



Cass County
Planning Commission/Board of Adjustment

August 8, 2016

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting August 8, 2016 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted August 1, 2016, with PC members Fitch, Kostial, LaPorte, Froehlig, Moore and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

Sundberg called the meeting to order at 9:31 a.m.

Members present: Fitch, Froehlig, Kostial, LaPorte, Moore, Pehling and Sundberg.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Gary Bye, Jim Clark, Greg Cook, Jacqueline Cook, Marsha Cook, Terry Daudt, Tim Elness, Joy Groen, Pete Groen, Bill Gustas, Judy Gustas, Russ Link, Tom Lund, Priscilla Marlette, Travis Miller, Steve Northway, Ed Parkhurst, Roger Schlenker, Jennifer Semotuk, Betty Thomas, Deb Verly and John Verly.

MS/P Kostial/Pehling to approve the minutes of the 07/25/16 PC/BOA meeting as presented.

Variance

Bye, Gary, Inguadona Township on property described as Part of Lot 1, "Logwood Shores", Section 6-140-27, PID #44-356-0011 located at 4634 28th Avenue NE. An application submitted to expand an existing 24 feet x 36 feet residence located 75 feet from the lake with a 10 feet x 16 feet addition and 10 feet x 20 feet deck to be located lakeside 65 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD). The property contains .5 acre riparian to Lake Inguadona (GD).

PC members were at the site 08/01/16. 51 notices of the application were mailed with one response recommending approval received. The application was reviewed and discussed with Mr. Bye.

MS/P Kostial/Fitch to approve the application submitted to expand the residence located at PID #44-356-0011 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1957 prior to the adoption of the lot standards and contains .5 acre.
2. There is no record in the permit archive of the original construction and it appears that it took place prior to the adoption of land use regulation.
3. There is an existing 9 feet x 18 feet deck located 65 feet from the lake.
4. Section 1126.8 would allow, by permit, an 11 $\frac{1}{4}$ feet x 36 feet deck
5. The original construction and current configuration represents a practical difficulty for expansion at lake setback.
5. There is nothing to indicate that the proposed structure expansion location or size will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
6. There is nothing to indicate that the application is solely financially based.
7. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. The application, if approved and assuming compliance with applicable run-off related standards or conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
9. The application, if approved, will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and size of the structure expansion shall not vary from that submitted 07/15/16 unless approved by ESD or if necessary the Planning Commission.

2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment and if enhancement or mitigation is determined necessary, the applicant shall submit final assurance to the County in the amount determined by ESD in the form of a Letter of Credit or cash which shall be reduced incrementally as determined and approved by ESD.
3. ESD shall determine and if required, the applicant shall install construction erosion control.
4. No run-off to adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Any material from demolition or construction not reused or recycled must be disposed of in a permitted facility.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.
8. Access must be to the side of the expansion not towards the lake.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Cook, Greg & Marsha, Kego Township on property described as Lot 9, "Breeze-Way", Section 24-141-28, PID #19-430-0090 located at 2262 Lake Lane NE. An application submitted to replace the existing residence and detached garage with new construction of a 44 feet x 78 feet residence/garage to be located on the peninsula shaped lot to be 37.5 feet and 57 feet from the lake and 13 feet from the top of a bluff. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. & B. which requires structures to be located 75 feet from a lake classified General Development (GD) and 30 feet from the top or toe of a bluff. The property contains 1.98 acres riparian to Long Lake (GD).

PC members were at the site 08/01/16. 29 notices of the application were mailed with no response received. The application was reviewed and discussed with the Cooks.

MS/P Kostial/Moore to approve the application as submitted for new residential construction upon PID #19-430-0090 upon review of the criteria contained in Sections 800 and 1126.1 A. & B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1948 and is of peninsular configuration which presents a practical difficulty for compliance with lake and bluff setback.
2. The applicants have determined that replacement outweighs the benefit of improvements to the current residence.

3. The proposed location of the new residence would result in an insignificant variation from setback requirements and in addition will result in less new excavation.
4. There is nothing to indicate that the location and size of the proposed residential structure will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is nothing to indicate that the application is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location, configuration and dimensions of the residential structure shall not vary from that submitted 07/21/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment and if enhancement or mitigation is determined necessary, the applicant shall submit financial assurance to the County in the amount determined by ESD in the form of a Letter of Credit or cash which shall be reduced incrementally as determined and approved by ESD.
3. The applicant shall restore the beach area adjacent to the boathouse to vegetation as determined and recommended by ESD to which the applicant shall submit financial assurance to the County in the amount determined by ESD in the form of a Letter of Credit or cash which shall be reduced incrementally as determined and approved by ESD.
4. ESD shall determine and if required, the applicant shall install construction erosion control.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.

6. Any material from demolition and construction not reused or recycled must be disposed of in a permitted facility.
7. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Groen, Peter, Turtle Lake Township on property described as Lot 19, "Bush's Point", Section 31-141-30, PID #45-430-0190 located at 5014 Twin Hills Lane NW. An application submitted to replace the existing one level 20 feet x 25 feet residence and existing 9 feet x 30 feet deck located 23 feet from the lake with new construction a 20 feet x 25 feet two level residence and 9 feet x 29 feet deck to be located in the same footprint including a walk-out basement which is located 23 feet from the lake and less than 10 feet from an adjoining property boundary lines. Statute and ordinance allows for replacement of a non-conforming residence with permit at existing setback, footprint and volume with any increase in footprint or volume requiring approval by variance. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1106.2 B. which prohibits walk-out basements within Shore Impact Zone I, Section 1115.3 which establishes the non-conforming structure criteria and Section 1126.1 A. & B. which requires structures to be located 75 feet from a lake classified General Development (GD) and 10 feet from a property boundary line. The property contains .1 acre riparian to Ten Mile Lake (GD).

PC members were at the site 08/01/16. 37 notices of the application were mailed with no response received. The application was reviewed discussed with the Groens and included possible realignment of the proposed residence, proposed walk-out basement and the location of the SSTs.

MS/P Fitch/Kostial to table consideration of the application until the 09/12/14 meeting in order for the applicants to consider possible configuration and location options for the proposed residence.

Marlette, Priscilla, Shingobee Township on property described as Part of Govt Lot 2 & Part of SE NW, Section 35-142-31, PID #38-135-1312 located along Pond View Lane NW. An application submitted to construct a 26 feet x 33 feet residence/attached garage with a 26 feet x 32 feet porch/deck to be located 120 feet from the lake and excavation within the steep slope area outside bluff impact zone. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. & B. which requires structures to be located 150 feet a lake classified Natural Environment (NE) and Section 1128.1

Steep Slope criteria. The property contains 11.43 acres riparian to an unnamed lake, DNR #11-089400 (NE).

PC members were at the site 08/01/16. 40 notices of the application were mailed with no responses received. The application was reviewed and discussed with Ms. Marlette.

MS/P Froehlig/LaPorte to approve the application for a closer OHWL and steep slope setback for the residence to be located at PID #38-135-1312 upon review of the criteria contained in Sections 800 and 1126.1 A. and B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property which contains 11.43 acres was created in 2002 of which a portion of is the site of what was a gravel pit.
2. About half of the water body to which the property abuts is classified NE with remainder unclassified.
3. The area proposed for construction, between the near shore bluff and steep slope toward Pond View Lane provides the most suitable area for placement of a residence.
4. The topography size and configuration of the lot proves to be a practical difficulty for the structure location to which there is nothing to establish that it will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is nothing to indicate that the application is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval, assuming compliance with applicable run-off related conditions, will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and size of the residence shall not vary from that submitted 07/21/16 unless approved by ESD or if necessary the Planning Commission.
2. Except that allowed by a Shoreline Alteration Permit, the applicant shall maintain the existing shoreline vegetation.
3. ESD must determine and if required, the applicant shall install construction erosion control.
4. No run-off to adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Parkhurst, Edwin, Kego Township on property described as Part of Govt Lot 4, Section 27-141-28, PID #19-027-1304 located at 5454 State 84 NE. An application submitted to expand the existing non-conforming residence with a 16 feet x 26 feet addition/basement with a 12 feet x 16 feet deck addition. The application also requests approval to construct a 28 feet x 30 feet detached accessory structure/garage. Both the addition and accessory structure are proposed to be located less than 75 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming structure criteria and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD).

PC members were at the site 08/10/16. 39 notices of the application were mailed with no response received. The application was reviewed and discussed with Mr. Parkhurst and Mr. Daudt.

MS/P LaPorte/Froehlig to approve the application as submitted to construct an addition/deck to the residence and accessory structure/garage at PID #19-027-1304 upon review of the criteria contained in Sections 705 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property was platted in 1989 and is of peninsular configuration which presents a practical difficulty for compliance with lake setback.
2. The residence was constructed with ZP89-141-28-34.
3. The lot was created and the residence constructed prior to the water area west of the residence deemed to be part of the Long Lake (GD) therefore requiring lake setback on two shorelines.
4. The proposed residence expansion and deck will not be less than 75 feet from the main body of Long Lake but less than 75 feet from the water area to the west.
5. There is nothing to indicate that the location and size of the proposed garage, deck or residence expansion will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
6. There is nothing to indicate that the application is solely financially based.
7. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. Approval assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. The property exceeds the GD guest quarters lot standards.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and size of the residence expansion, deck and detached garage shall not vary from that submitted 07/15/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment and if enhancement or mitigation is determined necessary, the applicant shall submit final assurance to the County in the amount determined by ESD in the form of a Letter of Credit or cash which shall be reduced incrementally as determined and approved by ESD.
3. ESD shall determine and if required, the applicant shall install construction erosion control.
4. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Any material from demolition and construction not reused or recycled must be disposed of in a permitted facility.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. A Shoreland Alteration Permit shall be obtained for the walk-out excavation and shall not exceed 90 cubic yards for the residence and 120 cubic yards for the accessory structure/garage with the grade level width of either excavation to exceed 15 feet.
8. The excess excavated material not utilized for back-fill may be utilized for driveway improvement with care used to prevent any placement into public water.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Paws & Claws/Jim Clark, Birch Lake Township on property described as That of NW SE Lying N & E of Twp Road & That Part of NE SE Lying N & E of Twp Road & S & W of State 371 Less to State For Hwy, Section 30-140-30, PID #05-030-4001 located at 2949 State #371. An application submitted to construct a 38 feet height to peak for a portion of the proposed commercial to be located on the parcel. If approved, this would exceed the 30 feet maximum height to peak. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.2 which limits height to peak not to exceed 30 feet. The property contains 22.82 acres (C-1).

The PC was at the site 08/01/16. 34 notices of the application were mailed with no response received. The application was reviewed and discussed with Ms. Thomas and Mr. Clark.

MS/P Kostial/Moore to approve the application as submitted for PID #05-030-4001 to construct a commercial structure which shall not exceed 38 feet from grade to peak upon review of the criteria contained in Sections 800 and 1126.2. of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property which contains 22.81 acres, is classified C-1 abuts MN #371 is deemed suitable land use activity.
2. As explained by applicant representative, extra structure height is required to install a "state of the art" air handling system.
3. The proposed extra height seems necessary to provide a suitable environment for the animals that the facility is intended for as well as to moderate any noise emanating to the surrounding area.
4. The height limit which would prevent installation of the "as designed" air handling system represents a practical difficulty for requiring additional height. There is nothing to indicate that the increased height to peak will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is nothing to indicate that the application is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval, assuming compliance with applicable run-off related conditions, will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The height to peak shall not vary from that submitted 06/22/16 unless approved by ESD or if necessary the Planning Commission.
2. ESD must determine and if required, the applicant shall install construction erosion control.
3. No run-off to adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Schlenker, Roger, Powers Township on property described as Lot 5 & Part of Lot 6, "Miller's Point", Section 27-139-30, PID #34-448-0050 located at 660 34th Avenue NW. An application submitted to expand the 24 feet x 26 feet non-conforming residence located 43 feet from the lake with 14 feet x 14 feet and 4 feet x 40 feet additions. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming structure criteria and Section 1126.1 A. which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 1.3 acres riparian to Sanborn Lake (RD).

PC members were at the site 08/01/16. 34 notices of the application were mailed with no response received. The application was reviewed and discussed with Mr. Schlenker.

MS/P Kostial/Froehlig to approve the application as submitted to expand the non-conforming residence located at PID #34-448-0050 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property was platted in 1920 prior to the adoption of land use regulation.
2. The structure, which seems to be in good condition, was obviously constructed prior to the adoption of land use regulation.
3. The proposed expansion seems reasonable when considering the size and configuration of the structure.

4. The addition to the side will be no closer to the lake than the existing structure already is.
5. The setback and location of the residence represents practical difficulty for requested expansion and there is nothing to indicate that the expansion location and size will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
6. There is nothing to indicate that the application is solely financially based.
7. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. Approval, assuming compliance with applicable run-off related conditions, will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
9. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and size of the expansion shall not vary from that submitted 07/19/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment and if enhancement or mitigation is determined necessary, the applicant shall submit final assurance to the County in the amount determined by ESD in the form of a Letter of Credit or cash which shall be reduced incrementally as determined and approved by ESD.
3. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
4. ESD shall determine and if required, the applicant shall install construction erosion control.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Any material from and construction not reused or recycled must be disposed of in a permitted facility.

7. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.

8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

YMCA Camp Olson, Wabedo Township on property described as All of Section 10, Section 10-140-28, PID #46-010-0002 located at 4160 Little Boy Road NE. An application submitted to expand the dining hall/kitchen with a 33 feet x 57 feet addition of which a small corner portion of will be less than 100 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming structure criteria and Section 1126.1 A. which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 567 acres riparian to Little Boy Lake (RD).

PC members were at the site 08/01/16. 34 notices of the application were mailed. Three responses including that of Wabedo Township all endorsing approval of the application of the application were received. The application was reviewed and discussed with Mr. Link.

MS/P Moore/Fitch to approve the application for the structure expansion as submitted located at PID #46-010-0002 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings

1. The area of the structure included in the application will not be visible form the lake.
2. There is no record in the permit archive as to the original construction although it is obvious that it predates the adoption of land use regulation which therefore could be replaced at current lake setback, footprint and volume.
3. The location of the structure represents practical difficulty for expansion and there is nothing to indicate that the expansion configuration, location and size will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. There is nothing to indicate that the application is solely financially based.

5. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. Approval, assuming compliance with applicable run-off related conditions, will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
7. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and size of the expansion shall not vary from that submitted 07/21/16 unless approved by ESD or if necessary the Planning Commission.
2. ESD shall determine and if required, the applicant shall install construction erosion control.
3. No run-off to adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
4. Any material resulting from demolition or construction not reused or recycled must be disposed of in a permitted facility.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. The facility shall obtain and comply with all applicable state requirements.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Other Business

* Request received from Jim Lucachick on behalf of William Belford to extend the expiration date of VP14-141-31-7 which was approved 11/10/14.

MS/P LaPorte/Froehlig to extend the expiration date of VP14-141-31-7 until 11/10/17.

* Request received from Jennifer Semotuk to revise VP16-140-28-4 allow consolidation of two near shore accessory structures into one 14 feet x 18 feet new structure to be located 18 feet from the lake.

MS/P LaPorte/Moore to revise VP16-140-28-4 as requested.

Tabled Variance

Verly, John, Kego Township on property described as Part of Lot 1, "Sparkling Waters", Section 23-141-28, PID #19-421-0011 located at 1691 Sparkling Waters Lane NE. An application submitted to construct a 20 feet x 24 feet accessory structure/garage to be located 37 feet, at the closest point, from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures to be setback 75 feet from a lake classified General Development (GD). The property contains 1.23 acres riparian to Long Lake (GD).

PC members were at the site 07/05/16 and 08/01/08. 34 notices of the application were mailed for the July and August meetings with no response received. The application was reviewed and discussed with Mr. Verly.

MS/P Moore/Pehling to approve the application as revised for the expansion of the residence structure with an attached garage located at PID #19-421-0011 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property was platted in 1952 and is of peninsular configuration which presents a practical difficulty for compliance with lake setback.
2. There is no record in the permit archive to determine when the residence was constructed at less than 75 feet from the lake.
3. Both sides of the lot are considered riparian to Long Lake therefore requiring lake setback from both shorelines.
4. The proposed expansion as an attached garage will not be visible from the main body of the lake.
5. There is nothing to indicate that the location and size of the garage as an expansion of the residence will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

6. There is nothing to indicate that the application is solely financially based.
7. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. Approval assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and size of the residence expansion shall not vary from that designated as Option #2 submitted 07/20/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment and if enhancement or mitigation is determined necessary, the applicant shall submit final assurance to the County in the amount determined by ESD in the form of a Letter of Credit or cash which shall be reduced incrementally as determined and approved by ESD.
3. ESD shall determine and if required, the applicant shall install construction erosion control.
4. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Any material from construction not reused or recycled must be disposed of in a permitted facility.
6. As agreed by the applicant, the newer of the two near-lake accessory /storage structures shall be moved to a site away from current location as determined by ESD.

7. As agreed by the applicant, the older of the two near-lake accessory /storage structures shall be removed from the property.
8. ESD staff shall, for the record, confirm the lake setback of the attached garage.
9. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 08/08/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

MS/P Pehling/Fitch at 12:07 PM, to adjourn.

P. Fairbanks