



Cass County  
Planning Commission/Board of Adjustment

April 8, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting April 8, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted April 1, 2013 with Anderson, Fitch, Froehlig, Kostial, LaPorte, Moore and Sundberg present.

Sundberg called the meeting to order at 9:30 a.m.

Members present: Anderson, Fitch, Froehlig, Kostial, LaPorte, Moore and Sundberg.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Mike French, Steven Freiberger, Patricia Freiberger, Sally French, Richard Glenn, Randy Jackson, Jeremy Johnston, Mara Loomis, Mitch Loomis, Joan Maske, Tom Steffens, and Norm Wieland.

MS/P Moore/Fitch to approve the minutes of the 03/11/13 PC/BOA meeting with the revisions as proposed and reviewed in reference to the conditions attached to the Quarterdeck application.

MS/P Moore/LaPorte to approve the minutes of the 03/18/13 PC/BOA meeting as presented.

Variance

Busack, Bradford & Diane, Shingobee Township on property described as Lot 3, Blk 1, "Eagle Ridge", PID #38-381-0130, Section 11-141-31 located at 6465 Eagle Ridge Road NW. An application to expand a non-conforming residence with a 16 feet x 24 attached garage and a 12 feet x 22 feet addition. Although the proposed expansion will comply with the lake setback, 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 (2013) requires structures to be 30 feet from the top or toe of a bluff. Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .97 acres riparian to Leech Lake (GD).

PC members were at the site 04/01/13. No comments in response to the mailed notification were received. The application was discussed and reviewed with the owner's representative Mr. Glenn.

MS/P LaPorte/Froehlig to approve the expansion of the residence located upon PID #38-381-0130 based upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1986 when the bluff standards were not administered.
2. There is no record of the original construction in the permit archive and it is obvious that the residence was constructed prior to the adoption of bluff setback requirements.
3. The proposed expansion will comply with the required setback from the lake.
4. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the residence along with where it is located on the lot 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 expansion will not be excessive of scale or 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. Because surrounding area contains structures similar in scale there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
7. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
8. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for 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 03/21/13.
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. 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/08/15.
8. The applicant shall verify to ESD the number of bedrooms contained in the expanded residence prior to permit approval.

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.

Freiberger, Steven, Wabedo Township on property described as Ely 220 Feet of Wly 660 Feet of Gov Lot 5, PID #46-011-2103, Section 11-140-28 located at 1705 Birch Lane NE. The applicants intend to replace the existing residence at the same footprint and volume as allowed by M.S. 394.36. The application submitted is to expand the residence with an 8 feet x 20 structure of which 8 feet x 10 feet will be covered but not enclosed (porch) with 8 feet x 10 feet covered and enclosed (home entrance) located at the east side of the residence but no closer to the lake than the existing setback. The residence is non-conforming because it is located 30 feet from Little Boy Lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2010) requires a variance for the expansion of any non-conforming structure. The property contains 9.24 acres riparian to Little Boy Lake (RD).

PC members were at the site 02/04/13. 32 notices of the application were mailed. One response from Wabedo Township recommending approval of a platform not a deck or porch was received. The variance request was reviewed with Mr. and Mrs. Freiburger.

MS Froehlig/Fitch - Anderson/No, Fitch/Yes, Froehlig/Yes, Kostial/Yes, LaPorte/Yes, Moore/No to approve the construction of a deck and porch for the residence located upon PID #46-011-2109 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The property became a lot of record in 1961 and the residence was constructed prior to 1978 and deemed non-conforming because it is located 30 feet from the lake.
2. As allowed by ordinance and statute the applicants intend to construct a new residence at current footprint, volume and setback.
3. The Land Use ordinance allows for platform of not more than 150 square feet to be located within 10 feet of an OHWL with no roof.
4. If the application for the 160 square feet expansion of the existing footprint was denied, the applicants could build a new residence that would comply with setback requirements and they could not be compelled to remove the existing structure unless at the expense of the County. Such an outcome, improbable as it may be, would only serve to create substantially more impervious surface and structure density in the shoreland area of the property.
5. The application calls for 160 square feet of which 80 square feet over the entrance would be covered and enclosed.
6. The proposed covered portion will be 10 feet further from the lake than the closest point of the current lake setback.
7. The neighboring area consists of similar single family riparian lots to which this proposed expansion will be not be out of the ordinary and therefore does not pose any particular threat to the essential character of the locality.
8. The proposed expansion will not increase the encroachment toward the lake.
9. The proposed expansion area, 10 square feet, in excess of that could be allowed with a platform permit seems inconsequential and a reasonable use of the property when taking into account the size and configuration of the structure and that it will be mostly unobservable from 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.
10. The proposed area in question is not excessive of scale or 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.

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 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 deck shall not exceed 8 feet x 10 feet and the porch shall not exceed 8 feet x 10 feet and shall not vary from the location submitted 01/22/13.
2. The porch shall not be enclosed.
3. The deck must be at least 30 feet from the OHWL.
4. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. 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.
6. 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.
7. 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.
8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/08/15.

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.

French, Michael & Sally, Woodrow Township on property described as Lots 14 & 15, Blk 2, "Minne Teepe Portage", PID #51-452-0245, Section 22-140-29 located at 3445 8<sup>th</sup> Ave NW. An application to expand a non-conforming residence with a 14 feet x 30 feet lake-side addition. Although the proposed addition will comply with lake setback, the residence is non-conforming because it is located one foot from the closest property boundary line. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 10 feet from a property boundary line. Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .71 acres riparian to Woman Lake (GD).

PC members were at the site 03/04/13. One response to the notice mailing was received from Woodrow Township recommending approval. The variance request was reviewed with the applicants.

MS/P Fitch/Froehlig to approve the application to expand the non-conforming residence located at PID #51-452-0245 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1923.
2. The residence was constructed by a previous owner in 1990 with permit with a site plan approved with a five feet setback from the boundary with Lot 16 therefore construction was not in compliance with the permit.
3. The proposed expansion will comply with the required setback from the lake.
4. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the residence along with where it located on the lot 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 expansion will not be excessive of scale or 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. Because surrounding area contains structures similar in scale there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
7. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
8. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for 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 vary from that submitted 03/19/13.
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. 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/08/15.

Hegman, David, Crooked Lake Township on property described as Lot 17 & Wly 30 Feet of Outlot A Lyg Sly of the N Line of Lot 17 Extended Ely from the NE Corner of Lot 17, "Pines-A-Plenty on lake Washburn", PID #12-452-0170, Section 17-139-26 located at 1588 Plummer Point Road. An application submitted to expand a non-conforming residence with a 27 feet x 32 feet footprint basement, ground level and upper level expansion. In addition, the application calls for the addition of an upper level expansion for the existing portion of the proposed expanded structure. The residence is non-conforming because it is located 36 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 (2013) requires a variance for the expansion of any non-conforming structure. The property contains .48 acre riparian to Lake Washburn (GD).

PC members were at the site 03/04/13 and 04/01/13. 16 notices of the application were mailed. No responses were received. The proposal was reviewed and discussed with the applicant's representatives from Northland Construction.

MS/P LaPorte/Fitch to table consideration of the application to the 05/13/13 meeting in for the applicants' representative from Northland Construction to submit a revised lakeside elevation and to consider off-setting the proposed addition another four feet.

Jackson, Lisa & Randell, Gould Township on property described as Cabin #1, "Point View Resortominium" & Part of Gov Lot 12, Section 25-143-29, PID # 15-125-4501 located at 10024 Point View Trail NW. An application submitted to remove the existing 23 feet x 31 feet residential structure located 53 feet from the and replace with a new 31 feet x 31 feet residential structure to be located 53 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).

PC members were at the site 04/01/13. No responses from the notice mailing of the application were received. The variance request was discussed and reviewed with Mr. Jackson.

MS/P Kostial/Froehlig to approve the application to construct a new residential structure at PID #15-125-4501 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. MS 394.36 would allow replacement at current setback, footprint and volume with permit.
2. 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.
3. The applicants' lot does not extend to the lake.
4. The proposed new residence will be at the existing lake setback.



5. The proposed increase in size, 249 square feet, is insignificant and will be toward the non-lakeside.
6. The proposed new residence seems a reasonable use of the property when taking into account the configuration and size of the building area and its location within the co-op development which therefore 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 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.
8. 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.
9. There is no reason to conclude based upon the size and location of the proposed residence that water quality will be negatively affected.
10. There is no reason to conclude that financial consideration is the sole reason for the application.
11. The applicant has submitted verification of approval of the proposed residence 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 03/07/13 and shall not exceed one story.
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. 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.
5. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/08/15.

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.

Loomis, Mara & Mitch, Shores of Leech Lake Resort, Shingobee Township on property described as Part of Gov Lots, 2, 3 & 4, PID #38-109-3109, Section 9-142-31 located at 6166 Morriss Point Road NW. An application submitted to construct a 20- feet x 24 feet outdoor kitchen patio located along the harbor of Shores of Leech Lake Resort for the use and enjoyment of resort guests. Section 1126.4 of the Land Use Ordinance (2010) requires such structures/facilities not to exceed 250 square feet. The property contains 17.79 acres (WOC) riparian to Leech Lake Washburn (GD).

PC members were at the site 04/01/13. More than 50 notices of the application were mailed with no responses received. The variance request was discussed and reviewed with Mara and Mitch Loomis.

MS/P Anderson/Fitch to approve the location and size of the outdoor kitchen patio to be located at PID #38-109-3109 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property has been a resort at least 50 years.
2. The proposed area to be developed as an outdoor kitchen patio is located with the resort property abutting the harbor and not visible from the lake or any residences.

3. The proposed outdoor kitchen patio is a reasonable activity and location for the resort and when taking into account the size and configuration of the property does not contradict the purpose 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 outdoor kitchen patio will not be excessive of scale and unobservable to neighboring property 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.
5. There is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed outdoor kitchen patio.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed outdoor kitchen patio.
7. There is no reason to conclude that financial consideration is the sole reason for the application.
8. The existing concrete slab will be removed.

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 outdoor kitchen patio shall comply with the site plan submitted 02/28/13.
2. The patio must be of a pervious type construction.
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 harbor 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/08/15.

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.

Maske, Joan & Roy, Crooked Lake Township on property described as The N 150 Feet of the S 259 Feet of the N 1200 Feet of Gov Lot 8, PID #12-009-2315, Section 9-139-26 located at 1937 Peninsula Road NE. An application submitted "after the fact" to be allowed to retain a deck and a fence located at less than the required lake setback and stairs that exceed the maximum width allowed. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 75 feet from a lake classified General Development (GD). Section 1126.6 of the Land Use Ordinance (2013) establishes maximum stairway width of four feet. The property contains 3.75 acres riparian to Lake Washburn (GD).

PC members were at the site 03/04/13 and 04/01/13. 30 notices of the application were mailed. One response recommending denial was received. The request for variance was reviewed and discussed with Joan Maske.

MS/P Moore/LaPorte to deny the application as submitted 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 condition:

Findings:

1. The setback of the residence was approved at 65 feet from the lake by VP10-139-26-7.
2. Condition #2 of VP10-139-26-7 specifies no deck at less than 65 feet from the lake.
3. Condition #3 of VP10-139-26-7 specifies that existing structures located within the lake setback must be removed by 11/01/10.
4. The deck is 54 feet from the lake.
5. As ordered by VP10-139-26-7 Condition #3, the fence encroachment with the structure setback has not been removed.
6. The stairway is the width of the deck.
7. The site plan submitted 08/06/10 and approved 10/12/10 as ZP10-139-26-32 for construction shows lake setback for the residence as 65 feet with no deck.

8. The deck contains 288 square feet.

9. A Land Use Permit for a platform which can contain up to 150 square could have been obtained by the applicants.

10. A Shoreland Alteration Permit for a patio which may contain up to 400 square feet not less than 40 feet from the lake could have been obtained by the applicants.

Condition:

1. As proposed in the Restoration Plan compliance must be accomplished no later than 08/01/13.

#### Other Business

Jones, Dale & Harriet request to extend the expiration date of VP04-140-30-4 which was approved 09/15/04 and amended 07/13/09 to extend the expiration date.

MS/P Fitch/Moore to extend expiration to 12/31/15 or until all units are sold and constructed.

Manson, Brad request to extend the expiration date of VP10-134-30-1 which was approved 04/12/10.

MS/P Moore/LaPorte to extend the expiration date to 04/08/15.

MS/P Anderson/Moore at 11:55 am, to adjourn.

P. Fairbanks