

Fairview Township Planning Commission  
Monday, April 5, 2010

Members in attendance: Ken LaPorte, Tom Dechmann, Steve Williams, Joe Fitterer

Meeting convened at property of **Mavis Zachary, 10548 Pine Song Dr SW**, PID: 14-400-0150, at 2:00 PM for the review of an application submitted to expand an existing non-conforming residence located at less than the required bluff setback by enclosing an 8 feet x 19 feet deck which is considered an addition. The property contains .79 acres riparian, by easement to Gull Lake (GD). Section 1115.3B of the Lane Use Ordinance requires a variance in order to expand a non-conforming primary residence.

Meeting reconvened at property of **Jerry & Theresa Dybevik, 4400 112<sup>th</sup> St SW** PID: 14-119-3001, at 2:30 PM for the review of an application for a Conditional Use Permit to conduct home business consisting of the retail sales of candles crafted on the property. The property contains 4.59 acres located within the non-shoreland area (AF). Section 1110 of the Land Use Ordinance requires that a conditional use permit (CUP) be obtained if the business activity is conducted outside the primary residence or within structures other than the primary residence.

Meeting then reconvened at the Fairview Town Hall at 3:15 PM to discuss the applications.

The Commission agreed there were no obvious reasons for not approving the application by Mavis Zachary for the expansion of her non-conforming home. The deck to be screened is already in existence and it will not become part of the living quarters. The small addition will not be visible from the lake.

They also discussed the approval of a CUP for the Dybevik residence. The business will operated seasonally in a small existing structure.

Cass County Planning Commission, regular meeting, April 12, 2010, Backus Tom Dechmann and Marla Yoho attended the meeting.

Conditional Use Permit:

Dybevik, Jerry & Theresa, Fairview Township, CU10-134-30-1 on property described as Pt of Govt Lot 4 & Pt of SE SW (Tract C), Section 19-134-30, PID # 14-119-3001 located at 4400 112th St SW. An application submitted to conduct home business consisting of the retail sales of candles crafted on the property. The property contains 4.59 acres located within the nonshoreland area (AF). Section 1110 of the Land Use Ordinance requires that the primary residence be occupied by the business owner and requires that a conditional use permit (CUP) be obtained if the business activity is conducted outside the primary residence or within structures other than the primary residence.

PC members were at the site 04/05/10. 31 notices of the application with no written responses received. Representative from Fairview Township were in attendance and stated that the township had no objection to approval of the application. The application was reviewed and discussed with the Dybeviks.

MS/P Moore/Fitch to approve the application to establish a home business located at PID # 14-119-3001 as submitted upon review of Sections 704.02 and 1110 of the Land Use Ordinance (3/1/09) with the following findings and conditions.

Findings:

1. The home business activity will not increase traffic along CSAH # 34.
2. The home business activity will not be disruptive to the neighborhood.
3. No wetland or critical habitat will be affected by the home business activity.
4. No scenic or historic features will be affected by the home business activity.
5. The home business activity will have no affect to public health, safety or welfare.
6. The home business activity will not alter area land use.
7. The home business activity will not require additional public infrastructure.
8. Other than Fairview Township's recommendation of approval no comments were received from agencies or persons notified.

Condition:

1. The home occupation activity shall be restricted to retail sale of candles and jewelry crafted on the property and accessories incidental to sales of the same.

Zachary, Mavis, Fairview Township, VP10-134-30-3 property described as Lot 10, Blk 1, "Pine Song", Section 13-134-30, PID # 14-400-0150 located at 10548 Pine Song Drive SW. An application submitted to expand an existing non-conforming residence located at less than the required bluff setback by enclosing an 8 feet x 19 feet patio area which is considered an addition. The property contains .79 acres riparian, by easement, to Gull Lake (GD). Section 1115.3.B. of the Land Use Ordinance requires a variance in order to expand a non-conforming primary residence.

PC members were at the site 04/05/10. 38 notices of the application with no written responses received. Representative from Fairview Township were in attendance and stated that the township had objection to approval of the application. The application was reviewed and discussed with Ms. Zachary.

MS/P Moore/Weber to approve the application for the expansion of the residence located at PID # 14-469-0050 as submitted upon review of Section 805 of the Land Use Ordinance (3/1/09) along with criteria established by court decisions with the following findings and condition.

Findings:

1. The area of enclosure will not be visible from the lake due to the steep bluff.
2. The expansion will not affect ground or surface water.
3. The expansion will have no affect to area land use.
4. The expansion will not increase the existing setback encroachment.
5. The residence was constructed prior to the enforcement of the bluff standards.
6. Other than Fairview Township's recommendation of approval no comments were received from agencies or persons notified.
7. Financial consideration is not the sole basis of the application.
8. The request is not a substantial variation from the Land Use Ordinance standards.
9. Approval of the expansion will not increase the need or demand for government services.

Condition:

1. The expansion shall not exceed 8 feet x 19.