



Cass County  
Planning Commission/Board of Adjustment

October 10, 2011

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting October 10, 2011 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted October 3, 2011 with Ballenthin, Bliss, Fitch, Gardner, Gould, Moore and Sundberg present.

Sundberg called the meeting to order at 9:00 a.m.

Members present: Ballenthin, Bliss, Fitch, Gardner, Gould, Moore and Sundberg.

Staff Present: Berg, Fairbanks, Freeman and Ringle.

Citizens Present: Pat Adams, Craig Anderson, Al Chacey, Tom Deckmann, Cody Diederich, Cheryl Donohue, David Dornfield, Brian Ekstrand, Allan Glad, Rebecca Horveida, Tim Johnson, Trevor Kemper, Harlan Kragt, Ken LaPorte, Donald Larson, Mary Ann Mahler, Donald Perkel, Donald Priebe, Joe Ranweiler, Lowell Schumacher, Gina Theisen, Tom Theisen, Mike Van Den Ayle, Ron Waddick, Eunice Wiebolt, Norm Wieland, Marcella Wosika, Marla Yoho, and Troy Zubke.

MS/P Ballenthin/Fitch to approve the minutes of the 09/12/11 PC/BOA meeting as presented.

Variance

Adams, Nancy & Patrick, Woodrow Township on property described as Lot 1, Blk 1, "Partridge Point", Section 8-140-29, PID # 51-360-0105 located at 1745 Partridge Lane SW. An application submitted to expand an existing non-conforming 28 feet x 36 feet residence with a 28 feet x 34 feet addition/deck 90 feet from the lake. The residence is non-conforming because it is 95 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .96 acre riparian Baby Lake (RD).

PC members were at the site 10/03/11. 41 notices of the application were mailed. Two responses including that of Woodrow Township both recommending denial of the application were received. The application was discussed and reviewed with the Mr. Adams.

MS/P Ballenthin/Fitch to approve the application to expand the residence located upon PID # 51-360-0105 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The lot was platted in 1972 and vacant until 1992.
2. The residence was constructed with a 1992 permit when the setback from Baby Lake was 85 feet.
3. Subsequent to 1992 the lake setback was changed to 100 feet.
4. The setback as measured 10/03/11 is 95 feet from the deck to the lake.
5. The garage was constructed with a 2001 permit in accordance with right-of-way setback.
6. The proposed expansion is a reasonable use of residential property and located as proposed, subject to the conditions, will 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.
7. The size of the expansion is not excessive and located to be as least obtrusive to the lake and the neighborhood and 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 residence with expansion seems not excessive, extreme and not substantially different from many other Baby Lake residences and therefore there is no reason to conclude that that area land use will be negatively affected or altered.
9. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a Permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of

financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 09/09/11.
2. The expansion setback shall not be closer to the lake than the westerly extension of the foundation of the existing foundation.
3. The height to peak of the expansion shall not exceed that of the existing residence.
4. Any debris resulting from demolition or construction not reused or recycled 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 placement prior to the commencement of construction.
6. No storm water run-off to the lake or to adjoining properties is permitted. The approved expansion and structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake and adjoining properties.
7. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.
8. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method nor shall the structure to be expanded be reduced to "one wall".
9. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
10. Upgrade current fire pit to provide for containment of ash in order to prevent run-off to lake.
11. Approval expires 10/10/13.

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.

Donohue, Cheryl & Tim, Birch Lake Township on property described as Lot 3, "Laugesons Pine Beach", Section 22-140-30, PID # 05-421-0030 located at 3289 Warbler Drive NW. An application submitted to expand an existing non-conforming deck with a 10 feet x 12 feet addition 65 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). The property contains .62 acre riparian to Pleasant Lake (GD).

PC members were at the site 10/03/11. 37 notices of the application were mailed. No responses were received. The application was reviewed and discussed with Cheryl and Tim Donohue.

MS/P Ballenthin/Gardner to approve the application as submitted to expand the deck of the residence located at 05-421-0030 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The property became a lot of record in 1958.
2. A 1978 ISTS permit notes the setback of the residence as 68 feet.
3. A 10 feet x 18 feet was constructed with permit in 1990.
4. The proposed deck expansion will be no closer to the lake than the existing deck.
5. The deck expansion is a reasonable use of residential property and located as proposed, subject to the conditions, will 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 size of the deck expansion is not excessive and located to be not obtrusive to the lake and the neighborhood and 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 residence with a larger deck seems not excessive, extreme and not substantially different from many other Pleasant Lake residences and therefore there is no reason to conclude that that area land use will be negatively affected or altered.
8. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a Permit until inspection by ESD, correction of any

circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The dimensions of the deck expansion shall not exceed that submitted 09/09/11.
2. The deck expansion setback shall not be closer to the lake than the setback of the existing deck.
3. The height to peak of the expansion shall not exceed that of the existing residence.
4. Any debris resulting from demolition or construction not reused or recycled 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 placement prior to the commencement of construction.
6. No storm water run-off to the lake or to adjoining properties is permitted. The approved expansion and structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake and adjoining properties.
7. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.
8. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method nor shall the structure to be expanded be reduced to "one wall".
9. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
10. Approval expires 10/10/13.

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.

Frederick, Joseph, Pine River Township on property described as NE NE, NW NE, NE SW NE, & N  $\frac{1}{2}$  of SE NE, Section 2-138-30, PID # 31-002-1100 located at 135 28<sup>th</sup> Ave. An application submitted to exceed the maximum structure height which is 30 feet to peak. The application requests approval of a residence 48 feet to peak. Section 1126.2 of the Land Use Ordinance requires structures not to exceed 30 feet from ground to peak. The property contains 113.9 acres in the non-shoreland area.

PC members were at the site 10/03/11. 29 notices of the application were mailed. No responses were received. The application was reviewed and discussed with Mr. Frederic.

MS/P Ballenthin/Gardner to approve the application as submitted for increased height to peak of the residence to be located at 31-002-1100 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The building site lies within a parcel containing 113.9 acres.
2. The building site is screened from neighboring property to the south, west and 28<sup>th</sup> Ave to east with a large pasture to the north.
3. Based upon the location and the size of the parcel the height to peak is not unreasonable use of residential property and located as proposed, subject to the conditions, will 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.
4. The height to peak is not excessive based upon the parcel size and the neighborhood and 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 residence with a higher height to peak seems not excessive or extreme when compared with the sparsely developed area of its location along with the size of the parcel that it will be located upon.
6. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the residence shall not exceed that submitted 09/16/11.
2. The existing screening to the building site must be maintained and replaced as needed. Additional screening with trees shall be installed and maintained on all four sides of the building site such that when mature the trees shall provided not less than 50% coverage of the structure assuming summer leaf on conditions.
3. Any debris resulting from construction not reused or recycled must be disposed of in a permitted 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 adjoining properties is permitted. The approved structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to adjoining properties.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 10/10/13.

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.

Goodwin, Lee/Mary Deck Trust, Wabedo Township on property described as E 100 Feet of W 300 Feet of Gov Lot & E 100 Feet of W 300 Feet of NW SW lying N of Hwy 84, Section 20-140-28, PID # 46-020-2303 located at 3428 Hunters Bay Road NE. An application submitted to expand an existing non-conforming residence with a 14 feet x 28 feet addition. The residence is non-conforming because it is located 35 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115.3 of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The parcel contains 2.2 acres riparian to Woman Lake (GD).

PC members were at the site 10/03/11. 29 notices of the application were mailed. One response from Wabedo Township recommending denial of the application was received. The application was discussed and reviewed with the applicant's representative Mr. Wallin.

MS/P Fitch/Gardner to table consideration of the application to the 11/14/11 meeting in order for Mr. Wallin and the applicant to consider other expansion location options.

Hoveida, Bahman & Rebecca, Fairview Township on property described as Lot 24, Blk 1, "Timber Ridge Third Addition", Section 36-134-30 located at 2171 Red Oak Drive SW. An application submitted to be allowed to retain as Lot 24, Blk 1, "Timber Ridge Third Addition", Section 36-

134-30, PID # 14-443-0140 located at 2171 Red Oak Drive SW. An application submitted, "after the fact", to be allowed to retain a storage structure located 30 feet from the lake, a five feet wide stairway to the lake and a patio located 52 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be located 75 feet from a lake classified General Development (GD), Section 1126.6 of the Land Use Ordinance of the Land Use Ordinance requires that stairways to be not more than four feet wide, and Section 1126.7 of the Land Use Ordinance requires that a patio not be setback from the lake less than 15 % of the structure setback which in this instance is 63 feet. The parcel contains 1.3 acres riparian to Lake Sylvan (GD).

PC members were at the site 10/03/11. 57 notices of the application were mailed. 13 responses, including Fairview Township, all save one urging denial of the application were received. The application was discussed and reviewed with Rebecca Hoveida and the Trevor Kemper.

MS/P Moore/Gardner - Ballenthin/No, Bliss/Yes, Fitch/No, Gardner/Yes, Gould/No, Moore/Yes Sundberg/No to approve the application as submitted for the "after the fact" for the activities located upon PID # 14-443-0140 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria contained in M.S. 394.27, Subdivision 7. Motion failed.

MS/P Ballenthin/Gould - Ballenthin/Yes, Bliss/No, Fitch/Yes, Gardner/Yes, Gould/Yes, Moore/No, Sundberg/Yes to deny the application as submitted for the "after the fact" for the activities located upon PID # 14-443-0140 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria contained in M.S. 394.27, Subdivision 7 with the following findings and conditions.

#### Findings:

1. The lot was platted in 1974 with the residence constructed in 1992.
2. The width of the walkway was measured 10/03/11 at 60 inches and the patio at 52 feet from the lake.
3. The storage structure is less than 75 feet from the lake.
4. The applicant had knowledge that a permit was required for the walkway and patio because applicant had applied to Cass County for a permit in June 2011 for a deck expansion. The applicant's statement that she thought a permit was needed from the DNR in not credible based upon the applicant's prior permit application to Cass County.
5. The applicant had knowledge that approval by a third party was required because the proposed improvements require approval as set forth in the Covenants and Declarations governing the plat of "Timber Ridge Third Addition" of which the property is a part and the applicant failed to obtain that approval.
6. There is no evidence that the cost of compliance in moving the storage structure and correcting the violations relating to the walkway and patio as set forth in the conditions are excessive or unreasonable.



7. Approval of "after the fact" variance except as permitted in the conditions will alter the essential character of the neighborhood because of the lack of similar structures in the development of which the property is a part.
8. Allowance of the "after the fact" variance as requested except as permitted in the conditions is unreasonable.

Conditions:

1. The storage structure shall be moved to a distance at least 75 feet from the lake.
2. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.
3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
4. The property must be returned to compliance with the requirement of the Land Use Ordinance no later than 06/30/12.
5. The stairway within the 75 feet setback must comply with the maximum width as prescribed by Section 1126.1 of the land Use Ordinance.
6. The stairway beyond the 75 feet setback may remain as constructed.
7. The patio may encroach to the lake not more than 15 % of the 75 feet setback

Johnson, Thomas & Shareen, Wildwood Beach Resort, Woodrow Township on property described as Part of Gov Lot 2, Section 10-140-29 & Part of Gov Lot 7, Section 3-140-29, PID # 51-010-2209 located at 4417 Buxton Road NW. An application submitted to expand an existing resort cabin with a 10 feet x 16 feet addition to the side of the cabin and to move the existing 7 feet x 10 feet deck to lakeside. Section 1104 E. 2. b. of the Land Use Ordinance which allows for the replacement existing resort structures provided there is no increase of footprint. Section 1115.3 of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 6.73 acres riparian to Mann Lake (RD).

PC members were at the site 10/03/11. 30 notices of the application were mailed. One response from Woodrow Township which recommends approval of the application was received. The application was discussed and reviewed with Sherry and Tom Johnson.

MS/P Fitch/Gardner to approve the application as submitted for expansion of a resort cabin located upon 51-010-2209 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The property was a resort prior to the adoption of land use regulation in the county.
2. The cabin is less than 100 feet from the lake.
3. The proposed expansion is a reasonable use of the resort property and located as proposed, subject to the conditions, will 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.
4. The size of the expansion is not excessive and located to be as least obtrusive to the lake and the neighborhood and 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 cabin with expansion seems not excessive, extreme and therefore there is no reason to conclude that that area land use will be negatively affected or altered.
6. There is no reason to conclude that financial consideration is the sole reason for the application.
7. As verified by ESD staff placement of the deck lakeside will comply with the 15% limit.
8. The expansion is consistent with the County Board's policy to support the viability of the resort industry in the county.
9. Wildwood Beach Resort is well maintained, in harmony with its surroundings and an asset to the county.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 09/20/11.
2. The height to peak of the expansion shall not exceed that of the existing cabin.
3. Any debris resulting from demolition or construction not reused or recycled must be disposed of in a permitted 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 or to adjoining properties is permitted. The approved expansion and structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake and adjoining properties.
6. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.
7. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method nor shall the structure to be expanded be reduced to "one wall".
8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
9. Approval expires 10/10/13.

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.

Larson, Donald, Wabedo Township on property described as Lot 22 & Nly  $\frac{1}{2}$  of Adjacent Shady Lane, "Island View", Section 18-140-28, PID # 46-407-0220 located at 3491 Island View Road NE. An application submitted to construct a 14 feet x 37 feet deck to a residence that is 40 feet from the lake. In addition the application request to be allowed to construct retaining walls that will exceed 4 feet in height without an engineered plan. Section 1126.8 of the Land Use Ordinance allows for the placement of a deck to a non-conforming residence provided the encroachment of the deck does not exceed 16 feet or 15% of the existing lake setback and that the deck is not located less than 40 feet from the lake. Section 1126.9 of the Land Use Ordinance requires that a retaining wall not exceed 4 feet in height without a plan signed by a registered engineer. The property contains .32 acre riparian to Woman Lake (GD).

PC members were at the site 09/06/11 and 10/03/11. 32 notices of the application were mailed for both meetings. Four responses were received. The application was discussed and reviewed with Mr. Larson.

MS/P Fitch/Gardner to deny the application as submitted for a deck for the residence located upon PID # 46-407-0220 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria contained in M.S. 394.27, Subdivision 7 with the following findings.

Findings:

1. The residence was constructed with permit in 1973 at 50 feet without a deck.
2. The deck unavoidably obtrusive from the lake and will affect run-off to the shoreline therefore it can be concluded that a variance for the new construction does contradict the purpose of the official control, 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 also to promote the health, safety, general welfare.
3. The deck is unreasonable in size and located to be unavoidably obtrusive to the lake which does 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 deck has the potential to affect area land use because of the close proximity to the lake in contrast to the immediate area.

Lawson, David, Crooked Lake Township on property described as RLS # 10, Tract E, Section 33-139-26, PID # 12-033-4314 located at 40 Roosevelt Shore Drive. An application submitted to expand an existing non-conforming residence with a 10 feet x 18 feet. The residence is non-conforming because it is located 60 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .7 acre riparian Lake Roosevelt (GD).

PC members were at the site 10/03/11. 23 notices of the application were mailed. One response in support of the application was received. The application was discussed and reviewed with the applicant's representative Mr. Ranweiler.

MS/P Ballenthin/Bliss to approve the location and configuration of the addition as submitted for the residence located upon PID # 12-033-4314 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria contained in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The lot was created by RLS in 1990 and no record can be located as the construction of the residence.
2. The residence as allowed by statute could be reconstructed at current dimension and volume.
3. The expansion is a reasonable use of residential property and located as proposed, subject to the conditions, will 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.

4. The proposed expansion is not excessive in size and located in a manner to be as least obtrusive to the lake and the neighborhood and 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 expansion is not excessive, extreme and is similar in size to many Lake Roosevelt.

6. The expansion will comply with the lake setback on the east side of the residence.

7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.

2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions and configuration of the expansion shall not exceed that submitted 09/13/11.

2. Any debris resulting from demolition or construction no reused or recycled 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 placement prior to the commencement of construction.

4. No storm water run-off to the lake or to adjoining properties is permitted. The approved expansion and structure, 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 structure run-off and prevent run-off to the lake and adjoining properties.

5. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to

reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.

6. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method nor shall the structure to be expanded be reduced to "one wall".

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

8. Approval expires 10/10/13.

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.

Perkl, Donald, Fairview Township on property described as Lots 25 -27, "Birch Bay on Big Gull", Section 5-134-29, PID #s 14-363-0250 & 14-363-0260 located at 9856 Birch Bay Drive SW. An application submitted to expand an existing non-conforming residence with a 13 feet x 13 feet non-lakeside addition. The residence is non-conforming because it is located 40 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 2.03 acres riparian to Gull Lake (GD).

PC members were at the site 10/03/11. 43 notices of the application were mailed. Two responses, including Fairview Township, both recommending approval with were received. The application was discussed and reviewed with the applicant's representative Mr. Waidelich.

MS/P Moore/Ballenthin to approve the application as submitted for the expansion of the residence located upon PID # 14-363-0250 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The property became a lot of record in 1958.
2. No record of permit for the construction can be located therefore it is presumed that it was constructed prior to 1972 at 40 feet from the lake.
3. The expansion will be non-lakeside and not affect the lake setback of the residence.
4. The expansion is a reasonable use of residential property and located as proposed, subject to the conditions, will 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.
5. The size of the expansion is not excessive and located to be not obtrusive to the lake and the neighborhood and 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 residence with the expansion seems not excessive, extreme and not substantially different from many other Gull Lake residences and therefore there is no reason to conclude that that area land use will be negatively affected or altered.

7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 09/21/11.
2. Any debris resulting from demolition or construction not reused or recycled 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 placement prior to the commencement of construction.
4. No storm water run-off to the lake or to adjoining properties is permitted. The approved expansion and structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake and adjoining properties.
5. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.

6. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method nor shall the structure to be expanded be reduced to "one wall".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval expires 10/10/13.

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.

Priebe, Donald, Hiram Township on property described as E 100 Feet of W 904 Feet of Gov Lot 1, Section 18-140-31, PID # 16-018-2204 located at 7139 39<sup>th</sup> St NW. An application submitted to divide the current lot into a riparian lot which would be 130 wide at the water and 100 feet wide at the structure setback and contain 25,000 square feet total area and a non-riparian lot 100 feet wide with 3.55 acres. Section 1113.1 of the Land Use Ordinance requires a new RD riparian lot be 150 feet wide at the water, 150 feet wide at the 100 feet structure setback, contain 40,000 square feet total area and 16,000 square feet buildable area. A non-riparian RD lot must be 150 feet wide at the midpoint of the longest axis, contain 40,000 square feet total area and 20,000 square feet buildable area. The property contains 4.59 acres riparian to Crystal Lake (RD).

PC members were at the site 10/03/11. 22 notices of the application were mailed. No responses were received. The application was discussed and reviewed with Mr. Priebe.

MS/P Ballenthin/Gould to approve the application as submitted for the split of PID # 16-018-2204 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The property became a lot of record in 1950.
2. The property exceeds the area requirements but not minimum width.
3. The riparian portion of the lot division will comply with area standards but not minimum width.
4. The lot division will not create additional riparian lots.
5. The lot division is a reasonable use of residential property and located as proposed, subject to the conditions, will 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.
5. The lot division will not be noticeable to adjacent property and the neighborhood and 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 lot division seems not excessive, extreme and not substantially different from many other Lake Crystal parcels and therefore there is no reason to conclude that that area land use will be negatively affected or altered.

7. There is no reason to conclude that financial consideration is the sole reason for the application.

Conditions:

1. The dimensions of the riparian lot must comply with the area standards of 50,000 square feet.
2. The non-riparian area shall not have access to 39<sup>th</sup> Street NW nor contain frontage to 39<sup>th</sup> Street NW and the non-riparian area must be attached as one piece to an adjoining lot and shall not be developed individually.
3. Approval expires 10/10/13.

Schumacher, Jacqueline & Lowell, Hiram Township on property described as Lots 17-20, "Ritzmound", Section 14-140-31, PID # 16-423-0170 located at 5484 Whispering Pines. An application submitted to remove the existing residence with new construction of a 36 feet x 38 feet residence/deck / 6 feet x 36 feet covered porch 42 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). The property contains .75 acre riparian Birch Lake (GD).

PC members were at the site 01/03/11. 46 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the Schumachers.

MS/P Fitch/Moore to approve the application for the residence to be located upon PID # 16-423-0170 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The lot was platted in 1929.
2. The proposed location is a reasonable use of residential property and located as proposed, subject to the conditions, will 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.
3. The proposed location is not excessive and located to be as least obtrusive to the lake and the neighborhood and 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.

4. The residence location seems not excessive, extreme and not substantially different from many other Birch Lake residences and therefore there is no reason to conclude that that area land use will be negatively affected or altered.
5. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is 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 \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the residence including decks 42 feet x 50 feet.
2. Any debris resulting from demolition or construction not reused or recycled 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 placement prior to the commencement of construction.
4. No storm water run-off to the lake or to adjoining properties is permitted. The approved expansion and structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake and adjoining properties.
5. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 10/10/13.

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.

Van Den Avyle, Michael, Woodrow Township on property described as N 220 Feet of SW SE, Section 17-140-29, PID # 51-017-4302 located at 1764 S Kerr Lake Drive NW. An application submitted to replace an existing non-conforming 16 feet x 18 feet guest cabin with new 16 feet x 18 feet construction 130 feet from the lake. The guest cabin is non-conforming because it is located 130 feet from the lake and because the lot does not comply with the minimum lot size requirements to contain a primary residence and a guest residence. Section 1113.1 of the Land Use Ordinance requires a riparian lot on a Natural Environment Lake (NE) to contain 120,000 square feet total area and 60,000 square feet buildable area, be 300 feet wide at the water and be 300 feet wide at the 150 feet structure setback. The applicant's lot contains 204,732 square feet total area, exceeds 60,000 square feet buildable area and is about 225 feet wide at the lake and setback. Section 1126.1 A. of the Land Use Ordinance requires structures to be 150 feet from a lake classified Natural Environment (NE). The property contains 4.7 acres riparian to Kerr Lake (NE).

PC members were at the site 10/03/11. 23 notices of the application were mailed. Two responses including that of Woodrow Township both recommending approval were received. The application was discussed and reviewed with Mr. Van Den Ayle.

MS/P Ballenthin/Gardner to approve the application as submitted for the location and configuration for a structure upon PID # 51-0174302 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The lot was created prior to 1962.
2. The structure could be replaced by permit at current setback and volume.
3. The proposed expansion is a reasonable use of residential property and located as proposed, subject to the conditions, will 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.
4. The size of the expansion is not excessive and located to be as least obtrusive to the lake and the neighborhood and 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 expansion seems not excessive, extreme and not substantially different from many other Kerr Lake properties and therefore there is no reason to conclude that that area land use will be negatively affected or altered.
6. There is no reason to conclude that financial consideration is the sole reason for the application.

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 dimensions of the structure shall not exceed that submitted 07/29/11 and shall not be less than 140 feet from the lake.
2. Any debris resulting from demolition or construction not reused or recycled 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 placement prior to the commencement of construction.
4. No storm water run-off to the lake or to adjoining properties is permitted. The approved expansion and structure if determined necessary by ESD shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake and adjoining properties.
5. Shore vegetation shall be maintained in its existing type, configuration, and density or as determined by ESD shall be installed and maintained in a buffer area, subject to a 14 feet wide lake access area. The applicant shall submit a written plan for a native vegetation buffer to reduce/eliminate nutrient run-off to the lake which shall have written approval by ESD. The plan shall include a schedule for implementation and an estimate of the cost to implement. The plan shall include a buffer within an area defined in the plan and approved by ESD.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval shall expire 10/10/13.

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

Diederich, Cody, Pine River Township on property described as S 95 feet of N 975 Feet of E  $\frac{1}{2}$  of NE  $\frac{1}{4}$ , PID # 31-014-1102 located at 853 28<sup>th</sup> Ave SW. An application submitted to establish

home business as a used car broker. The applicant will buy cars for resale at used car auctions. No more than two cars for such purpose will be on the site at any one time and no maintenance or repair activities will take place at the site. Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 1110 of the Land Use Ordinance require a conditional use permit when business activity takes place other than in the primary residence. The property contains 15 acres in the non-shoreland area.

PC members were at the site 10/03/11. 31 notices of the application were mailed. One response favoring approval of the application was received. The application was discussed and reviewed with Mr. Diederich.

MS/P Ballenthin/Moore to approve the application as submitted for the location and configuration for a residence at PID # 72-340-0150 upon review of Sections 705 1110 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. There is no evidence that the home business will cause adverse effects to adjoining property.
2. The home business will not create any burden to parks, schools, street or other public facilities.
3. No wetland or critical habitat will be disturbed by the home business.
4. No scenic or historic features will be affected by the home business.
5. No threat to public health safety and welfare can be expected from the home business.
6. Existing access to 28<sup>th</sup> Ave will be utilized therefore no additional public infrastructure is needed.
7. The home business does reach mandatory EAW threshold.

Conditions:

1. No more than two vehicles obtained for resale shall be on the property at any time.
2. No maintenance, repair, body work, restoration or other improvements to motor vehicles for resale or any related vehicle activity shall take place on the property.
3. A vegetation buffer of not less than 50 feet shall be maintained from all property boundaries to screen the used car business from adjoining properties.
4. Any exterior lighting used on the property shall be baffled to direct light downward to the property and not cast direct light to any adjoining property.
5. Applicant shall comply with all other requirements of law, including without limitation compliance with all sign ordinances of Cass County and all laws of Minnesota regulating used car sales businesses.

The Shores of Pine Point LLC, Turtle Lake Township on property described as Gov Lot 3 Excluding East 654.06 Ft Thereof, Section 31-143-30, PID # 45-231-2403 located at 9693 Pine Point Road NW. An application submitted to establish 12 RV sites. Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 1104.9

of the Land Use Ordinance establishes the resort density and expansion standards. The property contains 11.29 acres riparian to Leech Lake (GD). Consideration of this application was tabled during the 09/12/11 meeting in order for the applicants to supplemental information as requested for storm water run-off and shoreline vegetation.

PC members were at the site 09/06/11. More than 75 notices of the application were mailed for each meeting. Five responses recommending approval was received. The application was discussed and reviewed with Troy Zubke and Tim Johnson.

MS/P Moore/Gardner to approve the application as submitted for the RV site locations configuration of the easement roadway upon review of Sections 705 and 1104.9 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. Allowable density for the expansion is available.
2. There is no evidence that the expansion will cause adverse effects to adjoining property.
3. The expansion will not create any burden to parks, schools, street or other public facilities.
4. Waste water treatment complies with applicable county and state standards.
5. The expansion in the second tier will not increase to or pollute public waters.
6. No wetland or critical habitat will be disturbed by the expansion.
7. No scenic or historic features will be affected by the expansion.
8. No threat to public health safety and welfare can be expected due to the expansion.
9. Existing access to CSAH # 72 and existing private waste water treatment will be utilized therefore no additional public infrastructure is needed.
10. The expansion does not reach mandatory EAW threshold.

Conditions:

1. The expansion shall comply with all applicable DOH standards and requirements.
2. The expansion shall comply with the site plan submitted with the application.

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

Glad, Allan, Crooked Lake Township on property described as Lots 17 -20 Less W  $\frac{1}{2}$  Lot 20, "Andresen Bay", Section 14-139-26, PID # 12-422-0170 located at 6541 Andresen Bay Trail. A request received to revise VP10-139-26-2 by considering revision to shoreline restoration requirement. The property contains 1.86 acres riparian to Lake Roosevelt (GD). No action taken, Mr. Glad will consult with ESD to resolve the situation.

Kragt, Harlan, Inguadona Township on property described as Lot 1, "Holiday Acres", Section 7-141-27, PID # 18-358-0010 located at 6063 Macemon Road NE. A request received to revise VP11-141-27-2 to allow new construction at the setback of the residence which has been removed. The property contains 1.1 acres riparian to Long Lake (GD).

MS/P Moore/Gould not to revise the initial approval.

Lauer, Catherine & Edward, Powers Township on property described as Part of Gov Lot 3, Section 21-139-30, PID # 34-021-1405 located at 1020 W Horseshoe Drive NW. A request received to revise VP11-139-30-2 to allow for an additional 4 feet x 28 feet in the size of the garage. The property contains 3.4 acres riparian to Horseshoe Lake (RD).

MS/P Ballenthin/Gould to revise as submitted.

MS/P Moore/Gardner at 3:40 pm, to adjourn.

P. Fairbanks