

FIREPLACE

THORPE TOWNSHIP
VARIANCE APPLICATION

Name(s): TIM & MARCY McFARLAND Date: 4/21/2023

Mailing Address: 7491 ONTARIO BLVD, EDEN PRAIRIE, MN 55344

Daytime Phone Number: 612-598-3319 E-mail Address: tim@mcfarland@gmail.com

Property Owner Name(s) (if different from applicant): _____

Property Address: 29207 JUNIPER TRAIL, NEVIS, MN 56467

Property Tax Parcel Number(s): 26.30.01400

Property Legal Description: SEE ATTACHED

Property Zoning Designation: LAKE SHORE (RESIDENTIAL)

Specify the section or sections of the Zoning Ordinance from which a variance is being sought:
SECTION 30.10.4 C SETBACK (FROM LOT LINES)

Explain how you wish to vary from the applicable provisions of the Ordinance: WE WANT TO ADD A FIREPLACE TO THE WEST WALL OF OUR CABIN. IT IS LESS THAN 100' FROM THE LOT LINE.

Check if there are any additional supporting documents or information is being submitted to help explain this request:

- Site Plan
- Map
- Other (specify): HUBBARD AERIAL SHOWING NEIGHBOR'S PROPERTIES

A variance may only be granted by the Board of Appeals and Adjustments where the strict enforcement of the Zoning Ordinance will result in "practical difficulties." The applicant is responsible for establishing the existence practical difficulties regarding the particular property and that the request otherwise satisfies the requirements of the Zoning Ordinance. Whether or not "practical difficulties" exist is determined by the Board of Appeals and Adjustments considering all of the following seven factors. Please summarize the facts as to your property and alleged "practical difficulties" with regard to each of the seven factors, using additional paper and attachments, if necessary.

1. Facts showing that the requested variance would be in harmony with the general purposes and intent of the Zoning Ordinance.

A FIREPLACE IS A TYPICAL FEATURE OF A RESIDENCE.

2. Facts showing that the requested variance is consistent with the Town's Comprehensive Plan.

I DON'T BELIEVE THE TOWNSHIP HAS A COMPREHENSIVE PLAN.

3. Facts showing that you propose to use your property in a reasonable manner not permitted by the Zoning Ordinance.

THE FIREPLACE WILL REPLACE A STEEL PLATE STOVE THAT IS UNSAFE TO THE OCCUPANTS. THE FIREPLACE IS SAFER AND ENVIRONMENTALLY MORE FRIENDLY.

4. Facts showing that your dilemma is due to circumstances unique to your property which do not apply to other properties in the same zone or vicinity.

THE CABIN AND ADDITION WERE BOTH BUILT PER ORDINANCES AT THE TIME. DUE TO CHANGES TO MORE RESTRICTIVE ORDINANCES WE CANNOT ADD OUR FIREPLACE WITHOUT A VARIANCE.

5. Facts showing that the circumstances causing the practical difficulties were created by someone or something other than you or the previous owners of the property.

ALL PREVIOUS CONSTRUCTION MET CURRENT ORDINANCES AT THE TIME. OUR DIFFICULTIES ARE DUE TO ORDINANCE CHANGES IN THE 2000'S.

6. Facts showing that granting of the variance will maintain and does not alter the essential character of the area or neighborhood.

FIREPLACES ARE COMMON. ALL OF OUR NEIGHBORS HAVE SOME VARIETY.

7. Facts showing that the alleged practical difficulties involve more than just economic considerations.

THE LOCATION SELECTED IS IN THE LIVING ROOM WHERE A FIREPLACE CAN BE ENJOYED

I hereby certify with my signature that all data on my application form, and any additional sheets, plans, and specifications, are true and correct to the best of my knowledge.

Amy Strandell
Applicant's Signature

4/22/2023
Date

TOWN USE ONLY

Date application received: _____ Application fee received: \$ _____

Application complete: Yes No If No, the date written notice provided to application of the additional information needed: _____

Date of complete application: _____

Please mail your completed application, site plan or other supporting documents and check for the \$200 application fee to: Amy Strandell, Thorpe Township Clerk, 30880 County 91 Nevis MN 56467. Write checks to "Thorpe Township"

wey

Recorded description (coincidental with drawing):

That part of Government Lot 7, Section 30, Township 142 North, Range 33 West, described as follows: Commencing at the Northwest corner of Government Lot 1, Section 29, Township 142 North, Range 33 West; thence on an assumed bearing of South 00 degrees 17 minutes East along the East line of said Government Lot 7, a distance of 252.17 feet; thence South 89 degrees 43 minutes West a distance of 100.00 feet to the point of beginning of the parcel to be described; thence North 56 degrees 17 minutes West a distance of 265.97 feet; thence South 00 degrees 17 minutes East a distance of 450 feet, more or less, to the shore of Mantrap Lake; thence Southeasterly along said shore a distance of 250 feet, more or less, to the intersection of a line drawn South 00 degrees 17 minutes East from the point of beginning; thence North 00 degrees 17 minutes West a distance of 440, more or less, to the point of beginning.

Together with an easement across Government Lot 7 and Government Lot 8, across the presently existing road, said easement is to be used for roadway purposes, for ingress and egress from the aforescribed tract and is to be shared by other parties owning land in Government Lot 7 and 8.

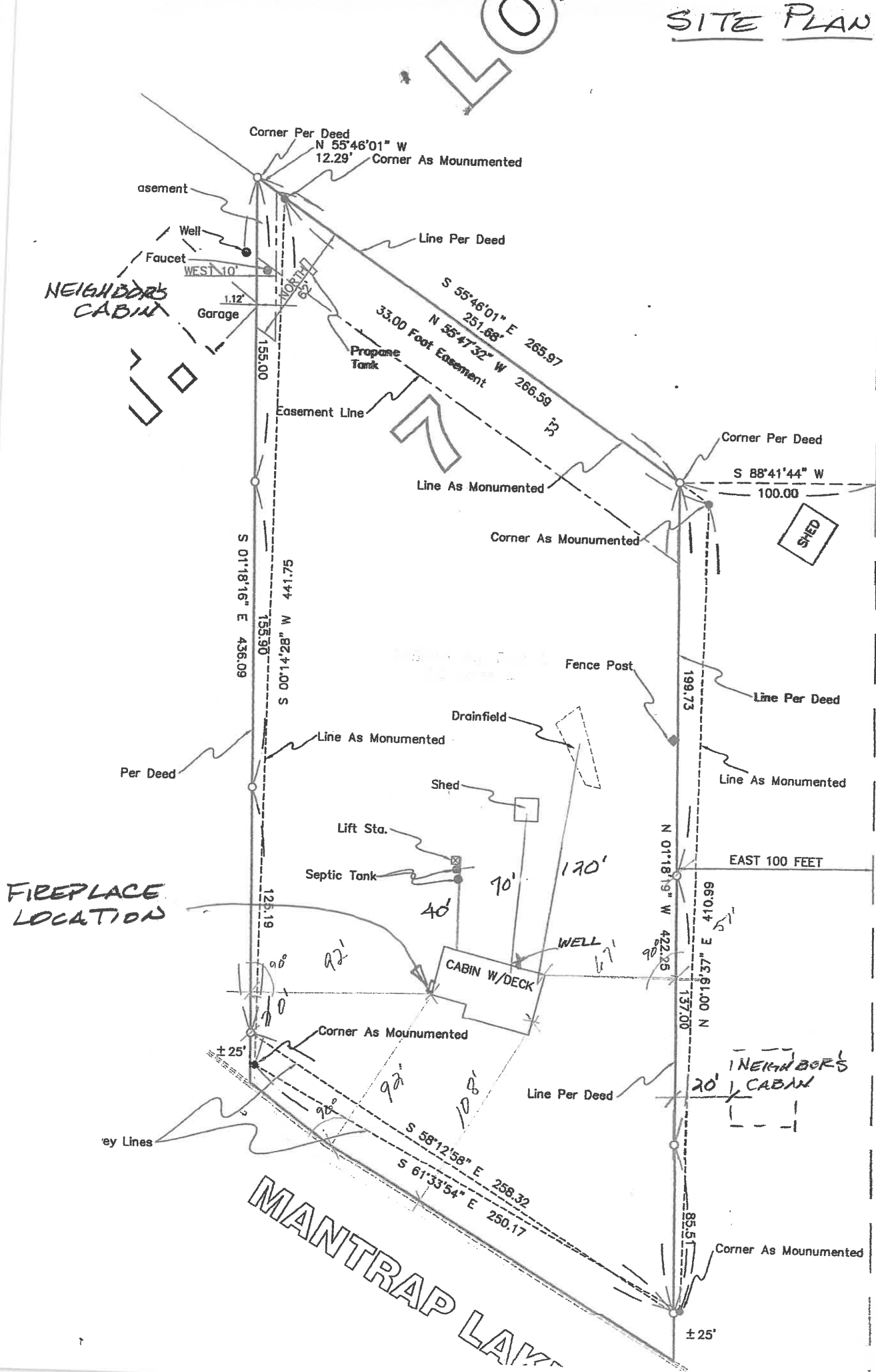
Together with an easement for 66 foot roadway across the Southwest Quarter of the Northeast Quarter of Section 30, Township 142 North, Range 33 West, over and along the presently existing roadway running from the Township Road to the aforescribed tract.

Hubbard County, Minnesota

Proposed Easement:

Subject to easement for building maintenance and utility purposes over and across the North 62.00 feet of the West 10.00 feet of the above described tract.

SITE PLAN



S 01°18'16" E 252.17'

S 01°18'16" E 540.96'

FIREPLACE LOCATION

MANTRAP LAKE



DIRECTIONS / MAP FROM HUBBARD COUNTY 91 TURN WEST ON HUBBARD CITY 90 (JUNCO DRIVE) TO JUNIPER TRAIL SOUTH EAST ON JUNIPER TRAIL TO PROPERTY

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AERIAL VIEW SHOWING NEIGHBOR'S PROPERTY(S)

Parcel Viewer

Hubbard County - 301 Court Ave, Park Rapids, MN 56470

Created 4/21/2023 at 04:44 PM

WATER ORIENTED
ACCESSORY
STRUCTURE

THORPE TOWNSHIP
VARIANCE APPLICATION

Applicant Name(s): TIM & MARCY MCFARLAND Date: 4/21/2023

Mailing Address: 7491 ONTARIO BLVD, EDEEN PRAIRIE, MN 55344

Daytime Phone Number: 612-598-3319 E-mail Address: timwmcfarland@gmail.com

Property Owner Name(s) (if different from applicant): _____

Property Address: 29207 JUPITER TRAIL, NEVIS, MN 56467

Property Tax Parcel Number(s): 26.30, 01400

Property Legal Description: SEE ATTACHED

Property Zoning Designation: LAKE SHORE (RESIDENTIAL)

Specify the section or sections of the Zoning Ordinance from which a variance is being sought:
SECTION 30.10.4 C: SETBACK (FROM LOT LINES)

Explain how you wish to vary from the applicable provisions of the Ordinance: WE WOULD LIKE TO BUILD OUR WATER-ORIENTED ACCESSORY STRUCTURE APPROXIMATELY 100' FROM OUR WEST PROPERTY LINE

Check if there are any additional supporting documents or information is being submitted to help explain this request:

Site Plan

Map

Other (specify):

UNBARRD AERIAL SHOOTING NEIGHBOR'S PROPERTIES

A variance may only be granted by the Board of Appeals and Adjustments where the strict enforcement of the Zoning Ordinance will result in "practical difficulties." The applicant is responsible for establishing the existence practical difficulties regarding the particular property and that the request otherwise satisfies the requirements of the Zoning Ordinance. Whether or not "practical difficulties" exist is determined by the Board of Appeals and Adjustments considering all of the following seven factors. Please summarize the facts as to your property and alleged "practical difficulties" with regard to each of the seven factors, using additional paper and attachments, if necessary.

1. Facts showing that the requested variance would be in harmony with the general purposes and intent of the Zoning Ordinance.

SECTION 30.10.1 STATES INTENT TO PROTECT, PRESERVE AND ENHANCE THE QUALITY OF THE LAKE ... AND NATURAL ENVIRONMENTAL VALUES OF LAKE SHORE AND WISE USE OF RELATED LAND RESOURCES.

THERE IS A LOCATION 100' FROM THE WEST PROPERTY LINE AND 100' FROM THE EAST. THIS LOCATION IS VERY VISIBLE FROM THE LAKE. THAT WE COULD BUILD ONE.

OUR REQUESTED LOCATION IS IN THE WOODS AND NATURAL VEGETATION SO SUBSTANTIALLY LESS VISIBLE THAT WILL HELP PRESERVE THE NATURAL ENVIRONMENT.

2. Facts showing that the requested variance is consistent with the Town's Comprehensive Plan.

I DON'T BELIEVE THE TOWNSHIP HAS A COMPREHENSIVE PLAN.

3. Facts showing that you propose to use your property in a reasonable manner not permitted by the Zoning Ordinance.

THE LOCATION OF THE ACCESSORY STRUCTURE HAS NO IMPACT ON THE USE OF THE PROPERTY. ACCESSORY STRUCTURES ARE PERMITTED BY THORPE ORDINANCE.

4. Facts showing that your dilemma is due to circumstances unique to your property which do not apply to other properties in the same zone or vicinity.

AS PREVIOUSLY STATED WE CAN BUILD THIS WITHOUT A VARIANCE. WE HAVE AN OPPORTUNITY TO REDUCE THE ENVIRONMENTAL IMPACT USING THE EXISTING NATURAL ENVIRONMENT.

5. Facts showing that the circumstances causing the practical difficulties were created by someone or something other than you or the previous owners of the property.

THE ORIGINAL CABIN WAS BUILT IN THE 1970'S THE ADDITION WAS BUILT IN THE 1990'S AND BOTH COMPLIED WITH ALL ORDINANCES. THE DIFFICULTIES WE ARE ADDRESSING ARE DUE TO THORPE ORDINANCE CHANGES IN THE 7,000'S

6. Facts showing that granting of the variance will maintain and does not alter the essential character of the area or neighborhood.

THE ACCESSORY STRUCTURE WILL NOT CHANGE THE LAKE SHORE RESIDENTIAL NEIGHBORHOOD. THE REQUESTED LOCATION IS MORE THAN 200' AND IS NOT VISIBLE FROM ANY NEIGHBOR'S RESIDENCE.

7. Facts showing that the alleged practical difficulties involve more than just economic considerations.

IT WOULD ACTUALLY BE EASIER CONSTRUCTION AND LESS EXPENSIVE TO BUILD IT 100' FROM THE PROPERTY LINE WHERE IT WOULD BE MORE VISIBLE. WE WOULD LIKE TO BE A MORE NATURAL

I hereby certify with my signature that all data on my application form, and any additional sheets, plans, and specifications, are true and correct to the best of my knowledge.

Am Garland
Applicant's Signature

4/22/2023
Date

TOWN USE ONLY

Date application received: _____ Application fee received: \$ _____

Application complete: Yes No If No, the date written notice provided to application of the additional information needed: _____

Date of complete application: _____

Please mail your completed application, site plan or other supporting documents and check for the \$200 application fee to: Amy Strandell, Thorpe Township Clerk, 30880 County 91 Nevis MN 56467. Write checks to "Thorpe Township"

wey

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Together with an easement across Government Lot 7 and Government Lot 8, across the presently existing road, said easement is to be used for roadway purposes, for ingress and egress from the aforescribed tract and is to be shared by other parties owning land in Government Lot 7 and 8.

Together with an easement for 66 foot roadway across the Southwest Quarter of the Northeast Quarter of Section 30. Township 142 North, Range 33 West, over and along the presently existing roadway running from the Township Road to the aforescribed tract.

Hubbard County, Minnesota

Proposed Easement:

Subject to easement for building maintenance and utility purposes over and across the North 62.00 feet of the West 10.00 feet of the above described tract.



DIRECTIONS/MAP FROM HUBBARD COUNTY 91 TRAD WEST
 ON HUBBARD CITY 90 (JUNCO DRIVE) TO JUNIPER TRAIL
 SOUTHEAST ON JUNIPER TRAIL TO PROPERTY

Hubbard County - 301 Court Ave, Park Rapids, MN 56470

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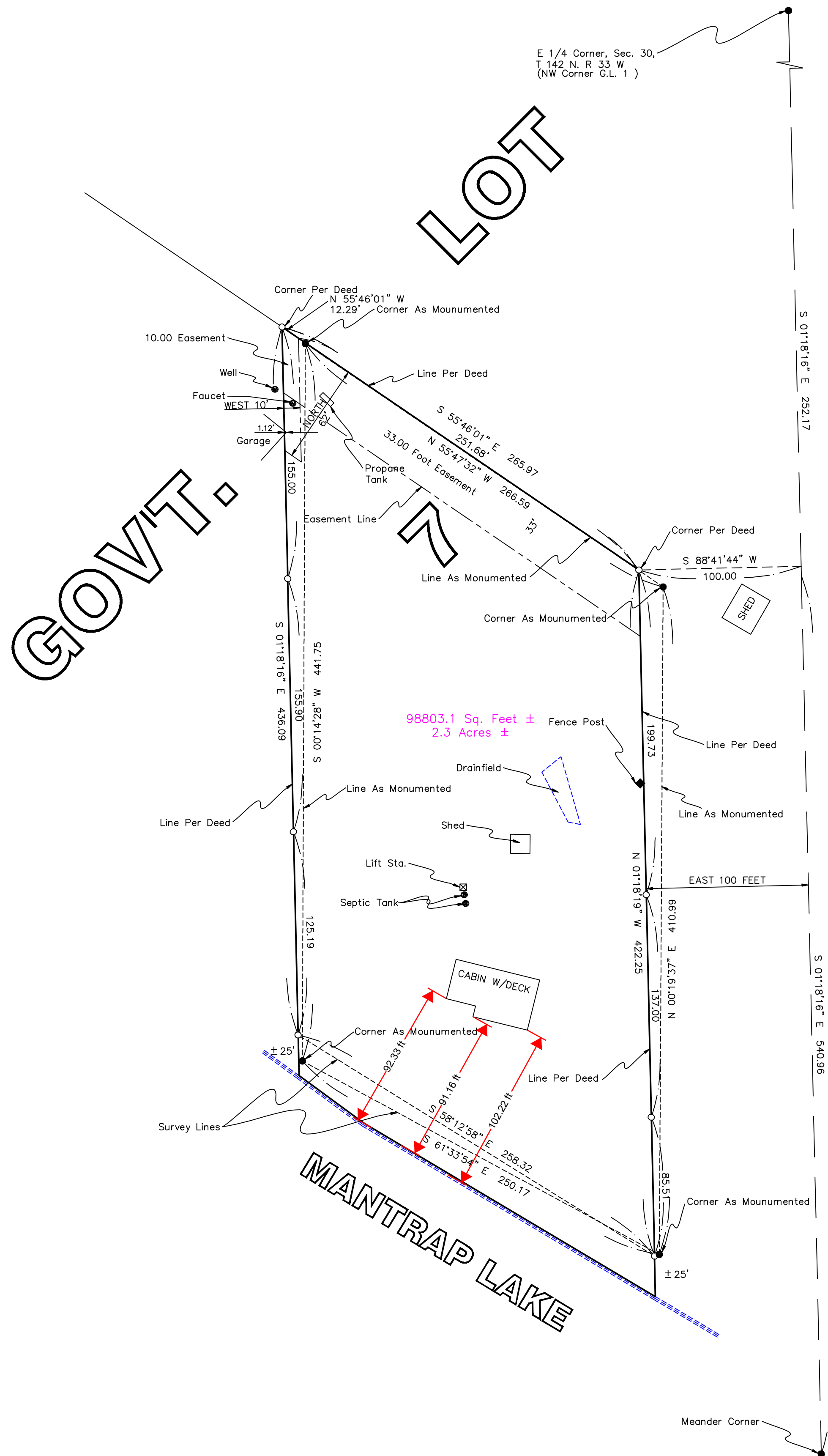
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AERIAL VIEW SWORING NEIGHBORS' PROPERTIES
Parcel Viewer

Hubbard County - 301 Court Ave, Park Rapids, MN 56470

Created 4/21/2023 at 04:44 PM

1982
Certificate of Survey

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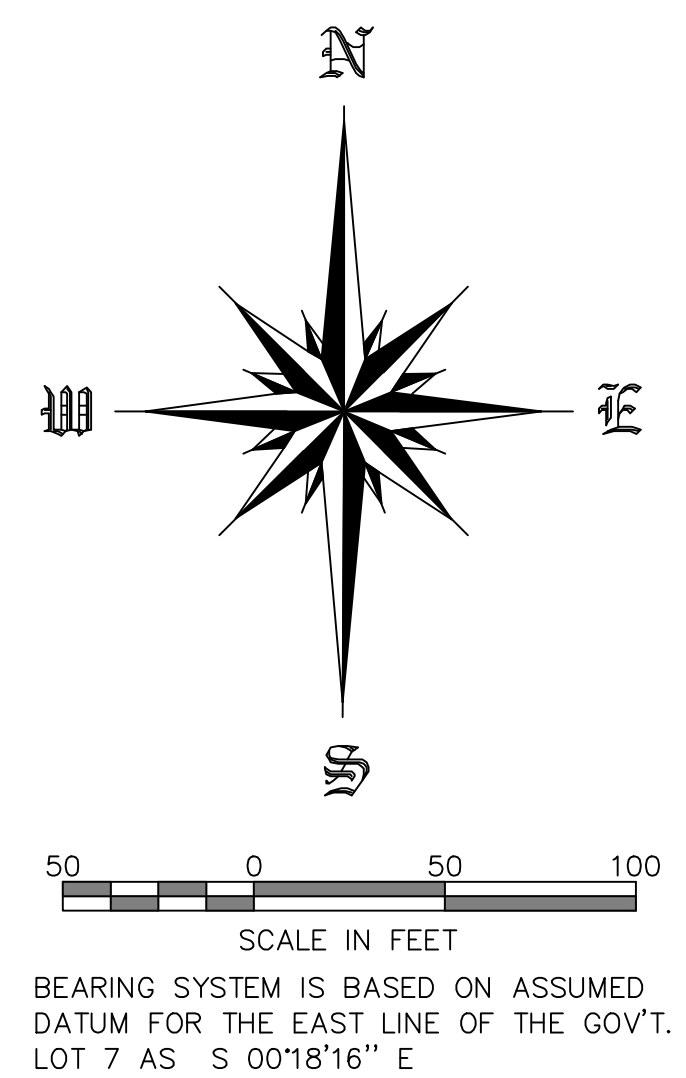
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Hubbard County, Minnesota

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Legend	
	IRON PIPE FOUND
	1/2" IRON PIPE SET W/CAP MARKED 43415
	POWER POLE
	TELE & ELECT PED
	PROPERTY LINE
	SECTION LINES
	RIGHT OF WAY
	FENCE LINE



Note: Official Copies Of This Map Are Crimp Sealed

NO.	REVISION DESCRIPTION	DATE	BY
1	Added buildings etc. and easement desc.	3/30/17	RLC

I hereby certify that this plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.
Ronald L. Carnell Sr.
Signed: _____
Date: _____ License No. 43415

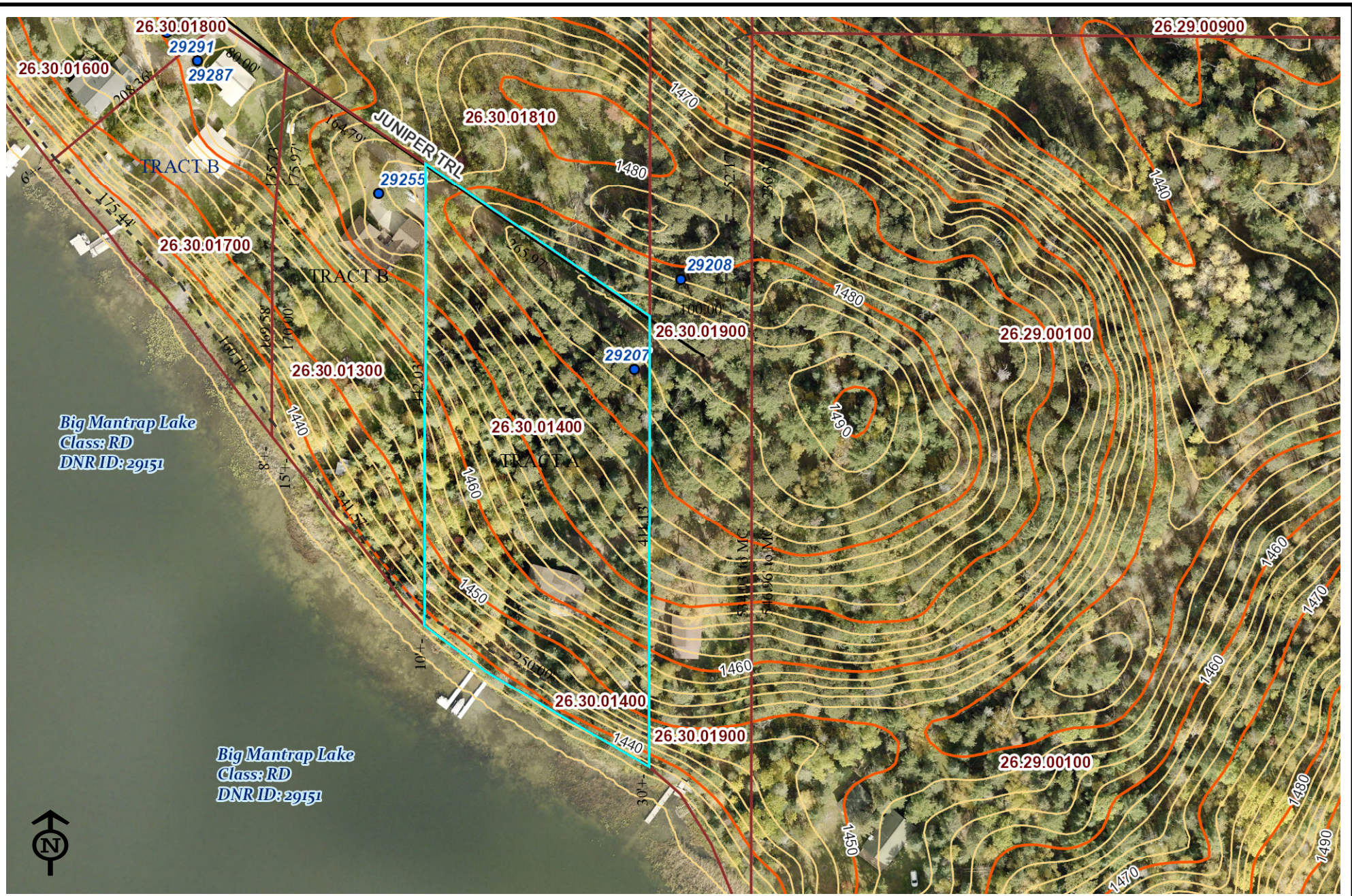
Date
9/9/15
Drawn by
RLC
Checked by
RLC

Benson & Associates L.L.C.
P.O. Box 64
Park Rapids, MN 56470
218-732-3323

CARNELL LAND SURVEYING L.L.C.
13433 Cty. 13, Park Rapids, MN 56470
218-252-3675
Project Cam 2015-004

Tim McFarland
SECTION 30, T 142 N, R 33 W
Hubbard County, MN

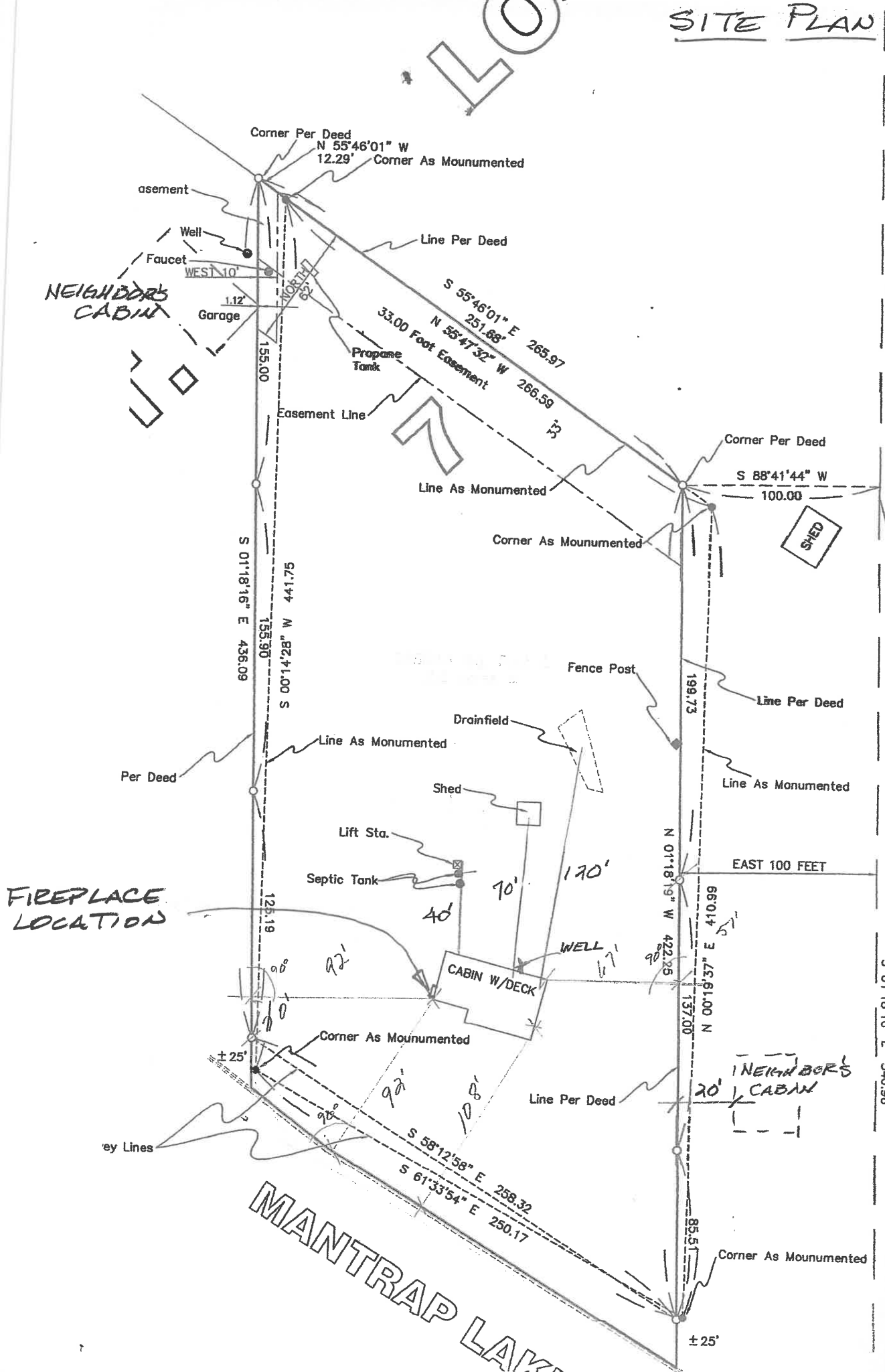
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of
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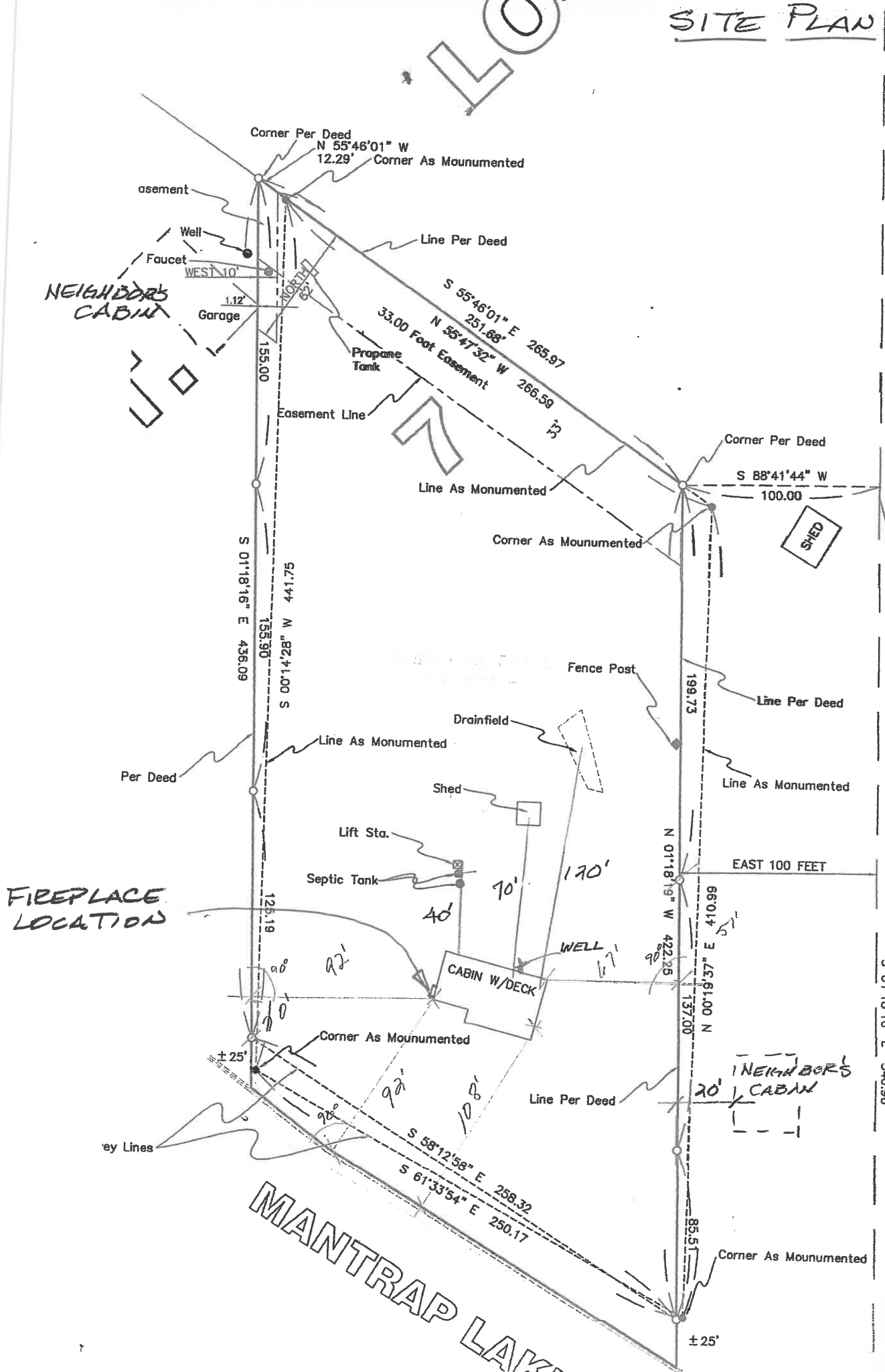
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Parcel Viewer

SITE PLAN



SITE PLAN



S 01°18'16" E 252.17

S 01°18'16" E 540.96

From: Eric Buitenwerf <eric.buitenwerf@co.hubbard.mn.us>
To: Ben Oleson <oleson@hometownplanning.com>
Date: Tue, 23 May 2023 11:07:17 -0600
Subject: Re: public comment on McFarland variance application for parcel 26.30.01400

Attachments: THRP_Jun5_2023_neighbors (1).docx, combined site plan.pdf

Hi Ben,

I'm writing to provide comments on the McFarland variance application for parcel 26.30.01400.

This parcel falls under the County Shoreland Management Ordinance's (SMO) jurisdiction. My comments are thus in regard to sharing the SMO requirements with your Board of Adjustment.

The house was permitted in 1973 to be built in compliance with the 100' ordinary high water mark (OHW) structure setback. The certificate of survey provided with the public notice has the house OHW setback labeled as 92'. Thus, if the house OHW setback is indeed less than the required 100', before the County can consider a land use permit application for the proposed addition (if the requested Township variance is approved), an after-the-fact variance to address the house's noncompliance with the 100' OHW setback will be required. I would recommend that the applicants include the proposed addition in the County variance application so our Board of Adjustment can be aware of and consider/act on the full scope of the proposal.

Regarding the proposed water-oriented accessory structure (WOAS), its dimensions and setbacks comply with the SMO's WOAS regulations that are located in Section 601 of the SMO. If the requested Township variance is granted, a land use permit for the WOAS and compliance with the applicable shore impact zone vegetation mitigation component will be required per the SMO. Section 601's pertinent content is shown below and highlighted.

Section 601. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary

implication in this or any other ordinance. The following special rules are applicable:

1. All accessory structures, including carports and breezeways, attached to the principal structure on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of the Ordinance applicable to the principal structure.

2. All detached accessory structures shall be located in compliance with all setback requirements applicable to the principal structure within the management district with the exception of storage structures as described in Paragraph # 3 below.

3. Each residential lot may have one water-oriented accessory structure, deck, or platform located closer to public waters than the structure setback if all of the following standards and requirements are met:

A. The structure must not exceed ten feet in height above grade at any point. A deck cannot exceed eight feet in height above grade at any point. The structure cannot occupy an area greater than 48 square feet and a deck or platform cannot occupy an area greater than 150 square feet.

B. The setback of the structure, deck, or platform from the ordinary high water level must be at least twenty feet.

C. The structure, deck, or platform must be earthtone in color and screened with vegetation to reduce visibility as viewed from public waters and adjacent shorelands.

D. The structure, deck, or platform must not be located in a bluff impact zone.

E. A structure's roof cannot be used as a deck or storage area.

F. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

G. Where grading or filling or excavation is necessary for construction, a shoreland alteration permit shall be required and there shall be no excavation waterward of the building line.

H. Mitigation to offset the aesthetic and impervious surface area impact of the allowed WOAS/deck/platform is required unless Environmental Services Department (ESD) staff determine the property's shore impact zone (SIZ) is fully vegetated in native tree, shrub, and ground cover aside from any allowed access path, SRUA, and WOAS/deck/platform. IF ESD staff determine the SIZ is fully vegetated, a 500 sq. ft. portion thereof (with a minimum width of 20' parallel to the shoreline) will be designated as an area to be permanently kept in natural vegetative cover. If ESD staff determine the property's SIZ is not fully naturally vegetated, 500 sq. ft. of the property's SIZ must be restored to and maintained in permanent native tree, shrub, and ground cover vegetation. If less than 500 sq. ft. of the SIZ requires restoration, then permanent restoration of said area that is less than 500 sq. ft. and preservation of it and additional shore impact zone area to reach the 500 sq. ft. amount will satisfy this mitigation requirement. In all the above scenarios, the 500 sq. ft. area must have a 20' minimum width parallel to the shoreline.

I. Any structure or facility not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.

Thank you for the opportunity to comment on this application.

Most sincerely,

Eric

Please note new email address: eric.buitenwerf@co.hubbard.mn.us
<mailto:eric.buitenwerf@co.hubbard.mn.us> .

Eric Buitenwerf

Environmental Services Director

301 Court Avenue

Park Rapids, MN 56470

218-732-3890 ph

www.co.hubbard.mn.us <<http://www.co.hubbard.mn.us/>>

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From: Bonnie Fulghum <bonnie@hometownplanning.com>

Sent: Tuesday, May 23, 2023 9:03 AM

To: Crystal Mathisrud <crystal.hcswcd@gmail.com>; Eric Buitenwerf <eric.buitenwerf@co.hubbard.mn.us>; Jed Nordin <jed.nordin@co.hubbard.mn.us>; Jon Mason <jon.mason@state.mn.us>; Tom Groshens <tom.groshens@state.mn.us>

Cc: Ben Oleson <oleson@hometownplanning.com>

Subject: Public hearing notice

Attached is a public hearing notice for Thorpe Township, meeting date on Monday, June 5th. Please address your comments to Ben.

--

Bonnie Fulghum

Hometown Planning LLC

Toll Free Phone: 888-439-9793

Fax: 320-763-5320

Email: bonnie@hometownplanning.com <mailto:bonnie@hometownplanning.com>



Proposed Water Oriented
Accessory Structure Area





