



Cass County
Planning Commission/Board of Adjustment

June 11, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting June 11, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted June 4, 2012 with Ballenthin, Bliss, Fitch, Gardner, Kostial, Moore and Sundberg present.

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

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Lynn Jack Abrahamson, Alberts, Greg Anderson, Kathi Anderson, Dale Brandanger, Ruth Brandanger, Al Chacey, Mark Johnson, Roselind Johnson, Dennis King, Judy Lissick, I. Moe, George Ogden, Jeff Peterson, Stephen Paul, Greg Pruden, Don Sytsma, Kerry Watkins and Marla Yahoo.

MS/P Fitch/Bliss to approve the minutes of the 05/14/12 PC/BOA meeting as presented.

Variance

Alberts, Lynn, Loon Lake Township on property described as revised description of Gov Lot 2, Section 20-136-29, PID # 22-020-4200 located at 1511 Cherokee Trail SW. An application submitted to expand a non-conforming residence with a 1,180 square feet addition. The residence is non-conforming because it is located 45 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 50.23 acres riparian to Loon Lake (RD).

PC members were at the site 06/04/12. 22 notices of the application were mailed with no responses received. Ms. Alberts and her contractor were present to discuss and review the application with the members.

MS/P Bliss/Fitch to approve the location of the expansion and decks to be added to the existing residence to be constructed upon PID # 22-020-4200 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 to be expanded was constructed prior to the adoption of land use regulation.
2. The proposed expansion will be off set from the portion of the residence closest to the lake and will not increase setback encroachment to the lake.
3. The proposed expansion seems a reasonable use of the property when taking into account the location of the residence within a 50 acre parcel and that it will not be readily observable from the lake and therefore 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 proposed expansion will be reasonable in size and 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.

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 suitable 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 expansion and decks shall not exceed that submitted 05/18/12.
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 suitable 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. 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".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval shall expire 06/11/14.

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.

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 30 feet x 48 feet, 1,440 square feet accessory structure on a .95 acre non-riparian lot abutting a .95 riparian lot. The proposed structure would bring total accessory structure on the non-riparian lot to 2,240 square feet. Section 1101 of the Land Use Ordinance allows for 1,500 square feet accessory structure square footage on a non-riparian lot that contains .5 - .99 acre. The combined lots contain 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 that the proposed structure had been reduced to 1,440 square feet from the initial request for 3,000 square feet and relocated on the property to a location behind the existing garage. The application was discussed and reviewed with Mr. Anderson.

MS/P Ballenthin/Gardner to approve the location and size of the that accessory structure to be constructed on the non-riparian portion of PID # 20-026-3209 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 applicant has reduced the size of the proposed structure which originally proposed at 3,000 square feet to 1,440 square feet.
2. The applicant has reconfigured the location of the proposed structure by increasing property line setbacks to not less than 20 feet and intends to locate it behind an existing garage which will reduce its view from Mounds Point Drive and the lake.
3. The proposed site of the structure is located on the non-riparian portion of the property.
4. The proposed site of the structure will be not directly observable from neighboring residences.
5. The revised size and location of the proposed structure is a reasonable use of shoreland residential property that 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 proposed structure configuration is not unusual nor out of scale when compared to the existing development in the area and will be mostly unobservable from for the lake which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
7. There is no indication or evidence that that area land use will be negatively affected or altered.
8. There is nothing to conclude or expect that the location of the proposed structure will negatively affect water quality.
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 suitable 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 structure shall not exceed that submitted with the application 05/24/12.
2. The height of the structure from ground to peak shall not exceed 24 feet and property line setback shall not be less than 20 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. No run-off to the lake or adjoining properties is permitted. The approved enclosure and expansion if determined necessary by ESD shall be equipped with gutters to 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 06/11/14.

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.

Baybridge LLC, Thunder Lake Township on property described as Part of Gov Lot 1, Section 9-140-26, PID # 42-009-1102 located at 4302 Baybridge Trail NE. An application submitted to be allowed to replace a residential structure on the property which contains five residential structures. Section 1120 of the Land Use Ordinance allows for one primary residence per single family residential lot. The property contains 30.98 acres riparian to Thunder Lake (GD).

PC members were at the site 05/07/12. 13 notices of the application were mailed. One response favoring approval of the application was received. The application was discussed and reviewed with Baybridge representative Mr. Waddell.

MS/P Ballenthin/Kostial to approve the location and size of the replacement residence to be located upon PID # 42-009-1102 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 residences on the property were all constructed prior to the adoption of land use regulation and the residence to be replaced may be rebuilt at the same location, footprint and volume as authorized by statute.
2. The proposed replacement residence location complies with lake setback requirements.
3. The proposed replacement residence, although larger in size and with an altered footprint, is a reasonable use of the property when taking into account the location of the residence within property and not be readily observable from the lake or any neighbors which therefore 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 residence 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 residence will be reasonable in size and 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 residence 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. Applicant has also proposed land alteration related to road and driveway reconfiguration and land alteration to manage storm water run-off.

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 suitable 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/Approve:

1. The dimensions and location of the residence shall not vary from that submitted 05/14/12.
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 suitable 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. Earthmoving associated with land alteration related to roadway and driveway reconfiguration and with land alteration to manage storm water run-off shall comply with Section 1106.2 of the Land Use Ordinance which provides that a land alteration permit is required for earthmoving up to 200 cubic yards behind the structure setback and that a conditional use permit is required for earthmoving of more than 200 cubic yards behind the structure setback. Before any such earthmoving, applicant shall submit to ESD a plan detailing the earthmoving and the volume of earthen material to be moved and obtain the required permit.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval shall expire 06/11/14.

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.

Bergeron, James, Wabedo Township on property described as Lot 2, Block 1, "Kirks Wabedo Park", Section 26-140-28, PID # 46-450-0110 located at 1620 Wabedo Park Road NE. An application submitted to replace the existing residence with new 40 feet x 46 residence

construction with a 12 feet x 40 feet deck located 75 feet from the lake and to locate a SSTS 50 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet and SSTS 75 feet from a lake classified Recreational Development (RD). The property contains 5 acres riparian to Wabedo Lake (RD).

MS/P Moore/Fitch to table consideration of the application until the 07/23/12 meeting as requested by Mr. Bergeron.

Johnson, Mark & Roselind, Wabedo Township on property described as 160 Feet of Gov Lot 8, Section 27-140-28, PID # 46-027-2213 located at 1219 Wabedo Pass Road NE. An application submitted to expand a non-conforming residence with a 19 feet x 24 feet, 12 feet x 14 feet, 12 feet x 19 feet addition. The residence is non-conforming because it is located 87 feet from the lake and less than 30 feet from the top of a bluff. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1126.1 B. requires structures to be located 30 feet from the top or toe of a bluff. Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 2.4 acres riparian to Wabedo Lake (RD).

PC members were at the site 06/04/12. 29 notices for the meeting were mailed with no responses received. Mr. Johnson submitted a more detailed site plan which was discussed and reviewed with a consensus that the members would like to visit the site again.

MS/P Ballenthin/Kostial to table consideration of the application until the 07/23/12 meeting in order to conduct another site visit to verify the proposed site and expansion configuration.

Burkhartzmeyer, Laura & Mark, Gould Township on property described as Cabin 5, "Point View Resortominium" & Part of Gov Lot 12, Section 25-143-29, PID # 15-125-4505 located at 10062 Point View Trail NW. An application submitted to expand the existing 20 feet x 32 feet residence with 10 feet x 42 feet x 30 feet x 10 feet x feet x 32 feet L shaped addition. The residence is non-conforming because it is located 30 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 is located within the setback area of Leech Lake (GD).

PC members were at the site 05/07/12. 36 notices of the application were mailed with no responses received. The application was discussed and reviewed with Mr. Burkhartzmeyer.

MS/P Kostial/Gardner to approve the expansion of the residence located at PID # 15-125-4505 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 is part of a co-op of a former resort with individual cabins configured as lots and a common area shared by all owners.
2. The applicants' lot does not extend to the lake.
3. The proposed expansion will to the side and rear of the existing structure and will be at the existing lake setback.
4. The proposed expansion seems a reasonable use of the property when taking into account the configuration of the existing residence and its location within the co-op development therefore it 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 proposed residence 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.
6. The proposed residence expansion will be reasonable in size and scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
7. There is no reason to conclude based upon the size and location of the proposed residence expansion that water quality will be negatively affected.
8. There is no reason to conclude that financial consideration is the sole reason for the application.
9. The applicant has submitted verification of approval of the expansion by the Point View Resortominium Association.

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 suitable 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 residence expansion shall not vary from that submitted 05/24/12 and shall be one story, have interior walls not greater than 8 feet and roof pitch shall not exceed 4:12.
2. The fire pit shall be moved to the top of the lake bank.
3. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
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. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site or 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 shall expire 06/11/14.

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.

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. Consideration of this application was tabled during the 05/14/12 meeting. 16 notices for the 05/14/12 and 06/11/12 meetings were mailed with one response supporting approval of the application received. The application was discussed and reviewed with Ms Lissick.

MS/P Kostial/Fitch to approve the size and location of the expansion of the residence located upon PID # 49-445-0031 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 original residence was constructed when the required lake setback was 85 feet.
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 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.
8. ESD has verified compliance with the terms of the 2010 variance.

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 suitable 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 04/23/12.
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. The existing shoreline vegetation plan shall continue to be implemented and maintained.
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 06/11/14.

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.

Maxfield, Kenneth, Sylvan Township on property described as the Lots 1 & 2, Block 1, "McMains Lots", Section 20-133-29, PID # 41-401-0110 located at 13623 E Shore Lane SW. An application submitted to construct an 8 feet x 42 feet deck which will be located 125 feet from Kramer Lake (NE). 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 1.55 acres riparian to Kramer Lake (NE).

PC members were at the site 06/04/12. 43 notices of the application were mailed. One response from Sylvan Township recommending approval of the application was received. The proposed variance was discussed and reviewed with the applicants.

MS/P Moore/Gardner to approve the deck size and location for the non-conforming residence located at PID # 41-401-0110 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 with permit in 1988.
2. Expansion of the residence was approved by variance in 1991 at 130 feet.
3. The proposed deck will not be visible from the main portion of the lake, neighbors and CSAH #36.

4. The proposed deck seems a reasonable use of the property when taking into account the location of the of the residence 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.
5. The size and location proposed deck is inconsequential when considering the residence and the neighborhood 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 deck 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.
7. There is nothing to indicate that water quality will be negatively affected by the location of the deck.
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 suitable 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/Approve:

1. The dimensions of the deck shall not exceed that submitted 05/21/12.
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 suitable 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 06/11/14.

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.

Ogden Trust C/o George Ogden, Woodrow Township on property described as Part of Gov Lot 3 & Part of NW SE, Section 24-140-29, PID # 51-024-3105 located at 3297 N Green Forest Drive NW. An application submitted to construct an 8 feet x 25 feet deck to be located on the lake side of the residence which will be 67 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 .7 acre riparian to Woman Lake (GD).

PC members were at the site 05/07/12. 36 notices of the application were mailed. One response from Woodrow Township which recommends denial of the application was received. The proposed variance was discussed and reviewed with the applicants concentrating on possible alternative location of the deck.

MS/P Kostial/Fitch to table consideration of the application until the 07/23/12 meeting in order for the applicants to evaluate deck location options.

Paul, Sharon & Stephen, Fairview Township on property described as Lot 5, Blk 1, "Pine Song", Section 13-134-30, PID # 14-400-0125 located at 10572 Pine Song Drive SW. An application submitted to construct 30 feet x 40 feet garage to be located 5 feet from the right-of-way of Pine Song Drive SW. Section 1126.1 B. of the Land Use Ordinance requires structures to be 10 feet from the right-of-way of a township or platted roadway. The property contains .9 acre riparian to Gull Lake (GD).

PC members were at the site 06/04/12. 40 notices of the application were mailed with one response received from Fairview Township recommending approval of a narrower structure 10

feet from the platted road right-of-way. The proposed variance was discussed and reviewed with Mr. Paul.

MS/P Moore/Gardner to deny closer right-of-way setback from the platted road for the proposed accessory structure to be located at PID # 14-400-0125 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. Pine Song Drive is a platted roadway dedicated to the public with 66 feet right-of-way with a driving surface of about 10 feet.
2. Pine Song Drive is not maintained by Cass County or Fairview Township but by property owners.
3. Pine Song Drive is not a through road with the southern branch terminating at the occupants' property.
4. The proposed location of the structure contradicts 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 location of the proposed accessory structure size is obtrusive and the proposed structure is oversized when taking into account the location and width of Pine Song Drive and the neighborhood which will 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 structure will be excessive in size or scale and when compared to the surrounding area that land use could be negatively affected or altered.
7. The applicant has failed to demonstrate any willingness to compromise as to the size and location of the proposed accessory structure.

Pruden, Diane & Greg, Leech Lake Township on property described as Lot 2, "Kings Island Park", Section 15-143-31, PID # 20-382-0020 located at 10904 Steamboat Loop N. An application submitted "after the fact" to be allowed to retain a 16 feet x 20 storage structure constructed sans permit which brings the total accessory structure size to 1,376 square feet which is beyond the maximum allowed based upon lot size. Section 1101 of the Land Use Ordinance allows for 1,200 square feet on a lot that contains .5 - .99 acres. The property contains .68 acre riparian to Leech Lake (GD).

PC members were at the site 06/04/12. 20 notices of the application were mailed. No response was received. The proposed variance was discussed and reviewed with the applicants.

MS/P Ballenthin/Bliss to allow the 16 feet x 20 accessory structure storage to be retained at PID # 20-382-0020 upon review of the criteria contained in 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 structure cannot be seen from the lake.
2. The accessory structure seems a reasonable use of the property when taking into account the size of the lot and the Minnesota Island location 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.
3. The size and location of the structure does not excessive when considering the residence 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. There is nothing to indicate that the accessory structure has negatively affected or altered land use on the island.
5. There is nothing to indicate that water quality has been negatively affected by the location of the structure.
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 suitable 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. 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 suitable 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.
2. 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.
3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

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 72nd 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, May and June meetings. No responses have been received.

MS/P Moore/Kostial to table consideration of the application until the 07/23/12 meeting as requested by the applicant and in order to conduct another site visit.

Sytsma, Donald & Eileen, Kego Township on property described as Lot 3, Block 1, "Corwin Acres", Section 14-141-28, PID # 19-410-0130 located at 1975 New Rock Lane NE. An application submitted to construct a 30 feet x 64 feet garage. The garage which will contain 1,920 square will exceed the maximum lot allowed by permit based upon lot size. Section 1101 of the Land Use Ordinance allows for 1,500 square feet on a lot that contains 1 - 1.49 acres. The property contains 1.13 acres riparian to Kego Lake (RD).

PC members were at the site 06/04/12. 45 notices of the application were mailed with no responses received. The proposed variance was discussed and reviewed with Mr. Sytsma.

MS/P Fitch/Kostial to table consideration of the application until the 07/23/12 meeting in order for ESD to verify setbacks to determine if the 33% increase can be applied in this situation.

Watkins, Kerry & Peggy, Beulah Township on property described as Part of Gov Lot 4, Section 19-139-25, PID # 04-019-4103 located at 955 75th Ave NE. An application submitted to expand a non-conforming residence with a 5 feet x 10 feet 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 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 19.2 acres riparian to Leavitt Lake (RD).

PC members were at the site 05/07/12. 31 notices of the application were mailed with one received of no objection to approval received. The application was discussed and reviewed with Mr. Watkins.

MS/P Gardner/Fitch to approve the expansion of the 16 feet x 20 feet non-conforming residential structure located upon PID # 04-019-4103 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. It is obvious that the structure was constructed prior to the adoption of land use regulation.
2. The proposed addition will be to the side and at less than the closest point from the lake.
3. The proposed addition seems a reasonable use of the property when taking into account the location of the of the residence, the configuration of the lot and the size of the lot 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 and location proposed expansion is inconsequential when considering the residence and the neighborhood 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 size of the proposed 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 nothing to indicate that water quality will be negatively affected by the location of the addition.
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 suitable 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 size and location of the expansion deck shall not vary from that submitted 05/23/12.
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 suitable 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. 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".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval expires 06/11/14.

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

MS/P Ballenthin/Moore at 3:15 pm, to adjourn.

P. Fairbanks