



Cass County
Planning Commission/Board of Adjustment

October 8, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting October 8, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted October 1, 2012 with Ballenthin, Fitch, Gardner, Moore and Sundberg present.

Sundberg called the meeting to order at 9:37 a.m.

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Craig Anderson, Martin Andresen, Sharon Bauerly, Kevin Beal, Benjamin Davis, Tim Ellis, Debra Isacson, Kim Isacson, Dan Kociemba, Nancy Kociemba, Connie Netter, Jeff Palkovich, Matt Van Briesen, and Sherrie Van Brieson.

MS/P Kostial/Fitch to approve the minutes of the 09/10/12 PC/BOA meeting as presented.

Variance

Bauerly, Sharon, Trustee, Birch Lake Township on property described as S $\frac{1}{2}$ of Gov Lot 3, Section 27-140-30, PID #05-027-1304 located at 3239 CSAH 45 NW. An application submitted to expand an existing non-conforming residence with a 12 feet x 24 feet addition and a 12 feet x 20 feet addition. The residence is non-conforming because it is located 45 feet from the lake at the closest point. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). In addition, Section 1115.3 requires a variance for any expansion of a non-conforming structure. The property contains 1.84 acres riparian to Pleasant Lake (GD).

PC members were at the site 10/01/12. 21 notices of the application were mailed. One response questioning approval was received. The variance request was reviewed with the applicants.

MS/P Ballenthin/Bliss to approve the expansion of the residence located at PID #05-027-1304 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot with a width that varies from about 100 feet to 225 feet has shoreline of 485 feet which limits available space to locate at the required lake setback of 75 feet.
2. The neighboring area consists of similar single family riparian lots with residences to which this proposed expansion and deck enclosure will be little noticed and therefore poses no threat to the essential character of the locality.
3. The original residence, as best can be determined, was constructed prior to land use regulation by a previous owner.
4. The proposed new construction is non-lakeside to the primary lake exposure which is to the west.
5. Previous expansion was approved by variance in 1993 and 2002.
6. The proposed enclosure of the deck will not increase the footprint of the residence.
7. The proposed expansion and enclosure seems a reasonable use of the property when taking into account that the expansion will contain 288 square feet, that it will be mostly unobservable from the main lake, neighbors and that the deck enclosure will not increase footprint 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.
8. The proposed expansion and enclosure is neither excessive of scale nor obtrusive to neighboring property which does contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
9. There is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
10. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
11. 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 shoreline vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetation 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 shall not vary from that submitted 09/11/12.
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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval shall expire 10/08/14.

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.

Bernstein, Hollylee & Wayne, Birch Lake Township on property described as Tract D, Section 4-140-30, PID #05-004-3111 located at 4506 N Stony Loop NW. An application submitted to construct a 10 feet x 16 storage structure to be located 65 feet from the lake and less than 10 feet from the nearest property boundary line. The proposed structure would bring total square footage of unattached accessory on the property to 1,842 square feet. Section 1101 of the Land Use Ordinance (2010) allows for a maximum of 1,200 square feet on a lot containing from .5 - .99 acre. In addition, Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD) and 10 feet from the closest property boundary line. The property contains .6 acre riparian to Stony Lake (RD).

PC members were at the site 10/01/12. 29 notices of the application were mailed. No responses received. The variance request was reviewed with Ms. Bernstein.

MS/P Fitch/Ballenthin to deny the proposed accessory structure located at PID #05-004-3111 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 with the following findings and conditions:

Findings:

1. The addition of the proposed accessory structure square footage is not a reasonable use of the property given the limited size of the lot and the two existing accessory structures which total 1,682 square feet.
2. The existing 1,682 square feet exceed the total allowed by Section 1101 by 40%.
3. The proposed structure would bring the total square footage in excess of that allowed by Section 1101 to 50%.
4. The regulation of an accessory structure size is intended to prevent overcrowding of land, prevent undue concentration of structures and to preserve open space.
5. The two existing accessory structures, one approved with a variance to right-of-way setback, were constructed by a previous owner.
6. The neighboring area consists of similar single family riparian lots with residence and storage structures to which this proposed accessory structure, especially if moved, will be little noticed and therefore poses no particular threat to the essential character of the area.
7. There are no unique circumstances to the property not caused by the landowner because even for a conforming lot of 40,000 square feet the ordinance limits accessory structure maximum area of 1,200 square feet which is the same limit that applies to this under sized lot containing 26,000 square feet. In addition, a lot containing up to 1.99 acres, 86,684 square feet, which is more than three times the size of the applicants' lot is limited to 1,800 square feet.
8. Based upon these cumulative findings, approval of the application would not be in harmony with the intent and purposes of the Land Use Ordinance and would not be consistent with the Comprehensive Land Use Plan.

Davis, Benjamin & Kuhl, Kelsi, Sylvan Township on property described as Lot 2, Block 1, "Melody Lane", Section 7-133-30, PID #41-529-0120 and Lot 3, Block 1, Section 7-133-30, PID #41-529-0130 located at 12730 43rd Ave SW. An application submitted to be allowed to have livestock, which will be kept from Pillager Creek, on their property. Section 1102.3 of the Land Use Ordinance (2010) allows for only domestic animals kept as pets on a riparian lot. The property contains 6.59 acres riparian to Pillager Creek (TR).

30 notices of the application were mailed. One response from Sylvan Township which recommends approval with conditions was received. The proposal was discussed and reviewed with the applicants.

MS/P Moore/Gardner to approve the request to allow livestock upon PID #41-529-0120 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. "Melody Lane" was platted in 2001 prior to the adoption of the riparian lot animal restrictions which relates to practical difficulty.
2. The applicants intend to create a two acre non-riparian area on the property through the installation of suitable agricultural fencing.
3. The neighboring area consists of similar single family lots to which a limited number of animal units would not seem to poses a threat to the essential character of the locality.
4. Allowance of a limited number of animal units seems a reasonable use of the property in a rural residential area when taking into account that they will be contained and controlled from access to the creek 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 containment area is not excessive of scale and not obtrusive to neighboring property which does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. There is no reason to conclude that area land use will be negatively affected or altered by allowing limited number of non-domestic animals.
7. Provided properly constructed and maintained fencing along with proper manure management there is no reason to conclude that water quality will be affected.
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:

1. The dimensions of the proposed livestock containment area shall not vary from that submitted 08/20/12 and not less than 395 feet from Pillager Creek.
2. The containment area shall not contain more than three animal units with an animal unit equaling 1,000 pounds.
3. The applicants shall verify to ESD how they intend to manage manure.
4. No run-off from the livestock containment area to the creek or adjoining properties shall take place.
5. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
6. Approval shall expire 10/08/14.

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.

Ellis, Lynne & Timothy, Crooked Lake Township on property described as Lot 3, Block 1, "Lake Washburn Homesites", Section 16-139-26, PID #12-431-0115 located at 1378 Sunflower Trail NE. An application submitted to construct a 32 feet x 60 feet storage structure. The proposed structure would bring total square footage of unattached accessory on the property to 1,920 square feet. Section 1101 of the Land Use Ordinance (2010) allows for a maximum of 1,200 square feet on a lot containing from .5 - .99 acre. The property contains .87 acre riparian to Lake Washburn (GD).

PC members were at the site 10/01/12. 19 notices of the application were mailed. No responses were received. The variance request was discussed and reviewed with Mr. Ellis.

MS/P Fitch/Ballenthin to approve the placement of a 1,800 square feet accessory structure upon PID #12-431-0115 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 plat which consists of former DNR lease lots was created in 1990 prior to the adoption of the accessory structure size limits by lot size which establishes practical difficulty.

2. The neighboring area consists of similar single family riparian lots with residences and storage structures to which this proposed accessory structure will be little noticed and therefore poses no threat to the essential character of the locality.
3. The proposed accessory structure seems a reasonable use of the property when taking into account that it will setback about 170 feet from lake Washburn and 50 feet from the right-of-way of Peninsula Road and will unobservable from 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.
4. The proposed accessory structure is not excessive of scale and not obtrusive to neighboring property which does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. There is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed accessory structure.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed 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 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 proposed structure shall not vary from that submitted 09/17/12.
2. The height from ground level to peak shall not exceed 16 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 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.
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 shall expire 10/08/14.

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.

Nelson, Bonnie & Bruce, Turtle Lake Township on property described as Lot 3, Block 1, "Big Rock Resort", Section 27-142-30, PID #45-518-0106 located at 7860 Hawthorn Trail NW. An application submitted to expand an existing residence with an 11 feet x 22 feet addition non-lakeside. The residence is non-conforming because it is located 58 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. 3 of the Land Use Ordinance (2010) requires a variance for the expansion of a non-conforming structure. The property contains .11 acres non-riparian to Leech Lake (GD).

PC members were at the site 10/01/12. More than 50 notices of the application were mailed. No responses were received. The proposal was discussed and reviewed with the applicants' representative Mr. Andresen.

MS/P Moore/Bliss to approve the expansion of the resort residence unit located at PID #44-518-0106 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 in the permit archive for construction of the structure.

2. The proposed expansion will be non-lakeside.
3. The proposed expansion seems a reasonable use of the property when taking into account that it will be no non-lakeside unobservable from 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.
4. The proposed expansion is not excessive of scale and not obtrusive to neighboring property which does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. There is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
7. The expansion will bring the structure into compliance with minimum DOH resort unit standards.
8. The owners' association has acknowledged and approved 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 shoreline 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 shall not vary from that submitted 09/14/12.

2. 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".
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. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement is 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.
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 shall expire 10/08/14.

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.

Netter, Constance & Eric, Pine Lake Township on property described as Lot 5, "Auditor's Plat 11", Section 8-141-29, PID #30-378-0050 located at 1628 Whipholt Beach Road NW. An application submitted to remove the existing one story residence and replace at the existing footprint with a story and half new construction. The residence would be 39 feet from the lake, 5 feet from the closest property boundary line and less than 20 feet from the right-of-way of Whipholt Beach Road NW. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD), 10 feet from a property boundary line and 20 feet from the right-of-way of County maintained roadway. The property contains .14 acres riparian to Leech Lake (GD).

PC members were at the site 10/01/12. More than 50 notices of the application were mailed. Two responses supporting approval of the application were received. The proposed variance was reviewed with Ms. Netter.

MS/P Bliss/Fitch to approve the construction of a residence located upon PID #30-378-0050 as submitted upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The lot became of record in 1949 and contains about 15% of the square footage required by current lot size requirements which establishes practical difficulty of no room to expand footprint.
2. As allowed by MS 394.36 the residence could be replaced by permit provided there is no increase in footprint or volume.
3. There is no record in the permit archive for original construction of the structure which is presumed to be prior to the adoption of land use regulation.
4. The structure was constructed by a previous owner.
5. The neighboring area consists of similar single family residences including upper levels to which this proposed structure which will not be significantly different from the streetscape therefore poses no particular threat to the essential character of the locality.
6. The proposed residence seems a reasonable use of the property when taking into account lot size and the neighboring 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.
7. The proposed residence is not excessive of scale and not obtrusive to neighboring property which does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. There is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed structure.
9. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed structure.
10. 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 shoreline vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetation 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 proposed structure shall not vary from that submitted 09/20/12.
2. Height to peak shall not exceed 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. 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.
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 shall expire 10/08/14.

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.

Oliver, Jerome & Wanita, Crooked Lake Township on property described as Part of Lot 3, "Rocheleau's Point", Section 26-139-26, PID #12-470-0032 located at 596 Shady Lane NE. An application submitted to construct a 24 feet x 30 feet garage to be located 78 feet from the lake and less than 20 feet from the right-of-way of the platted roadway Shady Lane. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD) and 20 feet from the right-of-way of a platted roadway. The property contains 1.5 acres riparian to Lawrence Lake (RD).

PC members were at the site 10/01/12. More than 50 notices of the application were mailed. One response offering no objection to approval was received. The proposed variance was discussed and reviewed with the applicants.

MS/P Gardner/Bliss to approve the location of the proposed accessory structure for PID #12-470-0032 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The lot became of record in 1961 and although it contains 1.5 acres it averages about 150 feet in depth from the lake to the platted road which establishes practical difficulty.
2. There is no record in the permit archive for original construction of the structure which is presumed to be prior to the adoption of land use regulation.
3. The neighboring area consists of similar single family riparian lots with residences and storage structures to which this proposed accessory structure will be little noticed and therefore poses no particular threat to the essential character of the locality.
4. The proposed accessory structure seems a reasonable use of the property when taking into account the lack of area that will meet setback 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 accessory structure is not excessive of scale and not obtrusive to neighboring property which does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. There is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed accessory structure.
7. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed accessory structure.
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 shoreline vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetation 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 proposed structure shall not vary from that submitted 09/17/12.
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 shall expire 10/08/14.

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.

Palkovich, Barb & Jeff, Crooked Lake Township on property described as 465.2' x 166.7' x 60.2' x 301' Gov Lot 5, Section 26-139-26, PID #12-026-2301 located at 629 Sunset Hill Road NE. An application submitted to expand an existing non-conforming residence in two phases. Phase 1 consisting of a 30 feet x 42 feet addition and Phase 2 consisting of replacement of the existing residence with two story construction and 4 feet x 24 feet and 18 feet x 18 feet expansions. The residence is non-conforming because it is located less than 30 feet from the top of a bluff. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 30 feet from the

top or toe of a bluff. In addition, Section 1115.3 requires a variance for any expansion of a non-conforming structure. The property contains 1.9 acres riparian to Lake Roosevelt (GD).

PC members were at the site 10/01/12. More than 50 notices of the application were mailed. One response of no objection to approval was received. The application was discussed and reviewed with Mr. Palkovich.

MS/P Ballenthin/Gardner to deny the proposed expansion as proposed for PID #12-0262301 upon review Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings.

Findings:

1. The lot became of record in 1962 prior to the adoption land use regulation and bluff setback requirements.
2. There is no record in the permit archive for original construction of the structure which is located at less than the current required setback from the top of the bluff which is establishes practical difficulty.
3. The neighboring area consists of similar single family riparian lots with residences to which this proposed structure will be little different and therefore poses no particular threat to the essential character of the locality.
4. The proposed expanded residence is not a reasonable use of the property because the ordinance provides standards to protect bluffs and to bring existing non-conforming structures closer to, if not into compliance with those standards.
5. The proposed construction phases and the structure configuration circumstances are creations of the landowner not the property.
6. It is not reasonable to utilize to use the existing foundation to rebuild and expand the non-conforming residence in a sensitive bluff area when the applicants a 1.9 acre lot with sufficient area to rebuild and expand in compliance with the ordinance.
7. Approval of the variance will not alter the essential character of the area because the expanded residence will be substantially setback from the lake and will be mostly unobservable from the lake and neighboring property.
8. The proposed variance is not in harmony with the purpose and intent of the ordinance because the ordinance regulates setback by prohibiting structures within 30 feet from the top or toe of a bluff in order to prevent bluff erosion, to preserve the scenic and natural characteristics of bluffs in the shoreland zone and to minimize bluff slumping from ground water flow from run-off from the structure. It is also not in harmony with the ordinance because the 1.9 acre lot has sufficient area to rebuild and expand a residence in compliance with setback requirements.
9. The proposed variance is not consistent with the Comprehensive Land Use Plan because the plan emphasizes maintaining and preserving the unique natural environment and natural resources of the county of which shoreland bluffs are a part. The plan has a specific goal of developing lakeshore property with minimal impact to natural resources.

Schatz, Paul, Slater Township on property described as E 110' of W 300' of Gov Lot Lying N of Road, Section 28-142-26, PID #39-028-4403 located at 5924 Little Sand Lane NE. An application submitted to expand an existing non-conforming residence with a 12 feet x 20 feet addition. The residence is non-conforming because it is located 52 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 150 feet from a lake classified Natural Environment (NE). In addition, Section 1115.3 requires a variance for any expansion of a non-conforming structure. The property contains .69 acre riparian to Little Sand Lake (NE).

18 notices of the application were mailed. No responses were received. The application was discussed and reviewed with applicant's representative Mr. Isaacson.

MS/P Moore/Ballenthin to approve the location of the expansion of the non-conforming residence located at PID #39-028-4403 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The lot became of record in 1959 prior to the adoption land use regulation and setback requirements.
2. The lot contains less than half the square footage now required for a riparian NE lot.
3. There is no record in the permit archive for original construction of the structure which is located at less than the current required lake setback which establishes practical difficulty.
4. The neighboring area consists of similar single family riparian lots with residences to which this proposed structure will be little different and therefore poses no particular threat to the essential character of the locality.
5. The proposed structure expansion seems a reasonable use of the property when taking into account that it will be mostly unobservable from adjoining 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.
6. The proposed residence expansion is not excessive of scale and not obtrusive to neighboring property which 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 reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence expansion.
8. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed residence 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 shoreland vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetation 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 proposed residence expansion shall not vary from that submitted 09/19/12.
2. 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".
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 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.
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 shall expire 10/08/14.

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.

Seaquist, James & Lea, Wabedo Township on property described as W $\frac{1}{2}$ of Gov Lot 4 Lying N of County Road & Less 20' Thereof & Also Less That Part Lying Sly of CSAH 54, Section 23-140-28, PID #46-023-3302 located at 3277 S Little Boy Drive N. An application submitted to expand an existing non-conforming residence with a 4 feet x 17 feet addition and an 8 feet x 28 feet addition. The residence is non-conforming because it is located 42 feet from the lake at the closest point. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). In addition, Section 1115.3 requires a variance for any expansion of a non-conforming structure. The property contains 9.7 acres riparian to Little Boy Lake (RD).

56 notices of the application were mailed. One response from Wabedo Township recommending approval of the application was received. The application was discussed and reviewed with Mr. Seaquist.

MS/P Fitch/Bliss to approve the expansion of the non-conforming residence located upon PID #46-023-3302 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. There is no record in the permit archive for original construction of the structure but it is presumed to have been prior to the adoption of land use regulation.
2. The residence is located 42 feet from the lake which establishes practical difficulty in the plan to modify and expand the footprint.
3. A portion of the proposed expansion will be non-lakeside.
4. The neighboring area consists of similar single family riparian lots with residences to which this proposed structure will be little different and therefore poses no particular threat to the essential character of the locality.
5. The proposed expansion seems a reasonable use of the property when taking into account that one expansion will be no non-lakeside unobservable from the lake and another to the side which is well screened by vegetation 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 proposed expansion is not excessive of scale and not obtrusive to neighboring property which 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 reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.

8. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed 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 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 shall not vary from that submitted 09/106/12.
2. 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".
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. 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.

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 shall expire 10/08/14.

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.

VanBriesen, Sherrie & Matt, Sylvan Township on property describes as E 150 Ft of NE NW Lying N of State Hwy #210, Section 17-133-29, PID #41-117-2103 located at 1508 State 210 SW. An application submitted to construct 36 feet x 56 feet (2,016 sq ft) accessory structure to be located 45 feet from the right-of-way of TH #210. Section 1101 of the Land Use Ordinance (2010) allows for 1,200 square feet on a lot that contains .5 - .99 acres. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 50 feet from the right-of-way of a state highway. The property contains .78 acres non-riparian to the Gull River (TR). Consideration of this application was tabled during the 09/10/12 meeting in order for revised property description to be submitted. KLD survey describes the lot as riparian to the Gull River containing .97 acres.

33 notices of the application were mailed. One response from Sylvan Township recommending approval of the 45 feet right-of-way setback and the structure not to exceed 1,728 square feet was received. The proposed variance was discussed and reviewed with the applicants.

MS/P Ballenthin/Gardner to approve the location and size of the accessory structure to be located upon PID #41-117-2103 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

Findings:

1. The lot was created in 1983 prior to the adoption of land use regulation regulating accessory structure size which establishes practical difficulty.
2. Such structures are not unusual along the TH #210 corridor and the proposed structure will be little different and therefore poses no particular threat to the essential character of the locality.
3. MN DOT allows construction up to MN DOT right-of way.

4. The proposed setback of 45 feet from right-of-way seems a reasonable and inconsequential when taking into account that it will be a mostly unobservable from the lake and not obtrusive to TH #210 traffic 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 accessory structure will not be out of scale and not obtrusive to neighboring property which does contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. There is no reason to conclude that area land use will be negatively affected by the location or size of the proposed accessory structure.
7. There is no reason to conclude that water quality will be in any way affected by the proposed accessory structure.
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 location of the accessory structure shall not vary from that submitted 08/20/12.
2. The size of the approved structure shall not exceed 1,728 square feet.
3. Sidewall height shall not exceed 14 with roof pitch not to exceed 4:12.
4. The existing vegetative screening which includes recently planted spruce trees must be and allowed to mature to visually screen the structure from TH #210. Spruce trees which fail to

survive must be replaced as necessary to maintain the screening which would exist when replacement trees are mature.

5. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.

6. 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.

7. 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.

8. 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.

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

10. Approval shall expire 10/08/14.

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.

Other Business

Request received from Daniel Kociemba that the PC consider the existing shared fire wood storage structure that he shares with his neighbor that straddles a common property line. Mr. Kociemba received a variance, VP12-140-26-3, approved 09/10/12 to exceed the maximum square footage accessory structure limit for his lot. A condition of approval was removal of a privy/fish cleaning structure to which he has already complied. The PC did not take up or consider the fire wood structure which has been ordered to be removed as a condition of permit approval.

MS/P Ballenthin/Kostial to amend VP12-140-26-3 to allow that the wood structure to remain as is until or if the neighbor requests removal or the Kociemba property is transfer/sold.

MS/P Kostial/Gardner to acknowledge and support the WOC policy presented by Mr. Moore for future discussion and consideration for inclusion in the Comprehensive Land Use Plan.

MS/P Ballenthin/Fitch at 2:05 pm, to adjourn.

P. Fairbanks