

Fairview Township Planning Commission
Tuesday, March 2, 2010 (Part 1)

Members in attendance: Ken LaPorte, Tom Dechmann,

Meeting convened at property of Mark & Monica Kovalchuk, 2091 Perch Lane SW, PID: 14-113-4418. An application submitted to expand an existing non-conforming residence located at less than required bluff setback with 9 feet x 10 feet and 10 feet x 26 feet additions to be located on the non-lakeside of the residence and away from the top of the bluff. The property contains 1.07 acres riparian to Gull Lake (GD). Section 1115.3B of the Land Use ordinance requires a variance in order to expand a non-conforming primary structure.

The Fairview Township Planning Commission reconvened the meeting at the Fairview Town Hall at 12:25 PM to discuss the variance application.

The Fairview Township Planning Commission had an opportunity to review the Kovalchuk property on March 2nd with the Board of Adjustment. The Planning Commission would recommend the approval of the application for the addition of the bathroom and porch provided the septic meets conformance standards as per the ordinance.

*Paul Fairbanks
ESD
Cass County Courthouse
PO Box 3000
Walker, MN 56484*

March 4, 2010

Re: Mark Kovalchuk Variance Application

Parcel: 14-113-4418

Application to expand an existing non-conforming residence located 85 feet from the lake with a 9 foot by 10 foot addition and a 10 foot by 26 foot porch both to be located on the non-lake side of the house. Land Use ordinance requires a variance in order to expand a non-conforming residence.

The Fairview Township Planning Commission had an opportunity to review the Kovalchuk property on March 2nd with the Board of Adjustment. The Planning Commission would recommend the approval of the application for the addition of the bathroom and porch provided the septic meets conformance standards as per the ordinance.

Minutes of Cass County Planning Commission regular meeting on March 8, 2010, in Backus:

BOA members were at the site 03/02/10. 52 notices of the application were mailed. One response, from Fairview Township, recommending approval of the application was received. The application was discussed and reviewed with applicants' representative Mr. Severson.

Motion made and carried unanimously to approve the application to expand the residence PID #14-113-4418 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 conditions:

Findings:

1. The expansion of the residence will be non-lakeside not visible from the lake.
2. The residence was constructed at less than the current required bluff setback prior to adoption of bluff setback standards.
3. The additions will not affect ground or surface water.
4. The additions will have no effect on ground or surface water.
5. The additions are reasonable upon the location and configuration of the residence.
6. Other than Fairview Township which recommends approval, no other comments have been received from agencies or persons notified.
7. Financial consideration is not the sole basis for 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 additional government services.

Conditions:

1. The additions shall not exceed 9 feet x 10 feet and 10 feet x 26 feet.
2. ESD must determine the need for construction erosion control and if required approve erosion control placement prior to the commencement of construction.