



Cass County
Planning Commission/Board of Adjustment

June 13, 2016

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting June 13, 2016 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted June 6, 2016, with PC members Fitch, Kostial, LaPorte, Froehlig and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

Sundberg called the meeting to order at 9:30 a.m.

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

Staff Present: Berg and Ringle.

Citizens Present: Mark & Sandy Brenny, Larry Oaks, Jos Mastley, Greg & Cindy DeGonda, Tom Theisen, Bruce Mogren, Scott Mogren, John & Dawn Ingham, Brad Monson, Gary & Celeste Darland, Jennifer Semotuk, Deborah Olson, T. Jason Strom, Otto Schneider and Tom Lund.

MS/P Fitch/Pehling to approve the minutes of the 05/9/16 PC/BOA meeting as presented.

Variance

Brenny, Mark, Birch Lake Township on property described as S130' of N590' of Govt Lot 4 Lyg W of N&S $\frac{1}{4}$ Line Less Sold, Section 27-140-30, PID #05-027-4206 located at 3209 County 45 NW. An application submitted to expand a non-conforming residence located 61 feet from the lake with a an 18 feet x 30 feet addition which will be no closer to the lake, an 18 feet x 22 feet attached garage non-lakeside and an 8 feet x 10 feet non-lakeside entry way. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115 which establishes the non-conforming standards and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD). The property contains 1.79 acres riparian to Pleasant Lake (GD).

PC members were at the site on 06-06-16. 22 notices were sent out with 1 response opposing the application.

MS/P Kostial/LaPorte to approve the application submitted to expand a non-conforming residence located 61 feet from the lake with a an 18 feet x 30 feet addition which will be no closer to the lake, an 18 feet x 22 feet attached garage non-lakeside and an 8 feet x 10 feet

non-lakeside entry way upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1955 and contains 1.79 acres.
2. 1971 and 1975 permits indicate setback of 75 feet from the lake but a 1993 permit indicates a lake setback of 68 feet which is also the current setback.
3. The proposed non-lakeside expansions exceed 75 feet from the lake and do not require variance.
4. The proposed 18 feet x 30 addition to the north side of the residence is proposed to be no closer to the lake than existing residence.
5. The location and setback from the lake of the residence approved by permit presents practical difficulty for reasonable expansion and does not allow for compliance with setback of 75 feet from the lake.
6. There is nothing to indicate that the proposed residence 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.
7. There is nothing to indicate that the application is solely financially based.
8. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
9. The application, if approved and 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.
10. 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.
11. The proposed additions and improvements will not be visible from the lake

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 configuration of the 18 feet x 30 feet addition, an 18 feet x 22 feet attached garage non-lakeside and an 8 feet x 10 feet non-lakeside entry way shall not vary from that submitted 04/29/16 unless approved by ESD.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
3. ESD must determine, and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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 resulting from construction or demolition 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 06-13-18.
8. Applicant has volunteered to move the existing shed to setback.

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.

DeGonda, Greg & Cindy, Hiram Township on property described as Lot 3, Block 1, "Chippewa Cove", Section 17-140-31, PID #16-437-0130 located along 64th Avenue NW. An application submitted to construct a 68 feet x 72 feet walk-out residence, deck, attached garage along with a subsurface sewage treatment system (SSTS) all to be located within a bluff area delineated upon the property. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1106.3 which prohibits walk-outs within a bluff impact zone or slopes greater than 18% and Section 1126.1 B. which requires structures to be located 30 feet from the top or toe of a bluff. The property contains .8 acre riparian to Ten Mile Lake (GD).

PC members were at the site 06-06-16. 26 notices of the application were mailed with 6 responses received recommending approval. The application was reviewed with Greg & Cindy DeGonda.

MS/P LaPorte/Kostial to approve the application to construct a 68 feet x 72 feet walk-out residence, deck, attached garage along with a subsurface sewage treatment system (SSTS) all to be located within a bluff area delineated upon the property upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The parcel is undeveloped.
2. The property was platted in 1999 prior to the adoption of the bluff standards and in particular to the toe of a bluff as they relate to lot standards.
3. The location of the proposed residence will meet the lake setback.
4. There is nothing to indicate that the proposed location or size of the proposed 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.
5. There is nothing to indicate that the application is solely financially based.
6. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The application, if approved and 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. 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, configuration and dimensions of the residence, deck, attached garage shall not vary from that submitted 05/18/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendations of the Shoreline Rapid Assessment Model.
3. ESD must determine and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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 resulting from construction or demolition 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 06-13-18.

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.

Ingham, John, Birch Lake Township on property described as Lot 24, Block 1, "Shaefer Shores", Section 5-140-30, PID #05-360-0148 located at 4422 Robin Lane NW. An application submitted to construct a 26 feet x 34 feet walk-out residence, 10 feet x 34 feet deck, 24 feet x 24 feet attached garage, 5 feet x 10 feet covered entryway and a subsurface sewage treatment system (SSTS) to be located at less than the required lake setback. The residence will be located 71 feet and the SSTS 55 feet from the ordinary high water level (OHWL) of Stony Lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1106.2 which establishes shoreland zone excavation and walk-out criteria and Section 1126.1 A. which requires a structure to be located 100 feet and a SSTS 75 feet from a lake classified Recreational Development (RD).

PC members were at the site 06-06-16. 30 notices of the application were mailed with 5 responses, 4 opposing and 1 recommending approval. The application was reviewed with John Ingham.

MS/P Froehlig/Fitch to approve the application to construct a 26 feet x 34 feet walk-out residence, 10 feet x 34 feet deck, 24 feet x 24 feet attached garage, 5 feet x 10 feet covered entryway and a subsurface sewage treatment system (SSTS) to be located at less than the required lake setback upon review of the criteria contained in Section 800 of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property was platted in 1969.
2. The ordinary high water level (OHWL) on Stony Lake is 50 to 75 feet landward of the boundary of open water.
3. Although the location of the proposed residence is less than 100 feet from the OHWL, it is more than 150 feet from the open water of the lake.
4. There is nothing to indicate that the proposed location or size of the proposed residence and SSTS, which has been designed by a licensed professional, will alter, disturb or negatively impact the water quality of Stony Lake, 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 no information 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. The residence/SSTS location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. The residence/SSTS location will not result in a land use detrimental to 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 residence, deck, attached garage, entryway and SSTS shall not vary from that submitted 05-12-16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendations of the Shoreline Rapid Assessment Model.
3. ESD must determine, and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06-13-18.

Linnell, Scott, Barclay Township on property described as Lot 6, Block 3 & Outlot G, "Lake & River Acres", Section 17-138-29, PID #02-350-0330 located at 1619 Bobby Drive SW. An application submitted to expand an existing garage structure with a 30 feet x 32 feet expansion to be located at the closest point 118 feet from the ordinary high water level (OHWL) of Swede Lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires a structure to be located 150 feet from a

lake classified Natural Environment (NE). The property contains 2.77 acres riparian to Swede Lake (NE).

PC members were at the site 06-06-16. 33 notices of the application were mailed with 2 responses received recommending approval. The application was reviewed with Mrs. Linnell.

MS/P Kostial/Froehlig to approve the application for the garage expansion 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 addition to the accessory structure will be located at less than the required setback from Swede Lake (NE).
2. There is nothing to indicate that the location or size of the accessory 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.
3. There is no information to indicate that the application is solely financially based.
4. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
5. The accessory structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
6. The accessory structure location will not result in a land use detrimental to 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 garage addition shall not vary from that submitted 05-17-16 unless approved by ESD or if necessary the Planning Commission.

2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
3. ESD must determine and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06-13-18.

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.

Mogren, Bruce, Crooked Lake Township on property described as Lot 17, Block 1 "Birch Bay on Washburn Lake" & Swly $\frac{1}{2}$ of Adjacent Vacated Birch Drive, Section 17-139-26, PID #12-438-0181 located at 1339 Birch Bay Lane NE. An application submitted to retain one of two existing structures as guest quarters and construct a 40 feet x 64 feet residence, including deck. Both structures will comply with applicable setback requirements. The lot contains 55,628 square feet, is 100 feet wide at the water and 120 feet wide at the structure setback of 75 feet. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1113.1 which requires a guest quarters lot located on a GD lake to contain 75,000 square feet and be 180 feet wide and the water and setback. The property contains 1.3 acres riparian to Lake Washburn (GD).

PC members were at the site 06-06-16. 69 notices of the application were mailed with 2 responses received recommending approval. The application was reviewed with Bruce Mogren.

MS/P Kostial/LaPorte to approve the application to allow guest quarters on a sub-standard lot 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 became a lot of record in 1976 and does not meet guest quarter lot standards.
2. There is nothing to indicate that the proposed lot configuration 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.

3. There is no information to indicate that the application is solely financially based.
4. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
5. The residential structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
6. The structure location will not result in a land use detrimental to ground and surface water quality.
7. The location of the new construction will be placed farther back from the lake than the existing structure which will be moved beyond the lake setback.

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, configuration and dimensions of the residence with deck shall not vary from that submitted 05-10-16 unless approved by ESD or if necessary the Planning Commission.
3. The structure to be utilized as guest quarters shall not exceed 900 square feet in size.
4. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
5. ESD must determine and if required, the applicant shall install approved construction erosion control.
6. No run-off to the public waters 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.

7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06-13-18.

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.

Monson, Judith, Sylvan Township on property owned by the Pillager Company described as S200' of N300' of Govt Lot 4, Section 4-133-30, PID #41-204-2202 located at 12055 Pillager Lake Drive SW. An application submitted to locate an 8 feet x 10 feet accessory/storage structure 62 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 100 feet from a lake classified Recreational Development (RD). The property contains 1.57 acres riparian to Pillager Lake (RD).

16 notices of the application were mailed with 1 response received from Sylvan Township with recommendation for approval. The application was reviewed with members of the Sylvan Township Board.

MS/P LaPorte/Kostial to approve the application to locate an 8' x 10' shed 62' from the lake upon review of the criteria contained in Sections 705, 1001 and 1104.2 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property became of record in prior to the adoption of the shoreland standards.
2. Due to the topography of the lot and the area, no other options for the location of the proposed 8' x 10' accessory structure area are available.
3. There is nothing to indicate that the location or size of the proposed accessory 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.
4. There is no information 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. The accessory structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.

7. The location of the accessory structure will not result in a land use detrimental to ground and surface water quality.
8. The location of the accessory structure will not interfere with the use of the existing road/easement.

Conditions:

1. The location configuration and dimensions of the structure of shall not vary from that submitted 05-12-16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
3. ESD must determine and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06-13-18.

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 CONDITIONAL USE PERMIT, REMOVAL OF VIOLATIONS AND MITIGATION.

Pecchia, Renae, Unorganized on property described as Lot 2, Block 2 & 1/9 Interest Outlot A, "Winnie Dam Homesites", Section 26-146-27, PID #70-310-0220 located at 4250 Winnie Dam Lane NE. An application submitted to construct a new 30' x 40' (1,200 sq. ft.) accessory structure. The lot contains an existing 20' x 22' (440 sq. ft.) and a 16' x 16' (256 sq. ft.) screen house which will result in a total of 1896 sq. ft. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, and Section 1101 which allows for a maximum of 1,200 square feet detached accessory structure on a lot containing from .5 - .99 acre. The property contains .98 acre riparian to Lake Winnibigoshish (GD).

6 notices of the application were mailed with no responses received. The application was reviewed with Gary & Celeste Darland.

MS/P Kostial/Froehlig to approve the application to construct a new 1,200 square feet accessory structure upon review of the criteria contained in Sections 705, 903 and 1000 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1990, prior to the adoption of the accessory structure size based on lot size standards.
2. The proposed total accessory structure square footage will exceed the 1200 sq. ft. allowed by Land Use Ordinance.
3. The proposed accessory structure will comply with the MHB GD lake setback requirements.
4. There is nothing to indicate that the location or size of the accessory 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 no information 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. The accessory structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. The accessory structure location will not result in a land use detrimental to 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.

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, configuration and dimensions of the accessory structure shall not vary from that submitted 05-13-16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
3. ESD must determine and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06-13-18.

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.

Schroeder, Larry, Turtle Lake Township on property described as Lot 9. Block 2, "Agency Bay View Beach", Section 18-142-30, PID #45-480-0290 located at 4523 Bay View Beach Road NW. An application submitted to construct a 10 feet x 20 feet upper level deck which will be located 65 feet from the lake. The applicable portions of the Land Use Ordinance are 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 .7 acre riparian to Leech Lake (GD).

26 notices of the application were mailed with no responses received. The application was reviewed with T. Jason Strom with Spitzack Builders.

MS/P Pehling/Fitch to approve the application to construct a an upper level deck upon review of the criteria contained in Sections 705, 902 and 1000 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property platted in 2004.

2. The residential structure was constructed at 75 feet from the OHWM as approved by ZP07-142-30-30.
3. Due to the long fetch, the shoreline along this side of Agency Bay suffers from on-going shoreline erosion.
4. The proposed new construction will be no closer to the lake than the existing residence.
5. There is nothing to indicate that the location or size of the deck addition 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 no information 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. The proposed upper deck expansion, location and size, assuming compliance with appropriate run-off measures 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 a land use detrimental to 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 expansion shall not vary from that submitted 05-02-16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
3. ESD must determine and if required, the applicant shall install approved construction erosion control.
4. No run-off to public waters 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06-13-18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY

APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Semotuk, Jennifer & Michael, Wabedo Township on property described as Part of Govt Lot 4, Section 22-140-28, PID #46-022-3401 located at 1409 Wabedo Pass Road NE. An application submitted for the expansion of two (2) small residential structures located at less than the required lake setback of 100 feet. In addition, the application proposes that the property be occupied and maintained for family members only and will not be available for use or occupancy by the general public. The applicable portions of the Land Use Ordinance are Section 800 which establishes the variance criteria, Section 1115.3 which establishes non-conforming structure criteria, Section 1120 allows for one primary residence per single family residential lot and Section 1126.1 A. which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The property contains 23 acres riparian to Wabedo Lake (RD).

41 notices of the application were mailed with 1 response from Wabedo Township with recommendations for approval.

MS/P Pehling/LaPorte to approve the application for the height expansion of one (1) small structure located by the lake, and the ability to use and enhance the cabins for family use only based upon review of the criteria contained in Sections 705, 903 and 1000 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1963.
2. It appears that this property has not been operating as a resort since 1995.
3. The residential cabins comply with the lake setback and can be expanded as allowed by applicable permitting standards.
4. The smaller structures at the lakeshore are non-comforming and can be maintained according to applicable standards.
5. There is no information to indicate that the current use by family members has been disruptive, altered, disturbed 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 no information 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. The proposed structure height expansion, location and size, assuming compliance with appropriate run-off measures 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 a land use detrimental to 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.

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.

Not relevant to Variance Application - For record purpose only:

1. Cabin #2 - Complete renovation and expansion of 8 feet.
2. Cabin #4 - Foundation repair, renovate and expansion of 2 feet.
3. Cabins #2, 3, 4, 5, 6 and 7 - Re-roof.

Conditions:

1. The property be occupied and maintained for family members and will not be available for use or occupancy by the general public.
2. Structures by the lake: - Shower House: remove plumbing, rebuild same footprint, increase height by 2 feet; Fish Cleaning House: rebuild structure same footprint/volume.

3. The applicant shall comply with the recommendation of the Shoreline Rapid Assessment Model.
4. No run-off to public waters 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. Approve the extension of a Shoreland Alteration Permit for the removal and restoration of an ice ridge to be completed by October 1, 2016.
5. Unless commenced or otherwise extended or revised by the Planning Commission this approval of the lakeshore structure height increase shall be effective until 06-13-18.

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.

Conditional Use Permit

Tulenchik, Daniel & Sarah, Walden Township on property described as NE1/4 NE1/4 SE1/4, Section 32-137-30, PID #48-032-4101 located at 4625 40th Avenue SW. An application submitted to establish a cabinet shop home business. A home business is "a use of a residential property for commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence". A home business requires approval by a Conditional Use Permit (CUP). The applicable portions of the Land Use Ordinance include Section 705 which establishes CUP criteria and Section 1110 which establishes the home business criteria. The property contains 9.95 acres (AF).

20 notices of the application were mailed with no responses received.

MS/P Pehling/Froehlig to approve the application for the Home Business, cabinet shop, at PID #48-032-4101 upon review of the criteria contained in Sections 705 and 1110 of the Land Use Ordinance along with M.S. 394.301 with the following findings and condition:

Findings:

1. There is no information to indicate that the proposed commercial activity will have any detrimental impact to 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.
2. Approval will have no impact to the demand for governmental services.

3. Existing roadways will be utilized with no need to expand existing public infrastructure.
4. No wetland or critical habitat will be disturbed by the proposed commercial activity.
5. No scenic or historic features will be affected by the proposed commercial activity.
6. No threat to public health, safety and welfare can be expected by the proposed land use.

Condition:

1. Any signage must comply with the Home Business standards.

Other Business

Request received from Otto Schneider, to consider an amendment/revision to VP15-141-31-6.

MS/P Pehling/Froehlig MS/P Pehling/Froehlig to approve the amendment to VP15-141-31-6 to allow removal and restoration of an existing ice ridge up to 100 ' as per ESD staff recommendation and approval.

MS/P Kostial/Froehlig at 12:00 PM, to adjourn.

Dawn Berg