



Cass County
Planning Commission/Board of Adjustment

June 9, 2014

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting June 9, 2014 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted June 2, 2014 with PC members Ballenthin, Fitch, Froehlig, Kostial, LaPorte, Moore and Sundberg along with ESD staff Berg and Fairbanks in attendance.

Sundberg called the meeting to order at 9:33 a.m.

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

Staff Present: Berg, Fairbanks, Freeman, Ringle and Wright.

Citizens Present: Wayne Anderson, Steve Baker, Rocky Berndt, Al Chacey, Todd Ellison, Bill Flynn, Rose Guerrero, Roger Huls, Kris Knapp, Phil Knapp, Greg Larson, Linda Merritt, Ron Merritt, David Niskanen, Tom Olson, Wendy Olson, Vickie Orcutt, Steve Orcutt, Jeff Peterson, Willard Peterson, Mike Rollins, Tim Roth, Wanda Roth, David Schmit, Heather Schmit, Brad Schrupp, Victor Smith, Verdale Soukup, Lonny Thomas, Joy Westad, Lance Westad and Dale Woodard.

MS/P Froehlig/Fitch to approve the minutes of the 05/12/14 PC/BOA meeting as presented.

Variance

Anderson, Wayne, Wabedo Township on property described as Part of Gov Lot 6, Section 22-140-28, PID #46-022-4421 located at 1547 Wabedo Lane NE. An application submitted to reconfigure the roof pitch which will result in the increase of interior square footage volume of the residence which is nonconforming. The residence is non-conforming because it is located 32 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 100 feet from a lake classified Recreational Development (RD), Section 1115.3 which establishes non-conforming structure expansion criteria and Section 800 which establishes variance review criteria. The parcel contains .21 acre riparian to Lake Wabedo (RD).

39 notices of the application were mailed. One response from Wabedo Township recommending approval was received. The proposal was discussed and reviewed with the applicants.

MS/P Moore/LaPorte to approve the application to expand the non-conforming residence located upon PID #46-022-4421 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. There is no record in the permit archive as to when the original structure was constructed although it seems likely to be prior to the adoption of land use regulation and by an owner other than the applicant.
2. An addition to the residence was approved by variance in 1997.
3. The proposed addition will consist of a roof reconfiguration which will not alter or enlarge the existing footprint.
4. There is nothing to indicate that the expanded residence will have a detrimental visual impact to the surrounding area.
5. The property which became a lot of record in 1969 contains 18% of the area required by current standards.
6. The proposed expansion seems a reasonable use of the property when taking into account the configuration of the property, the size of the lot along with 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.
7. 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.
8. 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 expansion.
9. There is no reason to conclude that water quality will be in any way affected by the proposed expansion.
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:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 configuration the expansion shall not vary from that submitted 05/08/14.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and, if required, applicant shall install ESD approved erosion control measures prior to the commencement of construction.
4. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water. If required, the applicant shall provide a plant type and implementation plan to be approved by ESD.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.

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.

Berndt, Rocky, Shingobee Township on property described as Lot 10, Block1, "Gitche Gumees Beach", Section 36-141-31, PID #38-466-0140 located at 5109 Kenabeek Trail NW. An application submitted to add a second floor to the non-conforming residence. The residence is non-conforming because it is located 22 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 75 feet from a lake classified General Development (GD), Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 800 which establishes variance review criteria. The parcel contains .48 acre riparian to Ten Mile Lake (GD).

21 notices of the application were mailed. Two responses supporting approval of the application were received. The proposal was discussed and reviewed with Mr. Berndt.

MS/P Kostial/Fitch to table consideration of the application until the 07/21/14 meeting in order for the applicant to review residence location options.

Flynn, William & Janet, Kego Township on property described as Pet of Outlot B, "Breeze-Way", Section 24-141-28, PID #19-430-0163 located at 2262 Farhenholz Road NE. An application submitted to construct a 30 feet x 30 feet guest residence. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1113.1 which requires a lot intended to contain guest quarters riparian to a General Development (GD) lake to contain 75,000 square feet/1.72 acres total area, 27,000 square feet/.62 acre buildable area, be 180 feet wide at the water and the setback of 75 feet from the lake and Section 800 which establishes variance review criteria. This lot contains 1.42 acres total area, exceeds buildable area standards but is 100 feet wide at the water and 100 feet wide at structure setback. The parcel contains 1.42 acres riparian to Long Lake (GD).

27 notices of the application were mailed with no responses received. The proposal was discussed and reviewed with Mr. Flynn and his contractor.

MS/P Moore/Fitch to approve the application for the placement of a guest quarters structure upon PID #19-430-0163 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 plat of "Breeze-Way" was recorded in 1952 prior to the adoption of land use regulation and minimum lot size criteria.
2. The lot contains 82%, 61,855 square feet, of the total GD riparian guest quarters standard of 75,000 square feet.
3. The lot exceeds the 27,000 square feet buildable area standard.
4. The lot meets 55%, 100 feet, of the required lot width at the water and setback requirement of 180 feet.
5. The proposed guest quarters structure will comply with the applicable setback requirements.
6. Impervious surface coverage will remain substantially below the maximum limit.
7. The proposed guest quarters structure will comply with the 900 square feet footprint and the 24 feet to peak height limits.
8. There is nothing to indicate that the proposed guest quarters location will have any perceptible detrimental visual impact to Long Lake or neighboring property.
9. The proposed guest quarters structure seems a reasonable use of the property when taking into account the structure size and location 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.

10. The proposed guest quarters configuration, location and size will not be 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.

11. Because the surrounding area contains lots and structures similar in size and scale to that proposed, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot configuration.

12. There is no indication or reason to conclude that water quality will be in any way affected by the proposed use.

13. 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:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 guest quarters shall not be rented or sublet separately from the primary residence.
2. In all respects as to ownership and use, the property and structures will continue to be treated as single family residential.
3. SSTS must be in compliance with total number of bedrooms in the primary residence and guest quarters.
4. The primary residence shall not be expanded except as approved by variance.

5. The dimensions, location and configuration of the guest quarters shall not vary from that submitted 05/08/14.
6. Any material resulting from construction or demolition 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, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
8. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required the applicant shall provide a plant type and implementation plan to be approved by ESD.
9. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
10. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.
12. The applicant must submit an "as built" to scale site map showing the dimensions and setback of the structure approved.

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.

Jansen, Edward, Ponto Lake Township on property described as S 145 Feet of N 300 Feet & S 75 Feet of N 155 Feet of Gov Lot 6, Section 3-139-29, PID #32-003-1414 located at 2225 State 84 NW. An application submitted to construct a 20 feet x 26 feet accessory/garage structure 69 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 100 feet from a lake classified Recreational Development (RD) and Section 800 which establishes variance review criteria. The parcel contains .96 acre riparian to Island Lake (RD).

32 notices of the application were mailed. One response supporting approval of the application was received. The proposal for the accessory structure/garage was discussed and reviewed with Mr. Jansen.

MS/P LaPorte/Kostial to approve the application as submitted for the garage to be located upon PID #32-003-1414 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 was created in 1974 and varies in depth from lake to TH # 84 from 187 feet to 193 feet.
2. Lake setback of 100 feet, right-of-way setback of 20 feet along with reasonable parking area from garage to highway limits placement options.
3. The proposed garage will be located at about the same right-of-way setback of existing structures along TH # 84.
4. There is nothing to indicate that the location of the garage will have any visual impact to the surrounding area.
5. The proposed garage seems a reasonable use of the property when taking into account the configuration and size of the property along with 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.
6. The proposed garage 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.
7. 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 expansion.
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:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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, configuration and location of the garage shall not vary from that submitted 04/25/14.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required the applicant shall provide a plant type and implementation plan to be approved by ESD.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.

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.

Knapp, Phil & Kris, Kego Township on property described as Lot 5, Block 1, "Barbary Shores", Section 23-141-28, PID #19-412-0150 located at 5926 MacKenzie Trail NE. An application submitted to expand the existing non-conforming residence with a 24 feet x 36 feet attached garage, 16 feet x 22 feet porch and deck. The residence is non-conforming because it is located 70 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 75 feet from a lake classified General Development (GD), Section 1115.3 which requires a variance to expand a non-conforming structure and Section 800 which establishes variance review criteria. The parcel contains 1.96 acres riparian to Long Lake (GD).

61 notices of the application were mailed. Two responses supporting approval of the application were received along with one response raising concern in regard to run-off from the Knapp property. The proposal was discussed and reviewed with the applicants.

MS/P LaPorte/Fitch to approve the application for residence expansion and accessory/storage structure location for PID #12-014-2302 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 was created in 1972 with location of the home at 67 feet approved by V73-141-28-10.
2. The proposed attached garage will be non-lakeside, unobservable from the water and more than 75 feet from the lake.
3. The proposed addition and deck will be located to the side of the residence and be no closer to the lake than the residence.
4. There is nothing to indicate that the location of the garage, addition or deck will have any significant visual impact to the surrounding area.
5. The proposed addition expansions seem a reasonable use of the property when taking into account the configuration and 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.
6. The proposed addition expansions 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.
7. 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 addition 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:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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, configuration and location of the residence expansions shall not vary from that submitted 05/16/14.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required applicant shall provide a plant type and implementation plan to be approved by ESD.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.
8. The structure to be removed as Condition # 2. of VPO4-141-28-4 shall now be removed from the property prior to the commencement of any construction approved by this variance.
9. The height to peak shall not exceed 30 feet as established by Section 1126.2 of the Land Use Ordinance (02/15/13).

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.

Merritt, Linda & Ron, Hiram Township on property described as Lot 2, Block 1, "Moxness Beach", Section 11-140-31, PID #16-393-0120 located at 4069 Long Beach Drive NW. An application submitted to be allowed to retain an existing non-conforming residence to a boathouse without living quarters. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 100 feet from a lake classified Recreational Development (RD) and Section 800 which establishes variance review criteria. The parcel contains 1.2 acres riparian to Ten Mile Lake (GD).

40 notices of the application were mailed with no response received. The proposal was discussed and reviewed with the applicants.

MS/P Ballenthin/Fitch to deny the application to retain the existing lakeside residential structure located upon PID #16-393-0120 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 Office of the County Attorney has deemed the Fairbanks memo of 2007 which contradicts the condition # 1 of VPO6-140-31-3 to have been made in error and therefore not applicable.
2. The Office of County Attorney has determined that approval of VPO6-140-31-3 to have made the provisions of M.S. 117.184 not applicable in this situation.
3. Since M.S. 117.184 does not apply, the findings and conditions of VPO6-140-31-3 remain in force.
4. The retention of the beachside residence is not a reasonable use of the single family residential property when taking into account the size, configuration and location of the structure which therefore conflicts the purpose the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The residence in question is excessive of scale and unconcealed to neighboring property and the lake which conflicts with 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 basis for approval can be established due to the fact that the need for the request was created by the applicant.

NOTICE TO APPLICANT: The following conditions are included:

1. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
2. 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.
3. 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 conditions of VP06-140-31-3 must be observed.
2. The beachside structure must be removed from the property or moved to meet applicable lake setback not later than 09/01/14 or as determined by ESD.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES.

Olson, Thomas & Wendy, Ponto Lake Township on property described as Lot 1, Block 1, "Smith Estates", Section 21-139-29, PID #32-427-0102 located at 820 State 84 NW. An application submitted to be allowed to retain an existing structure utilized as bunkhouse/guest quarters. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1113.1 which requires a lot intended to contain guest quarters riparian to a Recreational Development (RD) lake to contain 100,000 square feet/2.29 acres total area, 40,000 square feet/.92 acre buildable area, be 265 feet wide at the water and the setback of 100 feet from the lake and Section 800 which establishes variance review criteria. This lot exceeds area standards with 2.5 acres total area and 40,000+ square feet buildable area but is 100 feet wide at the water and 100 feet wide at structure setback. The parcel contains 2.5 acres riparian to Lake Ada (RD).

38 notices of the application were mailed with no response received. The proposal was discussed and reviewed with the applicants.

MS/P Fitch/Ballenthin to approve the application to retain the guest quarters use and structure upon PID #32-427-0102 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 plat of "Smith Estates" was recorded in 1971 prior to the enforcement of guest quarters minimum lot size criteria.
2. The lot contains 109% (108,900 square feet) of the total RD riparian guest quarters standard of 100,000 square feet.
3. The lot exceeds the 40,000 square feet buildable area standard.
4. The lot meets 45% (100 feet) of the required lot width at the water and setback of 225 feet.
5. The guest quarters structure complies with the applicable setback requirements.
6. Approval will have no effect to impervious surface coverage
7. The guest quarters structure complies with the 900 square feet footprint and the 24 feet to peak height limit.

8. There is nothing to indicate that the guest quarters location has had any perceptible detrimental visual impact to Lake Ada or neighboring property.
9. The guest quarters structure is a reasonable use of the property when taking into account the structure size and location 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.
10. The guest quarters configuration, location and size is not 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.
11. Because the surrounding area contains lots and 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 lot configuration.
12. There is no indication or reason to conclude that water quality has been or will be in any manner affected by the proposed use.
13. 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:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 guest quarters shall not be rented or sublet separately from the primary residence.

2. In all respects as to ownership and use, the property and structures will continue to be treated as single family residential.
3. SSTS must be in compliance with total number of bedrooms in the primary residence and guest quarters.
4. The primary residence shall not be expanded except as approved by variance.
5. The dimensions, location and configuration the guest quarters shall not vary from that submitted 04/29/14.
6. Any material resulting from construction or demolition 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, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
8. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required the applicant shall provide a plant type and implementation plan to be approved by ESD.
9. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
10. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.

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.

Orcutt, Steven & Vickie, Ponto Lake Township on property described as Outlot C & Lot 3, Block 1, "Balsam High Over", Section 30-139-29, PID #32-463-0130 located at 352 County 118 NW. An application submitted to construct a 42 feet x 80 feet accessory structure of which 13 feet x 55 feet will be occupied by living quarters. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1113.1 which requires a lot intended to contain guest quarters riparian to a Recreational Development (RD) lake to contain 100,000 square feet/2.29 acres total area, 40,000 square feet/.92 acre buildable area, be 225 feet wide at the water and the setback of 100 feet from the lake and Section 800 which establishes variance review criteria. This lot exceeds area standards with 5.64 acres total area and 40,000+ square feet buildable area but is 200 feet wide at the water and 200 feet wide at structure setback. The parcel contains 5.64 acres riparian to Lake Little Hattie (RD).

27 notices of the application were mailed with no response received. The proposal was discussed and reviewed with the applicants.

MS/P Kostial/Froehlig to approve the application to establish guest quarters use and structure upon PID #32-463-0130 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 was created in 1977 prior to the adoption and enforcement of lot width standards for a parcel containing guest quarters.
2. The lot contains 245% (245,678 square feet) of the total RD riparian guest quarters standard of 100,000 square feet.
3. The lot exceeds the 40,000 square feet buildable area standard.
4. The lot meets 88% (200 feet) of the required lot width at the water and setback of 225 feet.
5. The proposed guest quarters structure will comply with the applicable setback requirements.
6. Impervious surface coverage will remain substantially below the maximum limit.
7. The proposed guest quarters area within the proposed structure will comply with the 900 square feet area and the 24 feet to peak height limit.
8. There is nothing to indicate that the proposed guest quarters location will have any perceptible detrimental visual impact to Little Lake Hattie or neighboring property.
9. The proposed guest quarters structure seems a reasonable use of the property when taking into account the structure size and location 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.
10. The proposed guest quarters configuration, location and size will not be visible from the or 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.
11. Because the proposed structure will not be visible to property in the surrounding area, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed structure.
12. There is no indication or reason to conclude that water quality will be in any way affected by the proposed use.
13. 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:

1. ESD required and approved erosion control is installed.

2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 guest quarters shall not be rented or sublet separately from the primary residence.
2. In all respects as to ownership and use, the property and structures will continue to be treated as single family residential.
3. SSTS must be in compliance with total number of bedrooms in the primary residence and guest quarters.
4. The dimensions, location and configuration of the structure containing the guest quarters area shall not vary from that submitted 05/15/14.
6. Any material resulting from construction or demolition 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, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
8. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required the applicant shall provide a plant type and implementation plan to be approved by ESD.
9. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
10. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.
12. The area utilized for guest quarters shall not exceed 900 square feet.

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,
REVOCAION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Peterson, Willard, Torrey Township on property described as Tract E, RLS #54 & Part of Gov Lot 1, Section 33-143-25, PID #43-033-2400 located at 9915 82nd Ave NE. An application submitted to be allowed to retain an existing residence located 98 feet from the lake and to be allowed to retain and expand an existing residence located 60 feet from the lake. The relevant ordinance references of the Land Use Ordinance (02/15/13) are Section 1126.1 A. which requires structures to be at least 100 feet from a lake classified Recreational Development (RD), Section 1115.3 which requires that any expansion of a non-conforming be approved by variance and Section 800 which establishes the variance review criteria. The parcel contains 11 acres riparian to Sugar Lake (RD).

10 notices of the application were mailed with one response objecting to approval received. The application along with the failure to obtain applicable approvals and permits were discussed and reviewed with Mr. Peterson.

MS/P Moore/LaPorte to approve the application to retain the residence at its current setback upon PID #43-033-2400 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:

A. Findings - Residence/Deck Location 98 Feet OHWL/"After the Fact"

1. Sugar Lake OHWL setback is 100 feet.
2. The residence was placed without permit 98 feet from the OHWL.
3. The deficiency in setback is insignificant and the negative consequences of moving two feet as it relates to excavation, vegetative disruption and potential erosion outweigh the benefits.
4. There is nothing to indicate that the current configuration has had any perceptible detrimental visual impact to Sugar Lake or neighboring property.
5. The current size, configuration and location 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.
6. The current land use is not 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.
7. There is no reason or evidence to conclude that area land use is negatively affected or altered by the current use or configuration.
8. There is no indication or reason to conclude that water quality is in any way affected by the current use and configuration.

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

A. Conditions - Residence/Deck Location 98 Feet OHWL/"After the Fact"

1. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required the applicant shall provide a plant type and implementation plan to be approved by ESD.
2. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

MS/P Moore/Ballenthin to approve the application to expand the non-conforming residence upon PID #43-033-2400 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:

B. Findings - Expand Non-Conforming Residential Structure

1. This residence is located on property obtained by the applicant from an adjoining parcel.
2. The residential structure measures 60 feet from the lake.
3. The structure was constructed by another owner by ZP91-143-25-7 at 100 feet.
4. The proposed addition will be located no closer to the water than the setback of the structure.
5. There is nothing to indicate that the expanded residence will have any perceptible visual impact to the surrounding area.
6. The proposed expansion seems a reasonable use of the property when taking into account the configuration of the property along with 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.
7. 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.
8. Because the structure and proposed addition is not visible to the lake or surrounding property, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed expansion.
9. There is no reason to conclude that water quality will be in any way affected by the proposed expansion.

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

B. Conditions: - Expand Non-Conforming Residential Structure

1. The dimensions and configuration the expansion shall not vary from that submitted 05/14/14.
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 or demolition not reused or recycled must be disposed of in a permitted facility.
4. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. ESD shall determine the need for shoreline vegetative enhancement/restoration landward from the water and if required the applicant shall provide a plant type and implementation plan to be approved by ESD.
6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/09/16.
9. The area identified as Tract 1 and Tract 2 shall remain as one lot and shall not be divided.
10. The accessory structure identified as the "bunkhouse" shall not utilized for habitation.
11. The area identified as Tract 3 shall comply with any applicable minimum lot size or dedicated contiguous open space as required by Section 1116.83 of the Land Use Ordinance (02/15/13).
12. If the area identified as Tract 3 is not split as separate lot the non-conforming residence shall be removed from the property not later than 06/30/15.

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.

Rollins, Michael, Ponto Lake Township on property described as Lot 46, Block 1, "Smith Estates", Section 21-139-29, PID #32-427-0192 located at 910 Pondweed Trail NW. An application submitted to locate a residence 75 feet from the lake. Section 1126.1 A. 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 parcel contains 1.45 acres riparian to Lake Ada (RD).

43 notices of the application were mailed with no responses received. The application was discussed and reviewed with Mr. Rollins and his counsel Mr. Thomas.

MS/P Moore/Ballenthin - Ballenthin/Yes, Fitch/Yes, Froehlig/No, Kostial/No, LaPorte/No, Moore/Yes and Sundberg/Yes to deny the application for closer lake setback, 75 feet, for a residence to be located upon PID #32-427-0192 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. "Smith Estates" was platted in 1971.
2. According to the permit archive it has not been developed except for a small storage structure.
3. ESD has determined that from the lake setback of 100 feet, it is 92 feet of lot depth to the stockpiled rocks/wetland area which provides ample space for a residence and garage.
4. It appears that the slope at 100 feet offers a location or a walk-out with excellent sight line of the lake.
5. Practical difficulty as it relates to a variance is not established with this application because the topography poses no compelling factors to warrant closer lake setback.
6. A previous variance, VP13-139-29-7, was granted 12/09/13 and remains in force.
7. Substantial removal of virtually all vegetation by the applicant has increased the ability of placing a residential structure at or beyond the required setback.
8. This undeveloped parcel measures over 500 feet from the lake to the western boundary at Smith Road.
9. Approval of the application will increase the impervious surface area in the lake setback area which will increase run-off to the shoreline area and further impair the setback area from performing its ecological functions of providing habitat for shore and near shore wildlife and of filtering un-off to prevent nutrients and pollutants from entering the lake.
10. Approval of the application is not consistent with the Comprehensive Plan. As related to residential shoreland development, the Comprehensive Plan places an emphasis on maintaining and preserving the unique natural environment and natural resources of the County, especially shoreland, and balancing development that conserves and enhances the natural beauty and resources of the County for the present and future. The Comprehensive Plan has a private Land Use Goal and Policy of protecting the County's natural resources from degradation including development of lake shore property with minimal natural resource impacts and preservation of critical habitats. None of these goals would be met by approval of the application to construct this residence with a lake setback of 75 feet.
11. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

Schmit, David & Heather, Sylvan Township on property described as MP&L Lease Lot 7, Section 20-133-29, PID #41-820-2307 located at 1644 Oak Ridge Road SW. An application submitted to construct a 42 feet x 72 feet residence/garage to be located 70 feet from the river. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 100 feet from a river classified Tributary (TR) and Section 800 which

establishes variance review criteria. The parcel contains 1.44 acres riparian to the Gull River (TR).

33 notices of the application were mailed. One response from Sylvan Township recommending approval was received. The application was discussed and reviewed with the applicants.

MS/P Froehlig/Fitch to approve the application to locate a residence/deck 65 feet from the river upon PID #41-820-2307 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 proposed residence deck at 65 feet from the river will replace the current structure located at 27 feet.
2. The proposed residence location seems reasonable use of the property when taking into account the topography and configuration of the property along with the location of neighboring residences 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 residence will be similar of scale and size to other residence located in neighborhood 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 residences similar in size and scale to the proposed residence, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed expansion.
5. There is no reason to conclude that water quality will be in any way affected by the proposed residence.
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 residence shall not vary from the site plan dated 05/28/14.
2. The residence, at the closest point, shall not be less than 65 feet from the river.
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, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No run-off to the river lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters from the residence 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 06/09/16.

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.

Schrupp, Brad, Trelipe Township on property described as Part of Gov Lot 4 in Section 8 & Part of NW NW in Section 17, Section 8-140-27 & Section 17-140-27, PID #44-108-3406 located at 2866 Whitewater Lane NE. An application submitted to construct a 26 feet x 32 feet residence 44 feet from the lake with a 5 feet x 12 feet porch to the side of the residence to be located 56 feet from the lake and 10 feet x 16 feet accessory/storage structure/bathhouse to be located 10 feet from the right-of way of Whitewater Lane. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be 75 feet from a lake classified General Development (GD), 20 feet from the right-of-way of a federal, state, county, township or platted roadway and Section 800 which establishes variance review criteria. The parcel contains .32 acre riparian to Lake Inguadona (GD).

29 notices of the application were mailed. Three responses objecting to approval were received. The application was discussed and reviewed with Mr. Schrupp and contractor Todd Ellison.

MS/P Kostial/Ballenthin to approve at 50 feet from the OHWL a residence to be located upon PID #44-108-3406 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 property became a lot of record in 1965 prior to the adoption of land use regulation.
2. The lot contains 37% (13,939 square feet) of the current GD riparian standard of 37,500 square feet.
3. Lot depth from the lake to the easement known as Whitewater Lane varies from 104 feet to 125 feet.
4. Setback from the lake, 75 feet and from the easement 10 feet results in building area depth from 19 feet to 40 feet.
5. The applicant has amended the request to 50 feet from the OHWL.
6. As amended, the proposed residence location seems reasonable use of the property when taking into account the size and configuration of the property along with the location of neighboring residences 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.
7. As amended, the proposed residence will be similar of scale and size to other residence located along Whitewater Lane which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. Because the surrounding area contains residences similar in size and scale to the proposed residence, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the amended proposed expansion.
9. There is no reason to conclude that water quality will be in any way affected by the amended proposed residence.
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. The dimensions and location of the residence and accessory structure shall not vary from the site plan dated 05/22/14 except as provided in Condition # 2.
2. The residence, at the closest point, shall not be less than 50 feet from the lake.
3. Any material resulting from demolition or 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, the 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 directed by gutters from the residence 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 06/09/16.

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.

Woodard, Dale, Torrey Township on property described as Part of SE NW, Section 20-143-25, PID #43-020-2402 & Part of SE NW & Part of SW NE, Section 20-143-25, PID #43-020-2403 located at 7674 County 65 NW. An application submitted to be allowed to retain an existing carport structure located less than the required right-of-way setback from County 65 and be allowed to retain two existing accessory/storage structures both located at less than the required setback from the lake. The relevant ordinance references of the Land Use Ordinance (02/15/13) are Section 1126.1 A. & B. which requires structures to be at least 150 feet from a lake classified Natural Environmental (NE) and be located at least 20 feet from the right-of-way of a federal, state, county, township or platted roadway and Section 800 which establishes

the variance review criteria. The combined parcels contain 3.5 acres riparian to Pothole Lake (NE).

17 notices of the application were mailed. Three responses objecting to approval and one supporting approval were received. The application was discussed and reviewed with Mr. Woodard and his legal counsel Mr. Smith.

MS/P Ballenthin/LaPorte to approve the application to retain the carport/storage at current location along the south side of CSAH #65 upon PID #43-020-2402 & 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:

A. Findings - Carport & Covered Storage Located at Less than R-O-W Setback - "After the Fact":

1. Setback from right-of-way is 20 feet.
2. Setback from property line is 10 feet.
3. The distance from the right-of-way of CSAH #65 to the property line on the south side of the property varies from 28 feet to 42 which leaves a building location envelope of 12 feet in depth.
4. The current location seems 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.
5. The carport is similar of scale and size to other structures located along CSAH #65 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. The surrounding area along CSAH contains structures 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 proposed expansion.
7. There is no reason to conclude that water quality has been in any way affected by the existing use.
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.

A. Conditions - Carport & Covered Storage Located at Less Than R-O-W Setback - "After the Fact":

1. All stored items/material must be located within the carport structure or if outside the carport be covered with a tarp.
2. Any applicable land use permits must be obtained.
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 06/09/16.

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.

MS/P Ballenthin/LaPorte to approve the application to retain accessory structures located upon PID #43-020-2402 & 2403 located on the north side of CSAH #65 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:

B. Findings - Accessory Structures Located at Less than Lake Setback - "After the Fact":

1. There is nothing in the permit record to indicate when the various accessory structures were located on the combined parcels.
2. The current location seems reasonable use of the property when taking into account the configuration of the property and location of the structures 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 structures are similar of scale and size to other structures located along CSAH #65 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. The surrounding area along CSAH contains structures 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 proposed expansion.
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.

B. Conditions - Accessory Structures Located at Less than Lake Setback - "After the Fact":

1. The trailer that housed poultry must be removed from the shore impact zone not later than 09/30/14.
2. The structures can remain at current location provided that they are no closer than 100 feet from the OHWL.
3. 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 residence to water retention structures such as rain gardens to retain and prevent run-off to the lake and adjoining properties.
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.

Conditional Use Permit

Huls, Roger & Guerrero, Rosie, Loon Lake Township on property described as SE SE, Section 5-136-29, PID #22-005-4400 located at 1342 52nd St SW. An application submitted to be allowed removal of spoil material/peat which has been stockpiled as a result of permitted wildlife pond construction. The relevant ordinance references are Section 1106.1 of the Land Use Ordinance (02/15/13) requires a conditional use permit (CUP) for the movement of more than 1,000 cubic yards of earthen material within the non-shoreland which is that area locating more than .25 miles form public waters and Section 705 of the Land Use Ordinance (02/15/13) establishes the conditional use permit review criteria. The parcel contains 41.41 acres non-shoreland (AF).

17 notices of the application were mailed. No written responses were received. The application was reviewed and discussed with the applicants.

MS/P LaPorte/Ballenthin to approve the application as submitted to remove stockpiled spoil material/peat for commercial purposed from PID #22-005-4400 based upon review of the criteria contained in Section 1106.1 and Section 705 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. No wetland or critical habitats will be affected by the proposed land use activity.
2. No scenic or historic features will be affected by the proposed land use activity.
3. No evidence or information has been submitted to establish beyond a reasonable doubt that the proposed land use will have a detrimental affect to public health, safety or welfare.
4. No evidence or information has been submitted to establish beyond a reasonable doubt that the proposed land use activity has the potential to alter or be detrimental to land use in the general area.
5. Approval will not increase the need or demand for governmental services because no road improvements are required and it does not require waste water treatment.
6. Approval will not contradict the purpose of the official controls, 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 also to promote the health, safety, general welfare.
7. The proposed use will not be obtrusive to the neighborhood and 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.

Condition:

1. The applicants shall comply with the recommendations of the Technical Evaluation Panel (TEP) report dated 05/08/14.

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

Roth, Timothy & Wanda, Powers Township on property described as Part of Gov Lots 9 & 10, Tract 4 & Easement, Section 3-139-30, PID #34-003-1304 located at 3372 22nd St NW. An application submitted to be allowed to establish a private campground consisting of the existing four recreational vehicle trailers and one residential structure located on the property. Section 1121 B. of the Land Use Ordinance (02/15/13) allows for a private campground intended for family use and not available to the public. Section 705 of the Land Use Ordinance (02/15/13) establishes the conditional use permit review criteria. The parcel contains 4.22 acres riparian to Pickerel Lake (NE).

55 notices of the application were mailed for the 05/12/14 and the 06/09/14 meetings. Six responses objecting to approval along with four in support of approval were received from both mailings. The proposal was discussed and reviewed with the applicants.

MS/P Ballenthin/Fitch to approve the application for the private campground land use located upon for PID #34-003-1304 based upon review of the criteria contained in Section 1121 B. and Section 705 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The existing activity is on-going and this application is intended to address the current land use activity to ensure that it will not be disruptive to the neighbors located along Pickerel Lake.
2. No wetland or critical habitats have been affected by the existing land use activity.
3. No scenic or historic features have been affected by the existing land use activity.
4. No evidence or information has been submitted to establish beyond a reasonable doubt that the existing land use has a detrimental affect to public health, safety or welfare.
5. No evidence or information has been submitted to establish beyond a reasonable doubt that the current land use activity has altered or been detrimental to land use in the Pickerel Lake area.
6. The designation of private campground will not increase the need or demand for governmental services because no road improvements are required and it is not nor will be served by municipal or community waste water treatment.
7. The private campground designation does not contradict the purpose of the official control, 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 also to promote the health, safety, general welfare.

8. The recreational vehicle trailers are unobtrusive to the neighborhood and the lake and do 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.

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.

Conditions:

1. The property shall contain no more than the three current recreational vehicles/trailers and shall not under any circumstances be expanded.
2. All recreational vehicles/trailers must be located at least 150 feet from the lake.
3. The existing vegetative buffer along the shoreline and property boundary buffers shall be maintained in current configuration and in no situation reduced.
4. The shower house facility must be served by a SSTS by 08/01/14.
5. No gray water from any occupied structure shall be drained to the ground but to a SSTS by 08/01/14.
6. The property or recreational vehicles shall not be available for public use or rental.
7. All applicable permits and/or licenses must be obtained.
8. ESD shall determine if shoreline vegetative enhancement or restoration is required and if so, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
9. No person or activity shall make noise reasonably tending to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, power equipment or by any other means.
10. No person shall engage in boisterous, noisy or threatening conduct reasonably tending to arouse alarm, anger or resentment in others.
11. A person or activity may not make a noise at a level above that of a quiet conversation between the hours of 10:00 pm and 8:00 am which are designated as quiet hours.
12. The property shall be kept and maintained at all times in a manner consistent with the provisions of Section 1117 Public Nuisances of the Land Use Ordinance (02/15/13). If the Planning Commission finds that the property is not so kept and maintained it may, after giving the property owner or person in control of the property reasonable opportunity to correct any deficiencies, amend, modify or revoke the CUP or take such other action as it deems appropriate for the circumstances.
13. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective until 06/09/16 at which time the applicant or a representative shall request that the PC inspect the site and review the land use approved.

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.

MS/P LaPorte/Fitch at 4:45 pm, to adjourn.

P. Fairbanks