

*Fairview Township Planning Commission
Monday July 6, 2009*

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

Meeting called to order at 5:45 PM at residence of Wes & Jean Streed, 2087 Perch Lane SW, to review application submitted to construct a 1,584 square foot garage which will exceed the maximum square feet allowed for an accessory structure based upon lot size. The parcel does contain a storage structure of 150 square feet which will result in a variance of the size allowed of 234 square feet. Section 1101.A of the Land Use ordinance allows for an accessory structure footprint of 1,500 square feet for lots that contain 1-1.49 acres. The property contains 1.08 acres riparian to Gull Lake (GD).

The meeting reconvened at the Town Hall at 6:30 PM to discuss the application.

The Planning Commission will send a letter to Cass County Board of Adjustment requesting that the variance be denied.

1. There does not appear to be a hardship which would necessitate the additional square footage, and

2. There is an existing out building (of approximately 100 + square feet) which would further limit the amount of allowable buildable square footage.

After reviewing the proposed floorplan it would appear that 84 square feet could easily be eliminated from the bumpouts and a building permit could be issued for a 1,500 square foot structure.

Cass County Board of Adjustment Met July 13, 2009

MS/P Ballenthin/ Kostial to approve the application as revised for an accessory structure upon review of section 805 of the Land Use Ordinance (3/1/09) along with variance criteria established by the courts with the following findings and condition:

Findings:

- 1. The structure will not be visible from the lake.*

2. With appropriate run-off retention the size and location of the structure will not result in run-off to adjacent property or the lake.
3. The size and location of the structure will not affect ground or surface water..
4. The size and location of the structure will have no affect to the land use of the area.
5. The size and location of the structure will not affect adjacent properties
6. Financial consideration is not the sole basis of the application
7. The location of the addition is reasonable based upon the configuration of the property, the location of the structure and as compared with the general character of the neighboring area.
8. Other than Fairview Township no comments were received from any other agency or person notified.
9. The request is an insignificant variation from the Land use Ordinance standards.
10. Approval will not affect or require additional governmental services.

Conditions:

1. The structure will not exceed 1,392 square feet.
2. ESD must determine and if needed, approve erosion control prior to the commencement of construction.