

Wabedo Township Planning Commission

Craig Anderson, Chair

March 8, 2017

To: Paul Fairbanks
Cass County, Minnesota

Re: Robert Jenewein
6440 Fox Path
Chanhassen, MN 55317

Variance Request-Legal Description

Part of Govt Lot 8, Section: 27-140-28-PID#46-027-2223- 1240 Wabedo Pass Road NE -
Wabedo Township.

Request:

An application submitted to construct a 22 feet x 29 feet residential structure to be located 80 feet from the lake and a holding tank to be located 110 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, including a holding tank, to be located 150 feet from a lake classified Natural Environment (NE). The property contains 6.29 acres riparian to Bass Lake (NE).

Facts:

1. Property became lot of record in 2009.
2. Total 6.29 acres, lot width 540 ft, water frontage 630 ft, lot depth 550-560 ft.
3. No septic system installed.
4. Property is located at 1240 Wabedo Pass Rd, on Bass Lake.

Site Findings:

1. The new driveway location has been marked.
2. A sand point well is near the proposed building site.
3. Many trees will need to be removed.
4. A silt fence remains in place.
5. There are several feet of level land on the non-lake side of the planned building.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1A which requires structures, including a holding tank, to be located 150 ft from a lake classified Natural Environment (NE).
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. Wabedo Township believes the proposed plans 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. It appears from the areas marked that the owner proposes to use the property in a reasonable manner.
4. Yes. The lot contains a steep slope and a large area of wetland.
5. As currently marked, the proposed additions should not be injurious to other property.
6. The proposed variance may not be consistent with the Wabedo Township Comprehensive Plan.

Summary of Findings of Fact Section:

New location of the driveway is an improvement. This property presents a major challenge for construction and use. It may be possible to move the building site as much as 20 feet closer to the road.

Recommendations:

Wabedo Township would be in favor of approval if the following conditions were met: 1) The building is moved as far as possible away from the lakeshore. 2) The slope restrictions are maintained. 3) Erosion control is put in place, especially from the driveway which may require retaining walls. 4) Erosion control, stabilization and replanting, if necessary, at the previous driveway location. 5) Ensure the holding tank will be properly serviced.

Wabedo Township Planning Commission Site Visitors:
March 6, 2017: Gary Ewald, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair