

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

In attendance: Ken LaPorte, Tom Dechmann, Joe Fitterer

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

*Douglas & Kelli Schieffer
Parcel: 14-437-0181
2499 Birch Forest Rd SW
Lot 18 "Birch Forest"*

Application to exceed the maximum shoreline alteration width with a 10 feet wide beach area. Section 1106.3 of the Land Use ordinance limits shoreline alteration width to 14 feet. Property contains 2.7 acres riparian to Gull Lake (GD).

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

*Paul Fairbanks
ESD
April 3, 2012*

*Re: Douglas & Kelli Schieffer
Parcel: 14-437-0181
2499 Birch Forest Road SW*

Application to exceed the maximum shoreline alteration width with a 10 ft wide beach area, on Gull Lake. Land use ordinance limits shoreline alteration width to 14 feet.

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

The Fairview Planning Commission discussed the proposed structure and the members were in agreement that the variance should be denied. They are of the belief that the property owner already has reasonable use of the beach area and there is no practical difficulty making this shore alteration necessary.

As an aside, in the interest of being good lake stewards, the Planning Commission would like to make a couple of recommendations to the Schieffers. The potential surface run-off to the lake could be reduced by diverting the water flow at the top of the concrete ramp to the existing grassy areas. Also, a small rain garden could be developed to catch the run-off from the roof rain gutters.

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. 28 notices of the application were mailed. One

response from Fairview Township which recommends denial was received. The application was discussed and reviewed with the applicants' representative.

MS/P Kostial/Gardner to deny the application as submitted for expanded shoreland alteration for PID # 14-437-0181 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. No compelling grounds have been put forth to substantiate a practical difficulty requiring increased beach area.
2. The existing boat ramp could be modified to provide additional beach area.
3. The proposed increased beach area conflicts with 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.
4. The proposed increased area conflicts with the purpose of the comprehensive plan which is intended 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.
5. The applicants failed to articulate that the property cannot be utilized in a reasonable manner except for expanded shoreland alteration/beach area.