



Cass County  
Planning Commission/Board of Adjustment

September 12, 2016

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting September 12, 2016 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted September 6, 2016, with PC members Fitch, Kostial, LaPorte and Moore 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, Moore, Pehling and Sundberg.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Joe Babbini, Virginia Babbini, Laura Benike, Troy Benike, Bill Clark, Judy Clark, Jeff Peterson, Charlotte Geis, Steve Geis, Jody Groen, Pete Groen, Paul Kalinowski, Travis Miller, Kathy Ostlund, Bob Ostlund, Beverly Pettit, Craig Pikula, Gordon Rothfork, Wendy Rothfork, Dianne Schafer, Dave Skogen, Jason Strom, Mike Sullivan and James Thelen.

MS/P Kostial/Froehlig to approve the minutes of the 08/08/16 PC/BOA meeting as presented.

Variance

Benike, Troy, Hiram Township on property described as Lot 10, "Peaceful Valley", Section 10-140-31, PID #16-382-0091 located at 4065 Forseman Point Drive NW. An application submitted, "after the fact", to be allowed to retain a decorative wall/patio/grill structure that was constructed sans permit to which a portion of the wall is located 72 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 .7 acre riparian to Ten Mile Lake (GD).

PC members were at the site 09/06/16. 43 notices of the application were mailed with two responses recommending approval received. The application was reviewed and discussed with the applicant along with their contractor Backyard Reflections.

MS/P Kostial/LaPorte to approve the application submitted to be allowed to retain a decorative wall/patio/grill area located at PID #16-382-0091 upon review of the criteria contained in

Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. The structure is located 72 feet from the lake at the closest point although the shoreline is irregular and is more than 75 feet from the OHWL at several points.
2. The area of encroachment contains an insignificant area of 10 square feet.
3. There is nothing to indicate that the structure location or size has altered, disturbed or negatively impacted 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. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. 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.
7. 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.

"Statsvold" - After the Fact Findings:

1. There is nothing to indicate or otherwise determine that the applicant or contractor did not act in good faith when the shoreland alteration activity and construction of the structure took place.
2. There is nothing to indicate or otherwise determine if the applicant inquired as to permit and placement requirements for the shoreland alteration or structure construction.
3. A casual observer would conclude that the construction the structure required substantial investment.
4. Construction of the structure has been completed.
5. There are similar structures along Ten Mile Lake and throughout the county.
6. The degree of impact of the structure to the area and the land use system is not significant and the benefits to the County by denying a variance to the shoreland standards are outweighed by the applicant's burden if the applicant were required to comply with the ordinance. In light of all factors, the interest of justice is served by granting the ATF variance.

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 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.
2. 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.
3. The applicant shall consent to inspection of the property by ESD to verify compliance with conditions.

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.

Geis, Charlotte, Woodrow Township on property described as Part of Govt Lot 1, Section 22-140-29, PID #51-022-1109 located at 3573 8<sup>th</sup> Avenue NW. An application submitted to expand a nonconforming residence with a 16 feet x 24 feet addition and a full second floor. The residence is nonconforming because it is located 51 feet from the lake. Statute and ordinance allow for replacement of a nonconforming 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 1115.3 which establishes the nonconforming structure criteria and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD). The property contains .57 acre riparian to Woman Lake (GD).

PC members were at the site 09/06/16. 61 notices of the application were mailed with one response objecting to approval received. The application was reviewed and discussed with Charlotte and Steve Geis.

MS/P Froehlig/Fitch/Moore-Abstain to approve the application as submitted for expansion of the new residential construction located at PID #51-022-1109 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, Subd. 7 with the following findings and conditions:

## Findings:

1. There is no record in the permit archive as to the date of construction of the residence although it is noted as existing in a 1991 permit for a deck.
2. The proposed addition and upper level size and location would not result in an increase to the current lake setback encroachment.
3. There is nothing to indicate that the location and size of the proposed residential structure 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.
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, configuration and dimensions of the residential structure shall not vary from that submitted 08/25/16 unless approved by ESD or if necessary the Planning Commission.
2. 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".
3. 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.
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 09/12/18.

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 located 23 feet from the lake with a new 20 feet x 25 feet two level residence 29 feet from the lake. 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 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). The property contains .1 acre riparian to Ten Mile Lake (GD).

PC members were at the site 08/01/16 and 09/06/16. 37 notices of the application were mailed for each meeting. One response supporting approval of the application was received. The application was reviewed discussed with Jody and Peter Groen.

MS/P Kostial/Froehlig to approve the application as revised and submitted 08/16/16 new residential construction located at PID #45-430-0190 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, Subd. 7 with the following findings and conditions:

Findings:

1. The property which contains .1 acre was platted in 1923 and the existing structure was obviously constructed prior to the adoption of lot and setback standards.
2. The topography and size of the lot represents practical difficulty for residence replacement location and there is nothing to indicate that the replacement residence 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.

3. There is nothing 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. 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.

6. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

7. The approved location of the residence does not reduce the size of the footprint but does reduce lake setback encroachment.

8. The inclusion of a second story will not result in increased impervious surface or impair neighboring properties view of 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 size of the residence shall not vary from that submitted 08/25/16 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. 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

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.

Haining, Mike & Pam, Pine Lake Township on property described as Lot 4, Block 1, "Sunset Shores", Section 3-141-29, PID #30-345-0240 located at 7115 Diamond Point Road NW. An application submitted to replace the existing residence with new construction of a 32 feet x 48 feet residence/deck/porch and a Subsurface Sewage Treatment System (SSTS). Although the residence will comply with applicable lake and bluff setback requirements, the SSTS tank is to be located within the bluff impact zone which is the area within 30 feet of the top of a bluff. In addition, the application requests that the separation distance from the residence to the SSTS treatment area be allowed at 9 feet. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 B. which requires a SSTS tank or treatment area to be located at least 30 feet from the top or toe of a bluff and M.R. 7080.2150 which requires 20 feet of separation from a treatment area to a structure. The property contains 1.23 acre riparian to Leech Lake (GD).

PC members were at the site 09/06/16. 48 notices of the application were mailed with one response objecting to approval of the application received. The application was reviewed and discussed with applicants' representative T. Jason Strom of Spitzak Construction.

MS/P Pehling/LaPorte to approve the application for closer separation distance for the drainfield to the residence and to allow the location of a septic within the bluff impact zone the residence to be located at PID #30-345-0240 upon review of the criteria contained in Section 800 of the Land Use Ordinance, M.R. 7080.2150 and M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. The separation of the treatment area to the residence foundation will not affect the functionality or maintenance of the SSTS treatment area.
2. The location of the septic tank will not affect its functionality or maintenance.
3. The structure will comply with applicable setback standards.
4. The proposed tank and treatment area locations will not have any negative impact to the surrounding area.
5. The proposed tank and treatment area locations seem a reasonable response to the practical difficulty posed when taking into account the size, configuration and topography of the lot along with the location of the residence 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.
6. The proposed locations will not be obtrusive to neighboring property or pose a threat to local water quality which therefore does not contradict 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 no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed tank and treatment area locations.

8. There is no reason to conclude that water quality will be in any way affected.

9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

**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 or restoration 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 a land use permit. Commencement of either prior to issuance of a land use permit may result in withholding, withdrawal or revocation 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. Run-off from the structure must be directed away from the tank and the treatment area.

2. The location of the treatment area and tank shall not vary from that submitted 08/22/16 unless approved by ESD or if necessary the Planning Commission.

3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

**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.**



Kalinowski, Paul, Woodrow Township on property described as E  $\frac{1}{2}$  Lot 19, Block 1, "West's Breezy Heights", Section 22-140-29, PID #51-455-0135 & W  $\frac{1}{2}$  Lot 19, Block 1, "West's Breezy Heights", Section 22-140-29, PID #51-455-0140 located along County #11 NW. An application submitted to construct an accessory structure/garage at less than 20 feet from the platted right-of-way of Northern Hawk Drive NW. The proposed structure will comply with the lake and bluff setback requirements. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 B. which requires a structure to be located at least 20 feet from the right-of-way of a platted roadway. The combined parcels contain .17 acre riparian to Woman Lake (GD).

PC members were at the site 09/06/16. 33 notices of the application were mailed with one response objecting to approval of the application received. The application was reviewed and discussed with Mr. Kalinowski.

MS/P LaPorte/Kostial to approve the application to locate an accessory structure at zero feet setback from the platted right-of-way identified as Shadygrove Drive on the 1924 plat of "West's Breezy Heights" and currently identified as Northern Hawk Drive NW at the to be combined PID #51-455-0130 & PID #51-455-0140 upon review of the criteria contained in Sections 705 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

Findings:

1. The property was platted in 1924 and is nearly entirely consumed by a bluff and bluff impact zone.
2. The property is undeveloped.
3. The application calls for closer right-of-way setback to Northern Hawk Drive NW order to remain away from the bluff on the property.
4. The applicant proposes to use the lot only for an accessory/storage structure and access to Woman Lake.
5. There is nothing to indicate that a limited in size and use structure would necessarily 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. A site plan verifying the location of the proposed accessory structure must be submitted in order to obtain a land use permit.
2. The proposed accessory structure must comply with property boundary line setback requirements.
3. Access to Woman Lake shall be a 4 feet wide stairway only as approved by a Shoreland Alteration Permit.
4. The structure shall not exceed 24 feet x 24 feet, shall not exceed 20 feet from ground to peak and shall not include any living space.
5. The applicant has acknowledged his intent to remove the existing storage structure located near the OHWL by 09/12/17.
6. ESD shall determine and if required, the applicant shall install construction erosion control.
7. 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.
7. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.

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

9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

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.

Kraemer, Neal, Turtle Lake Township on property described as Lot 7 & Part of Lot 6, "Harbor Springs", Section 19-142-30, PID #45-496-0070 located at 8035 Agency Narrows Drive. An application submitted to replace the existing nonconforming residence at the existing 28 feet x 40 feet footprint with a 28 feet x 30 feet attached garage and a 15 feet x 15 feet porch expansion. The current residence is nonconforming because it is located 70 feet from the lake and 6 feet from the top of a bluff. Statute and ordinance allows for replacement of a nonconforming residence at existing footprint and volume but that any expansion at less than required setback shall require a variance. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria Section 1115.3 which establishes the nonconforming structure criteria and Section 1126.1 A. & B. which requires a structure to be located 75 feet from a lake classified General Development (GD) and to be setback 30 feet from the top or toe of a bluff. The property contains .88 acre riparian to Leech Lake (GD).

The PC was at the site 09/06/16. 31 notices of the application were mailed with one response in support of approval of the application received. The application was reviewed and discussed with the applicant's representative Travis Miller.

MS/P Moore/Kostial to approve the new residence construction for PID #45-496-0070 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. & B. of the Land Use Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

Findings:

1. The property was platted in 1961 prior to the adoption of land use regulation and minimum buildable area standards.
2. The proposed new residence will occupy the current footprint area with some expansion to the non-lakeside therefore limiting new excavation.
3. The approved residence configuration and location will be no closer to the lake than the current 70 feet.
4. The location and amount of bluff area on the property represents practical difficulty to locate the new residence to which there is nothing to indicate that the increased 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.

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 size and location of the residence shall not vary from that submitted 08/24/16 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. 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.

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 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

**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.**

Ostlund, Robert J, Shingobee Township on property described as Part of Govt Lot 1, Section 35-142-31, PID #38-135-1218 located at 5300 Ladyslipper Lane NW. An application submitted "after the fact" to be allowed to retain shoreland setback zone excavation that exceeds the maximum allowed by SA15-142-31-5 of not more than 50 cubic yards and that exceeds the maximum width of 20 feet. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1106.2 A. which limits excavation within the shoreland setback zone to not more than 50 cubic yards no more than 20 feet wide. The property contains 1.03 acre riparian to Leech Lake (GD).

PC members were at the site 09/06/16. 37 notices of the application were mailed with no responses received. The application was reviewed and discussed with Robert and Kathy Ostlund.

MS/P Fitch/Pehling to table consideration of the application until the 10/08/16 meeting in order for the applicants to consider mitigation options.

Pettit, Beverly, Trelipe Township on property owned by Woetzel, Robert/Lake George Hunt Club described as E480 Feet of S349 Feet Excluding E330 Feet of S264 Feet of SE SE, Section 35-140-27, PID #44-135-4403 located at 2347 County 55 NE. An application submitted to be allowed to utilize an easement of 16.5 feet from County 55 in order to create access to lot for the existing residence. The applicable portion of the Land Use Ordinance is Section 800 which establishes variance criteria and Section 3.03 E. of the Subdivision and Platting Ordinance which requires an easement of 33 feet to a public road for new lot creation. The property contains 35 acres (RR-2.5).

10 notices of the application were mailed with no responses received. The application was reviewed and discussed with Ms. Pettit.

MS/P LaPorte/Froehlig to approve the application for the variance to easement width to provide access to PID #44-135-4403 upon review of the criteria contained in Section 800 of the Land Use Ordinance and Section 3.03 E. of the Subdivision and Platting Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

Findings:

1. The easement will provide access to County #55 from PID #44-395-4401.
2. The easement is essentially a driveway and will not be for through traffic.
3. The easement will not 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.

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 easement shall not vary from that submitted 08/03/16.

2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

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.

Pikula, Craig & Rosa, Kego Township on property described as Part of W  $\frac{1}{2}$  SE SW, Section 35-141-28, PID #19-035-3402 located at 1662 County 7 NE. An application submitted to construct an accessory structure/garage to be located 7 feet from the right-of-way of County 7 NE. The applicable portion of the Land Use Ordinance is Section 800 which establishes variance criteria and Section 1126.1 B. which requires a structure to be located 20 feet from the right-of-way of a public road. The property contains 3.44 acres (SR/NR).

PC members were at the site 09/06/16. 31 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Pikula.

MS/P Kostial/LaPorte to approve the application for closer setback from the right-of way of County #7 for the accessory structure/garage to be located at PID #19-035-3402 upon review of the criteria contained in Sections 800 and 1126.1 B of the Land Use Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1946 prior to the adoption of land use regulation and the development of County #7 in its current modern configuration.

2. The proposed accessory/garage structure is to replace one destroyed by fire and to increase its distance from the residence.
3. The topography of the property represents practical difficulty to locate the new accessory/garage structure to which there is nothing to indicate that the site 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 size and location of the garage shall not vary from that submitted 08/22/16 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 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

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.

Rothfork, Gordon, Powers Township E230 Feet of Govt Lot 6 & W70 Feet of Govt Lot 7 Lying South of State 87, Section 22-139-30, PID #34-022-4311 located at 3301 State 87 NW. An application submitted to be allowed to rehabilitate and occupy four nonconforming residential structures located on the property which have not been occupied for more than one year. The applicable portions of the Land Use Ordinance are Section 800 which establishes variance criteria and Section 1115.3 which requires compliance with the requirements of M.S. 394.36 Subd. 4 which includes the passage; "If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy". The property contains .3 acre riparian to Sanborn Lake (RD).

PC members were at the site 09/06/16. 41 notices of the application were mailed. Four responses all supporting approval of the application were received. The application was reviewed and discussed with Gordon and Wendy Rothfork.

MS/P LaPorte/Pehling to approve the application for occupancy and rehabilitation of the structures located at PID #34-022-4311 upon review of the criteria contained in Sections 800 and 1115.3 of the Land Use Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

Findings:

1. The property which was once part of a resort was created as a lot of record in 1983 consisting of .33 acres occupies by the current structures.
2. The applicants intend to upgrade the current dilapidated condition of the structures and utilize them for family purposes.
3. The structures have been located here prior to land use regulation and their upgrade and utilization of the structures will not have a negative effect to the neighboring area or the lake.
4. The location and size of the property represents practical difficulty to its utilization to which there is nothing to indicate that the structure upgrade and use 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 property or the structures shall not be held out to the general public for rental or occupancy.

2. No occupants of or visitors to the property shall park along Minnesota #87.

3. 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.

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 09/12/18.

8. Upon occupancy of the structure designated as the primary residence, the RV on the site must be removed.

9. There shall be no increase of impervious surface or the size or number of structures located on the property.

**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.

Schafer, Dianne, Crooked Lake Township on property as Lots 28-30, Block 13, "Tingdale Brothers Roosevelt Shores", Section 25-139-26, PID #12-467-1328 located at 6924 County 58 NE. An application submitted to be allowed to construct a walk-out basement for a nonconforming residence located less than 100 feet from the lake. The applicable portions of the Land Use Ordinance are Section 800 which establishes variance criteria and Section 1115.3 which established the non-conforming expansion criteria. The property contains 1.4 acres riparian to Leavitt Lake (RD).

PC members were at the site 09/06/16. 19 notices of the application were mailed with no responses received. The application was reviewed and discussed with Ms. Schafer.

MS/P LaPorte/Froehlig to approve the application for a walk-out basement for the residence located at PID #12-467-1328 upon review of the criteria contained in Sections 800 and 1115.3 of the Land Use Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

Findings:

1. The property was platted in 1928.
2. Construction of the residence at its current location was approved by ZP78-139-26-1.
3. The location, configuration and size of the residence represents practical difficulty to access a lower level to which there is nothing to indicate that the walk-out 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. Excavation for the walk-out shall not exceed 50 cubic yards.
2. The width of the excavation at grade for access shall not exceed 10 feet.
3. 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.
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 09/12/18.

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.

Skogen, David, Sylvan Township on property as MN Power Lease Lot 7, Section 19-133-29, PID #41-819-4107 located at 1735 Iris Lane SW. An application submitted to expand a non-conforming residence located 35 feet from the river with a 12 feet x 16 feet addition/7 feet x 21 feet x 17 feet deck to be located no closer to the river than the existing residence. The applicable portions of the Land Use Ordinance are Section 800 which establishes variance criteria, Section 1115.3 which established the non-conforming expansion criteria and Section 1126.1 A. which requires structures to be located 100 feet from a river or stream classified Tributary (TR). The property contains 1.43 acres riparian to the Gull River (TR).

PC members were at the site 09/06/16. 35 notices of the application were mailed with no responses received. The application was reviewed and discussed with Ms. Skogen.

MS/P Kostial/Froehlig to approve the application as submitted to expand the nonconforming residence located at PID #41-819-4107 upon review of the criteria contained in Sections 800 and 1115.3 of the Land Use Ordinance along with M.S. 394.27 Subd. 7 with the following findings and conditions:

## Findings:

1. There is nothing in the permit archive to indicate the age of the lot or original construction but it is commonly acknowledged that those factors precede land use regulation on MP & L property.
2. The proposed expansion will not increase the setback encroachment to the river.
3. The existing location and configuration of the residence represent practical difficulty to locate the new residence to which there is nothing to indicate that the increased 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.
8. The project has been approved by the leaseholder Minnesota Power.

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 size and location of the residence expansion shall not vary from that dated 08/23/16 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. 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.

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 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/12/18.

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

Sullivan, Margaret, May Township on property described as Govt Lots 3 - 6 & Govt Lots 11 - 14, Section 30-134-31, PID #24-130-2800 located at 11389 State 64 SW. Application submitted to reclassify a 10 acre portion of the property from Agriculture/Forestry (AF) to Rural Residential - 10 (RR-10) which requires approval by conditional use permit (CUP). The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards and Sections 903 and 1000 which establish land use districts standards. The property contains 306.15 acres (AF).

20 notices of the application were mailed with one response endorsing approval of the application received. The application was reviewed and discussed with family member Mike Sullivan.

MS/P LaPorte/Pehling to approve the reclassification as submitted for PID #24-130-2800 upon review of the criteria contained in Sections 705, 903, 1000.800 and 1115.3 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

#### Findings:

1. Section 903.5, Rural Residential - 5, 10 & 20; "The purpose of these districts is to promote low-density rural development in those portions of the County outside the shoreland and beyond areas of anticipated municipal growth where less development is desired and most suitable. These zones will be created as reclassifications where the Planning Commission determines that larger lot sizes are required to protect agriculture interests, critical habitats or preserve the rural nature of an area".
2. The area proposed for reclassification contains less than .01% of the total area of the township.

3. There is nothing to indicate that the smaller lot size and possible subsequent single family development will have any detrimental impact to neighboring property which therefore does not necessarily 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 contradict 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. The surrounding area within one half mile contains areas of RR-5 and RR-10 to which there is no reason or evidence to conclude that area land use has been or will be affected or altered by the reclassification.
5. Approval will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed.
8. No scenic or historic features will be affected.
9. No threat to public health, safety and welfare can be expected.

Conditions:

1. The reclassification shall apply to the acreage and boundary as submitted and recorded.
2. Lot creation shall comply with the requirements of the Subdivision and Platting Ordinance.

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 Walter Hesse to revise VP15-139-30-8 which was approved 11/09/15 to increase by 20 cubic yards, the amount of fill approved to be placed within the bluff impact zone.

MS/P Fitch/Pehling to revise Condition #5 of VP15-139-30-8 to increase fill allowed from 12 cubic yards to not to exceed 32 cubic yards.

Request received from Sherri & Joel Schroeder to revise VP15-135-31-1 which was approved 03/09/15 to reflect a revised PID #.

MS/P LaPorte/Moore to revise VP15-135-31-1 to include PID #26-342-0722 & PID #26-342-0724 upon fulfillment of Condition #2 of the approval.

MS/P Froehlig/Fitch at 1:30 PM, to adjourn.

P. Fairbanks