



Cass County
Planning Commission/Board of Adjustment

June 10, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting June 10, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted June 3, 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, Carlson, Fairbanks and Ringle.

Citizens Present: Tom Adams, Dick Arones, Joanne Bader, Dave Diederich, Terry Freeman, Marilyn Haaf, Heather Hauser, Bev Hendricks, Doug Johnson, Nancy Johnson, Steve Johnson, Jody Knaus, Nancy Olson, Jeff Peterson, Mike Pfister, Jay Riffle, Jennifer Trice, Julie Lohse, Ron Lohse, and Norm Wieland.

MS/P Fitch/LaPorte to approve the minutes of the 05/13/13 PC/BOA meeting as presented.

Variance

Evans, Brian, N Shingobee Township on property described as Part of Gov Lots 3 & 4, Section 9-142-31, PID #38-109-3405 located at 6165 Morriss Point road NW. An application submitted to be allowed to exceed the maximum amount of square footage allowed for accessory structures based on lot size. The applicant proposes to exceed the maximum allowed, 1,200 square feet, by 320 square feet by constructing a 28 feet x 32 feet garage, 896 square feet. The property contains an existing 24 feet x 26 feet, 624 square feet garage. Section 1101 of the Land Use Ordinance (02/15/13) allows 1,200 square feet of accessory structure on lots that contain .5 - .99 acres. The property contains .88 acre riparian to Leech Lake (GD).

PC members were at the site 06/03/13. 25 notices of the application were mailed. No comments in response to the mailed notification were received. The application was discussed and reviewed with Mr. Evans.

MS/P Kostial/Froehlig - Anderson/Yes, Fitch/Yes, Froehlig/Yes, Kostial/Yes, LaPorte/No, Moore/No, Sundberg/No to allow the accessory structure to be constructed upon PID #38-

109-3405 to exceed, by 320 square feet, the maximum square footage accessory structure maximum allowed based on lot size upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1973 prior to regulation of detached accessory structure square footage determined by lot size.
2. The square foot footage in excess of the maximum allowed will amount to 320 square feet which seems inconsequential on a lot which contains 38,000 square feet total area.
3. The proposed structure seems a reasonable use of the property when taking into account the size and configuration of the lot along with where it will be located 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 structure 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.
5. Because the surrounding area contains structures similar in scale 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. No responses or objections have been received from any persons or governmental entities notified of the application.
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 or location of the structure shall not vary from that submitted 05/22/13.
2. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No run-off to 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 06/10/15.

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.

Haaf, Marilyn, Ponto Lake Township on property described as Lot 3, "Sunrise Point", Section 28-139-29, PID #32-454-0030 located at 1572 Sunrise Point Drive NW. An application submitted to remove/demolish an existing 36 feet x 24 feet residence 29 feet from the lake and replace with new construction consisting of 44 feet x 32 feet residence with an attached 16 feet x 22 feet garage to be also located 29 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 100 feet from a lake classified recreational Development (RD). The property contains .65 acre riparian to Lake Ada (RD).

PC members were at the site 06/03/13. 37 notices of the application were mailed. No responses were received. The variance request was reviewed with Ms. Haaf and her contractor Mr. Deiderich.

MS/P Fitch/Kostial to table consideration of the application until the 07/08/13 meeting in order for the applicant to consider structure configuration and lake setback options.

Johnson, Douglas, Shingobee Township on property described as Gov Lot 1, Less 667 Ft Thereof, Section 25-141-31, PID #30-025-2100 located along Bearberry Trail NW. An application submitted to construct a 22 feet x 38 feet residence with a 7 feet x 35 feet porch to be located 75 feet from an unnamed wetland. In addition the applicant requests permission for the construction of two additional residences on the property at 75 feet from the unnamed wetland (NE). Section 1120 of the Land Use Ordinance (02/15/13) deems, except as otherwise designated, all residential lots to be considered single family residential. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 150 feet from a water body classified Natural Environment (NE). The property contains 7.65 acres riparian to Portage Lake (RD) and an unnamed wetland (NE).

Option 1. - Allow decreased setback from NE wetland not less than 50 feet for proposed residence # 1.

Option 2. - In addition to option 1, allow decreased setback from NE wetland not less than 50 feet for proposed residences # 2 & 3.

Option 3. - In addition to options 1 & 2, allow creation of three lots at NE total area standard, 100,000 square feet, but less than required for buildable area NE standard, 40,000 square feet.

PC members were at the site 06/03/13. 11 notices of the application were mailed with no responses received. The variance request was reviewed with the applicants.

MS/P Kostial/Moore to approve the application as identified as Option 3 for closer lake setback and lot configuration for PID #38-025-2100 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1966 which was prior to the adoption of lake setback and lot size standards.
2. The parcel is unique because it directly bordered by two water bodies.
3. The primary focus and use of the property will be toward Portage Lake.
4. The proposed residence(s) will comply with the required setback of 100 feet from Portage Lake.
5. There is no access from the wetland to Portage Lake.
6. The proposed residence(s) seems a reasonable use of the property when taking into account the configuration of the lot in relationship to the lake and wetland along with the proposed location of the residence which does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
7. The proposed residence(s) will not be excessive of scale or obtrusive 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.

8. Because the surrounding area contains residences similar in size and scale, 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.

9. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.

10. No responses or objections have been received from any persons or governmental entities notified of the application.

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 residence(s) shall not be located less than 100 feet from Portage Lake.
2. Any material/debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No run-off to 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. There shall be no shoreland alteration access or dock to the NE side of the property.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/13/19.

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.

Knaus, Jody, Meadowbrook Township on property described as Lot 1, Block 10, "Wilderness Park 6th Addition", Section 13-135-31, PID #26-346-1010 located at the intersection of Black Bear Drive SW and Mohawk Trail SW. An application to be allowed to retain a 12 feet x 20 feet bunkhouse, a 24 feet x 30 feet travel trailer with attachments and a 16 feet x 36 feet travel trailer with attachments all located on the property. Section 1120 of the Land Use Ordinance (2013) deems, except as otherwise designated, all residential lots to be considered single family residential. Section 1126.5 B. allows for one guest quarters structure with no size restriction in the Non-Shoreland Zone on lots that contain at least 2.5 acres. The property is a lot of record in the RR-2.5 area that contains 1.66 acres.

PC members were at the site 06/03/13. 27 notices of the application were mailed with no responses received. The variance request was discussed and reviewed with Ms. Knaus.

MS/P LaPorte/Froehlig to allow the current configuration and number of residences located upon PID #26-346-1010 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1974 prior to the adoption of non-shoreland lot and guest quarters standards.
2. The lot is isolated from other residential development with little likelihood of adjacent or even general area residential development.
3. The existing use, three residences, seems a reasonable use of the property when taking into account the size of the structures and configuration of the lot and 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 existing use is not excessive of scale or obtrusive 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 reason to conclude that area land use has been negatively affected or altered by the existing use.
6. No responses or objections have been received from any persons or governmental entities notified of the application.
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. No additional residences shall be added to the site.
2. The existing structures shall not be expanded.
3. Applicable land use permits for all structures and uses shall be obtained by 08/01/13.
4. The use must continue as single family residential with no rental.

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.

Olson, Nancy, Powers Township on property described as Lot 1, Block 1, "Point of Pines", Section 22-139-30, PID #34-420-0105 located at 1112 Rainy Lake Drive NW. An application submitted to enclose and expand by 4 feet x 16 feet an existing 10 feet x 12 deck. The structure is non-conforming because it is located 96 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (02/15/13) requires a variance for

the expansion of any non-conforming structure. The property contains .48 acre riparian to Rainy Lake (RD).

PC members were at the site 06/03/13. 31 notices of the application were mailed. One response in support of approval of the application has been received. The variance request was discussed and reviewed with Ms. Olson.

MS/P Fitch/Moore to approve the expansion of the residence located at PID #34-420-0105 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1969.
2. There is no record of the original construction in the permit archive.
3. The applicants are not responsible for previous construction at less than the required lake setback.
4. If the existing deck was enclosed, setback will not be affected.
5. The residence appears to be further back from the lake than neighboring property.
6. If allowed the minor expansion the residence will not be closer than neighboring property.
7. The proposed enclosure and small 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 in relation to neighboring residences 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 enclosure 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.
7. Because surrounding area contains structures similar in scale and larger, there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed enclosure and 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 enclosure and expansion.
9. One response recommending approval of the application has been received. No other responses or objections have been received from any persons or governmental entities notified of the application.
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 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 05/23/13.
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 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 06/10/15.

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.

Seeman, Robert, Woodrow Township on property described as E 225 Feet of W 325 Feet of Gov Lot 5, Section 35-140-29, PID #51-035-4210 located at 2608 6th Avenue NW. An application submitted to expand a 10 feet x 20 feet non-conforming accessory structure with a 10 feet x 16 feet addition. The structure is non-conforming because it is located 85 feet from the lake. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains 6.51 acres riparian to Blackwater Lake (RD).

PC members were at the site 06/03/13. 29 notices of the application were mailed. Two responses including that of Woodrow Township recommending approval have been received. The variance request was discussed and reviewed with Mr. and Mrs. Seeman.

MS/P Kostial/Anderson to approve the location and size of the expansion of the non-conforming accessory structure located at PID #51-035-4210 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was created in 1976 and measures about 165 feet from lake, setback 100 feet, and roadway, setback 20 feet.
2. The area beyond the roadway is mainly wetland.
3. Original lake setback for Blackwater was 85 feet.
4. The structure proposed to be expanded was constructed with permit in 1996 at 85 feet.
5. Because of its alignment to the lake, the proposed expansion will not reduce lake setback.
6. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the lakeside portion of the lot residence 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 expansion will not be excessive of scale or obtrusive to neighboring property or the lake 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. 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.
9. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
10. No responses or objections have been received from any persons or governmental entities notified of the application.

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 dimensions of the expansion shall not vary from that submitted 05/21/13.
2. No part of the expansion shall be closer to the lake than existing setback.
3. 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".
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. 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/10/15.

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.

Sherwood, Kathy, Kego Township on property described as part of Gov Lot 5, Section 34-141-28, PID #19-034-3404 located at 1339 Summerhill Drive NE. An application submitted to remove/demolish an existing 40 feet x 24 feet residence/20 feet x 16 feet deck 50 feet from the lake and replace with new construction consisting of 30 feet x 34 feet residence with an attached 12 feet x 16 feet screened porch to be located 85 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 100 feet from a lake classified recreational Development (RD). The property contains .6 acre riparian to Girl Lake (RD).

PC members were at the site 06/03/13. 22 notices of the application were mailed with no written responses received. The variance request was discussed and reviewed with the applicant's representative Mr. Riffle.

MS/P LaPorte/Kostial to approve the location and configuration of the residence to be located upon PID #19-034-3404 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The lot was created in 1949.
2. Construction of the residence to be removed was permitted in 1988 at 65 feet although it is actually 50 feet from the lake.
3. The proposed residence will be at 85 feet from the lake which will be a gain of 35 feet from the lake.
4. The proposed residence is a reasonable use of the property when taking into account the size and configuration of the residence along with where it will be 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 residence 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.
8. Because the 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.
9. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.

10. No responses or objections have been received from any persons or governmental entities notified of the application.

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 dimensions and location of the residence shall not vary from that submitted 05/21/13.
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 06/10/15.

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.

Trice, Jennifer, Ponto Lake Township on property described as Part of Gov Lot 6, PID #32-003-1403, Section 3-139-29 located at 865 22nd St NW. An application submitted to expand a non-conforming residence with a 22 feet x 44 feet second story addition. The residence is non-conforming because it is located 23 feet from the lake. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains 1.3 acres riparian to Island Lake (RD).

PC members were at the site 05/06/13. 36 notices of the application were mailed. Several responses in support of approval of the application have been received. The variance request was discussed and reviewed with the applicant.

MS/P Moore/Kostial to approve the application to expand the residence at PID #32-003-1409 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property was platted in 1950.
2. There is no record of the original construction in the permit archive but it seems likely that the original construction occurred prior to the adoption of shoreland standards.
3. The proposed upper level expansion will not alter existing lake setback or the footprint of the structure.
4. The residence currently has a loft with height to peak of 16 feet.
5. The proposed upper level will increase height to peak to 22 feet.
6. The proposed upper level expansion seems a reasonable use of the property when taking into account the configuration and size of the residence and location within the property 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 expansion is not excessive and when considering the lot and the neighborhood, it will not be obtrusive and will not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. Responses from 11 neighbors urging approval of the application have been received. No responses or objections have been received from governmental entities notified of the application.
9. The proposed expansion will be reasonable in size and scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
10. There is no reason to conclude based upon the size and location of the proposed residence expansion that water quality will be negatively affected.

11. Expansion of the upper level will result in no increase of impervious area on the lot.
12. There is no reason to conclude that financial consideration is the sole reason for the application.

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

1. ESD required and approved erosion control is installed.
2. A written plan for suitable vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions/Approve:

1. The dimensions of the expansion shall comply with the site plan submitted 04/25/13.
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 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 property 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 06/10/15.

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.

Conditional Use Permit

Bader, Gerald, W Gould Township on property as described as Part of Gov Lot 12, Section 25-142-29, PID #15-125-4409 located at 10087 1st Avenue NW. An application submitted to establish a 10 site recreational vehicle campground which requires a conditional use permit (CUP). Section 705 of the Land Use Ordinance (02/15/13) establishes conditional use permit (CUP) review criteria and process. Section 1118 of the Land Use Ordinance (02/15/13) establishes recreational vehicle campground criteria. The property contains is 2.29 acres non-riparian within the shoreland area (.25 mile) area of Leech Lake (GD).

PC members were at the site 06/03/13. 21 notices of the application were mailed with no responses received. The CUP request was discussed and reviewed with Ms. Bader and Ms. Hauser.

MS/P Moore/Fitch to approve the CUP application for the RV facility at PID #15-125-4409 upon review of the criteria contained in Sections 705 and 1118 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The number of recreational vehicle sites complies with the applicable density standards.
2. No wetland or critical habitat will be affected.
3. No scenic or historic features will be affected.
4. The proposed campground poses no likelihood of harm to public health, safety or the common good.
5. The proposed campground will not increase the need or demand for governmental services.
6. No responses or objections have been received from any persons or governmental entities notified of the application.
7. The proposed campground does not reach the mandatory EAW threshold.

Conditions:

1. The recreational vehicle sites shall be configured as submitted 05/21/13.
2. All applicable permits and licenses shall be obtained.
3. A plan for a vegetative buffer for the south property line must be submitted to ESD by 08/15/13.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/10/15.

Conditional Use Permit/Preliminary Plat

Breda, Richard & Prescott, Cynthia, Acorn Hills Resort, N Turtle Lake Township on property on Part of Gov Lot 1, Section 6-142-30 & Part of SE SW, Section 31-143-30, PID #45-106-2211 & Part of Gov Lot, Section 6-142-30, PID #45-106-2217 & Part of SE SW, Section 31-143-30, PID #45-231-3402 & Part of SE SW, Section 31-143-30, PID #45-231-3406 & Part of SE SW, Section 31-143-30, PID #45-231-3407 located at 4575 Pine Point Drive NW. A conditional use permit application submitted to create five additional seasonal recreational vehicle sites. The applicants have also submitted an application to plat in order to create legal descriptions for the resort sites in their current location. The property will continue to operate as a resort with the option of separate ownership of the resort sites. Section 705 of the Land Use Ordinance (02/15/13) establishes conditional use permit (CUP) review criteria and process. Article 4 of the Cass County Subdivision and Platting Ordinance 902/15/13) establishes the preliminary plat criteria and process. The property contains 16.07 acres riparian to Leech Lake (GD).

PC members were at the site 06/03/13. More than 50 notices of the application were mailed with one response objecting to approval received. The CUP request was discussed and reviewed with Mr. Freeman.

MS/P Moore/Kostial to approve the CUP application for the RV sites and the preliminary plat for Acorn Hills upon review of the criteria contained in Sections 705 and 1118 of the Land Use Ordinance (02/15/13) and Article 4 of the Subdivision and Platting Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The number of proposed recreational vehicle sites complies with the applicable density standards.
2. Other than the proposed recreational vehicle sites, the platted resort configuration is unchanged.
3. The County Surveyor and ESD have reviewed and approved the preliminary with only minor technical revisions required.
4. No wetland or critical habitat will be affected.
5. No scenic or historic features will be affected.
6. The proposed recreational vehicle sites or platting the resort pose no likelihood to harm public health, safety or the common good.
7. The proposed recreational vehicle sites or platting will not increase the need or demand for governmental services.
8. One response from a directly adjacent neighbor requesting additional screening/buffer from the resort has been received. No other responses or objections have been received from any persons or governmental entities notified of the application.

Conditions:

1. The recreational vehicle sites shall be configured as submitted 04/25/13.
2. Unless commenced or otherwise extended or revised by the Planning Commission this conditional use permit approval shall be effective until 06/10/15.
3. ESD shall inspect the existing shoreline vegetative and if deemed necessary, Acorn Hill shall submit to ESD a plan for enhancement.
4. Unless extended or revised by the Planning Commission this preliminary plat approval shall be effective until 06/10/14.

Other Business

Lohse, Ron & Julie request to revise conditions of the approval of VP06-139-26-7. No objection to patio. Move storage structure to 150 feet.

MS/P Kostial/Fitch to revise VP06-139-26-7 to include:

1. The patio must be constructed with pervious pavers.
2. The patio, including the fireplace footprint, shall not exceed 400 square feet.
3. The storage shed must be dismantled or moved to 150 feet from the OHWL by 08/01/13.
4. ESD to make recommendations for shoreline vegetation.

Secluded Land Company request to extinguish the approval of VP05-141-31-7. No objection.

MS/P Anderson/Kostial to extinguish the approval of VP05-141-31-7 as requested.

MS/P Moore/LaPorte at 2:30 pm, to adjourn.

P. Fairbanks