



Cass County
Planning Commission/Board of Adjustment

July 13, 2015

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting July 13, 2015 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting were July 6 and July 7, 2015 with PC members Fitch, Kostial, La Porte, Moore, Pehling and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

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

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Paul Barclay, Roger Bares, Wendy Bares, Kris Biessner, Tom Bofferding, Carol Booth, Abby Capesius, Brenda Capesius, Joe Capesius, Todd Elison, Terry Freeman, Virginia Gardner, Lou Gogela, Deb Gronholz, Dennis Gurecki, Chris Hadfield, Gary Haglund, Lien Keyser, Dennis Lilyquist, Tom Lund, Keith Meyer, Len Nelson, Dylan Nistler, Dennis Platz, Larry Raub, Jennifer Rebholz, Crystal Reed, Scott Rolfe, Matt Snorek, Jason Strom, Karen Tooker, Tim Wenner and Diane Westmore,

MS/P Moore/LaPorte to approve the minutes of the 06/08/15 PC/BOA meeting as revised and presented.

Variance

Bares, Roger, Ponto Lake Township on property described as Part of Govt Lot 2, Section 33-139-29, PID #32-033-1301 located at 1310 3rd St NW. An application submitted to construct a 36 feet x 42 feet residence with loft, an 8 feet x 36 feet deck with an 8 feet x 10 feet covered entry to be located 58 feet from the lake. The existing residence will be removed from the site. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains .34 acre riparian to Lake Ada (RD).

PC members were at the site 07/07/15. 34 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicants Mr. & Mrs. Cunningham.

MS/P Kostial/Fitch to approve the application as submitted to construct a new residence to be located upon PID #32-033-1301 upon review of the criteria contained in Section 800 and 1126.1 A 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 of record in 1969, contains .34 and is a remnant of a former resort.
2. There is no record in the permit archive of the original construction of the residence.
3. The location of the SSTS mound prohibits placement of the new construction at the required lake setback.
4. The proposed lake setback is equal to that of the neighboring residences.
5. The proposed lake setback will not increase the existing setback encroachment nor noticeably alter the view of the residence from the lake which seems reasonable when taking into account the current setback and configuration 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 new construction will not significantly alter the residence footprint to which there is no evidence or information to establish that it will 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. Although the proposed new residence will contain a second floor, the height to peak will not exceed that of the directly adjacent residence to the east.
8. The surrounding area along Lake Ada contains similar lots with residences located at generally similar lake setback which therefore establishes no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the proposed residence shall not vary from that submitted 06/19/15 unless approved by ESD or if necessary, the PC/BOA.
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 placement prior to the commencement of construction.
4. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/13/17.

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.

Bofferding, Tom, Wilkinson Township on property described as Lot 5, "Gackstetters", Section 30-144-31, PID #49-427-0050 located at 7160 Gaywood Drive NW. An application submitted to be allowed to construct a 16 feet x 16 feet living area, guest quarters, within the confines of a proposed 33 feet x 36 feet accessory structure/garage upon a lot intended for a single family residential structure on the parcel which does not meet the minimum standards for guest quarters. The proposed structure will comply with applicable setback requirements. The lot is 100 feet wide at the shoreline, 100 feet wide at the setback and contains 30,942 square feet total and buildable area. The relevant portions of the Land Use Ordinance (02/15/13) are Section 1113.1 which requires a guest quarters lot upon a Recreational Development (RD) lake to contain 100,000 square feet total area, 40,000 square feet buildable area and be 265 feet at the water and structure setback and Section 800 which establishes variance review criteria. The parcel contains .7 acres riparian to Steamboat Lake (RD).

PC members were at the site 07/06/15. 19 notices of the application were mailed. One response objecting to approval of the application was received. The application was discussed and reviewed with Mr. Bofferding.

MS/P Pehling/Froehlig to approve the application to allow living area within the confines an accessory structure/garage as requested for PID #49-427-0050 upon review of the criteria contained in Sections 800 and 1115.3 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 was platted in 1969 prior to the adoption lot size standards for guest quarters structures.
2. The location, style and configuration of the residence seem to make it impractical for expansion.
3. The proposed accessory structure/garage will replace the current accessory structure/garage which will result in no increase of the number of structures located on the property.
4. The proposed structure of 1,188 square feet will comply with the maximum allowed, 1,200 square feet for a lot size of .6 acre.
5. The proposed living area will occupy about 25% of the total area of the proposed replacement structure.
6. The proposed structure will comply with applicable setback requirements and will not alter the view of the residence from the lake which seems reasonable when taking into account the current setback and configuration 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.
7. The living area within proposed accessory structure will not significantly alter the use of the property to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. The surrounding area along Steamboat Lake contains similar lots, residences and accessory structures located at generally similar setbacks which therefore establish no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the proposed accessory structure shall not vary from that submitted 06/25/15 unless approved by ESD or if necessary, the PC/BOA.
2. The dimensions, location and configuration of the area utilized for living area within the accessory shall not vary from that submitted 06/25/15 unless approved by ESD or if necessary, the PC/BOA.
3. The guest quarters shall not be rented or sublet separately from the primary residence.
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 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 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 07/13/17.

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.

Carey, Brian, Hiram Township on property described as Lot 1 "Elmhurst" & Adjacent Vacated Portion of Roadway & Part of Govt Lot 6, Section 12-140-31, PID #16-400-0010 located at 5116 Aspen Trail NW. An application to submitted to construct a 30 feet x 60 feet residence with a 10 feet x 60 feet deck and a 30 feet x 34 feet attached garage to be located 50 feet from the lake at the closest point. The existing residential structure would be removed from the property. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be setback 75

feet from a lake classified General Development (GD). The property contains .71 acre riparian to Ten Mile Lake (GD).

PC members were at the site 07/07/15. 30 notices of the application were mailed. Two responses both objecting to approval of the application were received. Prior to the meeting the application was withdrawn from consideration.

Carpenter, Scott, Kego Township on property described as Lots 5 & 6, "Wedgewoods", Section 13-141-28, PID #19-379-0050 located at 6152 Wayward Trail NE. An application submitted to expand a non-conforming residence with a 6 feet x 7 feet non-lakeside addition, to construct a fence 44 feet from the lake, to construct a 6 feet x 30 feet walkway/deck 41 feet from the lake and to construct a 12 feet x 14 feet deck 42 feet from the lake. The residence to be expanded is non-conforming because it is located 41 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 75 feet from a lake classified General Development (GD). The parcel contains .8 acre riparian to Long Lake (GD).

PC members were at the site 07/06/15. 34 notices of the application were mailed with one response objecting to approval of the application was received. The application was discussed and reviewed with Mr. Carpenter.

MS/P Kostial/Froehlig to approve the application for a lake-side deck/walkway and covered rear entry for the residence located upon PID #19-379-0050 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 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 was platted in 1957.
2. There is nothing in the permit archive to determine the original construction but it can be presumed it was prior to 1972.
3. 15% of 43 feet would allow for a 6.5 feet wide deck, 36.5 feet from the lake for the proposed walkway.
4. The proposed deck would exceed the 15% calculation by 5.5 feet width and be 31 feet from the lake.
5. It seems that adequate space is available to extend a 6 feet x 30 feet walkway the width of the house to a deck or a patio constructed of pervious material which could be located on the south side of the residence at the same setback as the walkway.
6. Setback at 36.5 feet would be a modest encroachment to which there is no evidence that it poses a dramatic contradiction to 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 proposed walkway/deck to a deck or patio will be mostly imperceptible and unobservable from the lake and surrounding residences, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed walkway/deck.

8. Because the proposed non-lakeside entry cover will be unobservable from the lake and mostly unobservable from surrounding residences, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed walkway/deck.

9. No variance for fence location is included in this approval.

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

NOTICE TO APPLICANT: If 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, restoration or mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The applicant shall submit a revised site plan to ESD prior to the commencement of construction.
2. No part of the deck/walkway or the deck shall be less than 36.5 feet from the lake.
3. The deck or patio shall not exceed 12 feet x 14 feet.
4. If the patio option is selected it must be constructed entirely of pervious pavers, concrete or asphalt.
4. The non-lakeside stoop cover shall not exceed 10 feet x 10 feet.
5. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.

6. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
7. No run-off to the lake or adjoining properties is permitted. 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.
8. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/13/17.

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.

Capesius, Joseph, Unorganized on property described as Lots 6 & 7, "Teds Subdivision", Section 34-146-29, PID #75-445-0060 located at 968 River Drive NE. An application submitted to construct a 28 feet x 32 feet residence 70 feet from the river. The Mississippi River is subject regulation by the Mississippi Headwaters Plan to which the area of the river in question is deemed Wild (W) which requires that structure be setback 200 feet from the river. In addition this property is subject to Section 800 which establishes the variance criteria of Land Use Ordinance (02/15/13). The parcel contains .3 acre riparian to the Mississippi River (W).

PC members were at the site 07/06/15. 13 notices of the application were mailed with no responses were received. The variance request was reviewed and discussed with Mr. Capesius.

MS/P LaPorte/Pehling to approve the application as submitted for closer setback for residence to be constructed upon PID #75-445-0060 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. "Ted's Subdivision" was recorded in 1949 prior to the adoption of land use regulation and minimum lot size criteria in the county and the Mississippi Headwaters Plan.
2. There is nothing in the permit archive to confirm when the residence to be removed was constructed although it is obvious it was prior to the adoption of land use regulation.
3. The combined lots vary in depth from the river to the road from 124feet to 128 feet which makes setback of 200 impossible.
4. Impervious surface coverage will remain substantially below the maximum limit.
5. Approval will result in the installation compliant SSTS.
6. There is nothing to indicate that the proposed residence location will have any perceptible detrimental visual impact to the river or neighboring property.
7. The application seems a reasonable use of the property when taking into account the age, configuration and size of the combined lots 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.

8. The proposed residence location is a reasonable option based on lot size which 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.

9. The plat along the river contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot configuration.

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

11. Mr. Capesius has voluntarily offered to remove the steps to the river located upon Lot 7.

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, restoration or no mow 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, location and configuration of the residence shall not vary from that submitted 06/12/15 unless approved by ESD or if necessary, the PC/BOA.
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. No run-off to the river 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.
5. Applicant must consent to inspection of the property by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/13/17.
7. The area where the structure to be removed currently occupies must be protected against erosion upon removal and re-vegetated as approved 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 WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Gronholz, Debra & Reed, Crystal, Sylvan Township on property described as Tract D, RLS #72, Section 1-133-30, PID #41-456-0461 located along Lower Sylvan Road NW. An application submitted to create two lots from the existing lot. Parcel A, non-riparian would contain 59,242 square feet total area, 36,131 square feet buildable area and exceed the minimum lot width of 200 feet. Parcel B, riparian, would contain 176,314 square feet total area, 65,869 square feet buildable area and exceed the minimum lot width of 200 feet. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance review criteria and Section 1113.2 which establishes the minimum lot standards. A new riparian Natural Environment (NE) Lake lot must contain at least 100,000 square feet total area, 40,000 square feet buildable area and be at least 200 feet wide at the OHWL and structure setback. A new non-riparian Natural Environment (NE) Lake lot must contain at least 100,000 square feet total area, 40,000 square feet buildable area and be at least 200 feet wide at the shortest distance between side lot lines as measured at the midpoint of the longest axis. The parcel contains 5.35 acres to an Unnamed waterbody classified NE.

PC members were at the site 07/07/15. 41 notices of the application were mailed. One response endorsing approval of the application was received from Sylvan Township. The application was discussed and reviewed with the applicants.

MS/P LaPorte/Kostial to approve the applicants' configuration of two lots from PID #41-456-0461 as submitted upon review of the criteria contained in Sections 800 and 1113.1 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 Parcel A is closer to the Sylvan Lake (GD) than to the Unnamed (NE).
2. The proposed Parcel A complies with the non-riparian GD lot standards.
3. The proposed Parcel B complies with the riparian NE lot standards.

4. Both proposed lots have direct access to a public road.
5. The proposed lot configuration is a reasonable use of the property when taking into account their locations as related to the water bodies 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. Although the proposed lot configuration is less than mandated, it is not excessive of scale or obtrusive to neighboring property and reflects the geography of the area 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. There is no reason or evidence to conclude that area land use has been negatively affected or altered by the proposed lot configuration.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

Conditions:

1. The dimensions, location and configuration of the lots shall not vary from that of the Certificate of Survey submitted 06/23/15 unless approved by ESD or if necessary, the PC/BOA.
2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/13/17.

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.

Hadfield, Chris, Sylvan Township on property described as Lot 1, "McKisson Acres", Section 28-133-27, PID #41-429-0010 located at 14034 Hardy Lake Road SW. An application submitted to expand an existing non-conforming residence with a 26 feet x 48 feet non-lakeside addition. The residence to be expanded is non-conforming because it is located 98 feet from the lake. In addition the application includes a request for placement 1,296 square feet accessory that that will exceed the maximum square footage allowed based upon lot size by 96 square feet. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1101 A. which allows a maximum of 1,200 square feet accessory structure upon a riparian lot which contains from .5-.99 acre, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains .85 acre riparian to Hardy Lake (RD).

PC members were at the site 07/07/15. 62 notices of the application were mailed. Two responses including that of Sylvan Township both endorsing approval of the application were received. The application was discussed and reviewed with the applicant Mr. Hadfield.

MS/P Moore/LaPorte to approve the application to expand the non-conforming residence located upon PID #41-429-0010 upon review of the criteria contained in Sections 800, 1115.3 and Section 1126.1 of the Land Use Ordinance (02/15/13)) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1962.
2. There is no record in the permit archive as to the original construction although it obviously precedes the adoption of land use regulation.
3. The proposed residence expansion will be non-lakeside, modest of size and will not noticeably alter the view of the residence from the lake which therefore seems reasonable when taking into account the setback and configuration 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 exceed the maximum size allowed by 96 square feet which is modest and in addition, comply with applicable setbacks and not noticeably alter the view of the property from the lake which therefore seems reasonable when taking into account the setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed residence expansion and the accessory structure/garage are either non-lakeside comply with setback standards and be modest of size to which there is no evidence or information to establish that it will 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 area along Hardy Lake contains similar lots and structures to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
8. Approval does not include the proposed excess accessory structure/garage square footage.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the residence expansion and the accessory structure/garage shall not vary from that submitted 06/08/15 unless approved by ESD or if necessary, the PC/BOA.
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 placement prior to the commencement of construction.
4. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
6. The accessory structure must comply with the applicable size based on lot size standards.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/13/17.

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.

Heinmiller, John & Julie, Wabedo Township on property described as Part of Govt Lot 7, Section 22-140-28, PID #46-022-1402 located at 1575 Pine Sisken Trail NE. An application submitted to expand an existing non-conforming residence with a 40 feet x 74 feet two story non-lakeside addition. The residence to be expanded is non-conforming because it is located 60 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which

establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains 2.8 acres riparian to Little Boy Lake (RD).

PC members were at the site 07/06/15. 30 notices of the application were mailed. One response from Wabedo Township recommending approval was received. The application was discussed and reviewed with the applicants' representative Mr. Elison.

MS/P Fitch/LaPorte to approve the expansion of the non-conforming residence located at PID #46-022-1402 upon review of the criteria contained in Sections 800, 115.3 and 1126.1 of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1966 and the original residence was constructed was constructed at 50 feet as approved by VP78-140-2808.
2. The property is of a peninsula configuration which limits placement options 100 feet from the lake.
3. The proposed expansion will be non-lakeside which seems reasonable when taking into account the location of the structure to be expanded along with the lack of expansion options 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. There is no evidence or information to establish that the proposed expansion will 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 proposed expansion will be mostly unobservable from the surrounding area and the lake therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted 06/25/15 unless approved by ESD or if necessary, the PC/BOA.
2. The height to peak of the total expanded residence shall not exceed 30 feet to peak.
3. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. Any replacement or new driveway must be constructed of permeable pavers, asphalt or concrete.
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be 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 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 07/13/17.

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.

Isackson, Ronald, Ottertail Peninsula Township on property described as Part Govt Lot 3, Section 24-144-30, PID #28-324-1302 located at 2607 North Shore Drive NW. An application submitted to expand a non-conforming residence with a 20 feet x 30 feet non-lakeside addition. The residence to be expanded is non-conforming because it is located 40 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 75 feet from a lake classified General Development (GD). The parcel contains 1.16 acres riparian to Leech Lake (GD).

PC members were at the site 07/06/15. 25 notices of the application were mailed. One response from the Leech Lake Association offering no objection to approval was received. The application was discussed and reviewed with the applicant's representative Mr. Utech.

MS/P LaPorte/Pehling to approve the application to expand the non-conforming residence at PID #28-324-1302 upon review of the criteria contained in Sections 800 and 1115.3 of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. There is nothing in the permit archive to confirm when the residence was constructed although it obvious that it preceded land use regulation.
2. The residence is 40 feet from the lake and the proposed expansion will be to the non-lakeside.
3. Placement options are limited by the location of North Shore Drive.
4. There is nothing to indicate that the proposed residence expansion will have any perceptible detrimental visual impact to Leech Lake or neighboring 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 proposed expansion will be mostly unseen and unobtrusive from the lake and 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. The surrounding area along Leech Lake contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

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

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow 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, location and configuration of the residence expansion shall not vary from that submitted 06/09/15 unless approved by ESD or if necessary, the PC/BOA.
2. Approval does not allow or imply approval 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. 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 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 07/13/17.

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.

Keyser, Warren, Loon Lake Township on property described as Part of Govt Lot 2, Section 29-136-29, PID #22-029-2416 located at 1544 64th Street SW. An application submitted to expand an existing non-conforming residence with a 6 feet x 17 feet non-lakeside addition. The structure to be expanded is non-conforming because it is located 30 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains 1.01 acre riparian to Loon Lake (RD).

PC members were at the site 07/07/15. 42 notices of the application were mailed. One response objecting to approval of the application was received. The application was discussed and reviewed with Ms. Keyser.

MS/P Moore/Froehlig to approve the application to expand the non-conforming residence located upon PID #22-029--2416 upon review of the criteria contained in Sections 800 and 1115.3 and 1126.1 of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. There is no record in the permit archive as to the original construction although it obviously preceded land use regulation.
2. The proposed residence expansion will be non-lakeside which will result in a modest expansion of the existing footprint but will not alter the view from the lake which seems reasonable when taking into account the current setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
3. The proposed expansion is modest of size and impact to which there is no evidence or information to establish that it will 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 lot and structure is similar to those in surrounding area along Loon Lake will be modest of size and mostly unobservable therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
- 5 There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted dated 05/27/15 unless approved by ESD or if necessary, the PC/BOA.
2. The addition shall not exceed 6 feet x 26 feet.
3. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. Approval does not allow or imply approval 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".
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be 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 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 07/13/17.

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.

Nelson, Leonard, Barclay Township on property described as Part of SE NW & Part of SW NE, Section 31-138-29, PID #02-031-2403 located at 2153 White Pine Point Road SW. An application submitted to expand an existing non-conforming residence by enclosing an existing 12 feet x 28 feet deck. The residence is non-conforming because it is located 78 feet from the river. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a river or stream classified Tributary (TRIB). The parcel contains 1.3 acres riparian to Norway Brook (TRIB).

PC members were at the site 07/07/15. 98 notices of the application were mailed with no response received. The application was discussed and reviewed with the applicant Mr. Nelson.

MS/P Moore/Kostial to approve the application as submitted for the enclosure of the brook side deck located upon PID #02-032-2403 upon of the criteria contained in Sections 800, 1115.3 and 1126.1 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 of record in 1967 prior to the adoption of land use regulation.
2. Construction of the deck was approved by ZP04-138-29-2.
3. The proposed expansion will be located at the current setback and will enclose existing footprint only which seems reasonable when taking into account the location of the structure to be expanded 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 be modest of size to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. There is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the deck enclosure shall not vary from that submitted dated 05/28/15 unless approved by ESD or if necessary, the PC/BOA.
2. 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 applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No run-off to the river 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 shall allow access to the property 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 07/13/17.

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.

Raub, Larry & Roberta, Shingobee Township on property described as Part of Govt Lot 4, & NE SW, Section 25-141-31, PID #38-025-3405 located at 5359 Ten Mile Lane NW. An application submitted to construct a 20 feet x 24 feet accessory structure/garage 16 feet from the paved surface of Ten Mile Lane NW which is considered right-of-way. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be setback 20 feet from the right-of way of a public road. The parcel contains .73 acre riparian to Ten Mile Lake (GD).

PC members were at the site 07/07/15. 42 notices of the application were mailed with no response received. The application was discussed and reviewed with the applicant Mr. Raub.

MS/P Kostial/Pehling to approve the application as submitted for the location of the accessory structure/garage located upon PID #38-025-3405 upon of the criteria contained in Sections 800 and 1126.1 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 of record in 1965.
2. There is no record of construction of the residence at less than 50 feet.
3. The location of the shed to be removed and replaced by the proposed new construction was approved by VP80-141-31-7.

4. Ten Mile Lane terminates at the Raub property with right-of-way deemed the width of the paved surface and the proposed structure will not hinder traffic.
5. Wetland area prohibits any other placement options.
6. The proposed location along with the lack of options does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
7. The proposed structure will be modest of size and height to which there is no evidence or information to establish that it will 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. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the structure shall not vary from that submitted dated 06/25/15 unless approved by ESD or if necessary, the PC/BOA.
2. The height to peak shall not exceed 24 feet.
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 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 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 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 07/13/17.

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.

Wenner, Tim, Turtle Lake Township on property described as Lot 4, Block 1, "Trading Post Bay", Section 7-142-30, PID #45-475-0140 located at 9180 W Traders Bay Trail NW. An application submitted to construct a 4,176 square feet residence/attached garage w/ a 16' x 16' patio, and a subsurface soil treatment system (SSTS) less than 150 feet from the ordinary high water level (OHWL) of Gould Lake (NE). The property lies within the shoreland area, .25 mile, of Leech Lake (GD) and Gould Lake (NE). The primary exposure and use of the property will be to Leech Lake to which the proposed residence and SSTS will comply with the required setback. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be setback 75 feet from a lake classified General Development (GD) and 150 feet from a lake classified Natural Environment (NE). The parcel contains .49 acre riparian to Leech Lake (GD).

PC members were at the site 07/07/15. 35 notices of the application were mailed. Four responses including one of objection, one non-committal, and two including the Leech Lake Association endorsing approval were received. The application was discussed and reviewed with the applicant Mr. Wenner.

MS/P Moore/LaPorte to approve the setback from Gould Lake as submitted for the residence, garage and SSTS to be located upon PID #45-475-0140 upon of the criteria contained in Sections 800 and 1126.1 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 was platted in 1969 prior to the adoption of lot size requirements.
2. The GD and NE setbacks nearly overlap which renders the lot unbuildable without variance.
3. The primary use of the property will be oriented to Leech Lake to which the GD setback must be complied which seems reasonable when taking into account the location of the NE and GD setbacks 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 residence location at the GD setback to which there is no evidence or information to establish that it will 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 lot and residences along Leech Lake are similar to that proposed to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.

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

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the residence shall not exceed from that dated 06/26/15 by ESD unless approved by ESD or if necessary, the PC/BOA.

2. As recommended by ESD staff the SSTS can be located at less than 150 feet from the OHWL of Gould Lake (NE) and shall be designated as and comply with Type III, experimental, standards.

3. Impervious surface shall not under any circumstances, unless pervious materials are utilized, exceed 25% of the lot area not including the road.

4. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.

5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.

6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be 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 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 07/13/17.

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.

Windebank, Sharon, Wabedo Township on property described as Part of Govt Lot 5", Section 26-140-28, PID #46-026-3105 located at 2991 Stoney Creek Road NE. An application submitted to expand an existing non-conforming residence with a 12 feet x 14 feet addition. The residence is non-conforming because it is located less than 30 feet from the top of a bluff. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 30 feet from the top of a bluff. The parcel contains .78 acre riparian to Lake Wabedo (RD).

PC members were at the site 07/07/15. 46 notices of the application were mailed. One response from Wabedo Township offering no objection to approval of the application was received. The application was discussed and reviewed with the applicant's representative Mr. Rolfe.

MS/P LaPorte/Pehling to approve the application as submitted for the expansion toward the bluff as submitted for the non-conforming residence located upon PID #46-026-3105 based upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 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 became of record in 1971 prior to the adoption of bluff standards.
2. No record of construction can be located although it was more than likely to the enforcement of bluff setback requirements.
3. The proposed expansion will be located at the current setback from the bluff with no increase in coverage which seems reasonable when taking into account the location of the structure to be expanded along with the lack of expansion options 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 be modest of size to which there is no evidence or information to establish that it will 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 deck addition will be mostly unobservable from the surrounding area and residences along Wabedo Lake to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
7. The proposed construction will not impact the bluff by excavation or construction.

NOTICE TO APPLICANT: If 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, restoration or no mow 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted dated 06/23/15 unless approved by ESD or if necessary, the PC/BOA.
2. The patio must be constructed of a permeable material.
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 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 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 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 07/13/17.

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

Loomis, Mitch, Shingobee Township on property described as NW NW Lying NE of the County #38 ROW, Section 16-142-31, PID #38-116-2201 located at 6326 County #38 NW. An application submitted to reclassify the parcel from Shoreland Residential - (SR) to Commercial-2 (C-2) to be utilized for boat and boat trailer storage for Shores of Leech Lake Resort. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1000 which establishes land use districts and Section 705 which establishes the conditional use permit review criteria. The parcel is non-riparian and contains 2.3 acres (SR).

PC members were at the site 07/06/15. 149 notices of the application were mailed. Five responses objecting to approval of the application along with two petitions with 18 total signatures also objection to approval were received. In addition, several persons appeared at their hearing to voice their unhappiness with the proposed reclassification and land use. The application was reviewed and discussed with Mr. Loomis.

MS/P LaPorte/Fitch to approve the application as submitted for C-2 classification as submitted based upon review of the criteria contained in Sections 705 and 1001 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings and conditions:

MS/P Froehlig/Moore to approve the application as submitted for the land use based upon review of the criteria contained in Sections 705 and 1001 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The site meets the criteria for C-2, "The purpose of this district is to provide adequate space for general retail, wholesale, office and service activities as conditional uses in rural areas. C-2 commercial districts shall be located along federal, state or county highways and shall include all of parcels so designated".
2. The property is directly adjacent to County #38.
3. The site will contain no other activity other than static boat, trailer and RV storage.
4. Cass County policy is that of support of the resort industry to thrive by reasonable ordinance development and administration that protect natural resources as well allow for healthy resorts.

5. Boats, boat trailers, RVs and water related recreation whether commercial or residential are integral to the culture and environment of Cass County and northern Minnesota.
6. No evidence or documentation has been submitted to verify the property values in the area might be affected.
7. The area requested for reclassification is close to Shores of Leech Lake will become part of the resort operation.
8. There is no evidence to conclude that over the years of operation that the resort has adversely affected neighboring property.
9. Existing county and state roadways that will not require expansion or reconfiguration will be utilized.
10. No wetland or critical habitat will be disturbed by the proposed land use.
11. No scenic or historic features will be affected by the proposed land use.
12. No threat to public health, safety and welfare can be expected from the proposed land use.
13. Approval will not contradict the purpose of the official controls which are 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.
14. 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.

Conditions:

1. Approval is for boat, boat trailer and RV related activity only and alteration or revision of such activity shall require Planning Commission approval through the conditional use permit process.
2. Mr. Loomis shall verify to ESD, Cass County Highway Department approval of current or proposed access to Cass County #38.
3. Mr. Loomis shall provide to the Planning Commission no later than May 2017 an activity report of the site for 2016.
4. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective as long as the site is used for the approved land use.

Meyer, Keith, Becker Township on property described as NE NE Less S $\frac{1}{2}$ SE, Section 08-134-32, PID #03-008-1100 located at 8791 100th St SW. An application submitted to reclassify a 5 acre portion of the property to Rural Residential 5 (RR-5). The relevant portions of the Land Use Ordinance (02/15/13) include Section 1000 which establishes land use districts and Section 705 which establishes the conditional use permit review criteria. The parcel contains 36.33 acres non-riparian (AF & SR).

26 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Meyer.

MS/P LaPorte/Kostial to approve the application as submitted for classification of 5 acres of PID #03-008-1100 based upon review of the criteria contained in Sections 705 and 1001 of the Land Use Ordinance (02/15/13) and in M.S. 394.301 with the following findings and condition:

Findings:

1. The property borders shoreland area (TRIB) in which the minimum non-riparian lot size is 2.29 acres.
2. The 5 acres proposed for reclassification represents .00011 of the total acreage of the township.
3. No responses or objections have been received from any persons or governmental entities notified of the application.
4. There is no reason to expect that one 5 acre parcel will cause adverse effects to adjoining property.
5. One 5 acre parcel will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
8. No scenic or historic features will be affected by the reduction of minimum lot size.
9. No threat to public health, safety and welfare can be expected from a change to minimum lot size.
10. The total acres to be reclassified do not reach the mandatory EAW threshold.
11. There is no reason to expect that the reduced lot size will have any effect to surface water or ground water quality.
12. The remaining 31.93 acres remain unchanged as AF.

Condition:

1. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/08/15.

Other Business

* Booth, Jerome & Carol, Birch Lake Township on property described as Lot 2, Block 1, "Subdivision of Lots 9 & 10 Ogema Point", Section 12-140-30, PID #05-013-4301 located at 4293 Ogema Point Drive NW. Request to be heard in regard to VPO4-140-30-6 which approved 09/15/04 in regard to construction of a deck.

MS/P LaPorte/Froehlig to approve the deck construction for the residence approved by VPO4-140-30-6 for the residence located at PID #05-013-4301.

* Haglund, Gary/Blue Water Resort, Birch Lake Township on property described as Part of Govt Lot 3, Section 13-140-30, PID #05-013-4301 located at 2588 County #5 NW. Request to be heard in regard to concerns in regard to resort rental requirement conditions included in CU14-

140-30-1, approved 09/08/14. The PC agreed to take up the rental issue in the last quarter of 2015.

* Review proposed ESD policy proposal for septage land application.

MS/P LaPorte/Kostial to recommend approval by the county Board of the proposed land application of septage policy as presented by ESD Director Ringle.

MS/P Froehlig/Fitch at 4:00 pm, to adjourn.

P. Fairbanks