

**Wabedo Township Planning Commission**

Craig Anderson, Chair

March 6, 2015

To: Paul Fairbanks  
Cass County, Minnesota

Re: George Peltier  
18801 88<sup>th</sup> Ave. No.  
Maple Grove, MN 55311

**Variance Request-Legal Description**

E ½ Lot 4, “Winnie Chapman Beach”, Section 28-140-28, PID #46-459-0041, located at 1121 Wild Pines Lane NE. – Wabedo Township.

**Request:**

An application submitted to expand the existing non-conforming residence with an 18 feet X 22 feet addition located at the east side of the residence. The residence is non-conforming because it is located within a bluff area. 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 B, which requires structures to be set back 30 feet from the top or toe of a bluff. The parcel contains 2.89 acres riparian to Wabedo Lake (RD).

**Facts:**

1. Property became lot of record in 1955.
2. Total 2.89 acres, lot width 155 ft, water frontage 215 feet, lot depth 665-885 feet.
3. The septic system was installed in 1996. The date of the last inspection was 2006.
4. Property is located at 1121 Wild Pine Lane, on Wabedo Lake.

**Site Findings:**

1. A substantial bluff area exists on the property.
2. No trees would have to be removed.
3. In fact, there are numerous trees growing on the bluff area immediately adjacent to the proposed addition.
4. There is level ground at the lake level with vegetation.
5. The current owner took possession of the property in 1996.
6. The owner's agent, the builder, was not present at the formal site visit. However, one of the township site visitors, Al Chacey, met with the builder at the site later in the week. Al obtained a sketch of the proposed addition and found some additional details regarding the proposed addition.

7. From that visit, the following findings were determined:
  - a. Water runoff can be kept away from the lake; gutters can be used to keep water away from the lake. Also, the builder can slope the dirt from the back of the addition away from the lake.
  - b. Moving the addition back away from the bluff actually would involve more hillside dirt being removed.

**Regulatory Standards:**

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1B requires a setback of 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 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.

**Responses to above Findings of Fact Questions:**

1. Wabedo Township believes the proposed plans are in harmony with the general purposes and intent of the Land Use Ordinance.
2. The proposed variance is consistent with the comprehensive plan.
3. Yes.
4. Yes. The bluff area severely limits buildable footage. These circumstances are not created by people and are not based on economic considerations alone. And moving the addition back further from the bluff area will cause more dirt to be removed from the gently sloping hillside on top of the bluff. This could cause more harm than if the addition is built at the proposed site.
5. The proposed building site will be similar to the neighboring home and will not alter the character or be injurious to use or enjoyment of property in the vicinity. If granted, the proposed variance will not be detrimental to health, safety or welfare of those in the area.

**Summary of Findings of Fact Section:**

One of the township's site visitors was able, later in the week, to revisit the site with the owner's agent, builder Jay Riffle. Once Al saw and understood the plan for this addition, he recommended to the Wabedo Township Planning Commission that the proposed variance be

granted. Based on the additional insights provided by Mr. Chacey, the Wabedo Township Planning Commission recommends the approval of this variance.

**Recommendations:**

Wabedo Township recommends that this variance should be granted with the following conditions:

1. Install silt fencing before excavating.
2. Slope the dirt from back of addition away from the lake.
3. Use gutters to control water away from the lake.
4. Replace disturbed area with vegetation.

Wabedo Township Planning Commission Site Visitors:  
March 2, 2015, Al Chacey, Craig Anderson

Craig Anderson, Wabedo Township Planning Commission Chair