

Wabedo Township Planning Commission

Craig Anderson, Chair
September 5, 2019

To: Jessica Manifold
Cass County, Minnesota

Re: Michael Bolin
6513 99th Ave North
Brooklyn Park MN 55443

Variance Request-Legal Description

Lot 3 "Birch Haven" Section: 11 140 28 PID#46-386-0030, located at 1773 Birch Lane NE-Wabedo Township.

Request:

Owner submitted an application for a non-lakeside addition at 96' from the OHWL of Little Boy Lake. The applicable portions of the Land use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 A which establishes the structure setback from a recreational development (RD) lake at 100'. The property contains 0.5-acres riparian to Little Boy Lake (RD).

Facts:

1. Property became a lot of Record when the Birch Haven plat was established in 1960.
2. The Birch Haven Plat has no covenants attached to it.
3. Water frontage is 100'. Total acreage is 0.5 acres.
4. Lot width is 100'.
5. Lot depth is 193' on the west side and 164' on the east side.
6. A new septic is to be installed.

Site Findings:

1. The addition will be a one-story structure and the proposed building site was staked out.
2. The addition will be behind the present structure and will not be visible from the lake.
3. There is adequate room to build this addition on a very flat lot.
4. This addition will include a new bedroom and a utility room.
5. The applicant will be moving the septic tank to the west on the property and will add to the mound system. Work will be done by Peterson Excavating.
6. The shoreline has a small buffer zone and the owner will expand the buffer zone by not mowing a larger portion of lawn.
7. This property does not meet the criteria for nonconformity as described in Minnesota State Statute 394.36.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1A which establishes the structure setback for a recreational development (RD) lake at 100'.
2. Cass County Section 800 establishes the variance request requirements.

Findings of Fact:

1. Is the proposed variance in harmony with the general purposes and intent of the Land Use Ordinance?
2. Is the proposed variance consistent with the Cass County Comprehensive Plan?
3. Does the property owner propose to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan?
4. Do practical difficulties exist in complying with the ordinance because of circumstances unique to the property? The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.
5. Does the proposed variance alter the essential character of the locality or will it be injurious to the use or enjoyment of other property in the vicinity? If granted, the proposed variance will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.
6. Is the proposed variance consistent with the Wabedo Township Comprehensive Plan?

Responses to above Findings of Fact Questions:

1. Yes
2. Yes
3. Yes
4. No
5. No, the addition in the non-lakeshore side of the house will not be noticeable from the water.
6. Yes

History of the Property:

- 1: A permit to build two additions to the home, as well as adding a deck, was granted in 1990;
- 2: A permit to build a garage was granted in 1993.
- 3: A Shoreland Alteration Permit was granted in 2001 for fill and rip rap.
- 4: A Shoreland Alteration Permit was granted in 2003 for an Ice Ridge.
- 5: A Shoreland Alteration Permit was granted in 2007 for earthmoving and riprap.
- 6: A Shoreland Alteration Permit was granted in 2015 for an Ice Ridge, Sand Blanket and riprap.
- 7: There are no previous Variance Requests for this property.

Summary of Findings of Fact Section:

This property is part of the Birch Haven plat and has no covenants attached to it. Granting the variance will not change the essential character of the locality. The septic system will be improved.

Recommendations:

The Wabedo Township Planning Commission recommends that the Cass County Planning Commission approve this variance request, with the condition that the buffer zone be expanded.

Submitted by Wabedo Township Planning Commission
Craig Anderson, Chairman
Kathy Wagner, Secretary

Wabedo Township Planning Commission Site Visitors:
September 3, 2019 – Kathy Wagner, Gary Ewald, Al Chacey