

Wabedo Township Planning Commission

Craig Anderson, Chair

April 10, 2015

To: Paul Fairbanks
Cass County, Minnesota

Re: Randy & Sara Reemts
1404 Ash Street
Alexandria, MN 56388

Variance Request-Legal Description

Lot 9, "Austins Wabedo Pine Crest Acres," Section: 33-140-28-PID#46-480-0090 – Wabedo Township.

Request:

An application submitted to expand a non-conforming residence with a 10 feet x 16 feet addition. The residence is non-conforming because it is located 30 feet from the top of a bluff and 74 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 set back 30 feet from the top of a bluff and 100 feet from a lake classified Recreational Development (RD). The parcel contains .35 acre riparian to Wabedo Lake (RD).

Facts:

1. Property became lot of record in 1959.
2. Total .35 acre, lot width 115 ft, water frontage, lot depth 150 feet.
3. The septic system was installed in 1995. The date of the last inspection was 8-30-14.
4. Property is located at 2590 Pine Crest Rd NE, on Wabedo Lake.

Site Findings:

1. The cabin and the proposed addition are on relatively flat land.
2. No trees would have to be removed.
3. There are numerous trees growing on the bluff area down to the lakeshore.
4. There is level ground at the lake level with vegetation.
5. The current owner took possession of the property in 2015.
6. A tin shed and outhouse building near the bluff will be removed.
7. The proposed small addition will be on the rear of the cabin, 92 to 102 ft from the lake.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1115.3 requires a 100 ft. setback and Section 1126.1 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. Siding upgrade will improve building.
4. Yes. The cabin back wall is 92 feet from the lake.
5. No. The proposed variance will be in harmony with the locality. Additional upgrades to the existing cabin will have a positive effect.

Summary of Findings of Fact Section:

This is a simple, small addition to the rear wall of an older existing cabin. Removal of the two small old buildings will improve the site.

Recommendations:

Wabedo Township recommends that this variance should be granted.

Wabedo Township Planning Commission Site Visitors:
April 6, 2015, Marilynne Davis, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair