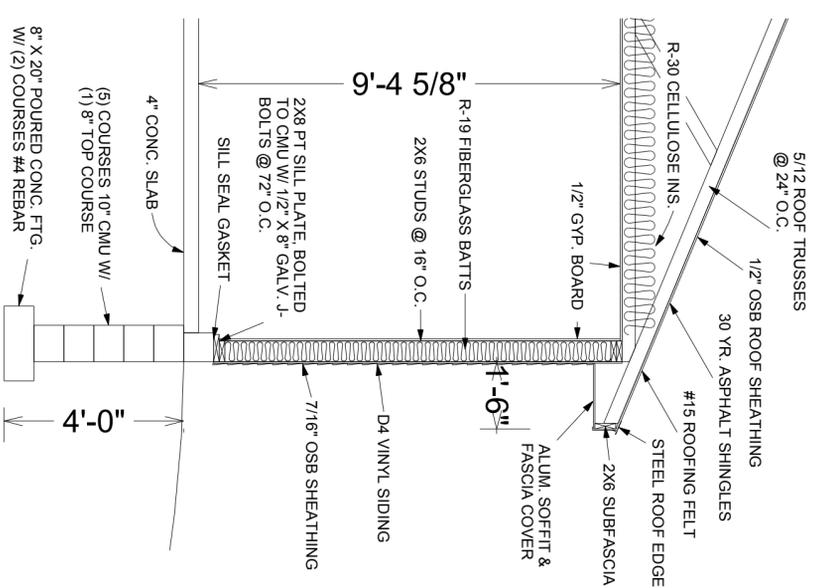






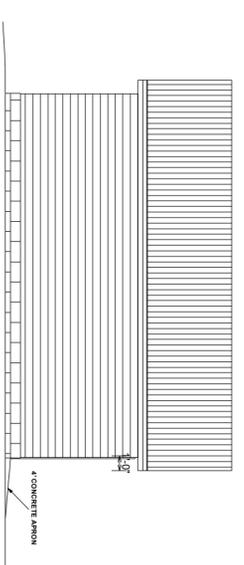
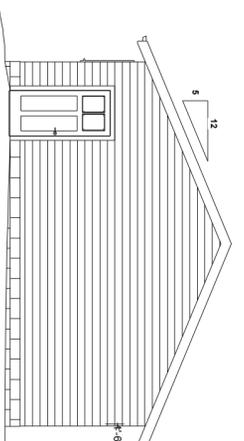
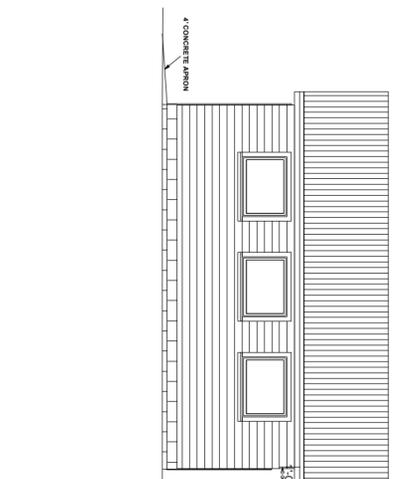
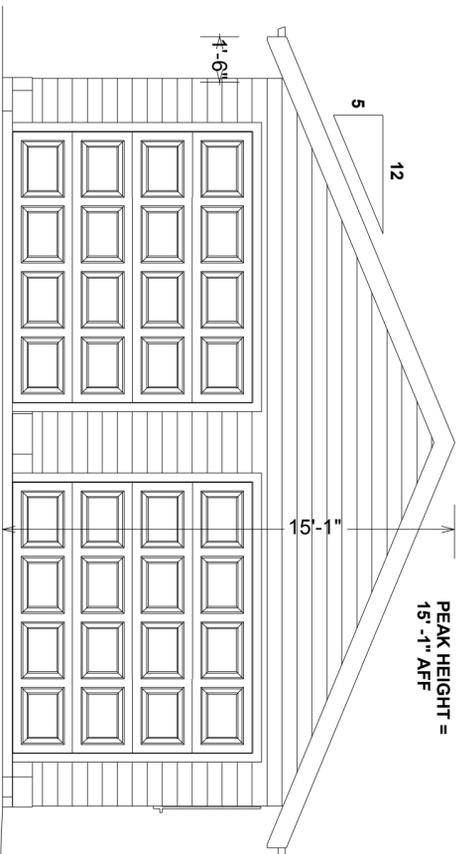


**GARAGE FLOOR PLAN**  
Scale 1/4" = 1'



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

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



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