

VARIANCE STAFF REPORT

GENERAL INFORMATION

MEETING DATE: March 5, 2026

APPLICANT/OWNERS: James & Marilyn Kluntz

911 ADDRESS: 46652 Cape Horn Rd, Cleveland, MN 56017

VARIANCE REQUEST: 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

VARIANCE NUMBER: BOA-001084-2026

PARCEL NUMBER: 01.650.0300

SITE INFORMATION

LOCATION: The subject property is Lot 4, Block 2, Kluntz's Lakewood Knoll, Section 1 of 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 groundwater as well as surface water features.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

GENERAL SITE

DESCRIPTION: Platted Shoreland Lot with no lake-frontage, developed Lot

ACCESS: Existing access from Cape Horn Rd

LAKE: Lake Jefferson

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: 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>1. 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
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.				
3. The front porch was constructed without permit, but would be brought into conformity with approval of this variance and issuance of the Zoning Permit.				
4. No mature trees will be removed from the property for the proposed construction.				
5. If approved, the Impervious Surface coverage of the lot would increase from 11.9% to 12.8%.				

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.
3. **Additional Considerations:**
 - a. 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.
 - b. The proposed Impervious Surface Coverage of the lot is 12.8%.
 - c. The front porch was constructed in 2000 without a permit and requires a reduced road ROW setback.
 - d. The dwelling is a legal Nonconforming structure.
 - e. 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.

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 **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



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

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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?

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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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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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 Kluntz Maudlyn Kluntz
Applicant signature

1/19/2026
Date

James Kluntz Maudlyn Kluntz
Property Owner signature

1/19/2026
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.

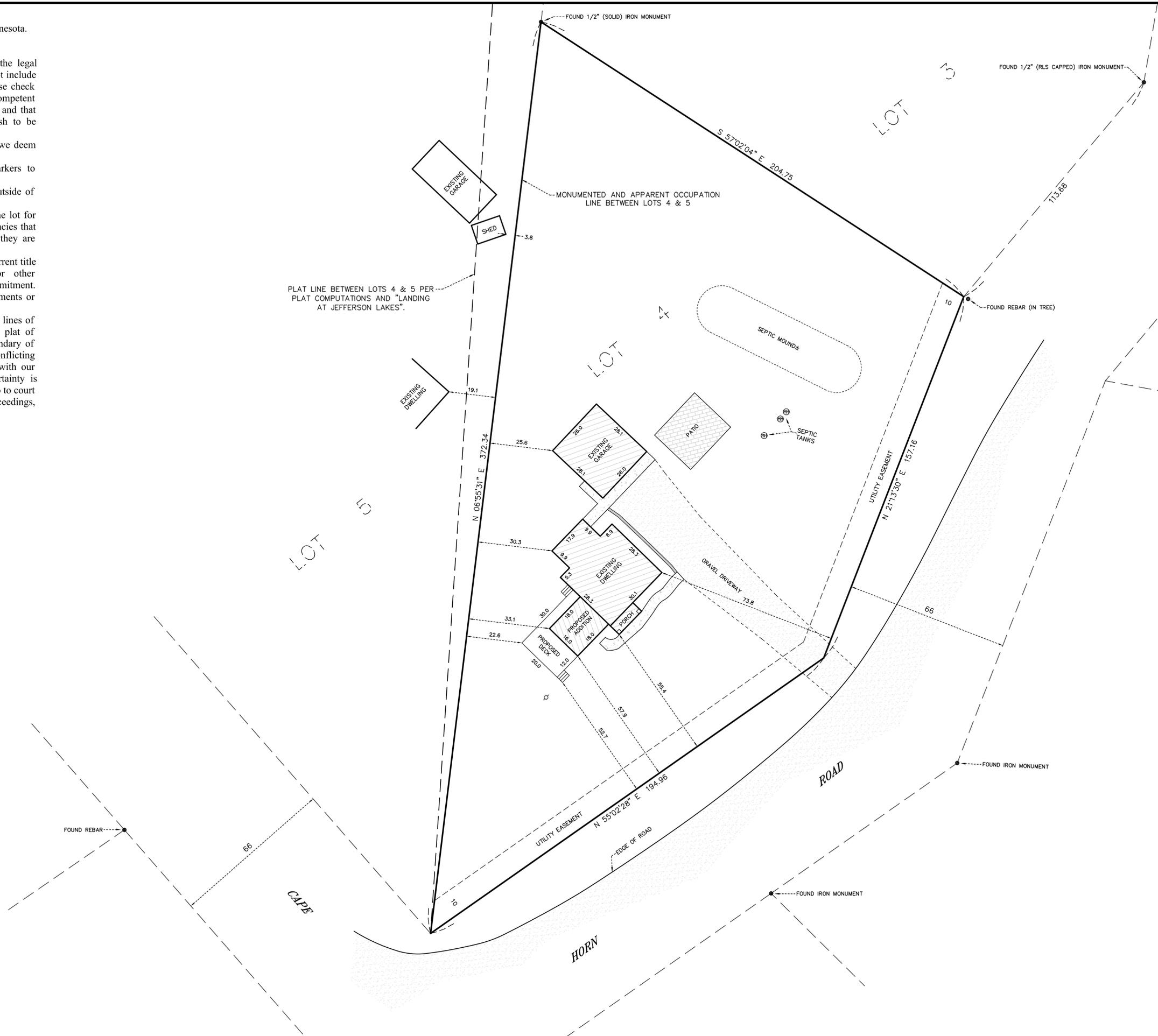
STANDARD SYMBOLS & CONVENTIONS:

"●" 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.
TOTAL EXISTING HARDCOVER	5,096 SQ. FT.
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.
TOTAL PROPOSED HARDCOVER	5,489 SQ. FT.
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

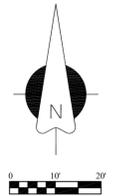
#43503

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

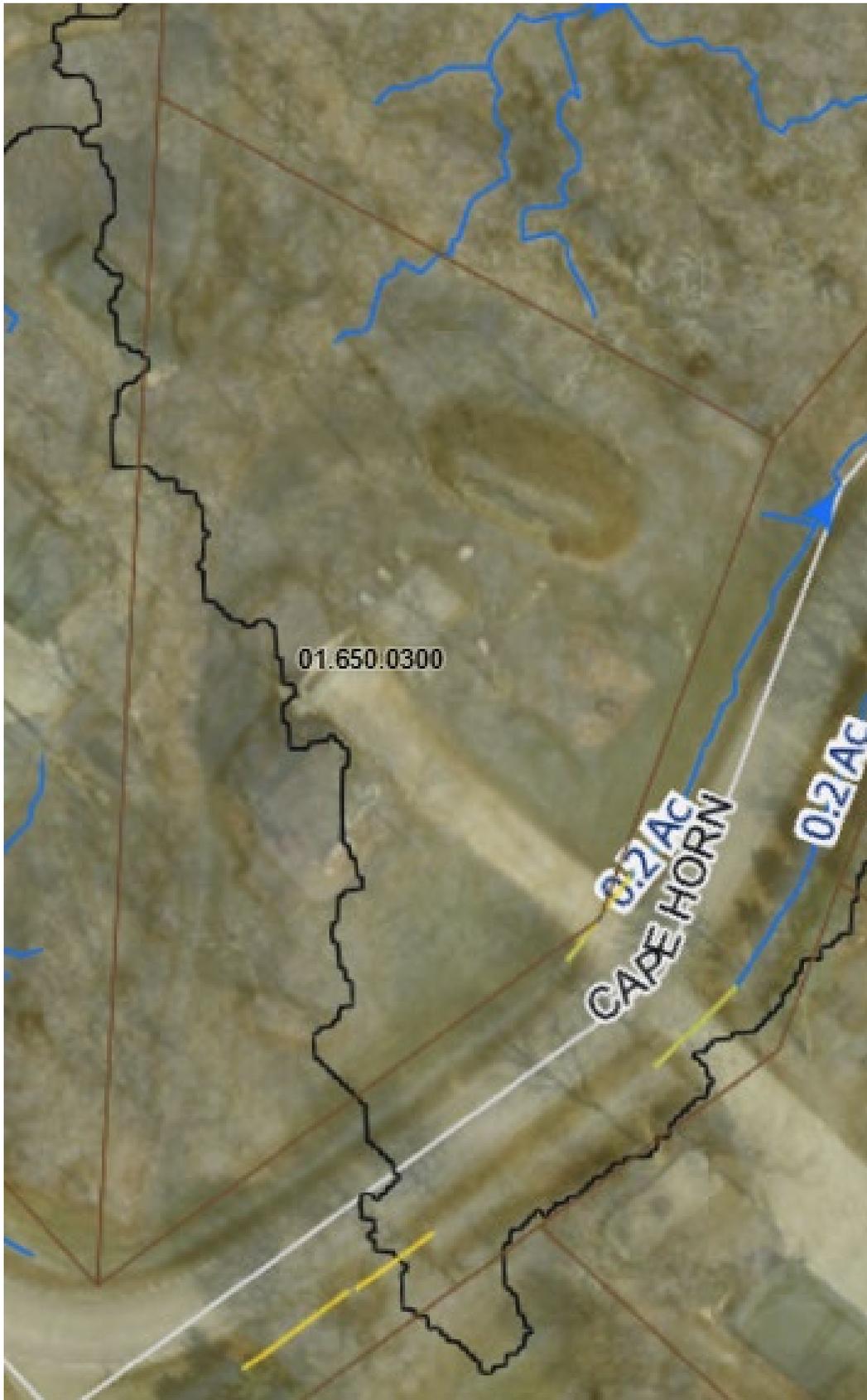
SHEET TITLE
PROPOSED SURVEY

SHEET SIZE: 22 X 34

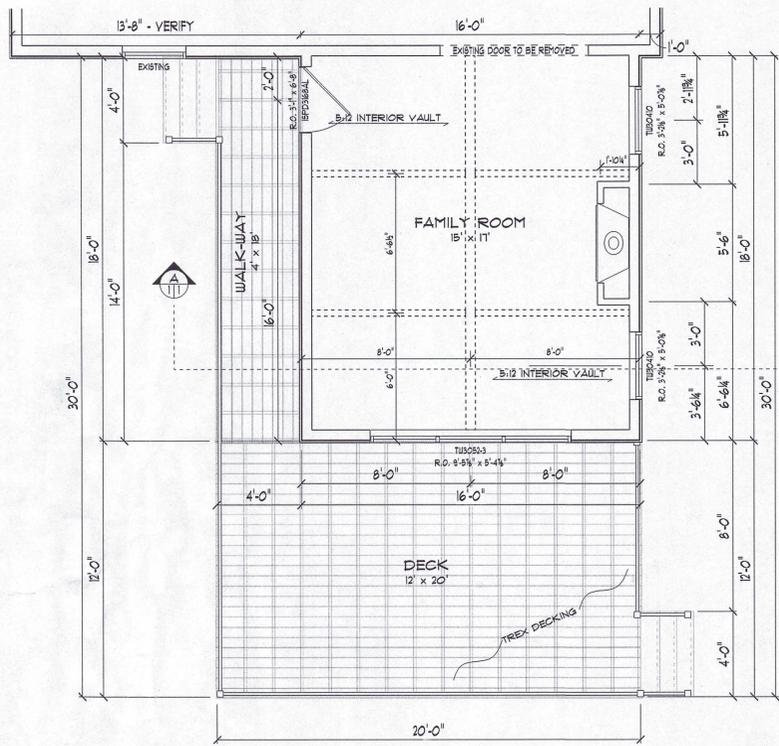
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 260070 WP

SHEET NUMBER

S1

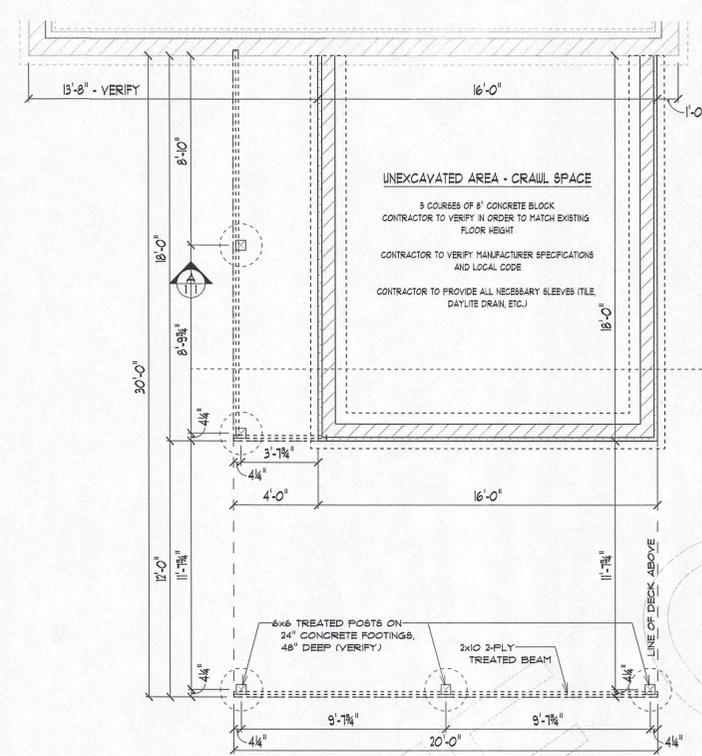


Received 1/7/2026



ADDITION PLAN

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

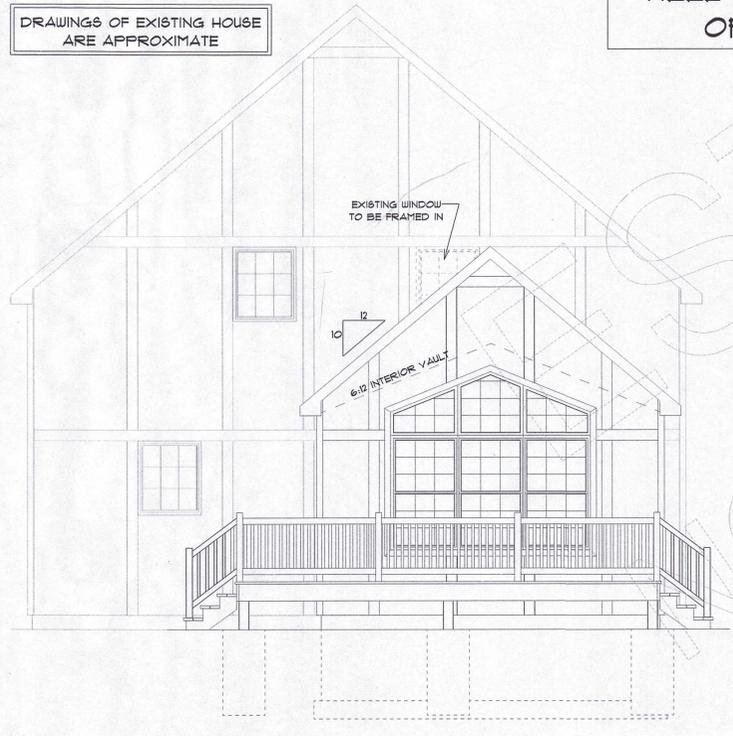


ADDITION FOUNDATION PLAN

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

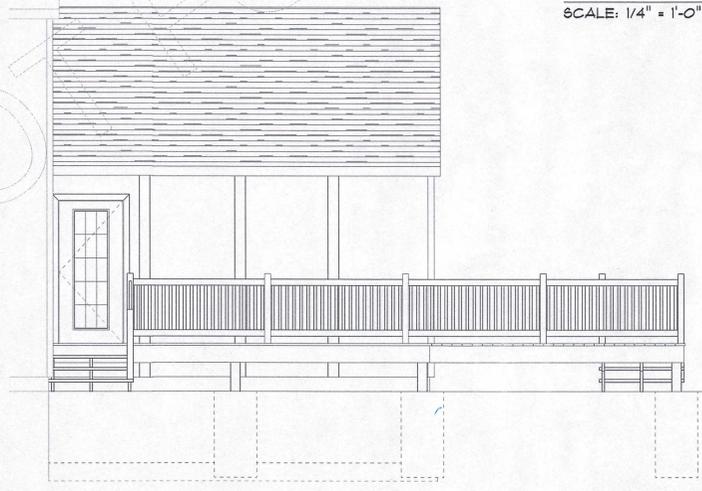
CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS, PLATE HEIGHTS, HEEL HEIGHTS, ROOF OVERHANGS, AND OPENING SIZES AND LOCATIONS

DRAWINGS OF EXISTING HOUSE ARE APPROXIMATE



RIGHT ELEVATION

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



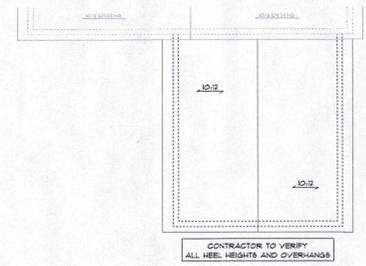
BACK ELEVATION

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



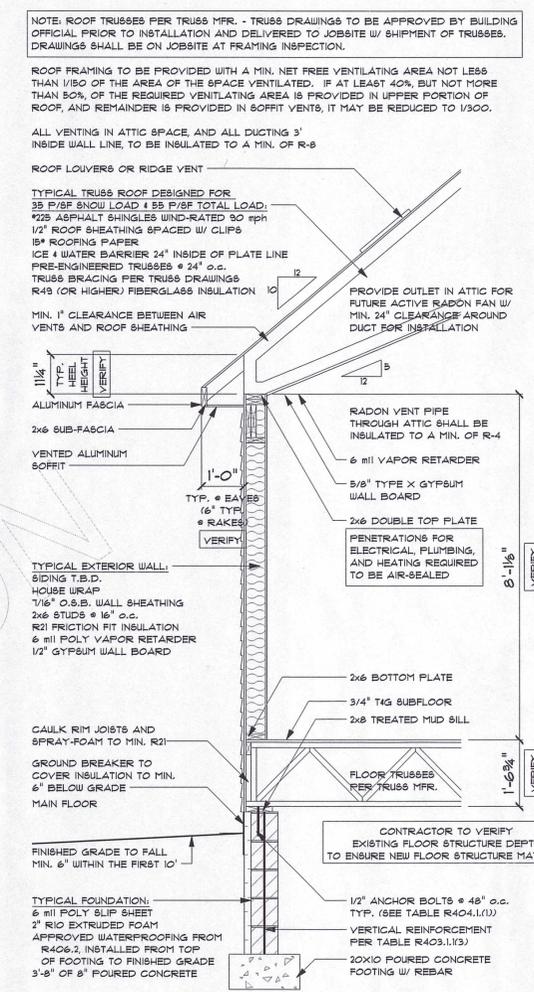
FRONT ELEVATION

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



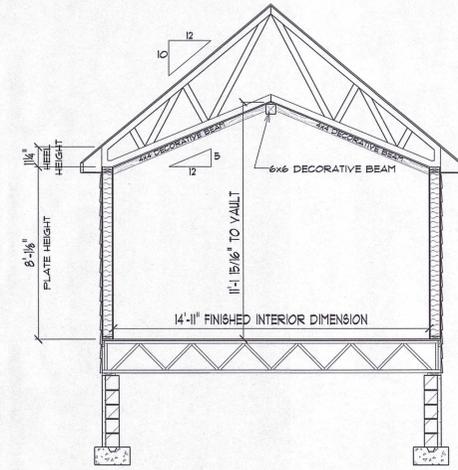
ROOF PLAN

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.

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 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

Le Sueur County Erosion Prevention and Sediment Control Plan

OWNER / CONTRACTOR			
Owner's Name: <i>James & 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

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:	May 20 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

