

OCTOBER PLANNING COMMISSION MEETING

OCTOBER 7, 2008

The October monthly meeting of the Fairview Planning Commission was called to order at 3:30 PM on Tuesday, October 7, 2008 by Chairman Ken LaPorte. Other Commission members in attendance were Tom Dechmann and Roger Osell.

**Hewitt Variance:** The Commission reviewed a variance request submitted by David & Laura Hewitt for the purpose of constructing a 2,665 sq ft residence located 12 feet from the top of a bluff on Lot 5, Blk 1 of Hunter's Point Estates on Perch Lane SW. Land Use Ordinance requires structures to be setback 30 feet from the top and toe of a bluff.

The placement of the house has already been revised due to the location of the drainfield for the septic of a neighboring house. Placement is restricted by the location of the road.

The Commission has no major issue with the requested 12 foot setback on the bluff. However, due to the extreme slope on either side of the structure the Commission would make a recommendation that the Hewitt's consider reducing the size of the structure to closer to 2,000 square feet.

**McCarthy Variance:** Thomas and Colleen McCarthy applied for a variance to approve the construction of a roof addition, after the fact, over an existing 8 foot by 40 foot deck less than the required setback from a bluff. Land Use Ordinance requires structures to be setback 30 feet from the top and toe of a bluff.

After reviewing the structure the Commission members agreed it would give a recommendation to the Cass County Board of Adjustment that they approve the application. While they understand that the deck and railing may be replaced as a part of normal maintenance, they recommend the porch never be enclosed as a 3 season porch.

Marla Yoho, Secretary

**October 13, 2008**

**Cass County Findings**

**At the meeting of the Cass County Board of Adjustment held on October 13, 2008 in Backus the following decisions were made on the above listed variance applications:**

**Hewitt Variance:**

Consideration of this application was tabled 10/13/08 in order for the applicant to submit a revised site plan and storm water run-off plan. BOA members were at the site on 10/7/08 and 11/03/08.

Motion carried (Wetzel voting No) to approve the application for a residential structure as revised from the submittal upon review of Section 805 of the Land Use Ordinance (7/15/08) with the following findings and conditions.

Findings:

1. The location of the residence along with implementation of the storm water run-off plan will not result in run-off to adjacent property.
2. The location of the residence will not affect ground or surface water.
3. The location of the residence will not alter the nature of or land use of the area.
4. The location of the residence will not affect adjacent properties.
5. Financial consideration is not the sole basis of the application.
6. The location of the residence is reasonable based upon the configuration of the lot, the size of the lot, the location of the bluff, and as compared with the general character of the neighboring area.

Conditions:

1. The residence shall not exceed 2,182 square feet and not be less than 12 feet from the top of the bluff.
2. The site plan received 11/3/08 is adopted and shall be implemented as submitted.
3. The storm water run-off plan received 11/3/08 is adopted and shall be adopted as submitted.
4. ESD must approve appropriate erosion control prior to the commencement of the construction.
5. The existing bluff vegetation must be maintained except for alteration as allowed by permit.
6. Soil sample information to determine if suitable conditions for excavation exist must be reviewed by ESD prior to land use permit approval.

**McCarthy Variance:**

Motion made and carried to approve the application to retain the deck roof as submitted upon review of Section 805 of the Land Use Ordinance (7/15/08) with the following findings and conditions:

Findings:

1. The deck roof will not result in run-off to adjacent property.
2. The deck roof will not affect ground or surface water.
3. The deck roof will not alter the nature or land use of the area.
4. Financial consideration is not the sole basis of the application.
5. The deck roof location is reasonable based upon the configuration of the residence and as compared with the general character of the neighboring area.

Conditions:

1. The deck roof shall not exceed 8 feet x 40 feet.
2. The existing shoreline vegetation shall not be altered.
3. Run-off from the roof must be gutted away from the lake.
4. The deck may not be enclosed.