



Cass County  
Planning Commission/Board of Adjustment

May 14, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting May 14, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted May 7, 2012 with Ballenthin, Bliss, Fitch, Gardner, Kostial Moore and Sundberg present.

Ballenthin called the meeting to order at 9:15 a.m.

Members present: Ballenthin, Bliss, Fitch, Gardner, Kostial and Moore.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Greg Anderson, Kathi Anderson, Dawn Bennett, Dave Bobrowsky, LaValle Bobrowsky, Cheryl Collins, Don Collins, Charles Duke, Cleopatra Duke, Scott Eastman, Bill Elliot, Judy Elliot, Walter Haton, Bonnie Hiniker, Doreen Johnson, Jerry Johnson, Greg Lissick, Judy Lissick, Jerry Robertson, David Vogt, Donna Vogt, Terry Voigt, Wendy Voigt, Norm Wieland and Guy Wikman.

MS/P Fitch/Moore to approve the minutes of the 04/09/12 PC/BOA as presented.

Variance

Anderson, Gregory, Leech Lake Township on property described as Lot 5, Block 1, "First Addition to Bluebird Point" & Part of Gov Lot 3, Section 26-143-31, PID # 20-026-3209 located at 10143 Mounds Point Drive NW. An application submitted to construct a 40 feet x 75 feet, 3000 square feet accessory structure. The proposed structure would bring total accessory structure on the lot to 3,780 square feet. Section 1101 of the Land Use Ordinance allows for 1,800 square feet on a lot that contains 1.5 - 1.99 acres. The property contains 1.9 acres riparian to Leech Lake (GD).

PC members were at the site 04/02/12. 39 notices of the application were mailed with one response received from the Leech Lake Association objecting to approval received. Mr. Anderson informed the members of his intention to revise the application to a 30 feet x 60 feet structure which will contain 1,800 square feet. The application was discussed and reviewed with the applicant mainly in regard to the potential affect of the proposed structure to the surrounding area and what might constitute appropriate screening.

MS/P Kostial/Moore to table consideration of the application until the 06/11/12 meeting in order for the applicant and ESD to consider screening options to present to the members.

Bennett, Dawn & John, Birch Lake Township on property described as Part of Gov Lot 7, Section 29-140-30, PID # 05-029-3102 located at 2931 43<sup>rd</sup> Ave NW. An application submitted to construct 28 feet x 38 feet garage to be located 105 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 150 feet from a classified natural Environment (NE). The property contains 1.22 acres riparian to Poquet Lake (NE).

PC members were at the site 05/07/12. 13 notices of the application were mailed. No responses. The application was discussed and reviewed with the applicants.

MS/P Moore/Gardner to approve the location of a garage to be constructed upon PID # 05-029-3102 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. There is no record of a permit for the garage to be removed but it can be reasonably assumed from the site visit that it was constructed prior to the adoption of land use regulation 105 feet from the lake.
2. The proposed new garage will not be closer to the lake than the existing garage.
3. The new garage will involve a minor expansion away from the lake which seems a reasonable use of the property when taking into account the location of the existing garage and the configuration of the lot and will not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The size of the proposed garage is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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 garage will not be excessive in size or scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
6. There is no reason to conclude based upon the size and location of the proposed garage that water quality will be negatively affected.
7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions and location of the garage shall not exceed that submitted 04/13/12.
2. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval shall expire 05/14/14.

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.

Collins, Cheryl, Hiram Township on property described as E 150 Feet of W 1,030 Feet Gov Lot 3, Section 18-140-31, PID # 16-018-1203 located at 6943 39<sup>th</sup> St NW. An application submitted

to expand a non-conforming residence with a 10 feet x 24 feet addition to the non-lakeside of the structure. The residence is non-conforming because it is located 85 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 7.84 acres riparian to Chrystal Lake (RD).

PC members were at the site 05/07/12. 13 notices of the application were mailed. One response in support of approval of the application was received. The application was discussed and reviewed with Ms. Collins.

MS/P Kostial/Gardner to approve the application for expansion of the non-conforming residence located at PID # 16-018-1203 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 residence was constructed in 1980 with permit when the setback from the lake was required to be 85 feet.
2. The proposed expansion will not be observable from the lake.
3. The proposed expansion which will not be significant in size and away from the lake seems a reasonable use of the property when taking into account the location of the residence and 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 proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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 will not be excessive in size or scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
6. There is no reason to conclude based upon the size and location of the proposed expansion that water quality will be negatively affected.
7. There is no reason to conclude that financial consideration is the sole reason for the application.
8. There is evidence of storm water run-off erosion on the sides of the residence which flows to the lake which must be addressed in the conditions of approval.

NOTICE TO APPLICANT: If the following conditions are included, 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 and storm water is approved by ESD and agreed to be implemented by applicant.
3. Financial assurance as required by Condition #6 shall be paid to ESD.
4. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
5. 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 location of the expansion shall not exceed that submitted 04/13/12.
2. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved expansion combined with the existing residence structure if determined necessary by ESD shall redirect run-off to eliminate erosion and prevent run-off to the lake and adjoining property. The applicant shall submit to ESD financial assurance in the amount of \$1,000 to secure performance of the storm water management plan.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval shall expire 05/14/14.
8. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO

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

Duke, Charles & Cleopatra, Kego Township on property described as Lot 7, Blk 1, "Point of View", Section 24-141-28, PID # 19-427-0135 located at 5942 Mirabella Trail. An application submitted "after the fact" to be allowed to retain an accessory structure detached garage that has been constructed 5 feet from a property boundary line and to retain a platform that has been constructed to contain 200 square feet and is located less than 10 feet from the OHWL. Section 1126.1 B. of the Land Use Ordinance requires structures to be 10 feet from the closest property boundary line. Section 1126.7 of the Land Use Ordinance requires that a platform not exceed 150 square feet in size and be located at least 10 feet from the OHWL. The property contains .87 acre riparian to Long Lake (GD).

Consideration of this application was table during the 04/09/12 meeting in order for the applicants to have a licensed surveyor verify the location of the property boundary line in question. PC members were at the site 04/02/12. 61 notices for the April and May meetings of the application were mailed. One response favoring approval and one response objecting to approval of the application were received for the April meeting. One response objection to the application was received for the May meeting. The application was discussed and reviewed with the applicants. Verification of resolution

MS/P Kostial/Fitch to deny the application for variance for the garage located upon PID # 19-427-0135 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. A permit was obtained in 2010 for construction of the garage which included a site plan which indicated setback from the closest property boundary line of at least 10 feet which complied with the side yard setback requirements of the Land Use Ordinance.
2. The applicants have submitted a survey dated May 1, 2012 which show the garage from 1.9 feet to 3.6 feet from the property boundary line.
3. Cass County does not verify property boundary lines and it is the landowner's obligation to insure that the setback requirements of the permit are met.
4. The failure to construct the garage at the permit required 10 feet setback resulted from the landowners' failure or the failure of the applicants' contractor, who is the agent of the landowners, to verify the property boundary line.
5. As demonstrated by the survey dated May 1, 2012 accurate determination of the property boundary line was practical and feasible.
6. It does not appear that the non-compliance was willful.
7. When considering cost and construction variables, the garage foundation slab can be reasonably extended away from the property boundary line and the garage can be reasonably moved onto the extended slab to comply with the 10 feet requirement. The costs involved would constitute solely economic consideration which is an improper basis to approve a variance.

8. The proposed variance is not consistent with the Comprehensive Plan which contains policies designed to balance development which conserves and enhances the natural beauty and resources of the County for the present and future and to protect the County's natural resources from degradation to which side yard are an appropriate means to reach said balance.
9. Failure to observe side yard setback reduces open space and impairs natural landscape aesthetics and views to which 1.9 feet to 3.6 feet will not conserve or enhance the natural beauty provided by open space between riparian lots.
10. The proposed variance is not in harmony with the intent and purposes of the Land Use Ordinance which is intended to protect, preserve and enhance the quality of open space for future generations and therefore contains setback requirements which also minimize conflicts between adjoining property owners and their use of their property, provide for emergency access, allow for maintenance of property and structures without encroaching upon adjoining property, provide open space, provide improved aesthetics and views and reduce crowding of structures.
11. The proposed variance of 1.9 feet to 3.6 feet is a substantial variation from the provisions of the Land Use Ordinance and would substantially reduce the open space it is intended to preserve.
12. There are no circumstances unique to the property to prevent compliance with the requirements governing property boundary line setback.
13. The property is large enough to fully comply with applicable requirements.
14. The area consists of riparian lots with considerable open space between structures to which the proposed variance will alter because the location of the structure impairs the adjoining property owners' view of the lake.

Conditions:

1. The garage must be brought into compliance by 11/10/12.
2. The portion existing slab foundation within the setback area may remain but all foundational blocks must be removed from the encroachment area nor shall any structure be placed there.

Elliot, Judy & Willard, Powers Township on property described as Lot 3, "Sanborn Heights", Section 27-139-30, PID # 34-451-0030 located at 3264 6<sup>th</sup> St NW. An application submitted to expand a non-conforming residence with a 7 feet x 14 feet addition. The residence is non-conforming because it is located 51 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 .88 acres riparian to Sanborn Lake (RD).

PC members were at the site 05/07/12. 42 notices of the application were mailed with no responses received. The application was discussed and reviewed with the applicants.

MS/P Gardner/Bliss to approve the expansion of the residence located at PID # 34-451-0030 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 was platted in 1952 and construction of the original residence most likely occurred prior to land use regulation.
2. The proposed expansion seems a reasonable use of the property when taking into account the proposed location and configuration of the residence which 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 size of the proposed expansion is not excessive when considering current size of the residence which will 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 land use in the area is similar therefore there is no reason to conclude that the expansion will have any affect to area land use.
5. There is no reason to conclude that the proposed expansion will affect ground water quality.
6. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 04/16/12.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.



3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 05/14/14.
8. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".

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.

Haton, Mary & Walter, Gould Township on property described as Part of Gov Lot 12, Tract F & Undivided 1/8 Interest in Tract K, Section 25-143-29, PID # 15-125-4417 located at 10069 1<sup>st</sup> Ave NW. An application submitted to construct a 24 feet x 24 feet, 768 square feet accessory structure. The proposed structure would bring total accessory structure on the lot to 1,728 square feet. Section 1101 of the Land Use Ordinance allows for 1,500 square feet on a non-riparian lot that contains .5 - .99 acre. The property contains .69 acre non-riparian within the shoreland area of Leech Lake (GD).

PC members were at the site 05/07/12. 42 notices of the application were mailed with one response objecting to approval of the application were received. The application was discussed and reviewed with Mr. Haton.

MS/P Gardner/Bliss to approve the size of the detached accessory structure to be located at PID # 15-125-4417 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 is non-riparian and not visible from Leech Lake.
2. The location of the proposed accessory structure site is screened from neighboring residences.
3. The proposed accessory structure seems a reasonable use of the property when taking into account the size of the residence and the configuration of the lot which does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The size of the proposed accessory structure is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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 proposed accessory structure will not be excessive in scale and observable from the lake therefore there is no reason to conclude that area land use will be negatively affected or altered.
6. There is nothing to indicate that ground water quality will be negatively affected by the location of the accessory structure.
7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions and location of the accessory structure shall not vary from that submitted 04/05/12.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No run-off to adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 05/14/14.

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.

Johnson, Terry, Woodrow Township on property described as Part of Gov Lot 6 & NE SW, Section 15-140-29, PID # 51-015-4211 located at 1002 Maple Crest Drive NW. An application submitted to expand a non-conforming residence with a 10 feet x 20 feet addition with a crawl space on the side of the residence away from the river. The residence is non-conforming because it is located 29 feet from the river. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a river classified Tributary (TR). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 1.64 acres riparian to the Boy River (TR).

PC members were at the site 05/07/12. more than 50 notices of the application were mailed. Two responses including that of Woodrow Township recommending approval of the application were received. The application was discussed and reviewed with the applicants.

MS/P Kostial/Gardner to approve the expansion of the non-conforming residence located at PID # 51-015-4211 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 proposed expansion will not be visible from the river.
2. The original residence which was constructed prior to land use regulation is 41 feet from the river.

3. Given the location of the structure to be expanded the application seems a reasonable use of the property which does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.

4. The proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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 proposed expansion will not be excessive in scale or size nor will the proposed new construction be obtrusive to the lake therefore there is no reason to conclude that area land use will be negatively affected or altered.

7. There is nothing to indicate that water quality will be negatively affected by the location of the expansion.

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

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions and location shown on the site plan submitted 04/19/12 shall not be altered except that a full basement under the addition shall be allowed.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.

3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 05/14/14.
6. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".

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.

Lissick, Gregory, Wilkinson Township on property described as the S  $\frac{1}{2}$  of Lot 3 & All of Lot 4, "Plamor Subdivision", Section 36-144-31, PID # 49-445-0031 located at 12221 Crooked Lake Road. An application submitted to enclose an existing 14 feet x 14 feet deck. The residence is non-conforming because it is located 75 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 .6 acre riparian to Crooked Lake (RD).

PC members were at the site 05/07/12. 12 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the Lissicks primarily devoted to the size of the expansion constructed as a result of the 2010 variance along with amount of shoreline improvement accomplished by the applicants.

MS/P Moore/Fitch to table consideration of the application until the 05/14/12 meeting in order for the applicants and ESD to determine the size of the expansion constructed as a result of the 2010 variance approval.

Negaard, Nanci - Shingobee Township on property described as Part of SE SW & Part of SW SE, Section 1-141-31, PID # 38-001-3408 located at 6886 Y Frontage Road NW. An application

submitted to convert a Class A on-site advertising sign to a Class B off-site advertising sign that is less than the required 1,000 feet separation from another Class B advertising sign. Section 1124.4 requires that Class B free standing sign shall be closer than 1,000 feet to any other Class B sign on the same side of the highway. The property is zoned commercial and is in the non shoreland area.

PC members were at the site 05/07/12. 40 notices of the application were mailed. One response from MN DOT offering no objection to approval of the application was received. The application was discussed and reviewed with Ms. Negaard.

MS/P Moore/Kostial to approve the designation of the sign located at PID # 38-001-3408 as Class B 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.

Findings:

1. Although it is less than 1,000 feet from the nearest Class B sign, the two are not visible from the highway at the same time due to a curve in TH #371.
2. The area where the sign is located consists of commercial and service establishments.
3. A Class B Sign seems reasonable when taking into account the area where the sign is located which does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. A Class B Sign in the commercial and service use area will not be obtrusive and will 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. A Class B Sign in the existing commercial and service use area will be similar to existing activity therefore there is no reason to conclude that area land use will be negatively affected or altered.
6. Approval expires 05/14/14.

Richter, Larry & Mary, Kego Township on property described as Part of Gov Lot 5, & Part of Outlot A, "Heinlen Sub Division", Section 34-141-28, PID # 19-034-3407 located at 1310 Heinlen Lane NE. An application submitted to expand a non-conforming residence with a 12 feet x 14 feet addition. The residence is non-conforming because it is located 67 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 3.74 acres riparian to Girl Lake (RD).

PC members were at the site 05/07/12. more than 75 notices of the application were mailed with no response received. The application was discussed and reviewed with the applicants' contractor.

MS/P Fitch/Kostial to approve the expansion of the non-conforming residence located at PID # 19-034-3407 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.

Findings:

1. The original residence was constructed when the required lake setback was 85 feet and it is located across from the access road for this lot and several other lots.
2. The proposed expansion will not alter the existing lake setback.
3. The proposed expansion seems a reasonable use of the property when taking into account the size and location of the of the residence along with the configuration of the lot which does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The size of the proposed expansion is not excessive and when considering the residence and the neighborhood it will not be obtrusive and will 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 proposed expansion will not be excessive in scale and similar to other residences along the shoreline therefore there is no reason to conclude that area land use will be negatively affected or altered.
6. There is nothing to indicate that water quality will be negatively affected by the location of the expansion.
7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 03/28/12.
2. The dimensions of the deck expansion shall not exceed 3 feet x 14 feet.
3. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
4. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
6. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval expires 05/14/14.

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.

Robertson, Jerome, Remer Township on property described as 2.5 Acres of Gov Lot 2, Section 3-141-26, PID # 35-003-1203 located at 6209 72<sup>nd</sup> St NE. An application submitted to remove an existing residence and replace with new construction to be located 50 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). The property contains 3.04 acres riparian to Big Sand Lake (RD).

PC members were at the site 04/02/12 and 05/07/12. 30 notices of the application were mailed for the April and May meetings. No responses were received. The application was discussed and



reviewed with Mr. Robertson as to possible locations options and configuration of the proposed residence.

MS/P Moore/Kostial to table consideration of the application until the 06/11/12 meeting in order to conduct another site visit and for the applicants to mark on the ground possible configuration and setback of the proposed residence.

Vogt Family Trust, Crooked Lake Township on property described as S 100 feet of N 400 feet of Gov Lot 4, Section 20-139-26, PID # 12-020-2104 located at 1164 Mule Lake Drive NE. An application submitted to expand a non-conforming residence with a 12 feet x 18 feet addition. The residence is non-conforming because it is located 50 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 150 feet from a lake classified Natural Environment (NE). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 2.6 acres riparian to Mule Lake (NE).

PC members were at the site 04/03/12. 40 notices of the application were mailed. No response was received. The application was discussed and reviewed with family members and contractor.

MS/P Kostial/Bliss to approve the expansion of the non-conforming residence located at PID # 12-020-2104 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

#### Findings

1. The lot was created in 1946 and the location of the residence was approved by variance in 1996 due to the location of Mule Lake Drive.
2. The proposed expansion will not alter the existing setback from the lake.
3. The proposed expansion seems a reasonable use of the property when taking into account the location of the residence, the configuration of the lot and the location of Mule Lake Drive and does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The size of the proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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 proposed expansion will not be excessive in size or scale and when compared to the surrounding area there is no reason to conclude that area land use will be negatively affected or altered.
6. There is nothing to indicate that water quality will be negatively affected or altered by the location of the expansion.

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

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted with the application.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 05/14/14.

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.

Voigt, Terry, Woodrow Township on property described as Lot 16, Block 1 & Undivided 1/26 Interest in Outlot A, "Shores of Big Deep", Section 29-140-29, PID # 51-500-0132 located at 2781 17<sup>th</sup> Ave NW. An application submitted to expand a non-conforming residence with a 14 feet x 14 feet addition and a 6 feet x 9 feet entryway, enclose an existing deck, and to construct an 8 feet x 14 feet deck. The proposed addition to the side of the residence will be at less than the required SSTS separation distance to tank and treatment area. The property is non-conforming because it contains a guest cabin on a lot less than the required guest quarters standards and the primary residence is less than 30 feet from the top of a bluff. The property contains 2.02 acres riparian to Big Deep Lake classified as Recreational Development (RD).

PC members were at the site 05/07/12. 34 notices of the application were mailed. One response from Woodrow Township recommending approval was received. The application was discussed and reviewed with the applicants.

MS/P Fitch/Moore to approve the expansion of the residence located upon PID # 51-500-0132 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. The primary residence was constructed with permit prior to the adoption of minimum lot width standards for a lot to contain guest quarters and when the bluff setback was 5 feet.
2. The proposed expansion and deck enclosure will not alter the existing setback from the lake.
3. The proposed modifications to the primary residence will not be visible from the lake.
4. Due to elevation the closer separation of the proposed side expansion of the primary residence to the SSTS tank and treatment area poses no threat to the residents' or the public's health and safety.
5. The proposed expansion seems a reasonable use of the property when taking into account the location of the residence and its lack of visibility to the lake which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
6. The size of the proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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 proposed expansion will not be excessive in size or scale and when compared to the surrounding area there is no reason to conclude that area land use will be negatively affected or altered.
8. There is nothing to indicate that water quality will be negatively affected or altered by the location of the expansion.
9. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions of the expansions shall not exceed that included in the application received 04/23/12.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

7. Approval expires 05/14/14.

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.

Worrick, Sherman, Wilson Township on property described as W 5 Acres of E  $\frac{1}{2}$  of NW NE Less N 514 feet Thereof, Section 6-137-29, PID # 50-006-1204 located at 2461 Tilden Trail SW. An application submitted to split the property into one non-riparian lot and one riparian lot. The riparian lot would contain 50,000 square feet total area, 18,000 square feet buildable area, 303 feet on the river and 160 feet wide at the 100 feet structure setback. The non-riparian lot would contain 65,340 square feet total area, 20,000 square feet buildable area and be 163 feet wide. Section 1113.1 of the Land Use Ordinance establishes minimum lot size standards that a riparian lot on a waterway classified Tributary contain 40,000 square feet total area, 18,000 square feet buildable area, be 150 feet at the water and at the structure setback of 100 feet and that a non-riparian lot must contain 80,000 square feet total area, 20,000 square feet buildable area and be at least 200 feet wide at the mid-point of the longest axis. In addition Section 1116.83 B. requires that total area of a lot be increased by 25% or that 25% of the total area be retained as permanent open space. The property contains 2.64 acres riparian to the Pine River (TR).

PC members were at the site 05/07/12. More than 100 notices of the application were mailed. No response was received. The application was discussed and reviewed with Mr. Worrick.

MS/P Kostial/Gardner to approve the division of PID # 50-006-1204 into one riparian lot and one non-riparian to upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. The existing lot size and boundaries were established in 1948 with the applicant owning it in since 1998.
2. The property is adjacent to the City of Pine River and within 500 feet of city boundary.
3. The proposed riparian lot will comply with the minimum lot standards.
4. Based upon its proximity to a municipality where minimum lot size in 12,000 square feet, the proposed lots seems a reasonable use of the property which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.

5. The proposed lot configuration is not out of scale when considering the neighborhood lots and will not be unusually small or obtrusive and will 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 proposed lot configuration is not unusual in size or scale and when compared to the surrounding area there is no reason to conclude that area land use will be negatively affected or altered.
8. There is nothing to indicate that water quality will be negatively affected by the proposed lot configuration.

Condition:

1. Approval expires 05/14/14.

#### Conditional Use Permit

Eastman, Cynthia & Scott, Home Brook Township on property described as NE NE, Section 31-135-30, PID # 17-031-1100 located at 4191 92<sup>nd</sup> St SW. An application submitted to re-classify 5 acres of the parcel from Agriculture/Forestry (AF) to Rural Residential - 5 (RR-5) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 901 of the Land Use Ordinance established the various land use zone classifications. Section 1113.2 of the Land Use Ordinance establishes minimum lot size standards. The property contains 40.99 acres.

14 notices of the application were mailed. No response was received. The application was discussed and reviewed with Mr. Eastman.

MS/P Fitch/Bliss to approve the reclassification of 5 acres in the configuration as submitted located in PID # 17-031-1100 upon review of Sections 705, 901 and 1113 of the Land Use Ordinance (01/10/10) with the following findings and

Findings:

1. The 5 acres proposed to be reclassified are intended for a family member to establish a residence.
2. The application complies with the intent of the Rural Residential - 5 (RR-5) classifications which are to promote low density development outside the shoreland zone not close to a municipality.
3. The 5 acres proposed for reclassification represents .0013 of the total acreage of the township.
4. There is no reason to expect that one lot of 5 acres will cause adverse effects to adjoining property.

5. One lot of 5 acres will have no impact to the demand for governmental services.
6. The new parcel will utilize existing roadways with no effect to public infrastructure.
7. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
8. No scenic or historic features will be affected by the reduction of minimum lot size.
9. No particular threat to public health, safety and welfare can be expected from a change to minimum lot size.
10. The total acres to be reclassified do not reach the mandatory EAW threshold.
11. There is no reason to expect that the reduced lot size will have any effect to surface water or ground water quality.
12. The remaining 35.99 acres remain unchanged as AF.

Conditions:

1. An agricultural management easement as described in Appendix B-1 of the Land Use Ordinance shall be recorded in conjunction with the newly described 7.5 acres in order to be compliant and eligible for land use permits.
2. Approval expires 05/14/14.

Hansen, Beverly/Hulst, Mark, Wilkinson Township on property on described as SE SE, Section 7-144-31, PID # 49-007-4400 located at 13633 68<sup>th</sup> Ave NW. An application submitted to re-classify 7.5 acres of the parcel from Agriculture/Forestry (AF) to Rural Residential - 5 (RR-5) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 901 of the Land Use Ordinance established the various land use zone classifications. Section 1113.2 of the Land Use Ordinance establishes minimum lot size standards. The property contains 39.57 acres (AF).

40 notices of the application were mailed for the April and May meetings. No written response was received. Two members of the Wilkinson Town Board appeared during the April meeting to present Wilkinson Township's preference that it not be changed.

MS/P Gardner/Bliss to approve the reclassification of 7.5 acres in PID # 49-007-4400 upon review of Sections 705, 901 and 1113 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. Ms. Hansen will retain the 7.5 acres proposed to be reclassified.
2. The application complies with the intent of the Rural Residential - 5 (RR-5) classifications which are to promote low density development outside the shoreland zone not close to a municipality.
3. The 7.5 acres proposed for reclassification represents .0013 of the total acreage of the township.

4. There is no reason to expect that one lot of 7.5 acres will cause adverse effects to adjoining property.
5. One lot of 7.5 acres will have no impact to the demand for governmental services.
6. The new parcel will utilize existing roadways with no effect to public infrastructure.
7. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
8. No scenic or historic features will be affected by the reduction of minimum lot size.
9. No particular threat to public health, safety and welfare can be expected from a change to minimum lot size.
10. The total acres to be reclassified do not reach the mandatory EAW threshold.
11. There is no reason to expect that the reduced lot size will have any effect to surface water or ground water quality.
12. The remaining 33.49 acres remain unchanged as AF.

Conditions:

1. An agricultural management easement as described in Appendix B-1 of the Land Use Ordinance shall be recorded in conjunction with the newly described 7.5 acres in order to be compliant and eligible for land use permits.
2. Approval expires 05/14/14.

Preliminary Plat

"Gull View", Fairview Township, on property described as Part of Gov Lots 1 & 2, Section 18-134-29, PID # 14-018-2203 located along CSAH # 77. The surveyor is Patrick Trottier, Stonemark Land Survey. The preliminary plat contains 11 residential and one common area lot. The current number of lots and their configuration will not change. The plat is only for the purpose to assign the individual lots with a legal description from the current descriptions as shares. Legal descriptions will allow the individual lot owners flexibility when considering various financial options. The property contains 9.19 acres riparian to Gull Lake (GD). Article 4 of the Subdivision and Platting Ordinance (2009) establishes preliminary plat criteria.

More than 50 notices of the preliminary plat were mailed. No response was received. The plat was discussed with a Gull View Association representative with questions as to configuration, density and ownership.

MS/P Moore/Gardner to approve the preliminary plat of "Gull View" upon review and compliance with Articles 4 & % of the Subdivision and Platting Ordinance 903/10/09) with the following findings and condition.

Findings:

1. The plat does not revise the existing configuration.



2. The plat revises current descriptions of the lots to legal descriptions.
3. The County Surveyor and ESD has reviewed and approved the preliminary plat for compliance with Article 4 of the Subdivision & Platting Ordinance (03/09/09).
4. The plat does not reach the mandatory EAW/EIS review standards.

Condition:

1. Declarations must be submitted with the final plat.

### Other Business

Bobrowsky, David, Wilkinson Township, on property described as Lot 8, Blk 1, "Pine Ridge Shores", Section 19-141-31, PID # 49-019-1105 located at 6816 131<sup>st</sup> St NW. Request to revise Condition #5 for VP05-144-31-1 and CU05-144-31-1 which were approved 07/26/05 and prohibit expansion of the residences located on the property.

MS/P Moore/Kostial to approve the deletion of conditions #3 & #4 of VP05-144-31-1 and CU05-144-31-1.

Langley, Wendy, Unorganized on property described as Lot 1, Block 3 & 1/9 Interest in Outlot A, "Winnie Dam Homesites" Section 26-146-27, PID # 70-310-0310 located at 4235 Winnie Dam Lane NE. An application submitted to expand a non-conforming residence with a 16 feet x 28 feet addition. The residence is non-conforming because it is located 18 feet from the right-of-way of Winnie Dam Lane. Section 1126.1 B. of the Land Use Ordinance requires structures to be located 20 feet from a township/platted road. Section 1115.3 of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .7 acres non-riparian within the shoreland area of Lake Winnibigoshish (GD). Request to revise Condition # 1 as to height to peak.

MS/P Kostial/Gardner to revise condition #2 of VP11-146-27-1 to allow height to peak not to exceed 30 feet from ground to peak.

MS/P Kostial/Gardner at 3:20 pm, to adjourn.

P. Fairbanks