



Cass County  
Planning Commission/Board of Adjustment

October 14, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting October 14, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted October 7 & 8, 2013 with Anderson, Fitch, Froehlig, LaPorte, Moore and Sundberg present.

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

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Darin Aufderhar, Jeff Barum, Brian Bjelland, Ken Blake, Brian Bullis, Maria Bullis, Ruth Bullis, John Butzow, Norma Butzow, Gary Dady, Greg Everett, Diane Farmer, Terry Freeman, Debra Hodapp, Jim Johnson, Jeremy Johnston, Gregg Larson, Don Lenz, Linda Lenz, Butch McDonald, Don Myers, Sally Myers, Tory Myers, Chuck Niederloh, Jeff Peterson, Nick Phelps, Sharon Read, Jay Riffle, John Rowe, Mike Sandusky, Arlene Seitz, Mark Shimer, Trent Stewart, Robert Wahlstrom, and Norm Wieland.

MS/P Moore/Froehlig to approve the minutes of the 09/26/13 PC/BOA meeting as presented.

Variance

Barum, Jeff, Hiram Township on property described as Lot 46, "Peaceful Shores", Section 13-140-31, PID #16-410-0460 located at 5161 Woodland Drive NW. An application submitted to construct a 32 feet x 32 feet two story accessory/garage structure that will be 25' 6" to the peak. Section 1101 of the Land Use Ordinance (02/15/13) limits height to peak to 24 feet. The property contains .75 acre riparian to Birch Lake (GD).

PC members were at the site 10/07/13. More than 50 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 Mr. Barum.

MS/P Moore/Fitch to approve the application as submitted for excess height to peak for the accessory structure to be located upon PID #16-410-0460 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. "Peaceful Shores" was platted in 1946.
2. The proposed detached accessory structure/garage will comply with the square footage standards based upon lot size as well as the applicable setback requirements.
3. The proposed height to peak will exceed the maximum allowed by 1 foot six inches.
4. The proposed excess height seems not to be unreasonable when taking into account the configuration and location of the accessory structure/garage 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 excess height will not be excessive or obtrusive to neighboring property which considering the location on the lot 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 structures there is no reason to conclude that area land use will be negatively affected or altered by the height of the proposed structure.
7. There is no reason to conclude that water quality will be in any way affected by the height of the proposed structure.
8. No responses or objections have been received from any persons or governmental entities notified of the application.
9. 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 the site plan submitted with the application 09/24/13.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. 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.
5. ESD shall evaluate shoreline vegetation and determine if necessary, vegetative enhancement or a no mow maintenance option shall be implemented.
6. The upper level shall not be utilized as living/guest quarters.
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 10/14/15.

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.

Blake, Ken & Veness, Susan, Kego Township on property described as Lot 15, "Blairs Pine Gables", Section 33-141-15, PID #19-477-0150 located at 4880 Barclay Drive NE. An application submitted to expand a non-conforming residence with an 8 feet x 32 feet addition and to expand a non-conforming accessory structure/garage with two 8 feet x 22 feet additions. The residence is deemed non-conforming because it located 44 feet from the lake and the accessory structure/garage is deemed non-conforming because it is located 5 feet from the closest property boundary line. Section 1126.1 A. & B. require structures to be at least 100 feet from a lake classified Recreational Development (RD) and at least 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 .46 acre riparian to Girl Lake (RD).

PC members were at the site 10/07/13. More than 50 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. Blake.

MS/P LaPorte/Fitch to approve the application as submitted for expansion of the non-conforming residence and garage located at PID #19-477-0150 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. "Blairs Pine Gables" was platted in 1961.
2. There is no record in the permit archive for construction of the residence and it appears that it predates land use regulation.
3. The lakeside deck setback was approved by variance in 1981.
4. There is no record in the permit archive for construction of the garage, which appears on a site plan submitted by a previous owner in 1999.
5. The proposed expansions seem reasonable when taking into account their 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.
6. The proposed expansions 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 expansions.
7. There is no reason to conclude that water quality will be in any way affected by the proposed expansions.
8. No responses or objections have been received from any persons or governmental entities notified of the application.
9. 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 expansions shall not vary from the site plan submitted with the application 09/24/13.
2. Approval does not allow or imply that either structure to be expanded may be removed by demolition or any other method from the site or shall the structures 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 10/14/15.

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.

Bullis, Brian, Crooked Lake Township on property described as part of Lot 5 & Part of Lot 27, "Washburn Pines" , Section 4-139-26, PID #12-004-2403 located at 5711 Fehrs Drive NE. An application submitted to expand a non-conforming residence with a 20 feet x 28 feet addition. The residence is deemed non-conforming because it located 4 feet from the closest property boundary line. Section 1126.1 B. requires structures to be at least 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 2 acres riparian to Lake Washburn (GD).

PC members were at the site 10/08/13. 37 notices of the application were mailed. Three responses, two supporting and one opposing approval of the application were received. No responses were received from governmental entities notified of the application. The variance request was reviewed with Mr. Bullis.

MS/P Froehlig/LaPorte to approve the application to be allowed to expand the residence located upon PID #12-004-2403 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. "Washburn Pines" was platted in 1948.
2. The residence was permitted and constructed in 1986 at its current location by the applicant's father.
3. The proposed expansion which will be non-lakeside and mostly unobservable from the lake seems reasonable when taking into account their 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.
4. The proposed accessory structure/garage will comply with all setback and size requirements.
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 expansions.
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 and location of the expansion shall not vary from the site plan submitted with the application 09/26/13.
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 10/14/15.

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.

Dady, Gary & Sally Jo, Turtle Lake Township on property described as Lot 4, Block 1, "Lodges at Stony Point on Leech Lake" , Section 15-142-30, PID #45-450-0108 located at 8720 Stony Point Camp Trail NW. An application submitted to construct a 7 feet x 24 feet addition the applicants' portion of non-conforming four living unit structure. The structure is non-conforming because it is located 15 feet from the harbor. Section 1126.1 requires structures to be at least 37.5 feet from a DNR permitted harbor on 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. Lot 4, Block 1 contains .05 acre non-riparian to Leech Lake (GD).

PC members were at the site 10/07/13. 30 notices of the application were mailed. One response supporting approval of the application and one response from the Leech Lake Association were received. No responses were received from any governmental entity notified of the application. The application was discussed and reviewed with Mr. Dady.

MS/P Moore/Fitch to approve the location and size of the expansion for the living unit identified as PID #45-450-0108 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. "Lodges at Stony Point" was platted in 2004 and consists of the former Stony Point Resort property and structures.
2. Lot 4, Block 1 is one living unit in a four living unit structure which is located at less than required setback from the harbor.
3. The proposed expansion will be non-lakeside, unobservable from the lake and seems a reasonable use of the property when taking into account the location and size of the proposed structure expansion 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 which made up the former resort and have not been altered from the configuration that was platted there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence expansion.
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: The following conditions are included no permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.



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

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

Conditions:

1. The dimensions and location of the expansion shall not vary from that submitted 09/10/13.
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 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. 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 10/14/15.

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.

Farmer, Diane, Sylvan Township on property described as S 170 Feet of N 700 Feet of Gov Lot 4, Section 4-133-30, PID #41-204-2205 located at 12079 Pillager Lake Drive SW. An application submitted to locate an 8 feet x 19 feet RV at 68 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located at least 100 feet from a lake classified Recreational Development (RD). The property contains 2.39 acres riparian to Pillager Lake (RD).

PC members were at the site 10/08/13. 17 notices of the application were mailed. One response opposing approval and one response from Sylvan Township re commending approval of the application were received. The application was discussed and reviewed with Ms. Farmer.

MS/P Fitch/Moore to approve a closer lake setback for a residential structure to be located upon PID #41-204-2205 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. A dilapidated residential structure located less than 20 feet from the lake has been removed.
2. The proposed RV location seems reasonable when taking into account the location of a wetland area and the topography 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.
3. County standards do not differentiate from various types of structure whether it is RV, mobile home or frame built.
4. The size of the RV, 152 square feet along with proposed location of the RV will not be excessive or obtrusive to neighboring property or the lake which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. Because the area contains similar lots with larger residential structures there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the RV.
6. Well location and permitting is subject to State of Minnesota jurisdiction.
7. Waste water can be safely dealt with by design, installation and inspection be it a standard system located beyond the wetland, holding tank or privy with a sealed tank therefore there is no reason to conclude that water quality will be affected by the proposed RV.
8. Well location and permitting is subject to State of Minnesota jurisdiction.
9. Approval if granted, establishes no precedent or guideline for future applications.
10. Value of the property for current or future property has no bearing or relevance to any variance application.
11. Considering the location of the property at the end of the easement there could be several trips per day along the easement to CSAH #1 when the RV is occupied along with an occasional propane truck and septic pumper truck there is no basis to proclaim "traffic" as a relevant issue.
12. 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 RV shall not be located less than 50 feet from the OHWL.
2. No run-off to the lake or adjoining properties is permitted.
3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 10/14/15.

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.

Larson, Gregg, Kego Township on property described as Part of Gov Lot 10 , Section 14-141-28, PID #19-014-3402 located at 6135 County 126 NE. An application submitted to expand a non-conforming residence with a 24 feet x 24 feet addition and a 4 feet x 24 feet deck to be located 56 feet from the lake. The residence is deemed non-conforming because it located 50 feet from the lake. Section 1126.1 requires structures to be at least 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 .9 acre riparian to Maple Lake (NE).

PC members were at the site 10/07/13. 29 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. Larson.

MS/P LaPorte/Froehlig to approve the expansion of the residence located at 19-014-3402 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 for construction of the residence and it appears that it predates land use regulation.
2. Expansion of the residence at the current location was approved by permit in 1977.
3. The proposed 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.
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 expansions.
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/Approve:

1. The dimensions and location of the expansion shall not vary from the site plan submitted with the application 09/18/13.
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 10/14/15.

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.

Lenz, Donald & Linda, Turtle Lake Township on property described as Lot 3, Block 1, "Lodges at Stony Point on Leech Lake" , Section 15-142-30, PID #45-450-0106 located at 8720 Stony Point Camp Trail NW. An application submitted to construct a 7 feet x 24 feet addition the applicants' portion of non-conforming four living unit structure. The structure is non-conforming because it is located 15 feet from the harbor. Section 1126.1 requires structures to be at least 37.5 feet from a DNR permitted harbor on 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. Lot 3, Block 1 contains .05 acre non-riparian to Leech Lake (GD).

PC members were at the site 10/07/13. 30 notices of the application were mailed. One response supporting approval of the application and one response from the Leech Lake

Association were received. No responses were received from any governmental entity notified of the application. The application was discussed and reviewed with Mr. Lenz.

MS/P Moore/LaPorte to approve the location and size of the expansion for the living unit identified as PID #45-450-0106 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. "Lodges at Stony Point" was platted in 2004 and consists of the former Stony Point Resort property and structures.
2. Lot 4, Block 1 is one living unit in a four living unit structure which is located at less than required setback from the harbor.
3. The proposed expansion will be non-lakeside, unobservable from the lake and seems a reasonable use of the property when taking into account the location and size of the proposed structure expansion along with its size and configuration 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 which made up the former resort and have not been altered from the configuration that was platted there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence expansion.
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: The following conditions are included no permit to implement shall be issued until and if:

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

4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions and location of the expansion shall not vary from that submitted 09/10/13.
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 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. 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 10/14/15.

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.

Lerum, Reid, Thunder Lake Township on property described as Lots 3 - 6, Block 2, "Del Ray Point", Section 16-140-26, PID #42-409-0231 located at 3919 Del Ray Trail NE. An application submitted to construct a 26 feet x 28 feet attached garage, a 16 feet x 24 feet addition and 12 feet x 18 feet addition connecting the proposed garage to the residence. The structure is non-conforming because it is located 30 feet from the lake. Section 1126.1 requires structures to be at least 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 1.05 acre riparian to Thunder Lake (GD).

PC members were at the site of the application 10/08/13. 34 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 the applicant's contractor Mr. Riffle.

MS/P Moore/Froehlig to table consideration of the application until the 11/12/13 meeting in order for Mr. Riffle to submit a revised and more detailed site plan.

Niederloh, Charles, Birch Lake Township on property described as Lot 4, "Pleasant Pines Beach" & Part of Adjacent Vacated Street & Part of Gov Lot 7, Section 22-140-30, PID #05-424-0041 located at 3329 Warbler Drive NW. An application submitted to construct a 30 feet x 46 feet, 1,380 square feet, accessory structure which brings total square feet accessory structure, proposed and existing, on the property to 2,052 square feet which will exceed the maximum allowed based on lot size by 552 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 1.3 acres riparian to Pleasant Lake (GD).

PC members were at the site 10/07/13. 34 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. Niederloh.

MS/P Fitch/Froehlig to table consideration of the application until the 11/12/13 meeting in order for the applicant to evaluate various options to exceed the maximum square footage allowed.

Rowe, John, Crooked Lake Township on property described as Lot 1, Block 2, "Luschers Bay", Section 26-139-26, PID #12-481-0230 located at 6456 Michigan Street NE. An application submitted to expand an existing non-conforming residence with a 16 feet x 16 feet deck. The residence is deemed non-conforming because it is located less than 10 feet from the closest property boundary line, the residence does comply with the required lake setback. Section 1126.1 B. of the Land Use Ordinance (02/15/13) requires structures to be located 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 parcel contains .26 acre riparian to Lake Roosevelt (GD).

PC members were at the site of the application 10/08/13. 42 notices of the application were mailed. One response from the directly adjacent neighbor agreeing to not less than 5 feet from the closest property boundary line was received. No responses were received from any governmental entities notified of the application. The variance request was reviewed with Mr. Rowe. Discussion included the consensus of the members that they would not object to permitting of placement of a deck that would comply with the property boundary line setback of not less than 10 feet.



MS/P Moore/Fitch to deny the application as submitted for closer property boundary line setback for PID #12-481-0230 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 application proposes to add 256 square feet of deck area to the residence.
2. The proposed deck will comply with the lake setback of 75 feet.
3. The proposed deck will be located at less than the required 10 feet from the closest property boundary line.
4. Because the proposed deck could be configured to contain at least 256 square feet and comply with lake and property boundary line setback requirements thereby negating the need for variance and fails to meet the practical difficulty standard.
5. Because the proposed deck could be configured to contain at least 256 square feet and comply with lake and property boundary line setback requirements thereby negating the need for a closer property boundary line setback.
6. The problem which the variance is intended to address, namely the applicant's personal desire to have a hot tub is a personal matter and not related to any unique characteristic of the property not created by the applicant.

Sandusky, Michael, Crooked Lake Township on property described as Lot 13 Less N 25 Feet & Lot M, "Sunset Beach of Roosevelt Lake, Section 26-139-26, PID #12-473-0130 located at 681 Sunset Hill Road NE. An application submitted to expand an existing non-conforming residence with 10 feet x 28 feet and a 12 feet x 28 feet decks. The residence is deemed non-conforming because it is located within the bluff impact zone which is the area within 30 feet inland of the top of a bluff. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 30 feet from the top or toe of a bluff. 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 5.15 acres riparian to Lake Roosevelt (GD).

PC members were at the site of the application 10/08/13. More than 50 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 Mr. Sandusky.

MS/P Fitch/Froehlig to approve the application as submitted for PID #12-473-0130 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. "Sunset Beach of Roosevelt Lake" was platted in 1938 prior to the adoption of minimum lot standards which include bluff requirement.
2. The residence was constructed with permit in 1975 prior to the administration/enforcement of the bluff zone standards.

3. The proposed decks will be mostly unobservable from the lake or neighbors.
4. The proposed decks seems a reasonable use when taking into account topography and 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.
5. The proposed decks will not be excessive or obtrusive to neighboring property which will not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. No responses or objections have been received from any persons or governmental entities notified of the application.
7. The proposed decks are similar in size and scale to other structures along in the area and therefore there is no reason to conclude that area land use will be negatively affected or altered.
8. There is no reason to conclude based upon the size and location of the proposed decks that water quality will be negatively affected.
9. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The dimensions and location of the decks shall not vary from that submitted 09/12/13.
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. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
5. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 10/14/15.

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.

Wahlstrom, Robert, Woodrow Township on property described as Lot 1, "Island View Acres", Section 34-140-29, PID #51-538-0010 located at 2427 Island Lake Drive NW. An application submitted to expand an existing non-conforming residence with 24 feet x 28 feet and 6 feet x 12 feet additions. The residence is deemed 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 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 parcel contains .68 acre riparian to Island Lake (RD).

PC members were at the site 10/07/13. 37 notices of the application were mailed. One response from Woodrow Township recommending 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 Mr. Wahlstrom and Mr. McDonald.

MS/P Moore/Froehlig to approve the application as submitted for PID #51-538-0010 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 and conditions:

Findings:

1. "Island View Acres" was platted in 1958 prior to the adoption of land use regulation.
  2. There is no record in the permit archive of the original construction of the residence and it is presumed that it completed prior to the adoption of land use regulation.
  3. The proposed structure expansion seems a reasonable when taking into account its proposed location at no closer than the existing residence along with the configuration of the existing 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.
  4. The size of the proposed structure expansion will not be excessive or obtrusive to neighboring property which will not contradict the purpose of the comprehensive plan which is to
1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the

conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

5. The residence with addition will be similar in size and scale to other structures in the area therefore there is no reason to conclude that area land use will be negatively affected or altered.

6. There is no reason to conclude based upon the size and location of the proposed structure that water quality will be negatively affected.

7. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The dimensions of the addition not vary from that submitted with the application 09/20/13.
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 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. Because there is no permit record for the small structure located near the lake, it shall be moved to comply with the lake setback no later than 06/10/14.
7. A permit for the existing platform not to exceed 150 square feet must be obtained 12/15/13.
8. The existing fire pit must be replaced with one that is lined/sealed no later than 06/10/14.
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 10/14/15.

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.

Walberg, Vicki, Powers Township on property described as part of Gov Lot 2, Section 15-139-30, PID #34-015-1214 located at 3590 Oxyoke Road NW. An application submitted to divide the property into two lots one riparian and one non-riparian. The proposed non-riparian lot will comply with the minimum standard and the proposed riparian lot will comply with the area requirements and lot width at structure setback but will be 119 feet wide at the water. Section 1113.1 of the Land Use Ordinance (02/15/13) requires a riparian RD lot to contain 50,000 square feet total area, 16,000 square buildable area, be at least 150 feet wide at the structure setback and be 150 wide at the water. A non-riparian RD lot must contain 50,000 square feet total area, contain 20,000 square feet buildable area and be at least 150 wide at the midpoint of the longest axis. The parcel contains 5.2 acres riparian to Oxyoke Lake (RD).

PC members were at the site 10/07/13. More than 30 notices of the application were mailed. No response was received from any persons or governmental entities notified of the application. The application was discussed and reviewed with the applicant's representative Mr. O'Meara.

MS/P Moore/Fitch to table consideration of the application until the 11/12/13 meeting in order for staff to develop findings/conditions for a riparian/non-riparian outcome.

#### Conditional Use Permit Application

Everett, Greg & Hodapp, Debora, Shingobee Township on property described as part of SW SE, Section 4-141-31, PID #38-004-4303 located at 6906 State 34 NW. An application submitted to reclassify the parcel from Rural Residential 2.5 (RR-2.5) to Commercial 2 (C-2) and to approve the proposed commercial activity, firearm sales, both of which require a conditional use permit (CUP). Section 903, 1000 and 1001 of the Land Use Ordinance (02/15/13) establish various land use categories and criteria. Section 705 of the Land Use Ordinance (02/15/13) establishes CUP review criteria. The property contains 2.64 acres non-riparian (RR-2.5). PC members were at the site 10/07/13. More than 30 notices of the application were mailed. One response from MN DOT in regard to access to MN #34 along with two responses objecting to approval of the application were received. The CUP proposal was discussed and reviewed with

the applicants. Upon discussion of various permit and location options, the application was withdrawn from consideration by Ms. Hodapp and Mr. Everett.

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 10/07/13. 20 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 Pikedale Resort owners Sally and Tory Myers.

MS/P Moore/LaPorte to approve the establishment of a conditional use permit for Pikedale Resort located upon PID #07-030-2101, #07-427-0061 and PID # 07-030-2102 along with the expansion of 18 RV and 6 mobile home sites based upon review of the criteria contained in Sections 900 and 1104 of the Land Use Ordinance (02/15/13) with the following findings:

Findings:

1. The number of proposed recreational vehicle/mobile home 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 recreational vehicle/mobile home sites pose no likelihood to harm public health, safety or the common good.
5. The proposed recreational vehicle/mobile home sites 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. There is no reason to expect that the additional RV and mobile home sites cause adverse effects to adjoining property.
8. Additional RV and mobile home sites will have no impact to the demand for governmental services.
9. Existing roadways will be utilized with no need to expand exiting public infrastructure.

Conditions:

1. A storm water run-off management plan including a plan for implementation for the entirety of the resort property must be submitted to ESD no later than 12/31/13 with implementation to be completed no later than 06/01/14.
2. As determined by ESD a shoreline re-vegetation plan for the entirety of the resort must be submitted no later than 12/31/13 with implementation to commence no later than 05/15/14 and completed no later than 09/30/14.
3. Financial assurance in the amount of \$7,500 to compel compliance with conditions #1 and #2 shall be submitted to ESD no later than 04/01/14.
4. ESD shall establish a schedule for return of financial assurance based upon verifiable mileposts.

Phelps, Nick, Phelps, Todd & Molly, Phelps, Paul & Tracy. Boulder Shore Trust, & Dunlevy Family Partnership, Turtle Lake Township on property described as Part N  $\frac{1}{2}$  N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  & Part of N  $\frac{1}{2}$  S  $\frac{1}{2}$  N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  & Part of Gov Lot 5, Section 35-142 -30, PID #45-135-1406, Parts of Gov Lot 5, N  $\frac{1}{2}$  N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  & N  $\frac{1}{2}$  S  $\frac{1}{2}$  N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 35-142-30, PID #45-135-1410, Parts of Gov Lot 5, N  $\frac{1}{2}$  S  $\frac{1}{2}$  N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  & N  $\frac{1}{2}$  N  $\frac{1}{2}$  N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 35-142-30 & Parts of Gov Lot 5 & N  $\frac{1}{2}$  N  $\frac{1}{2}$  NE SE & N  $\frac{1}{2}$  S  $\frac{1}{2}$  N  $\frac{1}{2}$  NE SE, Section 35-142-30, PID #45-135-1402 located at 7361, 7371, 7375 & 7383 Boulder Shore Trail NW. An application submitted to expand an existing harbor with the excavation of up to 1,500 cubic yards of earthen material. Section 1106.5 of the Land Use Ordinance (02/15/13) requires a conditional use permit (CUP) for the construction or expansion of a harbor. Section 705 of the Land Use Ordinance establishes CUP review criteria. The parcels contain 13.8 acres riparian to Leech Lake (GD).

PC members were at the site 10/07/13. 44 notices of the application were mailed. One response from the Leech Lake Association was received. No other responses were received from any persons or governmental entities notified of the application. The application was discussed and reviewed with Mr. Nick Phelps.

MS/P LaPorte/Froehlig to approve the application for the harbor expansion/maintenance for the parcels included in the application upon review of the criteria contained in Sections 705 and 1106.5 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The application complies with Section 1106.5 of the Land Use Ordinance (02/15/13).
2. No objections have been received from any persons or governmental entities notified of the application.
3. There is no reason to expect that the proposed use will cause adverse effects to adjoining property.
4. The proposed use will have no impact to the demand for governmental services.
5. Existing infrastructure will be utilized with no need to expand exiting public infrastructure.
6. No wetland or critical habitat will disturbed by reduction of minimum lot size.

7. No scenic or historic features will be affected by the reduction of minimum lot size.
8. No threat to public health, safety and welfare can be expected from the proposed use.

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 project shall be constructed as per plans submitted with the application 09/26/13.
2. Financial assurance in an amount as determined by Section 1106.5 of the Land Use Ordinance (02/15/13) shall be submitted to ESD prior to the commencement of construction.
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. A written plan for suitable vegetation around the harbor along with an implementation schedule must be submitted to ESD prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. The applicants, if determined necessary by ESD, shall retain run-off through shoreline vegetation enhancement or no-mow and/or redirect run-off to water retention structures such as rain gardens to retain and prevent run-off.

Shimer, Kathleen & Mark, Turtle Lake Township on property described as E  $\frac{1}{2}$  of NE NE Excluding Thereof Westerly 280 Feet Thereof & Sly 900 Feet Thereof, Section 9-141-30, PID #45-009-1101 located at 3617 State #200 NW. An application submitted to reclassify the parcel from Shoreland Residential (SR) to Commercial 2 (C-2) and to convert the existing food service use to a four unit apartment use both of which require a conditional use permit (CUP). Section 903, 1000 and 1001 of the Land Use Ordinance (02/15/13) establish various land use categories and criteria. Section 705 of the Land Use Ordinance (02/15/13) establishes CUP review criteria. The property contains 3.81 acres within the shoreland area (1,320 feet), of Nolan Creek (TR).



PC members were at the site 10/07/13. 35 notices of the application were mailed. Three responses were received. The application was discussed and reviewed with Mr. Shimer.

MS/P LaPorte/Moore to approve the application for reclassification and proposed land use for PID #45-009-1101 upon review of the criteria contained in Sections 705,, 903, 1000 and 1001 of the Land Use Ordinance (02/15/13) with the following findings and condition:

Findings:

1. The circumstances are unique in assessing the future use of a commercial non-conforming structure/use located without land use oversight.
2. C-2 seems an appropriate designation for parcel in question which contains a commercial structure.
3. There is no reason to expect that the proposed use will cause adverse effects to adjoining property.
4. The proposed use will have no impact to the demand for governmental services.
5. Existing infrastructure will be utilized with no need to expand exiting public infrastructure.
6. No wetland or critical habitat will disturbed by reduction of minimum lot size.
7. No scenic or historic features will be affected by the reduction of minimum lot size.
8. No threat to public health, safety and welfare can be expected from the proposed use.

Condition:

1. The applicant must contact MN DOT in order to discuss and resolve issues raised by MN DOT in regard to access to MN #200.

Shores at Pine Point LLC & Eggleston, Michael & Rebecca, Turtle Lake Township on property described as E 6 Acres of Gov Lot 4, Section 31-143-30, PID #45-231-2301 & W 100 Feet of E 219.97 Feet of Gov Lot 4, Section 31-143-30, PID #45-231-2306 located at 9814 Walleye Way NW. An application submitted to expand an existing harbor with the excavation of up to 30 cubic yards of earthen material. Section 1106.5 of the Land Use Ordinance (02/15/13) requires a conditional use permit (CUP) for the construction or expansion of a harbor. Section 705 of the Land Use Ordinance establishes CUP review criteria. The parcels contain 7.71 acres riparian to Leech Lake (GD).

PC members were at the site 10/07/13. 54 notices of the application were mailed. One response was received. The application was discussed and reviewed with the applicants' representative Mr. Freeman.

MS/P LaPorte/Moore to approve the application for application for harbor expansion for PID #45-231-2301 and 45-231-2306 upon review of the criteria contained in Sections 705 and 1106.5 of the Land Use Ordinance (02/15/13) with the following findings and condition:

## Findings:

1. The application complies with Section 1106.5 2, 3, 4, and 6 of the Land Use Ordinance (02/15/13).
2. No objections have been received from any governmental entities notified of the application.
3. There is no reason to expect that the proposed use will cause adverse effects to adjoining property.
4. The proposed use will have no impact to the demand for governmental services.
5. Existing infrastructure will be utilized with no need to expand exiting public infrastructure.
6. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
7. No scenic or historic features will be affected by the reduction of minimum lot size.
8. No threat to public health, safety and welfare can be expected from the proposed use.

## Condition:

1. The project shall not proceed until plans prepared per Section 1106.5 of the Land Use Ordinance (02/15/13) are submitted.

## Final 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. Final plat submitted 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. Article 7 of the Cass County Subdivision and Platting Ordinance (02/15/13) establishes the final plat criteria and process. The preliminary plat was approved 06/10/13. The property contains 16.07 acres riparian to Leech Lake (GD).

MS/P Moore/Fitch to table consideration of the application until the 11/12/13 meeting in order for staff to develop more extensive/comprehensive findings/conditions for approval.

## Other Business

Hegman, David, Crooked Lake Township on property described as Lot 17 & Westerly 30 Feet of Outlot A Lying Sly of the N Line of Lot 17 Extended Ely from the NE Corner of Lot 17, "Pines-A-Plenty on Lake Washburn", PID #12-432-0170, Section 17-139-26 located at 1588 Plummer Point Road. Consider request to revise 05/13/13 approval to expand non-conforming to

replacement of the non-conforming residence. The property contains .48 acre riparian to Lake Washburn (GD).

MS/P Fitch/LaPorte to approve the revision of VP13-139-26-4 as presented by Mr. Johnston/Northland Construction Inc. based upon the footprint and location approved 05/13/13.

MS/P LaPorte/Froehlig at 4:08 pm, to adjourn.

P. Fairbanks