

Wabedo Township Planning Commission

Craig Anderson, Chair

June 7, 2018

To: Paul Fairbanks
Cass County, Minnesota

Re: Thomas Henrichs
7392 Moonlight Lane
Eden Prairie, MN 55346

Variance Request-Legal Description

Lot 5, Block 1, "Rogers Point," Section: 28-140-28, PID #46-456-0150 located at 2967 Diamond Crest Road NE, Wabedo Township.

Request:

An application submitted to construct a 26 foot by 28 foot garage and install a new septic system. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria, Section 1126.1 A, which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 4.95 acres riparian to Wabedo Lake (RD).

Facts:

1. Property became lot of record in 1980.
2. Total 4.95 acres, lot width and depth are irregular, water frontage 1,000 sq.ft.
3. Septic system installed in 1986. Last inspection 8-28-2017.
4. The current septic does not comply with current standards and must be replaced.
5. Property is located at 2697 Diamond Crest Rd N.E., Wabedo Lake.

Site Findings:

1. Very little tree removal expected.
2. This is a very unusual lot configuration with lake on one side and wetland on the other.
3. Both sides have very high, steep banks.
4. The proposed new septic will be at the current location.
5. The proposed new garage will be 50 feet from the lakeside and 15 feet from the wetland area.
6. No running water or other additions are proposed for the garage.

Regulatory Standards:

1. Cass County Land Use Ordinance (02-15-13) Section 1126.1 A requires structures to be located 100 feet from a lake classified Recreational Development (RD).
2. Section 800 establishes the variance review criteria.

Findings of Fact:

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 are in harmony with the general purposes.
2. The proposed variance is consistent with the comprehensive plan.
3. Yes.
4. Yes. The configuration of the property severely limits buildable footage. These circumstances were not created by people and are not based on economic considerations alone.
5. The proposed building site 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 provided the new septic system is properly constructed and installed.
6. The variance appears to be consistent with the Wabedo Township Comprehensive Plan.

Summary of Findings of Fact Section:

The new septic will be in the same location as the current septic. The owner intends to install rain water control for the new garage. The proposed building plan appears to be consistent with our comprehensive plan and not injurious to neighbors.

Recommendations:

Wabedo Township recommends that this variance be granted provided all necessary rain water control and septic standards are met and the new garage will not exceed 26 x 28 feet in size, as shown on the owner's submitted plan.

Wabedo Township Planning Commission Site Visitors:
June 4, 2018, Craig Anderson, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair