



Le Sueur County, MN

Thursday, July 21, 2016

Regular Session

Item 5

Rubbish

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: James & Renee Rubish

911 ADDRESS: 4530 Washington Blvd. Madison Lake MN 56063

VARIANCE REQUEST: To allow the applicant to construct a 22 X 38 detached garage 6 feet from the property line and a total of 31.8% impervious surface in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington, and within the Flood Plain Overlay District, Flood Fringe "FF".

VARIANCE NUMBER: 16175

PARCEL NUMBER: 13.750.0070

SITE INFORMATION

LOCATION: Property is located at Lot 7, Washington Park Subdivision, Section 17, Washington Township.

ZONING & PURPOSE: Recreational Residential/Flood Fringe

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.

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GOALS AND POLICIES:

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.

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

Goal 3: Improve water quality in Le Sueur County.

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

GENERAL SITE

DESCRIPTION: Residential/shoreland

ACCESS: Existing access off Washington Blvd.

LAKE: Lake Washington, Recreational Development Lake (RD)

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

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Letter LSC Resource Specialist, Findings of Fact,

STAFF FINDINGS

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

- | 1. <u>Variance:</u> | <u>Request:</u> | <u>Required:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|-------------------------------|-----------------|------------------|--------------------------|--------------|
| a. Structure to property line | 6 ft. | 10 ft. | Section 13.2 Subd. 5 C.2 | 13-44 |
| b. Impervious Surface | 31.8% | 25% | Section 13.2 Subd. 5 J.3 | 13-48 |
2. Refer to DNR Guidance Letters:
- | | | | | |
|---|--------|--|--|--------|
| a. The Role of the Variances in Shoreland Management Ordinances | | | | pg. 9 |
| b. Bluffs and Steep Slopes | pg. 11 | | | |
| c. Limiting Impervious Surface | pg. 15 | | | |
| d. Non-conforming Lots of Record in Shoreland Areas | | | | pg. 19 |
| e. Structure Setback Requirements | | | | pg. 21 |
3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
4. A Variance may be granted only where the strict enforcement of the official controls will result in a **practical difficulty**.
5. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
6. A determination that a practical difficulty exists upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
- There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - The granting of the application will not 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.
 - Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Considerations For the Flood Plain Overlay District:** No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:
- Variances shall not be issued by the County within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - Variances shall only be issued by the County upon the following:
 - A showing of good and sufficient cause.

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

CONDITIONS

1. 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.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

Variance Application

I. Applicant:

Name James & Renee Rubish
 Mailing Address 1970 Woodcrest Dr. N.E.
 City Duane State MN Zip 55060
 Phone # H - 507-444-0714 Phone # cell - Jim - 507-271-1668

II. Landowner:

Name James & Renee Rubish
 Property Address 4530 Washington Blvd
 City Madison Lake State MN Zip 56063
 Phone # cell - Jim - 507-271-1668 Phone # cell - Renee 507-340-5315

III. Parcel Information:

Parcel Number 13.750.0070 Parcel Acreage 14,506 sq. ft. (approx. 1/3 acre)
 Township 109 North Section 17
 Subdivision Washington Park Lot 7 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).

#1 - Variance for impervious surfaces of 31.89%.
6 feet
#2 - Setback Variance of 3.2 feet along south property line at location of garage.

V. Description of Request:

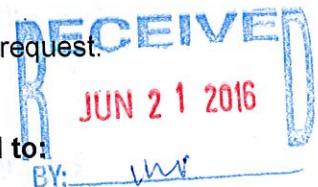
a. A full written description of the proposed variance request with detailed information must be attached.

VI. Township Notification:

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

Washington Township notified on 6/21/16
 (Township Name) (Date)

Board Member Susan Ziebert 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
- 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
- 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.

VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

See attachment.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

See attachment.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

See attachment.

4. How will the request maintain the essential character of the locality?

See attachment.

5. Does the alleged practical difficulty involve more than economic considerations?

See attachment.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

See attachment.

7. Describe how the request is consistent with the Comprehensive Land Use Plan.

see attachment.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

see attachment

9. Explain why this request is the minimum variance amount to afford relief.

See attachment



IX. Attachments shall include but not limited to:

- | | |
|---|---|
| <input checked="" type="checkbox"/> a. Site Plan- survey | <input checked="" type="checkbox"/> e. Floor plans and/or blue prints (<i>For structures</i>) |
| <input checked="" type="checkbox"/> b. Surveyor Certification | <input checked="" type="checkbox"/> f. Septic System Compliance Inspection - <i>Lake WA Sewer Dist</i> |
| <input type="checkbox"/> c. Access approval | <input checked="" type="checkbox"/> g. Erosion control plan |
| <input checked="" type="checkbox"/> d. Full legal description | <input checked="" type="checkbox"/> h. Description of request |

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- One (1) reproducible copy of the request and all other supporting documents.
- Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aeriels or photographs.
- Electronic version of any supporting documents if available.
- Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance: \$ 600
Filing Fee: \$ 46

Variance for Clusters: \$ 600 + \$200 per household
Filing Fee: \$ 46

Additional Fees:

Special Meeting: \$1,200
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 must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

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

- Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- All required information must be correct and submitted **at the time of application**, or the application will not be accepted.
- Fees **will not** be accepted by mail and must be paid at the time of application.
- 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.
- 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 Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must 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 request additional information or designate conditions.
- k. 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.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

James Rubish *Renee Rubish* 6-21-16
Applicant signature Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

James Rubish *Renee Rubish* 6-21-16
Landowner signature Date

OFFICE USE ONLY

Date received <u>6-24-16</u>	Present Zoning Classification <u>RR/FF</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>7-24-16</u>	Lake Classification <u>RD</u>	Erosion Control Plan <u>(Y)</u> <u>N</u>
60 Day <u>8-20-16</u>	Lake <u>Washington</u>	Water courses <u>Y</u> <u>(N)</u>
RFPE <u>985.8</u>	FEMA Panel # <u>2707960 2650</u>	Bluff <u>Y</u> <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>A - 100 YR</u>	Other _____
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>LakeWA</u> <u>Sewer</u>
<input type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>COC</u> <u>NONC/Waiver</u> <u>Design</u>
<input checked="" type="checkbox"/> Description of Request	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>1646-</u> <u>ATF / SPEC MTG</u>
<input checked="" type="checkbox"/> Application complete	<u><i>Michelle R. Mottler</i></u>	
	Planning & Zoning Department Signature	Date _____ Permit # _____

RECEIVED JUN 21 2016 BY: _____

VARIANCE FINDINGS OF FACT

Name of Applicant: JIM & RENEE RUBISH

Variance # 16175

Variance Request: TO ALLOW THE APPLICANT A TOTAL OF 31.8% IMPERVIOUS SURFACE; AND CONSTRUCT A 22 X 38 DETACHED GARAGE 6 FEET FROM THE PROPERTY LINE.

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. 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.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 2. Is the alleged practical difficulty unique to the property?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 5. Does the alleged practical difficulty involve more than economic considerations?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 7. Is the Variance consistent with the Comprehensive Plan?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

() APPROVED () DENIED

CONDITIONS: _____

Applicant response to conditions: Agree () Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1600**

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 07/08/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: James & Renee Rubish

Property owner: James & Renee Rubish

Property: 13.750.0070

Description:

To allow the applicant to have a total of 31.8% impervious surface in a Recreational Residential District on a Recreational Development lake, Lake Washington.

Recommendation:

It would be my recommendation to approve the variance request to allow for 31.8% impervious surface on this lot with the condition listed below. This is a reduction from the current impervious surface of 51.2%. By completing this project, the reduced impervious surface would provide a benefit to the lake. The applicant has already constructed a rain garden on the lot to help treat run-off before it enters the lake.

Condition:

Gutters and other run-off from impervious surfaces are directed to pervious areas to better allow infiltration.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

Le Sueur County Variance Application Attachments - Jim & Renee Rubish

V. Description of Variance Request #1 – Impervious Surfaces :

We are intending to remove the current seasonal lake cabin and build a year-round home on our lake lot. We are seeking a variance relating to impervious surfaces. The lake lot currently has 51.2% impervious surfaces. We have worked our new plan for several months, and have held several meetings with Michelle Mettler, our builder, the surveyor, and Josh Mankowski towards decreasing the impervious surface of the new design. Our proposal yields 31.8% impervious surface, which we believe represents significant improvement from the existing conditions. We have incorporated additional factors into our design, including a multi-level structure, reductions in driveway and patio design, and the inclusion of pervious pavers into the new driveway. Additionally, there are no impervious surfaces in the Shore Impact Zone.

Additionally, we have also previously completed a rain garden design on our lot in the Shore Impact Zone. There is significant capacity in this design capturing runoff prior to it entering the lake. We request the Adjustment Board approve a variance allowing us 31.8% impervious surfaces.

Description of Variance Request #2 – Setback:

There is currently a garage on the property. To be able to utilize this garage for 2 cars and a small work area, we originally intended to maintain the existing garage, and add an addition to the garage to make it usable as described. However, in order for the contractor to have room to remove the current home (which is a double wide trailer house), the garage must be moved out of the way to allow removal. As such, the result will be a move/tear-down of the existing structure, and a rebuild of a new structure on the same lot position. It's our goal to use the same lot position so as to utilize the concrete garage pad currently in place. Additional concrete will be added for the expansion. The reason for the Variance Request is due to the existing structure being positioned 6.8 feet off the South lot line. In order to utilize the existing concrete floor, the new structure will also be within 6.8 feet of that lot line. Therefore, we are requesting a setback variance limited to the length of the South edge of the new garage that is not 10 feet from the South property line. There are no easements along the South edge of the property. We are not requesting any other setback variances.



1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

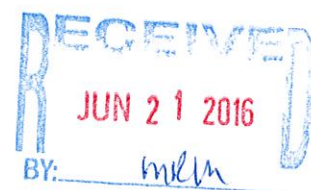
Request # 1 - The ordinance requires impervious surfaces to be 25% on our lake lot. The current existing conditions for impervious surfaces are 51.2%. We plan to build a new year-round home, and after many plan iterations have reduced the impervious surfaces to 31.8%. We believe this represents significant progress towards reduction of impervious surfaces.

Request #2 – The setback variance sought is for utilizing the existing 6.8 feet setback (short by 3.2 feet) along the South side of the new garage structure. We believe the request is reasonable given the desire to use the current concrete garage pad.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

Request #1 - This is a 70 foot lake front lot. The dimensions of the lot and setback requirements limit our ability to build a house, garage, and driveway which can serve as a year-round home and yet meet the 25% ordinance. Our plan changes have brought a proposed significant reduction in impervious surface from 51.2% to 31.8%. This reduction comes at a significant cost, and we do not see additional actions we can reasonably take to achieve the 25% goal.

Request #2 – The current garage is located 6.8 feet from the South property line. Our building plan seeks to add-on to the existing garage to make it larger and usable for a 2 car family. Additionally, we desire the garage to have a roof pitch similar to the new house structure. However, because the existing garage is blocking the ability to remove the existing cabin (double-wide trailer), the existing garage must be moved/torn down. To reutilize the existing cement floor, the South edge of the new garage will continue to be 6.8 feet from the property line. The cost to pour an entire new larger garage floor 3.2 feet to the north to bring the south edge of the garage within the 10 foot setback is the practical difficulty.



3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/owner.

Request #1- We purchased this property in 2010. We have not done anything to the property to increase the impervious surfaces. In fact, we have taken action to mitigate the water run-off to the lake by installing a rain garden in the shore impact zone.

Request #2 – The current garage was present on the property when we purchased this lot in 2010. We have not done anything to the current garage to create this practical difficulty. Our setback variance seeks to allow us to build the larger garage at the current location 6.8 feet from the property line.

4. How will the request maintain the essential character of the locality?

Request #1 - The variance will not change the character of the lot. In fact, we believe the building of a year-round home will increase the character of the locality, as opposed to the trailer house-based structure that is currently present.

Request #2 – The setback variance at the location of the garage will not change the character of the locality.

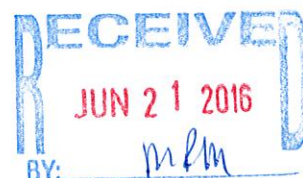
5. Does the alleged practical difficulty involve more than economic considerations?

Request #1 - Yes, the inability to reduce the impervious surfaces to 25% is due to the lot size.

Request #2 – Yes. While there is a significant cost saving in not having to pay for a new larger concrete garage pad, the major reason we are building a new garage as opposed to adding on to the current garage is because it will assist the contractor in removing the current trailer house from the lot.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

Request #1 -Yes. While a variance for impervious surfaces is being requested, the percentage of impervious surface is significantly reduced from the current percentage. In addition, we plan to maintain the rain garden which we installed in the shore impact zone, which will minimize/eliminate run-off from the lot into the lake.



Request #2 – Yes. The setback variance request will result in the same setback condition that is currently present if we do nothing to the garage, or if we add an addition to the existing structure. The setback variance request is the result of the need to tear down the old garage in order to be able to remove the existing double-wide trailer from the lot. This makes the “new” garage subject to the setback rule of 10 feet from the lot line.

7. Describe how the request is consistent with the Comprehensive Land Use Plan.

Request #1 and #2 - These variance requests are consistent with Land Use Goals #2 and #3 which relate to shorelands, natural environment and water quality. The reduction in impervious surfaces to 31.8%, along with our additional mitigation actions, achieve the objectives of maintaining the shore and improving the water quality of the lake. The setback variance request simply maintains the current structure’s position, and is also consistent with the Land Use Goals #2 and #3.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

Request #1 - The lot has a grinder and is connected to the Lake Washington Sewer District and municipal sewage system. No changes to the sewer system are being proposed. We obtain our water from a shared well, and no changes are being proposed to the water source.

Request #2 – See above response.

9. Explain why this request is the minimum variance amount to afford relief.

Request #1 - We are intending to build a year round home on this lot with a stand-alone garage. The home proposed is a multi-level home to reduce overall footprint. The only way to reduce the impervious surfaces further would be to reduce the size of the house/garage, or to add significant additional expense to the driveway pervious paver system.

Request #2 – In order to utilize the current concrete garage pad for the proposed larger garage, we will need a setback variance of 3.2 feet along the south edge of the garage. In fact, the larger garage size is not the primary factor for this Variance request. This is the minimum variance amount to achieve our goal of utilizing the existing current pad.

Surveyor Certification

I. Applicant:
Name Jim RUBISH

II. Landowner:
Name Jim RUBISH
Property Address 4530 WASHINGTON BLVD
City MADISON LAKE State MN Zip 56063

III. Parcel Information:
Parcel Number 13.750.0070

IV. 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
- 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*
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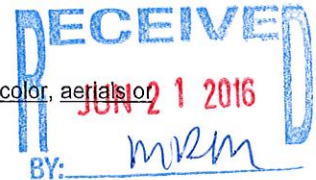
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V. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Pre-application meeting is recommended prior to making application to ensure submittal completion. Appointment is necessary.
- e. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. Appointment is necessary.
- f. All required information must be correct and submitted at the time of application, or the application will not be accepted.



VI. Signatures:

The proposed improvements have been physically staked onsite then surveyed on 6/21/16, to reflect an accurate account of current and proposed conditions of the property identified above.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Ray Jones 6/21/16 19789
Surveyor Signature Date Lic #

OFFICE USE ONLY

6-21-16 mrm
Date Received Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Jim & Renee Rubish PID: 13.750.0070
Mailing Address: 1970 Woodcrest Dr. N.E., Owatonna, MN 55060
Property Address: 4530 Washington Blvd, Madison Lake, MN 56063
Phone: (507) 271-1668 - Jim Mobile/Cell: (507) 340-5315 Renee

Responsible party for Implementation/Inspection: Troy Donahue
Address: 43122nd Wind Cr.
Phone: (507) 388-6860 Mobile/Cell: (507) 380-8277

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow.
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

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11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.
13. Apply fertilizer according to soil test recommendations.
14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

Bruce Ruchish
(Property Owner)

[Signature]
(Person Responsible for Implementation)

6-21-16
(Date)

6/24/16
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.



369589

Document # 369589

Office of County Recorder
Le Sueur County, Minnesota

I hereby certify that the within instrument
was filed in this office for record on
July 15, 2010 2:00 PM
Sharon J. Budin, Recorder

Pages 3

SAB

State Deed Tax paid \$924.00

TRANSFER ENTERED
This 19 day of Jul 2010
Joe Borticher
County Auditor
by K. Sullivan
Deputy

033600

DEED TAX DUE: \$924.00

Form No. 5-M-WARRANTY DEED

Individual(s) to Joint Tenants

Date: July 02, 2010

FOR VALUABLE CONSIDERATION, **Duane Winter and Gina Winter, husband and wife and Dean Winter and Theresa Ann Winter, husband and wife**, Grantor, hereby conveys and warrants to **James R. Rubish and Renee C. Rubish** Grantees, as joint tenants, real property in **Le Sueur County, Minnesota**, described as follows:

Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Check box if applicable:

- ☐ The Seller certifies that the seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document.
- ☒ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

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Duane Winter
Duane Winter

Gina Winter
Gina Winter

Dean Winter
Dean Winter

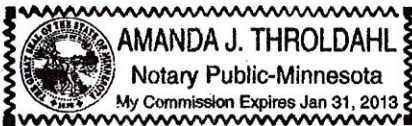
Theresa Ann Winter
Theresa Ann Winter

Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
} ss.
COUNTY OF Blue Earth }

This instrument was acknowledged before me on **July 02, 2010**, by **Duane Winter and Gina Winter, husband and wife and Dean Winter and Theresa Ann Winter, husband and wife.**

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK):



Amanda Throldahl
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens) ☐

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

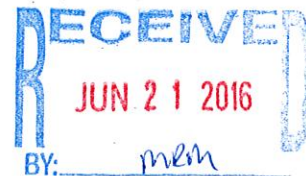
THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Rels Title
1600 Madison Avenue, Suite 114
Mankato, MN 56001
1205-988942-10

James R. Rubish and Renee C. Rubish
4530 Washington Boulevard
Madison Lake, MN 56063

AND

Wells Fargo Bank, N.A.
2701 Wells Fargo Way
Minneapolis, MN 55480
0267941284



369589

EXHIBIT 'A'

Lot 7, Washington Park Subdivision.

13-750-0070

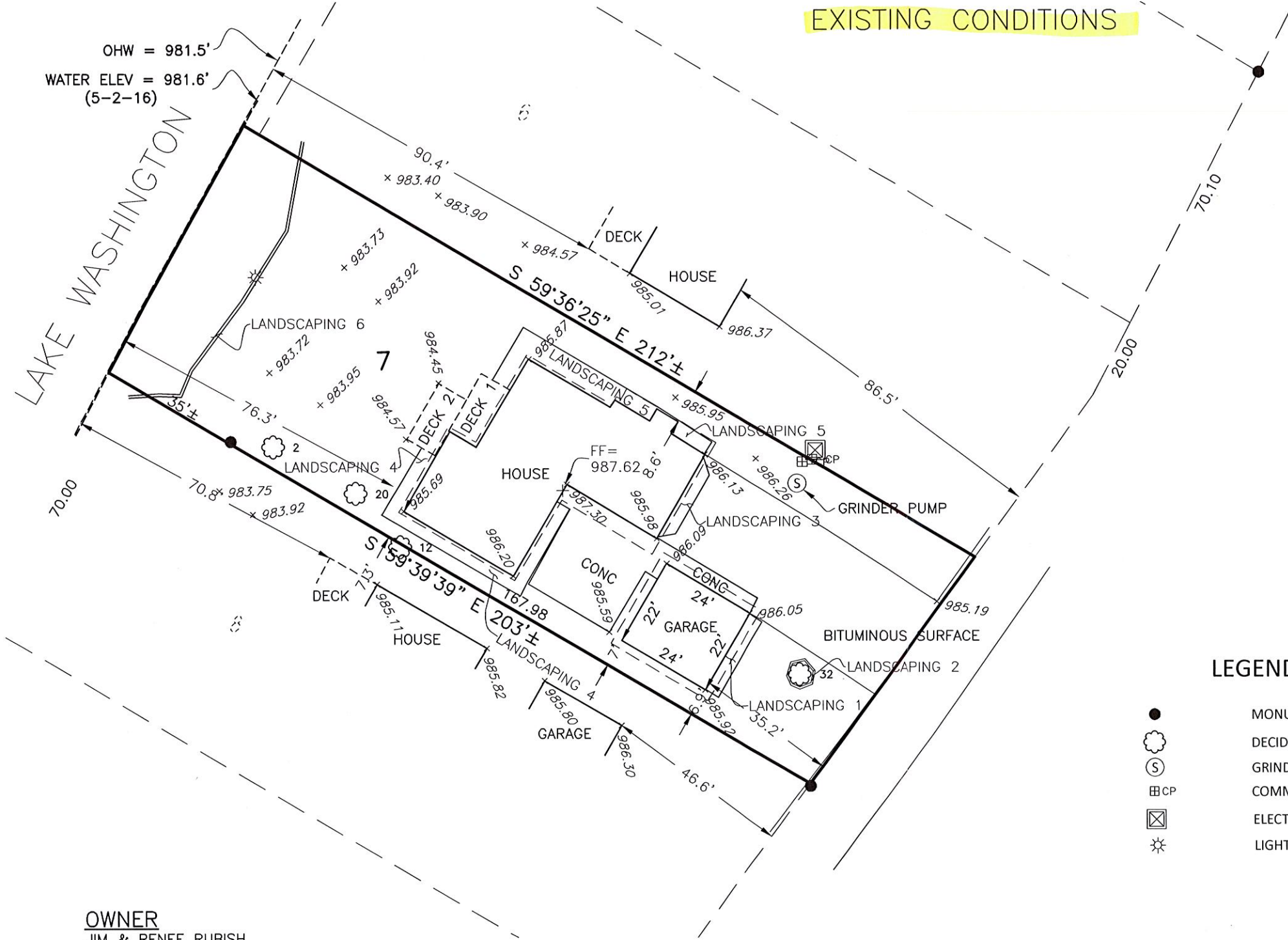
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BY: mm

EXISTING CONDITIONS

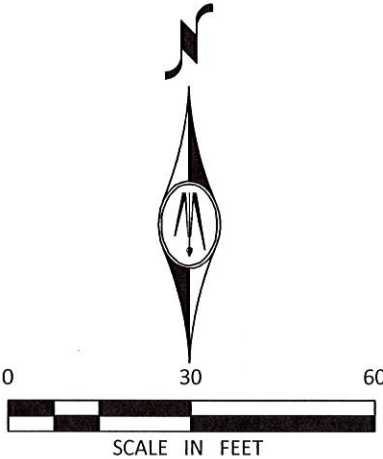
TOTAL LOT AREA
14506 SQ FT

EXISTING IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	2329 SQ FT
GARAGE W/ OVERHANG	743 SQ FT
CONCRETE	610 SQ FT
DECK 1	113 SQ FT
DECK 2	123 SQ FT
BITUMINOUS SURFACE	2948 SQ FT
LANDSCAPING 1	37 SQ FT
LANDSCAPING 2	10 SQ FT
LANDSCAPING 3	49 SQ FT
LANDSCAPING 4	227 SQ FT
LANDSCAPING 5	199 SQ FT
LANDSCAPING 6	50 SQ FT
TOTAL	7438 SQ FT (51.2%)



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LEGEND

- MONUMENT FOUND
- ☼ DECIDUOUS TREE
- Ⓢ GRINDER PUMP
- ⊞ CP COMMUNICATION PEDESTAL
- ⊞ ELECTRIC TRANSFORMER
- ☼ LIGHT POLE

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789

6-21-16
Date

OWNER
JIM & RENEE RUBISH
1970 WOODCREST DRIVE
OWATONNA, MN 55060

SITE ADDRESS
4530 WASHINGTON BLVD
MADISON LAKE, MN 56063

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA



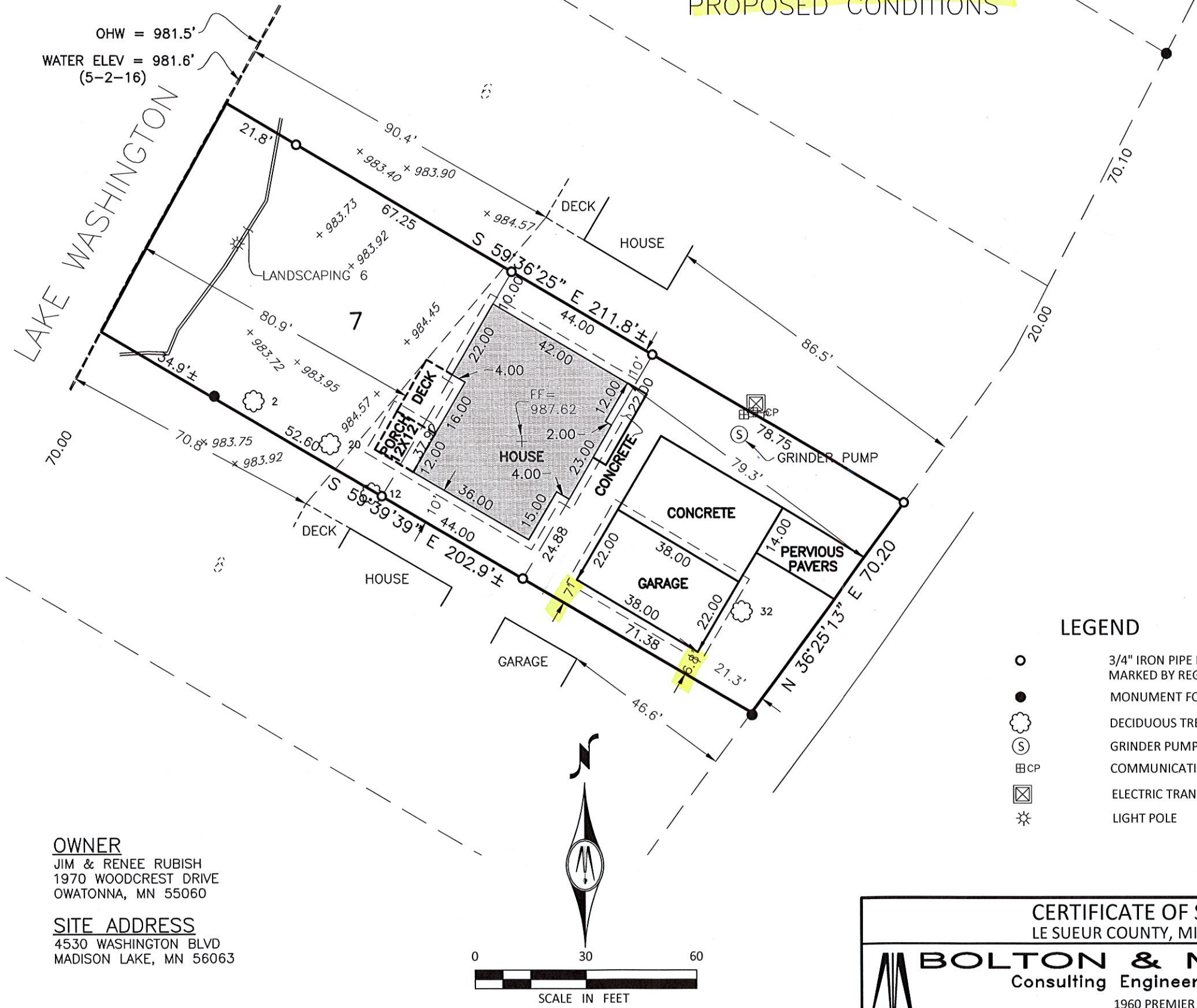
BOLTON & MENK, INC.
Consulting Engineers & Surveyors

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

LOT 7, WASHINGTON PARK SUBDIVISION, SECTION
17, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE
COUNTY, MINNESOTA

FOR: JIM & RENEE RUBISH

PROPOSED CONDITIONS



TOTAL LOT AREA	
14506 SQ FT	
PROPOSED IMPERVIOUS SURFACES	
HOUSE & PORCH W/OVERHANG	2588 SQ FT
DECK	131 SQ FT
CONCRETE	800 SQ FT
GARAGE (22x38) W/ OVERHANG	1092 SQ FT
TOTAL	4611 SQ FT (31.8%)

RFPE = 985.8 MINIMUM FLOOR ELEVATION

RECEIVED
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BY: *mem*

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19789
- MONUMENT FOUND
- ☼ DECIDUOUS TREE
- Ⓢ GRINDER PUMP
- Ⓜ CP COMMUNICATION PEDESTAL
- ⊠ ELECTRIC TRANSFORMER
- ⚡ LIGHT POLE

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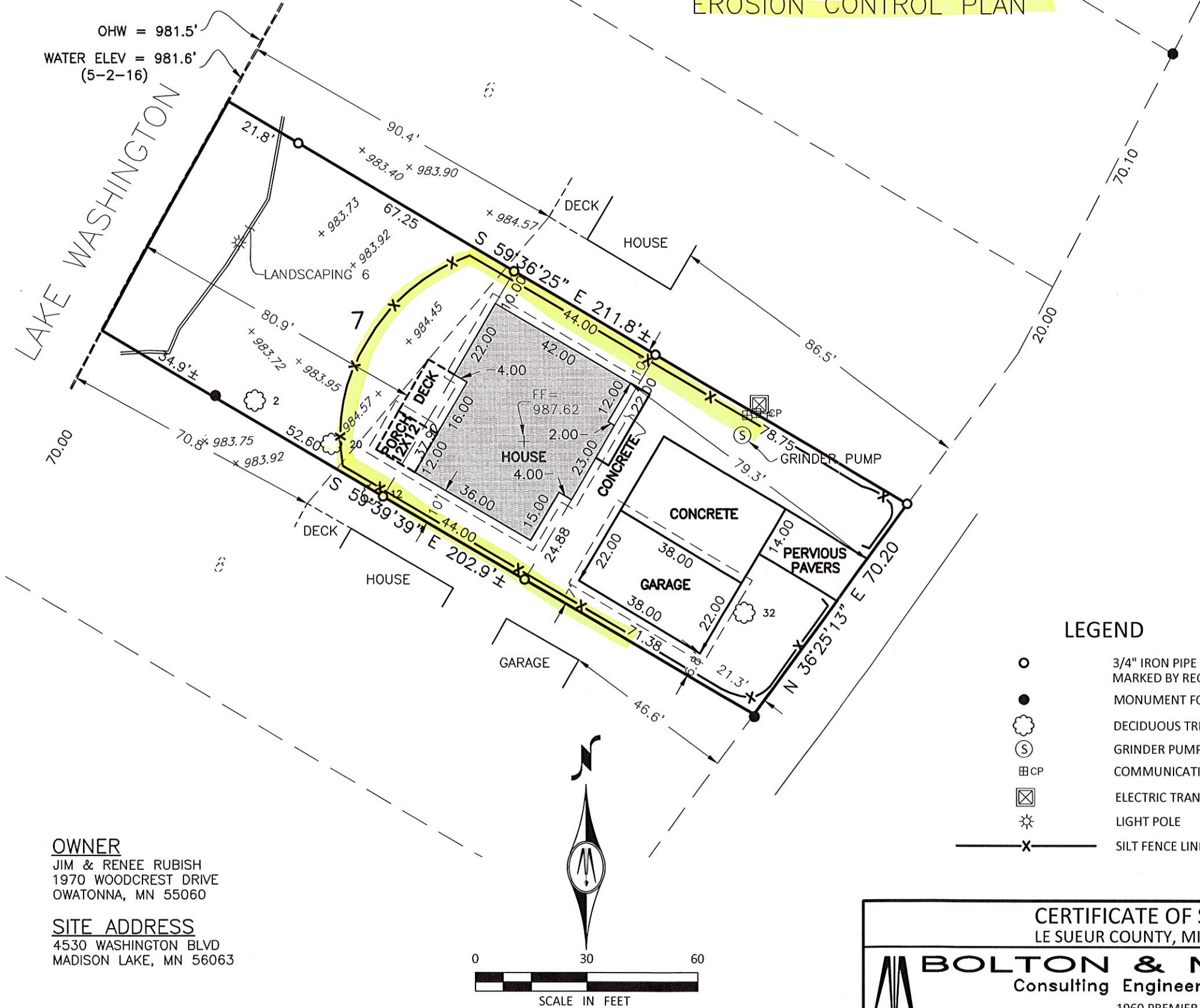
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(507) 625-4171

LOT 7, WASHINGTON PARK SUBDIVISION, SECTION
17, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE
COUNTY, MINNESOTA

FOR: JIM & RENEE RUBISH

EROSION CONTROL PLAN



OHW = 981.5'
WATER ELEV = 981.6'
(5-2-16)

LAKE WASHINGTON

TOTAL LOT AREA	
14506 SQ FT	
PROPOSED IMPERVIOUS SURFACES	
HOUSE & PORCH W/OVERHANG	2588 SQ FT
DECK	131 SQ FT
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GARAGE (22x38) W/ OVERHANG	1092 SQ FT
TOTAL	4611 SQ FT (31.8%)

RFPE = 985.8 MINIMUM FLOOR ELEVATION

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BY: *mrm*

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- ⊞ ELECTRIC TRANSFORMER
- ⚡ LIGHT POLE
- X— SILT FENCE LINE

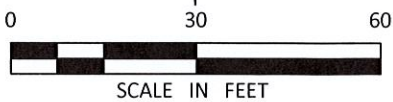
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LOT 7, WASHINGTON PARK SUBDIVISION, SECTION 17, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE COUNTY, MINNESOTA

FOR: JIM & RENEE RUBISH