

Wabedo Township Planning Commission

Craig Anderson, Chair

March 8, 2017

To: Paul Fairbanks
Cass County, Minnesota

Re: Brian Olson
PO Box 433
Longville, MN 56655

Variance Request-Legal Description

Part of Govt Lot 7, Section: 22-140-28-PID#46-022-1407 Wabedo Township.

Request:

An application submitted to remove an existing park model mobile home with new 26 feet x 34 feet new construction residence/loft to be located 75 feet from the lake and to construct second level living/guest quarters to an existing accessory structure located 86 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1A, which requires structures to be set back 100 feet from a lake classified Recreational Development (RD). The property contains .7 acres riparian to Little Boy Lake (RD).

Facts:

1. Property became lot of record in 1967.
2. Lot width 100 ft, lot depth 183 ft – 275 ft. Water frontage 100 ft. Total .7 acres.
3. Septic installed 1997. Last inspection 2015.
4. Property is located at 1597 Gold Finch Ln. NE, Little Boy Lake.

Site Findings:

1. Park Model and deck are 90 feet from the water.
2. Garage is 86 feet from the water.
3. Septic is close to the rear of the Park Model.
4. No trees would need to be removed.
5. Land to the rear of the existing buildings is relatively flat.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1A which requires structures to be set back 100 ft from a lake classified Recreational Development (RD).
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 may not be in harmony with the general purposes and intent of the Land Use Ordinance.
2. The proposed variance may not be consistent with the Cass County comprehensive plan.
3. Yes.
4. No.
5. The proposed variance may alter the essential character of the locality and adversely affect the welfare of nearby properties.
6. The proposed variance is not consistent with the Wabedo Township Comprehensive Plan.

Summary of Findings of Fact Section:

The plan as presented does not appear to be in agreement with the Land Use Ordinance or the Cass County Comprehensive Plan and is not consistent with the Wabedo Township Comprehensive Plan.

There are no practical difficulties present to prevent construction at the required set back of 100 feet.

Recommendations:

Wabedo Township recommends denial of this variance request for the following reasons:

1) New construction should be at least 100 feet from the lake. 2) This plan requires construction closer to the lake than the current non-conforming building site. 3) The proposed walkout does not appear feasible with only a two foot elevation. 4) The current septic system may not be sufficient for servicing the additional 3 bedrooms, 2 baths and a laundry room. 5) The garage will likely need extensive renovation and should be moved back at the same time. 6) Land to the rear of the current building sites is relatively level.

Wabedo Township Planning Commission Site Visitors:
March 6, 2017: Gary Ewald, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair