

Application Date: September 15, 2014
Owners/ Agents: Brandon & Joyce Bentley (Owners)

Contact Information:

Owners: 9794 County 77 SW
Nisswa, MN 56468
218-330-6892

Property Identification:

9794 County 77 SW
PID: 14-005-3204

Property Description:

Registered Land Survey No. 29, Tract C, Section 5-134-29

Variance/ CUP Requested:

Establish a boat storage home business. The relevant portion of the Environmental Definitions Ordinance (05/25/07) Land Use Ordinance, Home Business – A use of a residential property for a commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence. The relevant portions of the Land Use Ordinance (02/05/13) are Section 1001 which requires a conditional use permit (CUP) for a Home Business, Section 1110 which establishes Home Business criteria and Section 705 which establishes the CUP review criteria. The property contains 2.8 acres non-riparian within the Shoreland area (1,320 feet) of Agate Lake (RD) (SR).

SITE VISIT AND NOTES:

Site Visit Date: 10/06/2014

In attendance: LaPorte, Dechmann, Richmond, Yoho

The Bentleys have already been operating a detailing business on the property for approximately 9 years, without any complaints or concerns expressed to the Township by the surrounding properties.

FAIRVIEW TOWNSHIP PLANNING COMMISSION TO CASS COUNTY PB/BOA:

The proposed 48' by 96' building will be set back on the property in a manner that will shield it from direct view. The building should allow the storage of tools and equipment, as well as some of the boats Mr. Bentley will be working on. By moving the boats away from the roadside the Bentleys should create a frontage that is more esthetically pleasing.

Date Sent to Paul Fairbanks: 10/7/2014

CASS COUNTY FINDINGS OF FACT:

Bentley, Brandon & Joyce, Fairview Township on property described as Registered Land Survey #29, Section 5-134-29, PID #14-005-3204 located at 9794 County 77 SW. An application submitted to establish a boat storage home business. The relevant portion of the Environmental Definitions Ordinance (05/25/07) Land Use Ordinance, Home Business – A use of a residential property for a commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence. The relevant portions of the

Land Use Ordinance (02/15/13) are Section 1001 which requires a conditional use permit (CUP) for a Home Business, Section 1110 which establishes Home Business criteria and Section 705 which establishes the CUP review criteria. The property contains 2.8 acres non-riparian within the shoreland area (1,320 feet) of Agate Lake (RD) (SR).

More than 100 notices of the application were mailed. One response recommending denial of the application and three responses including that of Fairview Township recommending approval were received. The application was discussed and reviewed with the Bentleys, MS/P LaPorte/Kostial to approve the CUP for a home business located at 14-005-3204 based upon review of the criteria contained in the applicable portions of Sections 705 and 1110 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The applicants have an already established recreational boat repair and service commercial activity which is well screened from County # 77.
2. There is a large amount of recreational boating activity within the neighboring area of the applicants' premises which requires service and storage.
3. There is no indication that the already established land use has caused any adverse effect to adjoining property.
4. The land use activity has no impact to the demand for governmental services.
5. Existing public infrastructure will be utilized.
6. No wetland or critical habitat has been disturbed by the land use activity.
7. No scenic or historic features have been affected by the land use activity.
8. No threat to public health, safety and welfare has occurred or can be expected from the land use activity.
9. Some of the current outdoor boat storage will be incorporated in the proposed structure.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for suitable vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a Permit until inspection by ESD,

correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The project structure shall be constructed at the location and size as submitted with the application 09/25/14.
2. Indoor watercraft storage capacity shall not exceed 12.
3. Outdoor watercraft storage shall not exceed 14 and shall be screened from County # 77.
4. Any increase of outdoor storage shall require prior approval of the PC.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.