



Cass County
Planning Commission/Board of Adjustment

November 9, 2015

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting November 9, 2015 in the meeting room of the Cass County Land Department in Backus. The field inspections for the meeting were November 2 and November 3, 2015 with PC members Fitch, Froehlig, Kostial, La Porte, Moore, Pehling and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

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

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Darin Aufderhar, Greg Bennett, Joe Christensen, David Cavanaugh, Tom Dechmann, Mitch Feierbend, Walter Hesse, Cindy Hidde, Marcia Horn, Dennis Johnson, Dennis King, Jim Kramer, Shana Krantz, Sandi Krueger, Kevin Larson, Jason Raasch, Melissa Raasch, Cy Samuels, Retta Samuels, Steve Veno, George Vukobratovich, Bradly Wenz, and Marla Yoho.

MS/P Kostial/LaPorte to approve the minutes of the 10/12/15 PC/BOA meeting as revised and presented.

Variance

Brule, Dawn Julius, Powers Township on property described as Part of Govt Lot 1, Section 11-139-30, PID #34-011-2107 located at 1936 E Five Point Lake Drive NW. An application submitted to convert an existing 13 feet x 16 feet guest quarters structure to storage and construct a new 18 feet x 24 feet guest quarters structure at more than 150 feet from the lake. The property contains 121,968 square feet total area, more than 40,000 square feet and is 185 feet wide at the lake and structure setback as measured per ordinance. The relevant portions of the Land Use Ordinance (09/22/14) include Section 1113.1 which requires a guest quarters lot riparian to a Recreational Development (RD) lake to contain 100,000 square feet total area, 40,000 square feet buildable area and be 225 feet wide at the lake and structure setback as measured per ordinance and Section 800 which establishes the variance review criteria. The property contains 2.8 acres riparian to Five Point Lake (RD).

PC members were at the site 11/02/15. 23 notices of the application were mailed with no responses received. The application was reviewed with Ms. Swenson, the applicant's representative.

MS/P Kostial/Froehlig to approve the proposed guest quarters structure to be located upon PID #34-011-2107 as submitted upon review of the criteria contained in Sections 800 and 1113.1 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 a lot of record in 1980 prior to the consideration of lot width as a guest quarters lot factor.
2. The existing detached 13 feet x 16 feet guest structure will be converted to storage and not used for living/habitation purposes.
3. There is no record in the permit archive as to the construction of the existing detached 13 feet x 16 feet guest structure.
4. The proposed new guest quarters structure will not be visible from the lake and mostly shielded from view from neighboring properties and will contain 432 square feet which is less than maximum, 900 square feet.
5. The lot area, 121,960 square feet, is 122% of the required 100,000 square feet lot area required for a RD guest quarters lot.
6. The lot width at the water, 185 feet, is 82% of the required 225 feet lot width required for a RD guest quarters lot.
7. Construction of the proposed 18 feet x 24 feet guest quarters structure will not affect to use of the property or increase the potential to harm the natural environment 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.
8. There is no information or evidence to conclude that the essential character of the neighboring area will be affected or altered by construction of the proposed 18 feet x 24 feet guest quarters structure 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. 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 guest quarters structure shall not vary from that submitted 10/02/15 and shall not be revised except as approved by ESD or if necessary the PC/BOA.
2. As proposed by the applicant, the current guest quarters must be converted to storage and shall no longer be utilized for living space.
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. ESD shall determine the need for shoreline vegetative enhancement/restoration to depth from the water as determined by ESD and if required 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 11/09/17.

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.

Cavanaugh, David, Kego Township on property described as Part of Govt Lot 10, Section 14-141-28, PID #19-014-3401 located at 6137 County #126 NE. An application submitted to locate an

accessory structure/garage less than 150 feet from OWHL. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 150 feet from a lake classified Natural Environment (NE) and Section 800 which establishes variance review criteria. The property contains 36 acres riparian to Maple Lake (NE).

PC members were at the site 10/05/15 and 11/02/15. 43 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Cavanaugh.

MS/P Kostial/Froehlig to approve the location for an accessory structure to be located upon PID #19-014-3401 based upon review of the criteria contained in Sections 800 and 1126.1 A. 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 a lot of record in 1953 prior to the adoption of land use regulation.
2. Although the property contains 36 acres, the logical location of the residence and accessory structures is the peninsula which is bordered on three sides by Maple Lake.
3. The OHWL is higher inland than it appears at the water's edge which leaves a narrower building envelope than expected.
4. Construction of the proposed 24 feet x 32 feet accessory structure will not affect to use of the property or increase the potential to harm the natural environment 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. There is no information or evidence to conclude that the essential character of the neighboring area will be affected or altered by construction of the proposed 24 feet x 32 accessory structure 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 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 accessory structure shall not vary from that submitted 09/18/15 and shall not be revised except as approved by ESD or if necessary the PC/BOA.
2. Setback from the OHWL shall be verified by ESD staff prior to land use permit authorization
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. ESD shall determine the need for shoreline vegetative enhancement/restoration to depth from the water as determined by ESD and if required 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. Removal from the structures as designated and proposed by the applicant shall be completed by 11/09/17.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/09/17.

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.

Cestnik, Natasha, Sylvan Township on property described as Part of NW NW, MP& L Lease Lot 5, Section 20-133-29, PID #41-820-2205 located at 1683 W Gull River Road SW. An application submitted to construct a 30 feet x 44 feet detached accessory structure/garage to

be located 75 feet from the river. The relevant portions of the Land Use Ordinance (09/22/14) include Section 1126.1 A which requires structures to be located at least 100 feet from a river or stream classified Tributary (TRIB) and Section 800 which establishes the variance review criteria. The property contains 1.25 acres riparian to the Gull River (TRIB).

PC members were at the site 11/03/15. 23 notices of the application were mailed. One response from Sylvan Township recommending approval of the application was received. The application was reviewed and discussed with the applicant's representative Mr. Bennett.

MS/P LaPorte/Kostial to approve the application for the detached accessory structure/garage and enclosed entrance for the residence located at PID #41-820-2205 upon review of the criteria contained in Sections 800 and 1126.1 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. There is no record of construction of the residence in the permit archive.
2. The proposed location of the proposed accessory structure seems reasonable when taking into account the location of the residence along with the location of the SSTS and overhead power line 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 the general welfare.
3. The overhead power line and SSTS were in place when the applicant obtained the lease for the property.
4. The accessory structure will not be excessive of scale or obtrusive to neighboring property which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. The surrounding area along the Gull River contains structures similar in size and scale to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed deck and fence addition expansions.
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:

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 accessory structure shall not vary from that submitted 10/16/15 and shall not be revised except as approved by ESD or if necessary the PC/BOA.
2. The enclosed entryway shall not exceed 100 square 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. ESD shall determine the need for shoreline vegetative enhancement/restoration to depth from the water as determined by ESD and if required applicant shall provide a plant type and implementation plan to be approved by ESD.
6. 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.
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 11/09/17.

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.

Graco Minnesota Inc, Inguadona Township on property described as Govt Lot 4, Section 35-141-27, PID #18-035-2400 located at 5479 Snowball Road NE. An application submitted to be allowed to construct multiple shoreland alteration lake access areas for the property which contains seven residential structures including a duplex. The relevant portions of the Land Use Ordinance (09/22/14) are Section 800 which establishes the variance criteria and Section

1106.4 which allows for one shoreland alteration for lake access for one residential lot of which this is considered. The parcel contains 20.76 acres riparian to Lower Trelipe Lake (RD).

PC members were at the site 11/03/15. 28 notices of the application were mailed. One response, from the Inguadona Township Board of Supervisors offering no objection to the application was received. Joe Datzman was present to discuss and review the application.

MS/P Pehling/Fitch to approve the application to exceed the one lake access per Shoreland Alteration Permit per lot for PID #18-035-2400 based upon the criteria contained in Sections 800, 1106/4 and 1128 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, a corporate retreat, contains 20 acres and 2,900 of shoreline along with seven residential structures.
2. The property became of record in 1948 and could be platted into 18 riparian lots each with an access way to the lake as permitted by Shoreland Alteration.
3. As verified by the applicant's representative, the proposed pathways shall involve minimal vegetative removal and shall not result in 20 feet of width.
4. There is no information or evidence to conclude that the essential character of the area has been altered or disturbed by the current number and configuration of the residential structures 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. There is no information or evidence to conclude that the essential character of the area has been altered or disturbed by the current number and configuration of the residential structures which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the There is no information or evidence to conclude that the current number and configuration of the residential structures has altered or disturbed land use or neighboring property or contradicts 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 nothing to indicate that the application is primarily financially based.

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 shoreland access area shall not vary from the standards contained in the Land Use Ordinance (09/22/14) Sections 1106.4 and 1128 unless approved by ESD or if necessary the Planning Commission.
2. A shoreland access area is also approved for the residential structure constructed in 2012 to which the dimensions, location and configuration of the access area shall not vary from the standards contained in the Land Use Ordinance (09/22/14) Sections 1106.4 and 1128 unless approved by ESD or if necessary the Planning Commission.
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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/09/17.

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.

Hesse, Walter, Powers Township on property described as Part of Govt Lot 1, Section 10-139-30, PID #34-010-2208 located at 1922 W Ox Yoke Road NW. An application submitted to utilize and build, "after the fact" upon an existing 24 feet x 30 feet foundation located 18 feet from the top of a bluff, in addition the application requests to be allowed to place 12 cubic yards within the bluff impact zone on the lakeside to improve drainage away from the

foundation. The applicable portions of the Land Use Ordinance (02/15/13) include Section 1106.3 A. which prohibits the movement of earthen material within the bluff impact zone, Section 1126.1 B which requires structures to be located at least 30 feet from the top of a bluff and Section 800 which establishes the variance review criteria. The property contains 2.15 acres riparian to Ox Yoke Lake (RD).

PC members were at the site 11/02/15. 31 notices of the application were mailed with no responses received. The application was discussed and reviewed with Mr. Hesse.

MS/P Froehlig/Kostial to approve the utilization of the existing foundation located at less than the bluff setback located upon PID #34-010-2208 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 and with the "Statsvold" Decision with the following findings and conditions:

Findings:

1. There is no record in the permit archive as to when existing foundation was constructed although it is assumed it was prior to the enforcement of the bluff setback requirements.
2. The foundation complies with the lake setback of 100 feet.
3. The amount of fill, 12 cubic yards, to correct the drainage problem within the bluff impact zone seems reasonable and will not negatively affect the bluff or the lake.
3. There is nothing to indicate that utilization of the foundation for a residential structure or the fill material will alter or disturb the existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. There is no information or evidence to indicate that the foundation to be utilized for a residential structure or the fill material will alter or disturb existing land use or neighboring property or 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 nothing to indicate that the application is primarily financially based.
6. The applicant purchased the property in 2015 after construction of the foundation.

"Statsvold" - After the Fact Factors:

7. The applicant did act in good faith when the property was purchased.
8. The applicant is attempting to comply with the ordinance.
9. There are similar structures along Ox Yoke Lake.
10. The degree of impact to the area and the land use system is not significant and the County's benefits by requiring construction at 30 feet from the top of the bluff are not outweighed by

the applicant's burden if the applicant were required to comply with the ordinance and in light of all factors, the interest of justice is served by granting the ATF variance.

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 residence shall not exceed 24 feet x 30 feet unless approved by ESD or if necessary the Planning Commission.
2. The amount of earthen fill material shall not exceed 12 cubic feet as submitted by the applicant.
3. The bluff impact zone earthen fill material must be landscaped and contoured to direct all run-off away from the bluff and the lake.
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 shall consent 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 11/09/17.

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.

Horn, Marcia, Sylvan Township on property described as Lots 22 & 23, Block 1, "Sylvan Shady Shores", Section 2-133-30, PID #41-562-0136 located at 12392 26th Avenue SW. An application submitted to construct a 20 feet x 24 feet detached accessory structure/garage to be located 8 feet from the closest property boundary line and 10 feet from the platted right-of-way of 26th Avenue which was platted in 1941 as Shady Lane. The applicable portions of the Land Use Ordinance (02/15/13) include Section 1126.1 B which requires structures to be located at least 10 feet from a property boundary line and 20 feet from the right-of-way of a platted roadway and Section 800 which establishes the variance review criteria. The property contains .33 acre riparian to Sylvan Lake (GD).

PC members were at the site 11/03/15. 41 notices of the application were mailed with no responses received. The application was discussed and reviewed with the applicants.

MS/Withdrawn Fitch/Moore to deny.

MS/P Fitch/Moore to table consideration of the application until the 12/14/15 meeting and to visit the site again 12/07/15 in order for the applicants to evaluate their options for their accessory structure/garage location.

Isaya, Grazia & Rinaldo, Piero, Birch Lake Township on property described as Lots 7, 8 & Part of Lot 9, Block 1, "Arthur's Point", Section 28-140-30, PID #05-433-0180 located at 3675 Arthurs Point Drive NE. An application submitted to expand a non-conforming residence with 2 feet x 8 feet second floor addition and 4½ feet x 18 feet main floor addition. The residence is deemed non-conforming because it is located 25 feet from the lake at the closest point. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1115.3 which describes the criteria for expansion of a non-conforming structure, Section 1126.1 A. which requires structures to be at least 75 feet from a lake classified General Development (GD) and Section 800 which establishes variance review criteria. The property contains 1.15 acres riparian to Pleasant Lake (GD).

PC members were at the site 11/02/15. 25 notices of the application were mailed with one response recommending approval of the application received. The application was discussed and reviewed with the applicants' representative/contractor Kevin Larson.

MS/P LaPorte/Froehlig to approve the application for the expansion of the residence located upon PID #05-433-0180 upon review of the criteria contained in Sections 800 and 1126.1 A. 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 1911 and is a peninsula configuration with no part of the residence 75 feet from the lake.

2. There is no record in the permit archive as to the date of original construction.
3. The neighboring area consists of similar single family riparian lots with residences to which the expansion will not be noticed and poses no threat to the essential character of the locality.
4. Based upon the location and size of the proposed expansion which is not significant when considering that it is mostly unobservable from the lake and not out of scale with neighboring residences which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The residence as expanded will not be excessive of scale and not obtrusive to neighboring property which does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The dimensions and locations of the proposed expansions shall not vary from that submitted 10/15/15.
2. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".

3. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
4. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for suitable vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be 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 in favor of Cass County shall be submitted.
6. No run-off to the lake or adjoining properties is permitted. As determined necessary by ESD run-off from the residence shall be re-directed by gutters and if needed water retention structures such as rain gardens shall be installed to retain and prevent run-off to the lake and adjoining properties.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/09/17.

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.

Lerum, Reid, Thunder Lake Township on property described as Lots 3-6. "Del Ray Point", Section 16-140-26, PID #42-409-0231 located at 3919 W Del Ray Trail NE. An application submitted to construct a 28 feet x 32 feet detached accessory structure/garage to be located 30 feet from the lake as well as a 12 feet x 22 feet porch addition to the north side of the residence which would be 30 feet from the lake and an 8 feet x 10 feet roof extension to the south side of the residence which would also be 30 feet from the lake. The applicable portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A which requires structures to be located at least 75 feet from a lake classified General Development (GD) and Section 800 which establishes the variance review criteria. The property contains 1.05 acres riparian to Thunder Lake (GD).

PC members were at the site 11/03/15. 25 notices of the application were mailed. One response from the Thunder Lake Association recommending approval of the application was received. The application was discussed and reviewed with the applicants' representative Mr. Aufderhar.

MS/P Kostial/Froehlig to approve the application to expand the residence and to construct a detached accessory structure/garage for PID #42-409-0231 based upon the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance (02/15/13) and M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. "Del Ray Point" was platted in 1949.
2. Structure location is restricted by the lake, Del Ray Trail and the steep slope to the east of the road.
3. The proposed residence expansion and detached accessory structure/garage seems a reasonable use of the property when taking into account the configuration and topography of the property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed residence expansion and detached accessory structure/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.
5. Because the surrounding area contains structures similar in size and scale, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed deck enclosure.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The configuration and setbacks of the expansion and detached accessory structure/garage shall not vary from that submitted 10/15/15.
2. The structure offered to be removed from the property by the applicant's representative shall be the 12 feet x 16 feet bunkhouse which must be completed no later than 06/30/16.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters from the garage to water retention structures such as rain gardens to retain and prevent run-off to the lake and adjoining properties.
5. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/09/17.

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.

Miller, Alan & Don, Smokey Hollow Township on property described as Part of Govt Lot 8, Section 6-140-25, PID #40-006-4305 located at 7477 Fox Lane NE. An application submitted to replace a 12 feet x 47 feet mobile and 10 feet x 47 feet mobile home with two 14 feet x 52 feet mobile both of which will comply with applicable setback requirements with one deemed for purposes of land use compliance as guest quarters. Current standards require that such a configuration comply with a minimum lot size based upon lake classification. The property contains 165,528 feet total area, 134,028 square feet buildable area is 125 feet wide as measured per ordinance near the shoreline and exceeds 225 feet wide at the structure setback at 100 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1113.1 which requires a guest quarters lot riparian to a Recreational Development (RD) to contain 100,000 square feet total area, 40,000 square feet buildable area and be 225 feet wide as measured per ordinance at the water and at the structure setback of 100 feet and Section 800 which establishes the variance review criteria. The property contains 3.81 acres riparian to Little Thunder Lake (RD).

PC members were at the site 11/03/15. 21 notices of the application were mailed with one no responses received.

MS/P Kostial/Pehling to approve the application to replace the two mobile homes currently located upon PID #40-006-4305 upon review of the criteria contained in Sections 800 and 1113.1 A. 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 lot became of record in 1989.
2. The existing two mobile homes were permitted by ZP97-140-25-5.
3. The lot contains 165% of the total area and 56% lot width required for a RD guest quarters lot.
4. The existing permitted 12 feet x 41 feet mobile home and 10 feet x 47 feet mobile home will be replaced by 14 feet x 52 feet mobile homes at current setback from the lake of 118 feet.
5. Based upon the configuration of the lot and that the existing residences were permitted 1997, the application 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 neighboring area along Little Thunder Lake contains similar residential development 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. There is nothing to indicate that replacement of the two existing mobile homes with slightly larger structures at the same setback will effect or alter the land use of the neighboring area.
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 replacement residential structures shall not vary from that submitted 10/05/15 unless approved by ESD or if necessary, the PC/BOA.
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 shall consent to inspection of the property 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 11/09/17.

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.

Veno, Steve & Sharon, Woodrow Township on property described as Part of Govt Lot 1, Section 24-140-29, PID #51-024-1105 located along Fox Hill Trail NW. The area within 200 feet of the lake consists of steep slope and bluff with interspersed shelf-like topographical features. An application submitted to construct a residence within the steep slope/bluff area. The proposed residence will comply with the lake setback of 75 feet. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1106.3 A. and Section 1128.1 which establish various bluff and steep slope area criteria along with Section 800 which establishes the variance review criteria. The property contains 25 acres riparian to Woman Lake (GD).

PC members were at the site 11/02/15. 33 notices of the application were mailed with no responses received. The application was discussed and reviewed with Mr. Veno and his legal counsel Mr. Christensen.

MS/P Froehlig/Kostial to approve the application for the location of the residence to be located at PID #51-024-1105 upon review of the criteria contained in Sections 800, 1106.3, 1126.1 A. and 1128.1 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 lot became of record in 1988 prior to the adoption of the steep slope standards.
2. As determine by ESD staff the entire lake frontage area is interspersed with bluff and steep slope which restricts location options that will comply with the bluff setback requirement.
3. Based upon the lot topography, the shelf area proposed for the residence seems the best option, is reasonable and 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 will not be out of scale, character or size from neighboring properties 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 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 final dimensions, location and configuration of the residence shall be submitted to ESD for land use permit review and approval prior to any excavation or construction.
2. A plan for excavation, grading, erosion control and landscaping must be submitted in conjunction with condition # 1.
3. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. 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 shall consent 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 11/09/17.

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.

Wenz, Bradley & Deborah, Rogers Township on property described as Part N $\frac{1}{2}$ N $\frac{1}{2}$ of Govt Lot 2, Section 22-142-27, PID #36-022-1301 located at 8287 38th Ave NE. An application submitted to remove an existing 20 feet x 40 feet non-conforming residence located 53 feet from the lake with 36 feet x 40 feet new construction to be located 58 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 the variance review criteria. The property contains 12.4 acres riparian to Swift Lake (RD).

PC members were at the site 11/02/15. 24 notices of the application were mailed with no responses received. The application was discussed and reviewed with Mr. Wenz.

MS/P LaPorte/Kostial to approve the location of the residence for PID #36-022-1301 based upon the criteria contained in Sections 800 and 1126.1 A. 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 1950.
2. There is no record in the permit archive as to the construction of the existing residence.
3. Although slightly larger, the proposed residence will be further from the lake than the existing structure and will result in the removal of an existing dilapidated boathouse as proposed by the applicant.
4. Based on lot configuration and the location of the SSTS, the proposed residence size and location 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. Based on lot configuration and the location of the SSTS, the proposed residence size and location does not contradict the purpose of the Land Use Ordinance 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 proposed new residence will have no effect to land use activity in the neighboring area.

7. 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. As proposed by the applicants the existing dilapidated boathouse shall be removed from the property no later than 07/01/16.
2. The dimensions, location and configuration of the structure shall not vary from that submitted 10/07/15 unless approved by ESD or if necessary, the PC/BOA.
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 shall consent 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 11/09/17.

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

Beach Club LLC, Fairview Township on property described as Lot 24, Block 1, "Quarterdeck Resort", Section 5-134-29, PID # 14-362-0148 located at 9828 Birch Bay Drive SW. An application submitted for the grading and excavation of more than 250 cubic yards of earthen material. The project includes Sub-Project d (A) lowering an existing berm along the lakeside of the lodge in order to provide additional windows to provide more natural light to the lower level, 8,700 cy, Sub-Project (B) construction of a walkway/wheel chair access from the upper level parking area to lakeside, 1,650 cy, and Sub-Project (C) excavation of a walk-out area for the recently constructed model residential unit, 3,900 cy. The pertinent sections of the Land Use Ordinance (02/15/13) include Section 705 which establishes the conditional use permit (CUP) review criteria and process and Section 1106.2 4 which requires a conditional use permit (CUP) for the movement of more 250 cubic yards of fill material within the shoreland area which is that area within $\frac{1}{4}$ mile of public waters. The property contains 6 acres riparian to Gull Lake (GD)

PC members were at the site 11/03/15. 98 notices of the application were mailed. Three responses, including that of Fairview Township, all endorsing approval of the application were received. The application was reviewed and discussed with Beach Club LLC representative Mr. Klohn.

MS/P LaPorte/Pehling to approve the application for grading and filling at PID #14-362-0148, Beach Club LLC based upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings and conditions:

Findings:

1. Support of the resort industry through reasonable and prudent land use regulation is a priority and policy of the Cass County Board of Commissioners.
2. No objections have been received from any persons or governmental entities notified of the application.
3. There is no information or evidence to conclude that approval will cause adverse effects to adjoining property.
4. Approval will have no impact to the demand for governmental services.
5. Existing roadways will be utilized with no need to expand exiting public infrastructure.
6. No wetland or critical habitat will be disturbed.
7. No scenic or historic features will be affected.
8. No threat to public health, safety and welfare can be expected.
9. The area to be excavated does not reach the mandatory EAW threshold.
10. With proper erosion control and landscaping, there is no reason to expect that the excavation will affect surface water or ground water quality.

Conditions:

1. No excavation shall be begin prior to an on-site inspection and approval of in-place erosion control means such as silt fence, bale checks, fiber blankets and related activity and methods.
2. The grading plans and elevations dated 10/22/15 are adopted for implementation.
3. The preliminary landscaping plan dated 10/30/15 is adopted.
4. Supplemental plant detail for the landscaping plan shall be submitted to ESD for review and approval no later than 01/15/16.
5. An overall storm water management plan along with detail for Phases A, B and C shall be submitted to ESD for review and approval no later than 12/15/15.
6. The storm water plan must include detail for construction and post construction.
7. Financial assurance in the amount of \$5,000 shall be submitted to ESD prior to the commencement of each Phase A, B and C which will be reduced incrementally as determined by ESD as excavation, landscaping is concluded and vegetation is established.

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.

Forest Royale LLC, Pine Lake Township on property described as Lot 11, Block 1, "Forest Royale", Section 2-141-29, PID #30-343-0155 an undeveloped lot located along Forestview Road NW. An application submitted for the placement of up to 2,700 cubic yards of fill material in order to prepare Lot 11, Block 1 for construction of a residence. The fill material will be removed from Lot 4, Block 1, "Forest Royale Second Addition". The relevant portions of the Land Use Ordinance (02/15/13) include Section 1106.2 which requires a conditional use permit (CUP) for the movement of more 200 cubic yards of fill material within the shoreland area which is that area with $\frac{1}{4}$ mile of public waters and Section 705 which establishes the CUP criteria. The property contains 4.3 acres riparian to Leech Lake (GD).

PC members were at the site 11/03/15. 48 notices of the application were mailed with no response received. The application was reviewed and discussed with Mr. Feierabend of HyTec Construction.

MS/P Kostial/Pehling to approve the application for grading and filling at PID #30-343-0155 based upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings:

Findings:

1. No objections have been received from any persons or governmental entities notified of the application.
2. There is no information or evidence to conclude that approval will cause adverse effects to adjoining property.

3. Approval will have no impact to the demand for governmental services.
4. Existing roadways will be utilized with no need to expand exiting public infrastructure.
5. No wetland or critical habitat will be disturbed.
6. No scenic or historic features will be affected.
7. No threat to public health, safety and welfare can be expected.
8. With proper erosion control and landscaping, there is no reason to expect that the excavation will affect surface water or ground water quality.

Conditions:

1. The property boundary line between PID #30-344-0140 and PID #30-002-1305 shall be verified by the applicant prior to the commencement of the project
2. Any excavation upon PID #30-344-0140 shall take place at least 50 feet from PID #30-002-1305.
3. The amount earthen material excavated and placed shall not exceed 2,500 cubic yards.
4. No excavation shall be begin prior to an on-site inspection and approval of in-place erosion control means such as silt fence, bale checks, fiber blankets and related activity and methods.
5. The grading plans and elevations designated "Exhibit A" are adopted for implementation.
6. Supplemental landscaping and plant detail for the retaining wall area shall be submitted to ESD for review and approval no later than 01/15/16.
7. A storm water management detailed plan for the construction phase and permanent post construction phases shall be submitted to ESD for review and approval no later than 12/15/15.
8. Financial assurance in the amount of \$5,000 shall be submitted to ESD prior to the commencement of excavation and grading which will be reduced incrementally as determined by ESD as excavation, landscaping is concluded and vegetation is established.

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

Johnson, Dennis, Shingobee Township on property described as S $\frac{1}{2}$ NW SE, Section 12-141-31, PID #38-012-4201 an undeveloped lot located along State #371 south of the junction with State #200. An application submitted for the movement and grading of 2,500 cubic yards of earthen material to construct a storage yard for various sign/highway related materials utilized by Interstate Traffic Signs Inc. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1106.1 which requires a conditional use permit (CUP) for the movement of more 1,000 cubic yards of earthen material within the non-shoreland area which is that area more than $\frac{1}{4}$ mile from public waters and Section 705 which establishes the CUP criteria. The property contains 19.22 non- riparian (C-1/RR-2.5).

PC members were at the site 11/02/15. 73 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Johnson.

MS/P Pehling/Froehlig to approve the application for grading and filling at PID #38-012-4201 based upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings:

Findings:

1. No objections have been received from any persons or governmental entities notified of the application.
2. There is no information or evidence to conclude that approval will cause adverse effects to adjoining property.
3. Approval will have no impact to the demand for governmental services.
4. Existing roadways will be utilized with no need to expand exiting public infrastructure.
5. No wetland or critical habitat will be disturbed.
6. No scenic or historic features will be affected.
7. No threat to public health, safety and welfare can be expected.
8. With proper erosion control and landscaping, there is no reason to expect that the excavation will affect surface water or ground water quality.

Conditions:

1. No excavation shall be begin prior to an on-site inspection and approval of in-place erosion control means such as silt fence, bale checks, fiber blankets and related activity and methods.
2. The excavation, grading and storm water plans dated 10/26/15 are adopted for implementation.
3. Financial assurance in the amount of \$2,500 shall be submitted to ESD prior to the commencement of excavation and grading which will be reduced incrementally as determined by ESD as excavation, landscaping is concluded and vegetation is established.

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.

Plat

"Maxxim Estates", Raasch, Jason & Melissa, Loon Lake Township on property described as South 495 Feet of SE SE, Section 31-136-29, PID #22-031-4402 located at the NW corner of the junction of 72nd Street SW and 17th Avenue SW. The plat contains one common lot of 3.4 acres, 12 lots of .5 acre for individual storage structures and two lots containing 2.5 acres for residential development. The relevant portions of the Subdivision and Platting Ordinance 2/15/13) include Article 4 Preliminary Plat and Article 7 Final Plat. The property is non-riparian and contains 10 acres classified C-2 and 5 acres classified NR/TRIB.

PC members were at the site 08/04/15 and 09/09/15. More than 50 notices of the application were mailed with no comment received.

MS/P Moore/Kostial to approve the preliminary and final plat of "Maxxim Estates" based upon compliance with Articles 4, 5 & 7 of the Subdivision and Platting Ordinance (2/15/13)..

Findings:

1. The plat complies with Articles 4, 5 & 7.
2. Compliance with Articles 4, 5 & 7 will be verified by ESD in order to record.

Conditions:

1. The applicant and all successors shall observe and be in compliance with all the terms and conditions of the variance, reclassification and conditional use approval.
2. The applicant and all successors shall observe and be in compliance with all the terms and conditions of the declarations and covenants.

MS/P Fitch/Pehling at 2:55 pm, to adjourn.

P. Fairbanks