

Fairview Township Planning Commission
Tuesday, April 3, and Monday, April 9, 2012 – Matteson Variance

In attendance: Ken LaPorte, Tom Dechmann, Joe Fitterer

Meeting called to order at 2:30 PM by Chairman Ken LaPorte.

*Gary & Jill Matteson
Parcel: 14-384-0190
3323 Long Lake Dr SW
Lot 9, Block 1 "Pillsbury Forest Addition"*

Application to remove the existing residence with the new construction at the same footprint dimensions with an increase in height and living space with the addition of a loft located at less than 150 feet from the lake. Sec. 1126.1 of the Land Use Ordinance requires structures to be 150 from a lake classified Natural Environment. Property contains .52 acre, riparian to Long Lake (NE).

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

*Paul Fairbanks
ESD
April 3, 2012*

*Re: Gary & Jill Matteson
Parcel: 14-384-0190*

3323 Long Lake Drive SW

Application to remove the existing residence with new construction at the same footprint dimensions with an increase in height and living space with the addition of a loft located less than 150 feet from Long Lake, classified as Natural Environment.

The Fairview Township Planning Commission had an opportunity to review the Matteson property on April 3rd with the Cass County Board of Adjustment.

The Commission discussed the proposed structure and the members were in agreement that the variance should be granted as presented, with the following recommendations:

To reduce the amount of run-off currently being diverted to Long Lake, either that portion of the concrete patio slab from the expansion joint towards the lake should be removed and be replaced with pervious pavers, or the entire patio should be reconfigured to redirect water flow to the lowland at the back of the residence (sloped away from the lake).

A total of 4 or 5 (six foot high) pine type trees should be placed in the lakeside area to help screen the new structure from the lake.

Also, the placement of the gazebo should be addressed per the Shoreland Ordinance.

The Commission also recommends the home be placed at the current structure setback and the dimension to the OHWM be verified by ESD before construction begins.

The following are the findings of the Cass County Planning Commission/ Board of Adjustment at their regular meeting on Monday, April 9, 2012 in Backus:

(Note: Tom Dechmann in attendance)

PC members were at the site 04/03/12. 15 notices of the application were mailed. One response from Fairview Township which recommends approval was received. The application was discussed and reviewed with Mr. Matteson.

MS/P Fitch/Gardner to approve the application as submitted for a closer lake setback for a residence to be located at PID # 14-384-0190 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 and conditions.

Findings:

1. There is no record of permit for the original construction and as best can be determined the residence was constructed prior to the adoption of land use regulation.
2. The residence could be replaced by permit at existing footprint and volume.
3. The proposed residence will maintain current footprint size with a modest increase in volume, about 300 square feet, of the addition of a loft.
4. The current lake setback will not be altered.
5. Due to the size and configuration of the lot placement at the required lake setback is not possible.
- 6 The proposed residence seems a reasonable use of the property when taking into account the size of the residence and the configuration of the lot and will not necessarily contradict 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.
7. The size of the proposed residence is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will not 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.
8. The proposed residence will not be excessive in size or scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
9. There is nothing to indicate that water quality will be negatively affected or altered by the location of the residence.

10. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following 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 native 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 dimensions, height and volume of the residence shall not exceed that submitted 03/22/12.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be 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 in favor of Cass County shall be submitted.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent

run-off to the lake and adjoining properties.

6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

7. Approval expires 04/09/14.

8. From the first expansion joint towards the lake the existing concrete must be replaced with permeable material not later than 07/01/13.

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