

**Wabedo Township Planning Commission**

Craig Anderson, Chair

April 6, 2017

To: Paul Fairbanks  
Cass County, Minnesota

Re: Carol Kuhl  
11016 Quinn Ave South  
Bloomington, MN 55437

**Variance Request-Legal Description**

Lot 12, Block 1, "Berg's North View, Section 14-140-28-PID#46-395-0150, located at 3609 South Little Boy Drive NE, Wabedo Township.

**Request:**

An application submitted to remove the existing residence in order to construct a 44 feet x 54 feet residence/deck to be located 75 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 located 100 feet from a lake classified Recreational Development (RD). The property contains 1acre riparian to Little Boy Lake (RD).

**Facts:**

1. Property became lot of record in 1973.
2. Lot width 70 – 250 ft, lot depth 132 ft – 198 ft. Water frontage 250 ft. Total 1 acre.
3. Septic installed TBI. Last inspection N/A.
4. Property is located at 3609 S. Little Boy Lake Dr. NE, Little Boy Lake.

**Site Findings:**

1. Current building to be removed is about 60 feet from the lake.
2. There is no well on the property.
3. There is no septic or drain field on the property.
4. A few trees would need to be removed.
5. Land to the rear of the existing buildings is relatively flat, with a slight grade.

**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. There are no practical difficulties in complying with the ordinance.
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 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 that this variance be denied, as there are no existing practical difficulties in conforming to the 100 foot setback.

Wabedo Township Planning Commission Site Visitors:  
April 3, 2017: Craig Anderson, Gary Ewald, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair