

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
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Application – After the Fact Variance

I. Applicant:

Name _____
Mailing Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

II. Landowner:

Name _____
Property Address _____
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number _____ Parcel Acreage _____
Township _____ 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).

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.)*

_____ Township notified on _____
(Township Name) (Date)

Board Member _____ regarding the proposed request.
(Name)

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

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

Site shall be physically staked, then surveyed

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

Stakes must remain in place until construction commences

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VIII. Practical Difficulty:

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

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

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

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?

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?

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?

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

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?

IX. After the Fact Practical Difficulty

- A. In addition to the standard criteria listed above, in situations involving an After-the-Fact Variance, the Board of Adjustment shall take into consideration and weigh the following criteria:

1. Please explain how you believe you acted in good faith and made an attempt to comply with the Zoning Ordinance.

2. Please explain the total financial investment made into this project as of the date of this application.

3. Please explain the status of the project – Is it complete? If not, how far from completion is the project?

4. Please list the size, type, and location of any similarly situated structures in the area.

5. Please explain the impact to you if the County requires you to remove the structure and restore the impacted area.

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X. 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.

XI. 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.

XII. Fees:

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

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

Additional Fees:

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

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

XIII. 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.

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- e. **All fees shall be paid at the time of application.**
 - f. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
 - g. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.
 - h. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
 - i. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
 - j. The applicant or a representative shall appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
 - k. The Board of Adjustment has the authority to request additional information or impose conditions.
 - l. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
 - 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.

XIV. 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

XV. 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

Date

Property Owner signature

Date