

Fairview Township Planning Commission
July 8, 2008

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

Meeting called to order at 2:00 PM at residence of Constance & Timothy Kavanaugh, 2206 Norway Pine Road SW, for property review with the Cass County Board of Adjustment; reconvened at 3:00 PM at the Fairview Town Hall.

Application submitted to construct 9 feet x 20 deck located 6 feet from the top of a bluff. Section 1126.1 of the Land Use Ordinance requires a structure to be located 30 feet from the top or toe of a bluff. The property contains 2 acres riparian to Gull Lake.

The Commission discussed the set-back and agreed that a setback of 6 feet from the top of the bluff wasn't a major issue. Since the deck will not extend any farther towards the bluff than the house already does, the Board has no problem with the Cass County Board granting the request.

July 14, 2008

The Cass County Board of Adjustment conducted their regular meeting on July 14, 2008 in Backus. The following summarizes their decisions concerning this variance application.

Motion made and carried unanimously to approve the application as submitted for the deck upon review of section 805 of the Land Use Ordinance (11/14/05) with the following findings and conditions.

Findings:

1. The deck will not result in run-off to adjacent property.
2. The deck will not affect ground or surface water.
3. The deck will not alter the nature or land use of the area.
4. Financial consideration is not the sole basis for the application.
5. The location of the deck is reasonable based upon the configuration of the lot, the location of the residence along with the general character of the neighboring area.
6. The deck will not be visible from the lake during leaf on condition.
7. The lot was created and the residence constructed prior to the adoption and enforcement of bluff setback requirements.

Conditions:

1. The deck shall not exceed nine feet x twenty feet.
2. The deck shall not be less than six feet from the top of the bluff.
3. ESD must approve appropriate erosion control for the construction.