



Cass County
Planning Commission/Board of Adjustment

September 16, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting September 16, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted September 9 & 10, 2013 with Anderson, Fitch, Froehlig, LaPorte, Moore and Sundberg present.

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

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Byron Bacon, Ellie Dechman, Tom Dechman, Jason Edens, Julie Greshowak, Steve Greshowak, Kimberly Hackbarth, James Johnson, Jerry Knutson, Matt Kruger, Robert Iverson, Paula Maidl, Todd Maidl, Butch McDonald, Sally Myers, Tory Myers, Kevin Nelson, Jeff Peterson, Bill Reis, Tim Reis, Howard Sedor, Lowell Shepard, Nodie Shepard, Dianne Struwve, Jerry Struwve, and Norm Wieland.

MS/P Fitch/Anderson to approve the minutes of the 08/12/13 PC/BOA meeting as presented.

Variance

Bacon, Byron, Thunder Lake Township on property described as Part of Gov Lot 4, Section 15-140-26, PID #42-015-4411 located at 6313 Thunder Ridge Trail NE. An application submitted to be allowed to construct a 20 feet x 50 feet access pathway from the top of a steep slope to the lake which would lie outside of the 20 feet wide area designated for access. Section 1128.2 of the Land Use Ordinance (02/15/13) allows for the clearing for access of not more than 20 feet in width through Shore Impact Zone (SIZ) - 1 which on a GD lake is one-half of the structure setback of 75 feet. The property contains 11.76 acres riparian to Thunder Lake (GD).

PC members were at the site 09/10/13. 26 notices of the application were mailed. Two responses, one opposed to the application and one from the lake association offering no objection were received. No other responses have been received from any persons or governmental entities notified of the application. The application was discussed and reviewed with the applicant Mr. Bacon.

MS/P Moore/Froehlig to deny the application for PID #42-015-4411 to be allowed to construct a 20 feet x 50 feet access pathway from the top of a steep slope to the lake which would be located outside of the 20 feet wide area designated for access. Denial is based upon review of the criteria contained in Sections 800 and 1128.2 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property contains existing access to the lake via a stairway and includes a lake use area which exceeds current standards along with a lake use structure which is closer and larger than current standards allow.
2. The variance if granted will not be in harmony with the intent of the official controls Section 201 of the Land Use Ordinance, F. Regulating sizes of lots, yards and other open spaces, I. maintaining and enhancing the quality and condition of natural resources within the County and J. Providing adequate access to air, direct sunlight and convenience of access to property.
3. The variance if granted is not consistent with the scope and purpose of the Comprehensive Plan, Private Land Use Plan, Land Use Planning D. 1. - Development of lakeshore property with minimal natural resource impacts.

Greshowak, Steve, Hiram Township on property described as Lot 3, "Hackensack Bathing Beach", Section 13-140-31, PID #16-414-0030 located at 4817 Bark Lane NW. An application submitted to expand a non-conforming residence with a 6 feet x 14 addition and a 7 feet x 11 deck expansion. The residence is non-conforming because it is located 50 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 75 feet from a lake classified General Development (GD). In addition, 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 .56 acre riparian to Birch Lake (GD).

PC members were at the site 09/09/13. 62 notices of the application were mailed. One response supporting approval of the application was received. No other responses were received from any persons or governmental entities notified of the application. The variance request was reviewed with the applicants with Julie and Steve Greshowak.

MS/P Fitch/Froehlig to approve the application as submitted for expansion of the non-conforming residence located at PID #16-414-0030 based 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. "Hackensack Bathing Beach" was platted in 1946.
2. There is no record in the permit for construction of the structure and it appears that it predates land use regulation.
3. The current lakeside deck was approved by variance in 1987.

4. The proposed deck and residence expansion seems reasonable when taking into account the configuration and location of the residence 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.

5. The proposed expansion will not be excessive 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.

6. Because the area contains similar lots and structures 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.

7. There is no reason to conclude that water quality will be in any way affected by the proposed expansions.

8. There is no reason or evidence 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 the site plan submitted with the application 08/13/13.

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. As established in Section 1113.3 of the Land Use Ordinance the impervious coverage of the lot shall not exceed 25%.
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. If determined necessary by ESD, run-off shall be redirected from the expanded structure by gutters to water retention structures such as rain gardens to retain and prevent run-off to the lake and adjoining properties.
7. ESD shall evaluate shoreline vegetation and determine if necessary, vegetative enhancement or a no mow maintenance option shall be implemented.
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 09/16/15.

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.

Hackbarth, Duane, Rogers Township on property described as W 100 Feet of E 600 Feet of Gov Lot 5, Section 19-142-27, PID #36-019-4315 located at 2586 Snowshoe Lane NE. An application submitted to be allowed to retain a guest structure already located on the property which does not comply with the minimum guest quarters lot standards. Section 1113.1 of the Land Use Ordinance (02/15/13) requires that in order for lot to contain guest quarters on a GD lake it must contain 75,000 square feet total area, 27,000 square feet buildable area and be at least 180 feet wide at the water and at the structure setback which 75 feet. PID #36-019-4315 contains 156,000 square feet total area, exceeds 27,000 square feet buildable area but is 118 feet wide at the water and the setback. The property contains 3.59 acres riparian to Boy Lake (GD).

PC members were at the site 09/09/13. 38 notices of the application were mailed. No responses have been received from any persons or governmental entities notified of the application. The variance request was reviewed with Ms. Hackbarth.

MS/P Froehlig/Fitch to approve the application to be allowed to retain the guest quarter structure currently located upon PID #36-019-4315 based 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 contains 156,000 square feet which exceeds the minimum GD lot size required for guest quarters by 48%.
2. The lot contains 66% of the minimum GD lot width required for guest quarters.
3. Although the structure now containing living area was approved in 2011 for garage/storage only, the applicants contend that subsequent extenuating and unique circumstances have required conversion to living quarters.
4. The portion of the structure being utilized as a guest area contains less than 900 square feet which complies with Section 1126.5 A. 1. of the Land Use Ordinance (02/15/13).
5. The conversion seems not to have had detrimental effect to the area and does not appear to 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 conversion is not excessive of scale, obtrusive to neighboring property and mostly unobservable from 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.
7. The surrounding area contains structures similar in scale therefore there is no reason to conclude that area land use has been negatively affected or altered by the size or location of the proposed expansion.
8. There is no reason to conclude that water quality has been affected by the conversion to habitable living quarters.
9. No responses or objections have been received from any persons or governmental entities notified of the application.
10. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

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

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

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any

circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. ESD shall evaluate shoreline vegetation and determine if necessary, vegetative enhancement or a no mow maintenance option shall be implemented.
2. The area currently used for the guest quarter living area, 195 square feet, shall not be expanded.
3. A permit must be obtained for the accessory structure housing the restroom facilities which shall not exceed the existing square feet.
4. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

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

Horton, James, Kego Township on property described as Lot 11, Block 1, "Manders Sunset View", Section 26-141-28, PID #19-436-0155 located at 1730 Deer Run Drive NE. An application submitted to replace the current residence with new construction of a 36 feet x 44 feet residence with a 12 feet x 22 feet deck to be located 47 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 75 feet from a lake classified General Development (GD). The property contains .36 acre riparian to Long Lake (GD).

PC members were at the site 08/05/13. 35 notices of the application were mailed. No responses were received from any persons or governmental entities notified of the application. The application was discussed and reviewed with the applicant's contractor Matt Krueger.

MS/P Moore/Froehlig to approve the location and size of the residence to be located upon PID #19-436-0155 based 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. "Manders Sunset View" was platted in 1955 prior to the adoption of minimum lot standards.
2. Lot 11, Block 1 ranges from 110 feet to 134 feet from the lake to the platted right-of-way and when accounting for setback of 75 feet from the lake and 20 feet from right-of-way allow for a limited area to locate a residence.
3. The proposed residence location seems a reasonable use of the property when taking into account the location and size of the proposed structure along with size and configuration of the

lot which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.

4. The proposed residence 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.

5. 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.

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

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

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

NOTICE TO APPLICANT: 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 residence/deck shall not vary from that submitted 08/15/13.

2. The residence/deck shall not be less than 50 feet from OHWL.

3. As acknowledged by the applicant's representative Mr. Krueger, the applicant offers and will voluntarily remove from the property the structure noted as "B" and will re-side in the same style and color of the residence the structure noted as "A" on the site plan.
4. The lake access area must be reduced to not more than 20 feet wide.
5. The existing fire pit must be replaced with one that contains an enclosed/sealed bottom
6. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
7. 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.
8. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be redirected from the expanded structure by gutters to water retention structures such as rain gardens to retain 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/16/15.

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.

Iverson, Robert, Trustee, S Shingobee Township on property described as Lot 8, "Park Point", Section 35-141-31, PID #38-433-0080 located at 5340 County 71 NW. An application submitted to expand a non-conforming residence with a 15 feet x 30 feet addition which will be 9 feet from the closest property boundary line. The residence is non-conforming because it is located 50 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 75 feet from a lake classified General Development (RD) and 10 feet from a property boundary line. In addition, 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 Ten Mile Lake (GD).

PC members were at the site 09/09/13. 34 notices of the application were mailed. No responses have been received from any persons or governmental entities notified of the application. The proposed expansion was discussed and reviewed with the applicants.

MS/P Froehlig/Anderson to approve the expansion of the residence located at PID #38-433-0080 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. There is no record in the permit for construction of the structure and it is presumed that it predates land use regulation.
2. The proposed residence expansion seems reasonable when taking into account the configuration and location of the residence 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.
3. The proposed expansion will not be excessive 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.
4. Because the area contains similar lots and structures 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.
5. There is no reason to conclude that water quality will be in any way affected by the proposed expansions.
6. No responses or objections have been received from any persons or governmental entities notified of the application.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: 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 addition shall not vary from that submitted 08/16/13.
2. No portion of the addition shall be less than 10 feet from closest property boundary line.
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 material 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. If determined necessary by ESD, run-off shall be redirected from the expanded structure by gutters to water retention structures such as rain gardens to retain 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 09/16/15.

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.

Johnson, James, Woodrow Township on property described as Lots 37 Thru 41, "Interlachen Lodge", Section 8-140-29, PID #51-378-0370 located at 4212 Interlachen Drive NW. An application submitted to construct a 26 feet x 42 feet accessory structure/garage to be located 80 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 1.35 acres riparian to Baby Lake (RD).

PC members were at the site 09/09/13. 25 notices of the application were mailed. Two responses including one from Woodrow Township recommending the application be denied were received. No other responses have been received from any persons or governmental entities notified of the application. The variance request was reviewed with the applicant Mr. Johnson.

MS/P Moore/Fitch to approve a closer lake setback for the accessory structure/garage to be located upon PID #51-378-0370 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. "Interlachen Lodge" was platted in 1920 with Lots 37 - 41 making up a peninsular configuration bordered to the north and south by Baby Lake.
2. Because of the peninsular configuration of the lot, the required setback cannot be complied with.
3. The proposed accessory structure location is a reasonable use of the property when taking into account the configuration of the property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed accessory structure 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.
5. The surrounding area contains structures similar in size and scale therefore there is no reason to conclude that area land use has been negatively affected or altered by the size or location of the expansion.
6. The proposed structure will mostly unobservable from the lake.

Conditions:

1. The dimensions and setback from the lake of the accessory structure shall not vary from that submitted 08/16/13.
2. The structure shall not encroach upon the area designated as wetland by ESD staff.
3. No space in the approved structure shall be utilized for habitation/living space.
4. The applicant must obtain a permit for a platform, not to exceed 150 square feet, for the construction on the south side of the residence.
5. The construction located on the south side of the residence shall not be enclosed.
6. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
7. 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.
8. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be redirected from the expanded structure by gutters to water retention structures such as rain gardens to retain 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/16/15.

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.

Knutson, Robert, E Sylvan Township on property described as Lot 6, "McKisson Acres", Section 28-13-29, PID #41-429-0060 located at 13970 Hardy Lake Road SW. An application submitted to expand a non-conforming residence by the enclosure of an existing 14 feet x 9 feet deck which is considered an addition. The residence is considered non-conforming because it is located 62 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). In addition, 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 .61 acre riparian to Hardy Lake (RD).

PC members were at the site of the application 09/10/13. More than 50 notices of the application were mailed. Two response recommending denial of the application were received. In addition, one response from Sylvan Township recommending approval was received. No other responses have been received from any persons or governmental entities notified of the application. The variance request was reviewed with Mr. Karrick.

MS/P Froehlig/Fitch to approve the enclosure of the deck as submitted for the residence located upon PID #41-429-0060 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 proposed deck enclosure will not affect footprint or setback.
2. The proposed deck enclosure seems a reasonable use of the property when taking into account the location and lake setback of the residence which therefore 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.
3. The proposed deck enclosure 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.
4. Because the surrounding area contains structures similar in size and scale, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed deck enclosure.

5. There is no reason to conclude that water quality will be in any way affected by the proposed deck enclosure.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: 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 deck enclosure shall not vary from that submitted 08/16/13.
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. If determined necessary by ESD, run-off shall be directed by gutters from the garage to water retention structures such as rain gardens to retain 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 09/16/15.

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.

Maidl, Todd & Paula, Hiram Township on property described as Lot 2, "Hackensack Bathing Beach", Section 13-140-31, PID #16-414-0020 located at 4813 Bark Lane NW. An application submitted to expand a non-conforming residence with by enclosing an existing 10 feet x 24 deck which is considered an addition and constructing a 7 feet x 10 feet non-lakeside addition, Option A or 15 feet x 20 feet addition to the side of the residence at current setback and a 7 feet x 10 feet non-lakeside addition, Option B. The residence is non-conforming because it is located 50 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 75 feet from a lake classified General Development (RD). In addition, 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 .56 acre riparian to Birch Lake (GD). PC members were at the site 09/09/13. More than 45 notices of the application were mailed. One response advocating for approval of the application has been received. No other responses have been received from any persons or governmental entities notified of the application. The variance request was reviewed with Paula and Todd Maidl.

MS/P Froehlig/Anderson to approve the expansion of the residence located at PID #16-414-0020 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/ Option B:

1. "Hackensack Bathing Beach" was platted in 1946.
2. There is no record in the permit for construction of the structure and it appears that it predates land use regulation.
3. The proposed expansion seems reasonable when taking into account the location of the residence and the configuration of the lot 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.
4. The proposed expansion will not be excessive 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. Because the area contains similar lots and structures 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 proposed expansions.
7. No responses or objections have been received from any persons or governmental entities notified of the application.
8. There is no reason or evidence 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/Option B:

1. The dimensions of the expansion shall not vary from the site plan submitted with the application 08/19/13.
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 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. If determined necessary by ESD, run-off shall be redirected from the expanded structure by gutters to water retention structures such as rain gardens to retain and prevent run-off to the lake and adjoining properties.
6. ESD shall evaluate shoreline vegetation and determine if necessary, vegetative enhancement or a no mow maintenance option shall be implemented.
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 09/16/15.

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.

Reis, Bill & Tim, W Gould Township on property described as Part of Gov Lot 1, Section 36-143-29, PID #15-136-1208 located at 10008 Point Lane NW. An application submitted to construct a 10 feet x 33 feet deck to an existing residence which will be 67 feet at the closest point from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 75 feet from a lake classified General Development (GD). The property contains .53 acre riparian to Leech Lake (GD).

PC members were at the site of the application 09/09/13. 30 notices of the application were mailed. One response with no objection to approval of the application was received. No other responses were received from any persons or governmental entities notified of the application. The variance request was reviewed with the applicants with discussion devoted various structure and setback options considered. The applicants then withdrew their application from consideration.

Sedor, Howard, N Trelupe Township on property described as Part of Gov Lot 1, Section 1- 140-27, PID #44-101-1114 located at 4785 Jiggs Big Bass Trail NE. An application submitted to expand a non-conforming residence with the 10 feet x 20 feet and 6 feet x 6 feet additions. The residence is non-conforming because it is located 87 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). 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 1.02 acres riparian to Upper Trelupe Lake (RD).

PC members were at the site 09/10/13. More than 25 notices of the application were mailed. No responses were received from any persons or governmental entities notified of the application. The variance request was reviewed with the applicant Mr. Sedor.

MS/P Froehlig/Fitch to approve the location and size of the expansion of the residence located upon PID #44-101-1114 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 residence at the closest point is 87 feet from the lake.
2. The residence was permitted and constructed in 1984 by ZP84-140-27-6 at which time the lake setback was 85 feet.
3. The proposed expansion seems a reasonable use of the property when taking into account the location of the residence which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.

4. The proposed expansion 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.
5. Because the surrounding area contains structures similar in size and scale, there is no reason or evidence 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 or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: 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 the site plan submitted with the application 08/20/13.
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. If determined necessary by ESD, run-off shall be redirected from the expanded structure by gutters to water retention structures such as rain gardens to retain and prevent run-off to the lake and adjoining properties.
6. ESD shall evaluate shoreline vegetation and determine if necessary, vegetative enhancement or a no mow maintenance option shall be implemented.
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 09/16/15.

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.

Shepard, Lowell, Kego Township on property described as NE SW Exc S 500 Feet Thereof, Section 22-141-28, PID #19-022-3100 located at 1379 Tadpole Lake Trail NE. An application submitted to expand a non-conforming residence with the addition of a second floor. The residence is non-conforming because it is located 41 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 150 feet from a lake classified Natural Environment (NE). In addition, 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 24.81 acres riparian to Tadpole Lake (NE).

PC members were at the site of the application 09/09/13. 18 notices of the application were mailed. One response supporting approval of the application was received. No other responses were received from any persons or governmental entities notified of the application. The variance request was reviewed with Mr. Shepard and his contractor Mr. McDonald.

MS/P Moore/Anderson to approve the expansion of the residence located upon PID #19-022-3100 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. There is no record in the permit archive of the original construction of the residence but it is obvious that it substantially predates land use regulation and setback standards.
2. The proposed expansion will be an upper level and will not increase footprint or encroachment to the lake.
3. The location of the proposed residence expansion seems a reasonable use of the property when taking into account the configuration of the lot and the location of the residence which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to

protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.

4. The proposed residence expansion will not be excessive of size or scale 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. The surrounding area contains residences similar in size and scale therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed residence.
7. There is no reason or evidence 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 addition shall not vary from that submitted 08/14/13.
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 material/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 by gutters to water retention structures such as rain gardens to retain and prevent structure 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 08/12/15.

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.

Stoner, Ruth, & Kelly, Warren, W Fairview Township on property described as Part of Gov Lot 3, Section 13-134-30, PID #14-113-4423 located at 2223 Hunters Point Road SW. An application submitted to construct a 1,150 square feet guest quarters structure. The current guest quarters structure would be converted to an accessory structure/garage. Section 1126.5 of the Land Use Ordinance (02/15/13) requires a guest quarter structure on a riparian lot not exceed 900 square feet. The property contains 5.06 acres riparian to Gull Lake (GD).

PC members were at the site of the application 09/10/13. More than 50 notices of the application were mailed. One response received from Fairview Township recommending denial of the application was received. No other responses were received from any persons or governmental entities notified of the application. The variance request was reviewed with the applicant's contractor Mr. Nelson.

MS/P Moore/Anderson to approve the construction of a guest quarters structure that will exceed the maximum square feet, 900, as allowed upon PID #14-113-4423 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 exceeds the minimum GD guest quarters lot size by 145,000 square feet and complies with the minimum width required.
2. Based upon lot size and proposed setback of more than 200 feet, it is unlikely that a guest quarter structure that will exceed the maximum footprint allowed will be detrimental to surrounding area or the lake and 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.
3. The proposed guest quarters structure will not be excessive of scale, observable from the lake or neighboring properties 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.

4. The surrounding area contains structures similar in scale therefore there is no reason to conclude that area land will be negatively affected or altered by the size or location of the proposed structure.

5. There is no reason to conclude that water quality will be affected by the proposed structure.

6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

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

1. ESD required and approved erosion control is installed.

2. A written plan for suitable vegetation is approved by ESD and agreed to be implemented by applicant.

3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions and location of the structure shall not vary from that submitted 08/20/13.

2. The footprint of the approved structure shall not exceed 1,250 square feet.

3. Conversion of the current guest quarters structure to accessory structure use must be verified to ESD no later than 06/01/14.

4. Any material/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.

7. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off by gutters to water retention structures such as rain gardens to retain and prevent structure 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 08/12/15.

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.

Struwve, Dianne & Jerome, Crooked Lake Township on property described as Lot 1 & N 15 Feet Lot 2 Less Hwy , Block 1, "The Narrows", Section 27-139-26, PID #12-493-0110 located at 568 State 6 NE. An application submitted to construct a 30 feet x 42 feet, 1,260 square feet, accessory structure/garage which bring total square feet accessory structure, proposed + existing, on the property to 2,744 square feet which exceed the maximum allowed based on lot size by 1,244 square feet. Section 1101 of the Land Use Ordinance (02/15/13) allows 1,500 square feet of accessory structure on lots that contain 1 - 1.49 acres. The property contains 1.34 acres riparian to Lake Roosevelt (GD).

PC members were at the site 09/10/13. More than 40 notices of the application were mailed. One response opposing approval of the application was received. No other responses were received from any persons or governmental entities notified of the application. The application was discussed and reviewed with the applicants Dianne and Jerome Struwve.

MS/P Moore/Anderson to deny the application to be allowed to exceed the maximum square feet accessory size as determined by lot size for PID #12-493-0110. Denial is based upon review of the criteria contained in Sections 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 became a lot of record and was developed prior to the adoption of the accessory structure size limits.
2. The proposed accessory structure will not be visible for the lake.
3. The variance, if granted, is not in harmony with the intent of the official controls and the comprehensive plan specifically Section 201 F. of the Land Use Ordinance (02/15/13), preventing overcrowding of land and undue concentration of structures because the increase in square footage over the allowed by the ordinance is substantial and will result in overcrowding which is the intent that the restrictions are designed to prevent.
4. The variance, if granted, is not consistent with the scope and purpose of the Comprehensive Plan, Private Land Use Plan, Land Use Planning A. 4. Protect the County's natural resources from degradation because open space is a natural resource of the County and allowing the substantial increase in accessory structure square footage which the variance requests will materially

degrade the open space natural resource of the which is contrary o the purpose of the Comprehensive Plan.

5. The problem which the variance request addresses, the applicants' personal desire to have more accessory structure storage space than the ordinance allows, is a personal matter and not related to unique circumstances of the property not created by the landowner.

6. The variance, if granted, will alter the essential character of the area because a major characteristic of the area is open space and the deviation from allowed accessory structure footage is substantial and will negatively impact the open space character of the area.

7. The variance, if granted, does not put the property to use in a reasonable manner because of the substantial deviation in accessory structure square footage. The ordinance permits the applicants to add accessory structure which would be reasonable but the excessive addition of accessory square footage is not a reasonable use of the property.

Conditional Use Permit Application

Myers, Torey/Pikedale Resort on property currently owned by Shawhan, Donald, Boy Lake Township on property described as N 243 Feet of Gov Lot 9, Section 30-142-28, PID #07-030-2101 located at 8017 Partridge Point Drive NE. An application submitted to reclassification the property from Shoreland Residential (SR) to Water Oriented Commercial (WOC) for the purpose of including it in the directly adjacent Pikedale Resort. In addition the application requests an increase of 18 RV sites and 6 mobile home sites for the resort. Sections 706 and 903 of the Land Use Ordinance (02/15/13) establish the reclassification criterion which requires a conditional use permit (CUP). Sections 1104.9 and 1118 of the Land Use Ordinance (02/15/13) establish resort and RV site criteria. The property proposed for reclassification contains 5.34 acres riparian to Leech Lake (GD). Pikedale resort currently contains 24.35 acres riparian to Leech Lake (GD).

PC members were at the site 09/09/13. 20 notices of the application were mailed. One response in support of the application was received. No other responses were received from any persons or governmental entities notified of the application. The application was discussed and reviewed with Pikedale Resort owners Sally and Tory Myers.

MS/P Moore/Anderson to approve the portion of the application for reclassification of PID#07-030-2101 from SR to WOC based upon review of the criteria contained in Sections 800, 900 and 1000 of the Land Use Ordinance (02/15/13) with the following findings:

Findings:

1. The property is directly adjacent to existing property classified WOC.
2. This property provides for reasonable and logical expansion of Pikedale Resort.
3. The 5.34 acres proposed for reclassification represents less than 1% of the total acreage of the township.
4. No responses or objections have been received from any governmental entities notified of the application.

5. There is no evidence or reason to expect that the reclassified parcel will cause adverse effects to adjoining property.
6. The reclassified parcel will have no impact to the demand for governmental services.
7. Existing roadways will be utilized with no need to expand exiting public infrastructure.
8. No wetland or critical habitat will be disturbed by the reclassification.
9. No scenic or historic features will be affected by the reclassification.
10. No threat to public health, safety and welfare can be expected from the reclassification.
11. The total acres to be reclassified do not reach the mandatory EAW threshold.
12. There is no reason to expect that the reclassification will have any effect to surface water or ground water quality.

Rural Renewable Energy Alliance (RREAL) on property currently owned by Ted Leagjeld Trust, Pine River Township on property described as Part of W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 16-138-30, PID #31-016-2204 located at 3963 8th Street SW. An application submitted to utilize the existing structure for storage of solar panel, office space for various staff. Sections 707 and 903 of the Land Use Ordinance (02/15/13) establish the conditional use permit (CUP) and the C-2 criterion which requires a conditional use permit (CUP). The property contains 12.3 acres (C-2).

PC members were at the site 09/10/13. More than 30 notices of the application were mailed. No responses were received from any persons or governmental entities notified of the application. The application was discussed and reviewed with Mr. Edens of RREAL.

MS/P Fitch/Froehlig to approve the application for the land use proposed for PID #31-016-2204 based upon review of the criteria contained in Sections 707 and 800 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. No responses or objections have been received from any persons or governmental entities notified of the application.
2. There is no reason to expect that the proposed use will cause adverse effects to adjoining property.
3. The proposed use will have no impact to the demand for governmental services.
4. Existing roadways will be utilized with no need to expand exiting public infrastructure.
5. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
6. No scenic or historic features will be affected by the reduction of minimum lot size.
7. No threat to public health, safety and welfare can be expected from the proposed use.

Conditions:

1. There shall be no permanent outdoor storage.
2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 09/16/15.

MS/P Fitch/Froehlig at 2:38 pm, to adjourn.

P. Fairbanks