

**Wabedo Township Planning Commission**

Craig Anderson, Chair

October 6, 2016

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 driveway from Wabedo Pass Road that will be located from 50 feet to 100 feet from the ordinary high water level (OHWL). The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures, including a driveway 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 543 ft, water frontage 636 ft, lot depth 553-558 ft.
3. No septic system installed.
4. Property is located at 1240 Wabedo Pass Rd, on Bass Lake.

**Site Findings:**

1. The area proposed for the driveway has a steep slope.
2. The existing driveway track does not meet the property line setback of 10 feet.
3. It is questionable that this is a buildable lot.
4. A sand point well appears to have been recently installed.
5. The variance request is after the fact. The driveway has already been started.
6. The silt fence was only recently installed and we think this is after gravel may have washed down to the lake.

**Regulatory Standards:**

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1A which requires structures, including a driveway 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. The intent of the property owner is not clear as no one was present at the field inspection.
4. Yes. The lot contains a steep slope and a large area of wetland.
5. The proposed additions are unclear and may alter the essential character and may be injurious to the adjacent wetlands.
6. The proposed variance may not be consistent with the Wabedo Township Comprehensive Plan.

**Summary of Findings of Fact Section:**

The current location of the driveway has a steep slope and shows considerable erosion. It may be possible to build it in a different location. It is questionable that the remaining lot area is buildable given the need for a septic system and the proximity of the large wetland area. If not, camper or RV use may be possible.

**Recommendations:**

Wabedo Township is concerned that this property may not be buildable under the current circumstances. This variance request is after the fact. The current proposed driveway location may not be the best area for driveway construction. Under these circumstances we recommend this variance be denied.

Wabedo Township Planning Commission Site Visitors:  
October 3, 2016, Craig Anderson, Tom Lund