



Cass County  
Planning Commission/Board of Adjustment

March 13, 2017

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting March 13, 2017 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was March 6, 2017, with PC members Fitch, Froehlig, Kostial, LaPorte, Pehling and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

Sundberg called the meeting to order at 9:35 a.m.

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

Staff Present: Berg and Fairbanks.

Citizens Present: David Baker, Matt Davis, Brian DeGrote, Dave Elenkiwich, Karla Elsenpeter, Mike Elsenpeter, Anthony Endreson, Gary Ewald, Rob Jenewein, Jim Kramer, Tom Lund, Brian Olson, Roger Olson, Jeff Peterson, Ronn Ponath, Bill Schaefer, Peggy Spielman, Eric Whiteis and Craig Waddell.

MS/P Kostial/Pehling to approve the minutes of the 02/13/17 PC/BOA meeting as presented.

Variance

Baybridge LLC, Thunder Lake Township on property described as Part of Govt Lot 1, Section 9-140-26, PID # 42-009-1102 located at 4302 Baybridge Trail NE. An application submitted to be allowed to construct an additional lake access upon the property which contains more than 2,500 feet of shoreline. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1106.4 which establishes the shoreland alteration criteria which allows for one access per lot not to exceed 20 feet of width. The property contains 30.98 acres riparian to Thunder Lake (GD). ).

PC members were at the site 03/06/17. 33 notices of the application were mailed with one response, from the Thunder Lake Association; endorsing approval of the application was received. The application was reviewed and discussed with the Baybridge site manager Mr. Waddell.

MS/P Kostial/LaPorte to approve the application submitted to be allowed to construct an additional lake access upon PID #42-009-1102 upon review of the criteria contained in Sections

800 and 1106.4 of the Land Use Ordinance along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. The property became of record in 1953 and has been continually occupied and maintained as a multi- residential structure family summer use property.
2. The total Baybridge properties contain 450 acres and over 6,000 feet of shoreline.
3. The existing shore access swimming area is 2,000 feet from this proposed access.
4. Based upon the size and shoreline of the Baybridge property, the proposed second access should have no appreciable effect to neighboring property or lake users.
5. There is nothing to indicate that the proposed additional lake access area 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 or evidence to indicate that the application is primarily financially based.
7. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. Approval of the application assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
9. Approval of the application 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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 width of the lake access shall not exceed 25 feet at the shoreline.
2. A Shoreland Alteration Permit shall be obtained for the project.
3. Sand placement must comply with the criteria contained in Section 1106.3 B.4. of the Land Use Ordinance.
4. No run-off to the lake is permitted. If determined necessary by ESD staff, run-off shall be directed to natural water retention features located upon the property or structures such as rain gardens.
5. The size and location of the access is subject to review and approval by ESD staff.
6. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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.

Endreson, Anthony, Hiram Township on property described as Lots 1 & 2, Block 1, "Lighthouse Point", Section 13-140-31, PID #16-417-0110 located along Ford Driveway NW. An application submitted to construct a 34 feet x 48 feet residence with an 8 feet x 30 feet deck to be located 67 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 setback 75 feet from a lake classified General Development (GD). The property contains 1.1 acres riparian to Birch Lake (GD).

PC members were at the site 03/06/17. 23 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Endreson.

MS/P LaPorte/Pehling to approve the application to construct a residence with closer lake setback upon PID #16-417-0110 upon review of the criteria contained in Sections 800 and 1106.4 of the Land Use Ordinance along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. "Lighthouse Point was platted in 1972.

2. Lots 1 & 2 Block 1 vary in depth from the lake to right-of-way from 127feet to 136 feet which limits placement option when taking into account lake setback of 75 feet and right-of-way setback of 20 feet.
3. When applicable setbacks are determined about 30% or 14,800 square of the property is available for development.
4. There is nothing to indicate that the proposed lake setback 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 or evidence to indicate that the application is primarily financially based.
6. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval of the application 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 of the application 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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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.
2. The size, location and height of the residential structure expansion shall not vary from that submitted 02/17/17 unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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.

Elenkiwich, Dave & Sue, Woodrow Township on property described as Lots 45 Thru 49, Block 1, "Glens Point", Section 9-140-29, PID #51-389-0170 located at 4294 Birchwood Drive NW. An application submitted to replace the existing residence with a new 40 feet x 60 feet residence to be located from 53 feet to 74 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming structure expansion and replacement criteria and Section 1126.1 A. which requires structures to be setback 100 feet from the OHWL of a lake classified Recreational Development (RD). The property contains .84 acre riparian to Baby Lake (RD).

PC members were at the site 03/06/17. 44 notices of the application were mailed with two responses both endorsing approval of the application were received. The application was reviewed and discussed with Mr. Elenkiwich.

MS/P Kostial/LaPorte to approve the application for variance to expand the non-conforming residence located at PID #51-389-0170 upon review of the criteria contained in Sections 800, 1115.3 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. "Glens Point" was platted in 1920.
2. Lots 45 - 49 Block 1 contain .84 acre with only about 20% of the property not within the lake setback.

3. There is nothing in the permit archive to indicate when the existing residence to be expanded was originally constructed although its appearance dates it to the late 60's early 70's.
4. There is nothing to indicate that the proposed residence expansion will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information or evidence to indicate that the application is primarily financially based.
6. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval of the application 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 of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. The new construction will be no closer to the lake than the existing foundation.
10. The location of the SSTS and utility service prohibits placement at the required 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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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.
2. The size, location and height of the residential structure expansion shall not vary from that submitted 02/17/17 unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. 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".
6. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
7. The conditions of V05-140-29-16 shall be fulfilled no later than 07/01/17.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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.

Isackson, Ronald, Ottertail Peninsula Township on property described as Part of Govt Lot 4, Section 24-144-30, PID #28-324-4106 located at 2579 North Shore Drive NW. An application submitted to expand an existing non-conforming residence with an 8 feet x 20 feet lakeside addition. The structure is non-conforming because it is located less than 75 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming criteria and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD). The property contains 7.46 acres riparian to Leech Lake (GD).

PC members were at the site 03/06/17. 24 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicant's representative Mr. DeGrote.

MS/P Froehlig/Fitch to approve the application for variance to expand the non-conforming residence located at PID #28-324-4106 upon review of the criteria contained in Sections 800, 1115.3 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

## Findings:

1. There is nothing in the permit archive to confirm when the residence was constructed although it obvious that it preceded land use regulation.
2. The residence is 20 feet to 40 feet from the lake and the proposed expansion will be no closer to the lake than the existing structure.
3. Placement options are limited by the location of the SSTS and the driveway which provides access to several properties from North Shore Drive.
4. Statute and Ordinance would allow replacement a current footprint and volume.
5. There is nothing to indicate that the proposed residence expansion will have any perceptible detrimental visual impact to Leech Lake or 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.
6. The proposed expansion, 60 square feet, will be mostly unseen and unobtrusive from the lake and neighboring property 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. The surrounding area along Leech Lake contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.
8. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
9. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
10. Approval of the application 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.

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.



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 dimensions, location and configuration of the residence expansion shall not vary from that submitted 02/15/17 unless approved by ESD staff or if necessary, the PC/BOA.
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. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD staff approved erosion control placement prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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.

Jenewein, Robert, Wabedo Township on property described as Part of Govt Lot 8, Section 27-140-28, PID #46-027-2223 located at 1240 Wabedo Pass Road NE. An application submitted to construct a 22 feet x 29 feet residential structure to be located 80 feet from the lake and a holding tank to be located 110 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, including a holding tank, to be located 150 feet from a lake classified Natural Environment (NE). The property contains 6.29 acres riparian to Bass Lake (NE).

PC members were at the site 03/06/17. 34 notices of the application were mailed. Four responses were received, two recommending approval of the application and two recommending denial of the application. In addition, one person in attendance appeared to relate his distress at the possible approval of the application. The application was reviewed and discussed with Mr. Jenewein.

MS/P LaPorte/Froehlig to approve a lake setback variance application for the residence to be located upon PID #46-027-2223 upon review of the criteria contained in Sections 800 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. Although the lot was created in 2009 it was not until 2016 that the large wetland located to the north end of Bass Lake was deemed connected to and part of the lake which essentially divides the property in half from east to west.
2. Setback from Bass Lake (NE) and Lake Louise (NE) along with the need to avoid wetland encroachment leaves only two areas suitable for development; one containing .5 acre separated by the lake from Wabedo Pass Road and one area containing .3 acre between the lake and Wabedo Pass Road.
3. There is nothing to indicate that the proposed residence structure will have any perceptible detrimental visual impact to Bass Lake or 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.
4. The proposed structure will be mostly unseen and unobtrusive from the lake and neighboring property 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.
5. The surrounding area along Bass Lake is mostly undeveloped and there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.
6. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval of the application 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 of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
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, 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.

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 dimensions of the residence shall be confirmed on-site by ESD staff prior to permit approval and the commencement of commencement of construction.
2. The residence shall be no closer to the OHWL than 110 feet as verified by ESD staff.
3. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
4. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD staff approved erosion control placement prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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. The existing erosion damaged approach must repaired by 07/01/17.
7. In order to insure repair the applicant must submit financial assurance in the amount of \$2,000 in the form of a letter of credit or cash which will be returned as repair is completed and approved by ESD.
8. Prior to any construction of the driveway, the applicant shall submit a construction plan including erosion control for construction and post construction.
9. In order to insure compliance with the driveway construction/erosion construction plan, the applicant must submit financial assurance in the amount of \$2,000 in the form of a letter of credit or cash which will be returned as completed and approved by ESD.
10. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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,  
REVOCAION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Mathewson, Jessica, Crooked Lake Township on property described as Lots 18, 19 & Easterly 30 Feet of Lot 20, "Roosevelt Shores", Section 34-139-26, PID #12-505-0180 located at 388 Roosevelt Shores Drive NE. An application submitted to remove the existing non-conforming 24 feet x 30 feet residence and replace with new 32 feet x 54 feet construction in the approximate footprint of the existing structure which is less than 75 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 setback 75 feet from a lake classified General Development (GD). The property contains 1.8 acres riparian to Lake Roosevelt (GD).

PC members were at the site 03/06/17. 32 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicant's representative Mr. Whiteig.

MS/P LaPorte/Fitch to approve the lake setback variance application for PID #12-505-0180 upon review of the criteria contained in Sections 800 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. "Roosevelt Shores" was platted in 1947 prior to the adoption of lot and setback standards.
2. There is nothing in the permit archive to confirm when the residence was constructed although it obvious that it preceded land use regulation.
3. The residence which could be replaced at current footprint and volume as allowed by statute and ordinance sits on a shelf between the lake and a steep slope therefore limiting setback at 75 feet.
4. There is nothing to indicate that the proposed residence location will have any perceptible detrimental visual impact to Lake Roosevelt or 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.
5. The proposed residence will be mostly unseen and unobtrusive from the lake and neighboring property 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.
6. The surrounding area along Lake Roosevelt contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.

7. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. Approval of the application assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
9. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
10. 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, 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.

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 dimensions, location and configuration of the residence shall not vary from that submitted 02/22/17 unless approved by ESD staff or if necessary, the PC/BOA.
2. The new construction shall be no closer to the lake than the closest point from the lake of the structure to be removed.
3. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. ESD staff shall determine the need for construction erosion control and, if required, the applicant shall install ESD staff approved erosion control placement prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.

7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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.

Olson, Brian, Wabedo Township on property described as Part of Govt Lot 7, Section 22-140-28, PID #46-022-1407 located at 1597 Gold Finch Lane NE. An application submitted to remove an existing park model mobile home with new 26 feet x 34 feet new construction residence/loft to be located 75 feet from the lake and to construct second level living/guest quarters to an existing accessory structure located 86 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 setback 100 feet from a lake classified Recreational Development (RD). The property contains .7 acre riparian to Little Boy Lake (RD).

PC members were at the site 03/06/17. 41 notices of the application were mailed. Two responses, including that of the Wabedo Township PC, recommending denial were received. The application was reviewed and discussed with Mr. Olson.

MS/P Froehlig/Fitch to approve the lake setback variance application for PID #46-022-1407 upon review of the criteria contained in Sections 800 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1967 prior to the adoption of lot and setback requirements.
2. When setback standards were adopted, structures were required to be 85 feet from Little Boy Lake.
3. A residence to be located on the property was permitted in 1997 at 86 feet but prior to construction was replaced by an 8 feet x 35 park model.
4. Placement options are limited by the location of the SSTS.
5. Statute and Ordinance would allow replacement a current footprint and volume.
6. There is nothing to indicate that the proposed residence will have any perceptible detrimental visual impact to Little Boy Lake or 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.
7. The proposed residence at 90 feet will be mostly unseen and unobtrusive from the lake and neighboring property 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.

8. The surrounding area along Little Boy Lake contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.

9. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.

10. Approval of the application 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.

11. Replacement of the existing park model with the higher and larger residence seems to negate the desire to expand the existing garage with a second floor expansion based on the policy that such living quarters should be unobtrusive and located at required setback.

12. 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, 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.

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 residence including any deck shall be no closer to the lake than the existing structure/deck as verified by ESD staff.

2. Approval does not apply to the proposed garage reconfiguration.

3. Any guest quarters for the property shall be by permit at the required setback.

4. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD staff approved erosion control placement prior to the commencement of construction.

5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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.

Schaefer, William, Inguadona Township on property described as That Part of Govt Lot 4, Section 14-141-27, PID #18-014-2201 located at 6360 Twin Lakes Trail NE. An application submitted to expand an existing non-conforming residence with a 32 feet x 56 feet attached garage to be located on the non-lakeside of the structure 110 feet from the lake. The residence is non-conforming because it is located less than 150 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming structure criteria and Section 1126.1 A. which requires structures to be setback 150 feet from the OHWL of a lake classified Natural Environment (NE). The property contains 7.14 acres riparian to West Twin Lake (NE).

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

MS/P Kostial/Fitch to approve the expansion of the non-conforming residence variance application for PID #18-014-2201 upon review of the criteria contained in Sections 800, 1115.3 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. The property became of record in 1956 and contains 7.14 acres.
2. A variance application for a closer lake setback for the residence from a previous owner was denied in 1978.
3. Although there is nothing in the permit archive to confirm when the residence was constructed, sometime between 1978 and the next permit in 1997, a residence at less than 150 feet was constructed.
4. A variance to replace existing wooden decking with concrete along with an addition to the residence was approved in 2007.
5. The proposed expansion will be non-lakeside and not visible from the lake.
6. There is nothing to indicate that the proposed residence expansion will have any perceptible detrimental visual impact to West Twin Lake or 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.

7. The proposed expansion will be mostly unseen and unobtrusive from the lake and neighboring property 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.

8. The surrounding area along West Twin Lake contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.

9. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.

10. Approval of the application 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.

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

12. 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, 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.

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 dimensions, location and configuration of the residence expansion shall not vary from that submitted 02/06/17 unless approved by ESD staff or if necessary, the PC/BOA.

2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD staff approved erosion control placement prior to the commencement of construction.
4. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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. Applicant consents to inspection of the property by ESD staff to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/13/19.

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

Elsenpeter, Mike & Karla, Shingobee Township on property described as Part of Govt Lot 2, Section 35-142-31, PID #38-135-1303 located at 5301 Ladyslipper Lane NW. An application submitted for a conditional use permit (CUP) for the excavation and placement of more than 1,000 cubic yards of earthen material to construct walk-out access to the north side of the residence and to rebuild and increase the height of the existing driveway. The applicable portions of the Land Use Ordinance include Section 705 which establishes the CUP criteria and Section 1106.2 A. which requires a CUP for the excavation/grading of more than 50 cubic yards of earthen material within the Shore Impact Zone and more than 200 cubic yards within Shoreland Zone. The property contains 6 acres riparian to Leech Lake (GD). PC members were at the site 03/06/17. 32 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicant's representative Mr. Whiteig.

PC members were at the site 03/13/17. 75 notices of the application were mailed with no responses received. The application was reviewed and discussed with Ms. Elsenpeter, Mr. Elsenpeter, Mr. Davis and Mr. Kramer.

MS/P Kostial/LaPorte to table consideration of the application until the 04/10/17 meeting in order for supplemental application information, including a visual profile depiction of the proposed walk-out and driveway, to be submitted.

Other Business

Request received from Roger Olson to revise Condition #7 for VP11-140-25-2 approved 11/14/11 to allow for the rebuilding of the approved garage location that has been destroyed by fire.

MS/P LaPorte/Fitch to allow rebuilding of the garage at the location and dimensions as approved by V11-140-25-2.

MS/P Fitch/Froehlig at 12:15 PM, to adjourn.

P. Fairbanks