

Wabedo Township Planning Commission

Craig Anderson, Chair

May 5, 2017

To: Paul Fairbanks
Cass County, Minnesota

Re: Brian Lappin
1360 Broadview Ave
Chaska, MN 55318

Variance Request-Legal Description

Lot 12, "Plat of Island View," Section 18-140-28-PID#46-407-0121, Wabedo Township.

Request:

An application submitted to expand an existing non-conforming residence with a 13 feet x 16 feet addition. The residence is non-conforming because it is located at less than 30 feet from the top of a bluff. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1115.3 which establishes the non-conforming expansion criteria and section 1126.1B which requires structures to be located 30 feet from the top or toe of a bluff. The property contains .4 acre riparian to Woman Lake (GD).

Facts:

1. Property became lot of record in 1959.
2. Lot width 00 – 100 ft, lot depth 181 ft – 191 ft. Water frontage 100 ft. Total .4 acre.
3. Septic installed 1999. Last inspection 2006.
4. Property is located at 160 Island View Lane NE, Woman Lake.

Site Findings:

1. Current building is about sixteen years old.
2. Current deck will serve as foundation for the screen porch to be added.
3. Well on the property installed on the property.
4. No trees need to be removed.
5. No excavation is necessary for the addition.
6. Rain water control is in place.

Regulatory Standards

1. Cass County Land Use Ordinance (02-15-13) Section 1115.3 which establishes the non-conforming expansion criteria and Section 1126.1 B, which requires structures to be located 30 feet from the top or toe of a bluff..
2. Section 800 establishes the variance review criteria.

Findings of Fact (Questions that have to be answered)

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. The proposed variance appears to be in harmony with the general purposes and intent of the Land Use Ordinance.
2. The proposed variance appears to be consistent with the Cass County comprehensive plan.
3. Yes.
4. Yes. The existing home includes the deck which will be the foundation for the new screen porch.
5. The proposed variance will not alter the essential character of the locality nor adversely affect the welfare of nearby properties.
6. The proposed variance is consistent with the Wabedo Township Comprehensive Plan.

Summary of Findings of Fact Section:

The existing deck will serve as the foundation for the addition. No excavation is required. The addition of the screen porch will have no negative effects.

Recommendations:

Wabedo Township recommends that this variance be granted.

Wabedo Township Planning Commission Site Visitors:
May 2, 2017: Gary Ewald, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair