

Wabedo Township Planning Commission

Craig Anderson, Chair

June 6, 2017

To: Paul Fairbanks
Cass County, Minnesota

Re: Gregory Miller
3019 Stoney Creek Rd N.E.
Longville, MN 56655

Variance Request-Legal Description

Part of Gov Lot 5, Section: 26-140-28 – PID#46-026-3101, Wabedo Township.

Request:

An application submitted to construct a 40 feet x 40 feet, 1,600 square feet, accessory structure which will exceed the total square feet of accessory structure allowed based upon lot size. The existing amount square feet of accessory structure is 816 with proposed construction of 1,600 square feet which would bring the total to 2,416 square feet which will exceed the amount allowed, 1,500 square feet, based upon 1.3 acres riparian, by 916 square feet. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1101 which establishes accessory structure square feet allowed based upon lot size. The property contains 1.3 acres riparian to Wabedo Lake (RD).

Facts:

1. Property became lot of record in 1967. Year sold 2017.
2. Lot width 295 ft. to 83 ft. Lot depth 483 ft. Water frontage 295 ft. Total 1.3 acres.
3. Septic installed 2007. Last inspection 2007.
4. Property is located at 3019 Stoney Creek Road NE, Wabedo Lake.

Site Findings:

1. The proposed building will be over 250 feet from the lake and fourteen feet high.
2. A new drain field will be constructed before this project.
3. Several trees in the proposed site have been damaged in the past storms.
4. Some of the trees would need to be removed.
5. Proposed building site is relatively level.
6. All setbacks will be met.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1101 which establishes accessory structure square feet allowed based upon lot size.
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. The unusual practical difficulty is that if the owner constructed a walkway from the house to the current garage, it would change the classification and a variance would not be required. The owner prefers not to add that additional construction to his home and garage.
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 plan as presented appears to be in agreement with the Land Use Ordinance and the Cass County Comprehensive Plan and is consistent with the Wabedo Township Comprehensive Plan. The variance is necessary to avoid additional construction connecting the house to the current garage.

Recommendations:

Wabedo Township recommends that this variance be granted provided the existing storage shed near the lake is removed.

Wabedo Township Planning Commission Site Visitors:
June 6, 2017: Marilynne Davis, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair