



Cass County  
Planning Commission

May 10, 2010

The Cass County Planning Commission conducted a regular meeting May 10, 2010 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted May 3, 2010.

Sundberg called the meeting to order at 10:01 a.m.

Members present: Ballenthin, Fitch, Gardner, Gould, Kostial, and Sundberg.

Staff Present: Berg and Fairbanks.

Citizens Present: Craig Anderson, Duane Anderson, Mary Anderson, Nils Anderson, Sue Anderson, Kevin Ferrell, Jane Glazier, George Knight, Lynn Johnson, Michelle Johnson, Joe Laska, Scott Parr, Ray Payne, Heather Schmidt, Cindy Spartz, Doug Spartz, Ron Stokesbary, Kathy Sweeny, Betty Thomas, Jack Thomas, Chuck Trosen, and Norm Wieland.

MS/P Ballenthin/Gould to approve the minutes of the 04/12/10 regular Planning Commission meeting as amended.

#### Variance

Anderson, Duane & Sue, Woodrow Township, VP10-140-29-4 on property described as Lot 2, Blk 1, "Shades of Summer Addition", Section 19-140-29, PID # 51-443-0020 located at 3391 21st Ave NW. An application submitted to construct a 26 feet x 34 walk-out basement for residence located 88 feet from the lake and an application for the movement of more than 50 cubic yards of earthen material in order to construct the walk-out basement. The property contains .49 acres riparian to Trillium Lake (RD). Section 1115.3 B. of the Land Use Ordinance requires that expansion of a non-conforming residence with a walk-out basement be allowed only by variance. Section 1106.2 A. of the Land Use Ordinance requires a conditional use permit for the movement of more than 50 cubic yards within the lake setback area.

MS/P Ballenthin/Kostial to re-consider the 04/12/10 denial of the application for variance.

Conditional use permit and variance application for this property were denied during the 04/12/10 meeting. The variance application was placed on the 05/10/10 agenda for re-consideration. PC members were at the site 04/05/10. 38 notices of the variance application

were mailed. Three responses, including Woodrow Township and the Trillium Lake Association, objecting to approval of the application were received. The proposal was discussed and reviewed with the applicants. Discussion included the dimensions of the deck, shoreline vegetation, wetland area, basement excavation and the amount of material to be excavated.

MS/P Ballenthin/Fitch - Ballenthin-Yes, Fitch-Yes, Gardner-No, Gould-Yes, Kostial-Yes, Sundberg-No to approve the application for the construction of a walk-out basement for the residence located at PID # 51-443-0020 upon review of Section 805 of the Land Use Ordinance (3/1/09) with the following findings and conditions.

#### Findings:

1. The walk-out basement will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
2. The walk-out basement will have no affect to area land use because the residential use is not altered and walk-out basements which are commonly utilized in the surrounding area and throughout the county and do not increase footprint or significantly increase height and generally have minor if no visual impact.
3. The walk-out basement is reasonable means to increase the usable space of the residence based upon its size, configuration and location without increasing the footprint.
4. Financial consideration is not the sole basis of the application.
5. A standard basement for non-conforming residence is allowed by permit therefore the placement of a walk-out basement is not a substantial variation for the Land Use Ordinance standards.
6. A walk-out basement does not increase the need or demand for governmental service because no additional road access or road improvements are required.

#### Conditions:

1. The deck/walkway must be reconfigured prior to the commencement of basement construction to conform to the 4 feet x 46 feet dimension as allowed by VP08-14029-1.
2. The basement shall not exceed 26feet 8 inches x 31 feet 8 inches.
3. The bottom width of the excavation for the walk-out basement shall not exceed 8 feet and must reflect the natural contour and slope of the property.
4. Any material resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted facility.
5. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control prior to the commencement of construction.
6. No storm water run-off to the lake, to the access road from the approved structure(s), or adjoining properties is permitted. The approved structure and any structure, to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain run-off.

7. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area subject to a 14 foot wide lake access area as determined by ESD as follow: The applicant shall develop a plan for vegetation, a schedule for implementation and a good faith reasonable estimate of the cost to implement the vegetation plan all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

8. Completion of substantial implementation of the vegetation plan, as determined by ESD.

9. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

10. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all 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 AMY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Ballenthin, James & Jean, Ponto Lake Township, VP10-139-29-1 on lot 1 & Pt of Lot 2. "Snodgrass 2<sup>nd</sup> Addition to East Shore", Section 10-139-29, PID # 32-385-0010 located at 1897 E Ponto Lake Road NW. An application submitted to replace an existing 5 feet x 10 feet deck/entry with new construction of an 8 feet x 20 feet covered porch/entry on the non-lakeside of the residence. The residence is non-conforming because it is located 60 feet from the lake less than the required 100 feet. The property contains .85 acres riparian to Ponto Lake (RD). Section 1115.3 B. of the land Use Ordinance allows for the expansion of a non-conforming residence on by variance.

PC members were at the site 05/03/10. 29 notices of the variance application were mailed. No responses were received. The proposal was discussed and reviewed with the applicant.

MS/P Kostial/Fitch - Ballenthin-Abstain to approve the application for the residence expansion located upon PID # 32-385-0010 upon review of Section 805 of the Land Use Ordinance (3/1/09) along with criteria established by court decisions with the following findings and conditions.

## Findings:

1. The addition will be non-lakeside and not visible from the lake.
2. The addition will not increase the existing setback encroachment of the residence.
3. The covered porch addition will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The covered porch addition will have no affect to area land use because similar construction is used throughout the area and it will not be visible from the lake.
5. A covered porch addition is a reasonable means to increase the usable space of the residence based upon the size, configuration and location of the residence without any visual change to the appearance of the residence to the lake.
6. Financial consideration is not the sole basis of the application.
7. Although a variance is required because the residence is non-conforming, the addition will be about 90 feet from the water which is not a substantial variation from the 100 feet required for a RD lake.
8. A covered porch addition has nothing to do with an increase of the need or demand for additional governmental services.
9. No comments were received from Ponto Lake Township, agencies or persons notified.

## Conditions:

1. The expansion shall not exceed 8 feet x 20 feet.
2. Any material resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control prior to the commencement of construction.
4. No storm water run-off to the lake, to the access from the approved structure(s), or adjoining properties is permitted. The approved structure and any structure, to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain run-off.
5. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.
6. Except as allowed by Shoreland Alteration permit, the existing shoreline vegetation must not be altered.

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 AMY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Parr, Barbara & Scott, Ponto Lake Township, VP10-139-29-2 on property described as Lot 3, Blk 1, "Hay Lake Homesites", Section 1—139-29, PID # 32-391-0430 located at 1868 Hay Lake Drive NE. An application submitted to construct a 28 feet x 32 feet garage with upper level living quarters which will include a 12 feet x 20 feet deck. The guest quarters will contain 952 square feet. The property contains .7 acres riparian to Hay Lake (RD). The property being considered contains 30,492 square feet total area; about 11,000 square feet buildable area and is 125 feet wide at the narrowest point. Section 1113.1 of the Land Use Ordinance requires that in order to contain guest quarters a lot located on a Recreational Development (RD) lake must contain at least 80,000 square feet total area, 40,000 square feet buildable area and be 265 feet wide at the water and at the structure setback of 100 feet. Section 1126.5.1 of the Land Use Ordinance requires that guest quarters not exceed 900 square feet.

PC Members were at the site 05/03/10. 26 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Parr.

MS/P Gould/Ballenthin - Ballenthin-Yes, Gardner-No, Gould-Yes, Fitch-Yes, Kostial-Yes, Sundberg-No to approve the application to allow for the garage with upper level guest quarters to be located at PID # 32-391-0430 as submitted upon review of Section 805 of the Land Use Ordinance (3/1/09) along with criteria established by court decisions with the following findings and condition.

#### Findings:

1. The lot was created prior to the enforcement of current guest quarters lot size standards.
2. The garage/guest quarters will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The garage/guest quarters will not affect area land use because the residential nature of the area is unchanged and that similar style construction is utilized throughout the area and because it will not be visible from the lake.
4. The garage/guest quarters seem to be a reasonable means to increase the usable space for the property at the required setback from the lake without increasing the footprint of the non-conforming residence and without altering its appearance to the lake.
5. Financial consideration is not the sole basis of the application.
6. Although a variance is required for guest quarters, the structure will be about more than 100 feet from the lake and the amount of square feet of guest quarters living space proposed, 952, over the maximum amount allowed, 900, covers about 5 feet x 10 feet is insignificant.
7. There is no relationship of the garage/guest quarters structure to the need or demand for governmental services because no additional access or road improvements are required.
8. No comments have been received from Ponto Lake Township other agencies or persons notified.
9. The size of the guest quarters in square feet is approximately that of the square feet to be removed.

Conditions:

1. The garage/guest quarters structure shall not exceed 28 feet x 34 feet with a 12 feet x 15 feet deck and shall not exceed 28 feet to peak.
2. The structures and concrete as designated by the Site Survey/Removed Structures received 05/03/10 along with the recreational trailer camper and fold-down trailer must be removed from the site upon the new structure occupancy.
3. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
4. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures, rain gardens for example, shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
6. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

7. Completion of substantial implementation of the vegetation plan, as determined by ESD.
8. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

9. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all 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.

Peterson, Cindy & Donald, Wabedo Township, VP10-140-28 on property described as Pt of Gov Lot 7, Section 22-140-28 & Pt of Gov Lot 3, Section 23-140-28, PID # 46-022-1409 located at 1601 Gold Finch Lane NE. An application submitted to expand a non-conforming residence with a 16 feet x 20 feet addition that will be 65 feet from the lake. The property contains .5 acres riparian to Little Boy Lake (RD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 05/03/10. 44 notices of the application were mailed. One response from Wabedo Township was received. The application was reviewed with the applicant's representative.

MS/F Ballenthin/Kostial - Ballenthin-Yes, Gardner-No, Gould-No, Kostial-Yes, Fitch-No, Sundberg-Abstain to approve the application as submitted.

Trosen, Chuck & Corky, Woodrow Township, VP10-140-29-7 on property described as Pt of Gov Lot 5 & Pt of Lot 1, Blk 1, "Webb Lake Forest", Section 18-140-29, PID # 51-018-3212 located at 2374 Webb Forest Court NW. An application submitted to be allowed to create one riparian and one non-riparian lot from the existing property. The property contains 2.13 acres riparian to Webb Lake (RD). Section 1113.1 of the Land Use Ordinance requires that a riparian lot located on A Recreational Development (RD) lake contain 40,000 square feet total area, 16,000 square feet buildable area and be 150 feet wide at the water and at the narrowest point at the lake structure setback which is 100 feet and that a non-riparian lot within one quarter mile of Recreational Development (RD) contain 40,000 square feet total area, 20,000 square feet buildable area and be 150 feet wide at the mid-point of the longest axis of the lot. The proposed riparian lot will contain 62,885 Square feet total area, 16,798 square feet buildable area and be 96 feet wide at the water. The proposed non-riparian lot will contain 30,050 square feet total area, 22,280 square feet buildable area and be 155 feet wide and the mid-point of the longest axis.

PC members were at the site 05/03/10. 44 notices of the application were mailed. Two response including Woodrow Township objecting to the application were received. In addition several people in attendance spoke in opposition to the application. The application was reviewed with Mr. Trosen.

MS/P Kostial/Ballenthin to deny the application to allow for the division of PID # 51-018-3212 upon review of Section 805 of the Land Use Ordinance (3/1/09) with the following findings.

Findings:

1. The proposed riparian lot contains only 64% of the minimum required width.
2. There is no perceived need as to residential lot availability to create two lots.
3. No other basis for the application other than financial can be established.

4. The existing lot is substandard and non-conforming because at 96 feet width at the water does not comply with the required 150 feet width for a riparian lot.
- 5 Section 1116.83 B. 2. of the Land Use Ordinance requires a 25% expansion of minimum lot area for all new lots in the shoreland area.
6. The proposed non-riparian lot substantially fails to comply with the 40,000 x 125% square feet requirement because the proposed 30,050 square feet is only 60% of the minimum required.
7. Approval would have an adverse affect on the need or demand for governmental because through the creation of an additional substandard lot will result in additional development greater than the concentration provided for by ordinance and result in additional infrastructure and public services demands.
8. Approval would have substantial change in the character of the neighborhood because it would cause crowding and increased density contrary to the purpose of the ordinance.
9. The need for variance is created by the applicants because the lot as currently configured is developed with a residence and is fully usable as a residential riparian lot.
10. In light of all factors, denial of the variance best serves the interest of justice.

#### Conditional Use Permit

Schmidt, Heather, Home Brook Township, CU10-21-135-1 on property owned by Elmer & Judy Hengel described as NE SW, Section 21-135-30, PID # 17-021-3100 located west of CSAH # 1 and north of 88<sup>th</sup> St SW. An application submitted to extract and haul peat from the property. Section 1001 of the Land Use Ordinance requires than a conditional use permit (CUP) be obtained in order to conduct an extractive use such as the mining of peat. Section 1007 of the land Use Ordinance establishes extractive use requirements and standards. Section 704.2 of the Land Use Ordinance establishes CUP review criteria. The property where the peat extraction will take place contains 40 acres located among 280 acres (AF) owned by the applicants.

PC members were at the site 05/03/10. 15 notices of the application were mailed. No responses were received. The application was discussed and reviewed with Ms Schmidt.

MS/P Ballenthin/Gould to approve the application for peat extraction from PID # 17-021-3100 upon review of Sections 704.2, 1001 and section 1107 of the Land Use Ordinance (3/1/09) along with the following findings and conditions.

#### Findings;

1. The peat mining activity will take place in area separated by more than one quarter mile from Home Brook (TR).
2. The peat mining activity plan call for no more than six trucks to be utilized at one time which will not disrupt the rural remote nature of the area.
3. No critical habitat is contained in the area defined for the peat mining activity.
4. No scenic or historical features are located in the area defined for the peat mining activity.



5. The peat mining activity proposed is similar to other mining activities which all comply with local and state standards and will have no unique characteristics that could affect public health, welfare or safety.
6. Existing access to the property will be utilized which will require no additional public service or infrastructure.
7. The proposed peat mining activity does not reach mandatory EAW/EIS thresholds.
8. No comments were received from Home Brook Township, agencies or persons notified.

Conditions:

1. Peat mining shall comply with the terms, limits and conditions set forth in the application for conditional use permit. Without limiting the foregoing, the following shall apply:
  - A. The peat mining area shall be located as shown on the map submitted with the application and shall not exceed 8 - 200 feet x 200 feet abutting areas.
  - B. The peat mining extraction shall not exceed 8,800 cubic yards per 200 feet x 200 feet operation area and the total material extracted shall not exceed 70,400 cubic yards.
  - C. On or before July 1 of every year the owner shall submit to ESD an annual report of the cubic yards extracted during the prior 12 month period.
  - D. The peat mining shall only take place when the soils are frozen.
  - E. Removal of the peat from the property may take place year round but only from the hours of 8:00 AM to 5:00 PM Monday - Friday excluding state and federal holidays.
  - F. The resulting open water pond shall be configured with an irregular perimeter and bottom in order to enhance functional habitat for wildlife.
2. The applicant shall comply with all applicable WACA requirements and standards.
3. The applicant shall comply with all applicable NPDES requirements and standards.
4. ESD shall determine the need for erosion control during extract/haul operation period and if required shall install ESD approved erosion control prior to the commencement of the peat mining activity.
5. The applicant shall develop a plan for re-vegetation of the peat mining area, a schedule for implementation and a good faith reasonable estimate of the cost to implement the vegetation plan all of which shall be approved by ESD.
6. Financial assurance in the amount of \$1,500 per acre must be deposited with ESD prior to the commencement of peat mining.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all 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 AMY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Thomas, Betty & John, Birch Lake Township, CU10-140-30-1 property described as Th Pt of NW SE Lyg N & E of Twp Rd & Th Pt of NE SE Lyg N & E of Twp Rd & S & W of St Hwy 71 Less to

State for Hwy, Section 30-140-30, PID # 05-030-4001 located along the west side of TH # 371 adjacent to the south boundary of Hackensack. An application submitted to reclassify 10 acres of the property from Rural Residential - 2.5 (RR-2.5) to Commercial - 1 (C-1). The property contains 22.82 acres which 12.8 acres is C-1. Section 1001 of the Land Use Ordinance requires that land use zone reclassifications be reviewed by the conditional use permit (CUP) process, Section 704.2 of the Land Use Ordinance establishes CUP review criteria and Section 900 of the Land Use Ordinance establishes the land use district criteria. The property contains 22.82 acres (RR-2.5).

PC members were at the site 05/03/10. More than 75 notices of the application were mailed. A response objecting to the application and one from MN DOT with no objection was received. In addition, a property owner from the notification area appeared to voice her objection to the application. The proposal was reviewed and discussed with the applicants.

MS/P Gould/Gardner to approve the application as submitted to reclassify that portion of PID # 05-030-4001 not already C-1 from RR-2.5 to C-1 upon review of Sections 704.2, 900 & 1001 of the Land Use Ordinance (3/1/09) with the following findings and conditions.

#### Findings:

1. As described in Section 903.7 of the Land Use Ordinance, the application complies with the purpose of Commercial - 1 (C-1) which is to "allow for adequate areas for general retail, wholesale, office and service activities located as permitted uses in the growth and development areas adjacent to incorporated municipalities".
2. The property abuts the corporate boundary Hackensack in area which consists of a mix of commercial and residential uses.
3. More than half of the property which abuts TH # 371 is already C-1.
4. No wetland or critical habitat is contained or near the area to be reclassified.
5. No scenic or historic features are contained or near the area to be reclassified.
6. Reclassification and resulting development will not allow for uses that could adversely affect public health, safety or welfare.
7. The property abuts TH # 371 and Cemetery Road and therefore will not require additional public infrastructure.
8. Reclassification of property is not subject to EAW standards.
9. No comments were received from Birch Lake Township or agencies other than MN DOT notified.

#### Other Business

1. Request from Kathleen Sweeny to reconsider her application for variance (VP10-141-27-1) which was approved during the 03/08/10 meeting. Ms. Sweeny requests that the 03/08/10 approval be reconsidered and modified upon review of her revised plan to expand the non-conforming residence due to practical difficulties created by the kitchen/dining area configuration of the residence. VP10-141-27-1 was approved to allow for a 5 feet x 12 feet

expansion of the residence. The residence varies from 35 feet to 43 feet from the lake. The property contains .79 acres riparian to Lake Inguadona (GD).

MS/P Ballenthin/Gould to re-consider VP10-141-27-1 as requested by Ms. Sweeny.

MS/P Ballenthin/Gould to revise VP10-141-27-1 as requested with the following findings and conditions.

Findings:

1. The expansion will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
2. The expansion will not affect area land use because the residential nature of the area is unchanged and that similar style construction is utilized throughout the area.
3. The expansion is a reasonable means to increase the kitchen and dining areas of the residence without complete reconfiguration of the residence's internal space.
4. Financial consideration is not the sole basis of the application.
5. The expansion will result in an increase of about 100 square feet when compared to the existing footprint which is not a substantial departure for ordinance standards.
6. There is no relationship of the expansion to the need or demand for governmental services because no additional access or road improvements are required.
7. No comments have been received from Inguadona Township or agencies.

Conditions:

1. The expansion shall not exceed 14 feet x 24 feet plus a 1 foot overhang.
2. The site plan and structure elevations dated received 04/16/01 are adopted for implementation.
3. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
4. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures, rain gardens for example, shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
6. The existing shore vegetation shall be maintained and not altered except for that allowed by permit. In addition, a "no mow zone" as established by ESD must be maintained from the residence to the lake.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all 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.

2. Request received from Cynthia & Doug Spartz to revise CU09-138-29-1 which was approved 6/23/09 to allow a home business consisting of an entertainment venue located in a barn structure located on the property. They request that the CUP09-138-29-1 be amended to allow for the sale of alcoholic beverages for various events that would be in compliance with applicable township, county and state license requirements.

M Fitch to revise CU09-138-29-1 to allow for the sale of alcoholic beverage with the following conditions.

3. Request received from Jay Lindmeyer to revise condition # 7 of CU05-138-30-1 which was approved 9/1/05.

MS/P Ballenthin/Gould that CU05-138-30-1 shall not be revised as requested.

MS/P Fitch/Gardner at 1:55 p.m., to adjourn.

Paul Z. Fairbanks