

Wabedo Township Planning Commission

Craig Anderson, Chair

July 9, 2015

To: Paul Fairbanks
Cass County, Minnesota

Re: John & Julie Heinmiller
7317 Auto Club
Bloomington, MN 55438

Variance Request-Legal Description

Part of Govt Lot 7, Section: 22-140-28, PID#46-022-1402, Wabedo Township.

Request:

An application submitted to expand an existing non-conforming residence with a 40 ft x 74 feet two story non-lakeside addition. The residence to be expanded is non-conforming because it is located 60 feet from the lake. The relevant portions of the Land Use Ordinance (02-15-13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains 2.8 acres riparian to Little Boy Lake (RD).

Facts:

1. Property became lot of record in 1966.
2. Total 2.8 acres, lot width 150 ft, water frontage 800 ft, lot depth 500 ft.
3. A new septic system will be installed.
4. Property is located at 1575 Pine Siskin Trail, Little Boy Lake.

Site Findings:

1. Some trees will be removed from the non-lakeside.
2. A new septic system will be installed as part of the addition.
3. The current owner took possession of the property in 1997.
4. The existing home is 60 ft. from the lake.
5. The proposed addition will be to the rear of the existing home and 60 ft. or more from the lake.
6. An extensive water management plan has been established.
7. A design plan for the addition was supplied with the materials received ahead of the site visit. However, the design does not specify the height of the addition. When the designer was asked about the height, the only answer given was that it would be less than 30 feet. But when one of the rooms is called the Tower room, we wonder how high it really is.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1 requires a setback of 100 feet from a lake classified Recreational Development (RD). Wabedo Township follows Cass County setback regulations.

2. Section 800 establishes the variance review criteria.

3. Section 1126.2 covers the height of Structures. "The maximum height of structures shall not exceed 30(thirty) feet from grade to peak unless otherwise noted in the performance standards."

Findings of Fact Questions:

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. Wabedo Township believes the proposed plans will be in harmony with the general purposes of the Land Use Ordinance.

2. The proposed variance appears to be consistent with the Cass County comprehensive plan.

3. Yes.

4. Yes. The large, existing home is on a point and the shore line angles 60 feet or more on the north side. Setback is more than 100 feet on the south side. The unique circumstances are due to the original construction of the home several years ago apparently under different rules.

5. Due to the heavy wooded area surrounding the home and proposed addition site, the new construction will not be readily visible from the lake or other resident areas. It will not be detrimental to the health, safety or welfare of the general public or nearby properties.

6. The proposed variance appears to be consistent with the Wabedo Township Comprehensive Plan.

Summary of Findings of Fact Section:

The landowners wish to expand to provide more room for a growing family and to install a new septic system. None of the proposed addition will be any closer to the north side of the lake and much of it will be at 100 ft or more. A professionally designed rain water management plan was presented at the Field Visit, which appears to be very complete and well done.

Recommendations:

Wabedo Township recommends that this variance request be approved. Our main concern is the height of the addition. When the designer was asked about that, the only reply was it will be less than 30 feet. But that is not in writing. To avoid a misunderstanding, Wabedo Township recommends a condition in writing that the height will be less than 30 feet.

Wabedo Township Planning Commission Site Visitors:
July 6, 2015, Craig Anderson, Tom Lund