

Fairview Township Planning Commission
Monday, June 4 and Monday, June 11, 2012 – Paul Variance

In attendance: Ken LaPorte, Tom Dechmann, Joe Fitterer

Meeting called to order at 5:30 PM by Chairman Ken LaPorte.

*Stephen & Sharon Paul
Parcel: 14-400-0125
10572 Pine Song Dr SW
Lot 5 Block 1 "Pine Song"*

Application to construct 30 feet x 40 feet garage to be located 5 feet from the right-of-way of Pine Song Drive SW. Section 1126.1 B of the Land Use Ordinance requires structures to be 20 feet from the right-of-way of a township or platted roadway. Property contains .9 acre riparian to Gull Lake (GD).

The Fairview Planning Commission had an opportunity to discuss the application and composed the following letter:

*Paul Fairbanks
ESD
June 5, 2012*

*Re: Stephen & Sharon Paul
Parcel: 14-400-0125
10572 Pine Song Drive SW*

Application to construct 30x40 foot garage to be located 5 feet from the right-of-way of Pine Song Drive SW. Land Use Ordinance requires a 20 foot setback from the right-of-way of a township or platted roadway.

The Fairview Township Planning Commission had an opportunity to review the Paul property on June 4th with the Cass County Board of Adjustment.

The Fairview Planning Commission discussed the proposed structure and the members were in agreement that the variance could be approved if the Pauls' were willing to narrow the garage to 26 feet wide and extend the length of the building by a few feet to obtain the approximate square footage they were looking for. The bearing wall should be set to maintain a 10 foot setback from the Township dedicated roadway right-of-way. This setback would exclude the soffit/overhang.

Both long sides of the building must be guttered to ensure roof run-off drains to the west. The natural surface run-off follows the road, running south to a natural swale.

The following are the findings of the Cass County Planning Commission/ Board of Adjustment at their regular meeting on Monday, June 11, 2012 in Backus:

(Note: Tom Dechmann and Marla Yoho in attendance)

Paul, Sharon & Stephen, Fairview Township on property described as Lot 5, Blk 1, "Pine Song", Section 13-134-30, PID # 14-400-0125 located at 10572 Pine Song Drive SW. An application submitted to construct 30 feet x 40 feet garage to be located 5 feet from the right-of-way of Pine Song Drive SW. Section 1126.1 B. of the Land Use Ordinance requires structures to be 10 feet from the right-of-way of a township or platted roadway. The property contains .9 acre riparian to Gull Lake (GD).

PC members were at the site 06/04/12. 40 notices of the application were mailed with one response received from Fairview Township recommending approval of a narrower structure 10 feet from the platted road right-of-way. The proposed variance was discussed and reviewed with Mr. Paul.

MS/P Moore/Gardner to deny closer right-of-way setback from the platted road for the proposed accessory structure to be located at PID # 14-400-0125 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings.

Findings:

1. Pine Song Drive is a platted roadway dedicated to the public with 66 feet right-of-way with a driving surface of about 10 feet.
2. Pine Song Drive is not maintained by Cass County or Fairview Township but by property owners.
3. Pine Song Drive is not a through road with the southern branch terminating at the occupants' property.
4. The proposed location of the structure contradicts the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The location of the proposed accessory structure size is obtrusive and the proposed structure is oversized when taking into account the location and width of Pine Song Drive and the neighborhood which will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. The proposed structure will be excessive in size or scale and when compared to the surrounding area that land use could be negatively affected or altered.
7. The applicant has failed to demonstrate any willingness to compromise as to the size and location of the proposed accessory structure.

Addendum:

Mr. Paul felt that he had not had an opportunity to respond to the Board and requested that his variance application be reheard. Cass County sent out a notification as follows:

Monday, July 23, 2012

2:00 PM: Paul Sharon & Stephen, Application to construct 30 feet x 40 feet garage to be

located 5 feet from the right-of-way of Pine Song Drive SW. Section 1126.1 B of the Land Use Ordinance requires structures to be 20 feet from the right-of-way of a township or platted roadway. Property contains .9 acre riparian to Gull Lake (GD).

Request received from Mr. Paul for the Planning Commission to reconsider their 6/11/2012 denial of his application because he was not allowed sufficient time to respond to Fairview Township's recommendation to approve right-of-way setback of 10 feet instead of 5 feet.

On July 23rd, Tom Dechmann and Marla Yoho attended the hearing as scheduled in Backus, but were informed Mr. Paul had withdrawn his application that morning.