

Application ID Number: _____

**Wabana Township
Itasca County, Minnesota**

ZONING APPLICATION

This is an application for:

_____ Conditional Use Permit _____ Zoning Ordinance Amendment
X Variance _____ Appeal

Parcel #: 41-022-2305 Acres: .55
Property Address: 30727 2rns lane (attach full legal description)
Zoning District: Rural Residential

Applicant: John M. Schirber Phone: 218-256-0704
Address: 211 NE 10th Ave E-Mail: jschirber@outlook.com
City/State: _____

Owner: Andrew & Joelly Roalstad Phone: 612-859-9571
Address: 30727 2rns lane E-Mail: aroyalstad@aol.com
City/State: _____

Brief Description of Request (attach all additional information required by the Zoning Ordinance):
24x24 proposed garage w/o removal of shed

If requesting a variance or an amendment, list the specific provision(s) of the Zoning Ordinance involved and attach an explanation of the reasons for the request: _____
5.6.7 & 3.8C

If this is an appeal, attach an explanation of the decision being appealed from and a detailed explanation of the reasons for the appeal.

I swear that all information submitted by me (or my agent representing me) as part of this request is true, correct, accurate and complete to the best of my knowledge. I understand and agree I am responsible for complying with the application provisions of the Town's Zoning Ordinance, I am required to obtain all other permits required by law, and that the Town will not process this application until it is complete and the required application fee and escrow are submitted. I hereby authorize Wabana Township representatives to enter upon property as reasonably needed to gather information pertinent to this application.

Applicant's Signature: [Signature] Date: 7.11.23
Owner's Signature: [Signature] Date: 7.11.23

Town Use Only	
Date Application Received: _____	Received by: _____
Application Fee Received: <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount: \$ _____
Escrow Money Received: <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount: \$ _____
Date Approved: _____	Date Denied: _____

Application ID Number: _____

APPLICANT/ADDRESS Andrew Joelly Realstad 30727 Zoms Lane

AGENT/ADDRESS John Schorber P.O. 543 Coleraine MN 55722

PROPERTY ADDRESS 30727 Zoms Lane

PROPERTY DESCRIPTION/PARCEL # 41-022-2305

LAKE NAME/CLASS Wabana RD-2 DESCRIPTION OF PROPOSED USE cabin w/

garage

THE APPLICANT HAS THE BURDEN OF DEMONSTRATING A RIGHT TO A VARIANCE or CONDITIONAL USE BY SHOWING [DETAILED EXPLANATION] THAT ALL OF THE FOLLOWING STANDARDS AND CRITERIA WILL BE SATISFIED.

1. Describe how the proposed use conforms to the comprehensive plan of the Township. We will building with Permit & Variance as stated in Ordinance
2. Describe how the use is compatible with the existing neighborhood. New garage will be able to store H.O. Items away from prying eyes.
3. Describe how the use shall not materially adversely impact air quality, water quality or cause soil disturbance. We will use soil erosion control before and after the build.
4. Describe how the site has sufficient access for ingress and egress and is adequate for water supply and sewage treatment. A Garage is built in a open area. Septic and well are close.
5. Describe how the use shall not cause unsafe or unhealthy conditions. garage will be for storage only.

Application ID Number: _____

Site Suitability Checklist form

Site Suitability Checklist	
The applicant or the applicant's agent is to complete this checklist to the best of his or her knowledge. An Environmental Assessment Worksheet (EAW) may or may not be required.	
Applicant Information	
Owner	Name <u>Andrew Joellyn Roalstad</u> Address <u>30727 Zirns Lane</u> Phone <u>612-859-9571</u>
Developer	Name <u>Expert Building Services</u> Address <u>P.O. 543 Coleraine MN 55722</u> Phone <u>218-256-0704</u>
Checklist completed by:	<u>[Signature]</u> <u>7.11.23</u> Signature Date
Project Description or Request	
<u>2424 garage without removal of the shed</u>	
Property Information	
Parcel Number(s)	<u>41-022-2305</u> Acreage <u>.55</u>
Legal Description	<u>N 120' of S 1320' of lot 4 less w/200'</u> <u>Section 22, 57-25 Wabana</u> <u>SECTION 22 TWP 57-25 RANGE #35</u>
Lake Name	<u>Wabana</u> Lake Class <u>Wabana RD-2</u>
Current Zoning District	<u>Rural Residential</u> Proposed Zoning District <u>Rural Residential</u>

1. Describe surrounding land use by checking applicable boxes.

- Residential
- Agricultural
- Forestry
- Light Industrial Commercial
- Industrial

Other _____

2. Is property in a Flood Zone per National Flood Insurance Program map?

- Yes – Circle applicable Flood Zone: A A0 AH A1-A30 A99 B C D
- No
- Unknown

3. Roads.

- List existing road(s) to be used Wake County, 49, Wake man Bay Rd,
Zona lane.
- Describe any proposed roads NA
- Estimated increase in traffic volume minimal
- List any potential problems Hill may cause a problem for heavy
equipment.

4. Environmental Hazards. Are there any environmental hazards on the site (sinkholes, improperly abandoned wells, buried solid and hazardous wastes, unauthorized dumping of wastes or other sites presenting hazards to health or safety)?

NO YES _____

If YES, describe the environmental hazard(s) and the steps proposed to mitigate the hazard.

5. Impervious surface covered: 17 %

“Impervious Surface” is a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

6. Impacts on Surface Water Resources.

Will the project involve dredging, filling, stream diversion, or impoundment of surface water (lake, pond, wetland, stream, drainage ditch) or the appropriation of surface water?

NO YES _____

If YES, please check the boxes of all that apply and provide requested information.

- Water resource to be affected _____
- Describe the alteration, including the construction process _____

Application ID Number: _____

- Volumes of dredged or fill material _____
- Area affected _____
- Length of stream diversion _____
- Water surface area affected _____
- Timing and extent of fluctuations in water surface elevations _____
- Spoils disposal sites _____
- Proposed mitigation measures to minimize impacts _____

Is a stormwater permit required?
NO X YES _____

How will runoff from the site be managed during disturbance of the site?
Silt fencing will be placed on all areas down grade from garage built. All piles of dirt will be covered.

What type(s) of erosion control will be used?
Silt fencing staked every ten feet.

How will runoff from the site be managed after disturbance of the site?
grass will be planted. Silt fence will not be removed until new grass has rooted.

Application ID Number: _____

7. Impact on Air Quality (applicable to NON-RESIDENTIAL uses only). Will the proposed use generate emissions other than vehicle emissions or other sources of air pollutants?

NO _____ YES _____

If YES, describe measures to be taken to avoid degeneration of air quality from:

- ⊗ Emissions - _____

- ⊗ Dust - _____

- ⊗ Odors - _____

- ⊗ Other sources - _____

8. Will the use generate the following?

⊗ Noise at levels exceeding ambient levels? NO YES _____

If YES, what is the extent to which adjacent properties may be affected? _____

If YES, what measures will be taken to control impacts? _____

⊗ Odors? NO YES _____

If YES, what is the extent to which adjacent properties may be affected? _____

If YES, what measures will be taken to control impacts? _____

Dust? NO YES _____

If YES, what is the extent to which adjacent properties may be affected? _____

If YES, what measures will be taken to control impacts? _____

⊗ Debris? NO YES _____

If YES, what is the extent to which adjacent properties may be affected? _____

If YES, what measures will be taken to control impacts? _____

⊗ Other hazards? NO YES _____

If YES, what is the extent to which adjacent properties may be affected? _____

If YES, what measures will be taken to control impacts? _____

Application ID Number: _____

9. Will the project involve onsite sewage treatment? NO YES _____
If YES, Designer name _____ License # _____




10. Is an Environmental Assessment Worksheet (EAW) needed? NO YES _____

Itasca County GIS Web Map

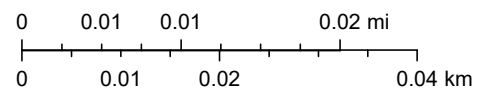


8/22/2023, 11:39:39 AM

2 Foot Lidar Contour

-  Index
-  Intermediate
-  Tax Parcel

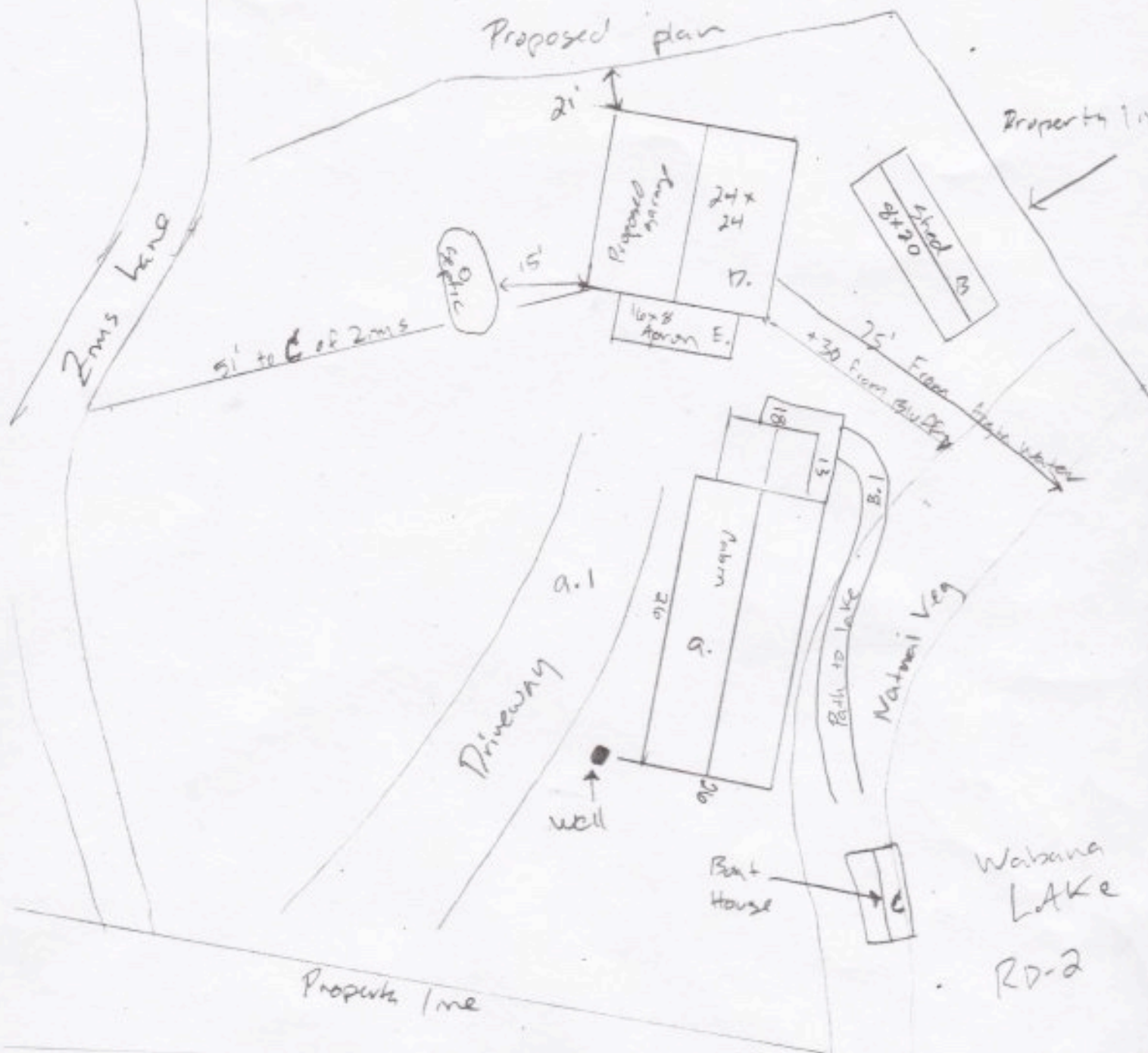
1:1,128



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30727 Zms lane

Proposed plan



* Acres: .55

* Total Impervious Surface: 2515

Existing

- a. Cabin 910 a. 1 Driveway 480
- b. Shed 160 b. 1 Path to lake 165
- c. Boat House 96

Proposed

- D. 24x24 garage = 576
- E. 16x8 Apron = 128

Roalstad Impervious Estimate
30727 Zims Lane - PID 41-022-2315

Lot Size:

From Applicant/Contractor and 2004 Variance Document 0.55 acres
 From Itasca County GIS estimate and Assessor Record 0.48 acres
 From Tax Record (Deed) 0.58 acres

From Applicant/Contractor:

Cabin 910
 Shed (8x20) 160
 Boathouse 96
 Proposed Garage (24x24) 576
 Proposed Apron (8x16) 128
 Driveway 480
 Path to Lake 165

TOTAL 2515
COVERAGE PERCENTAGE (0.55 AC) 10.5%
COVERAGE PERCENTAGE (0.48 AC) 12.0%
COVERAGE PERCENTAGE (0.58 AC) 10.0%

From Assessor Records/Proposal:

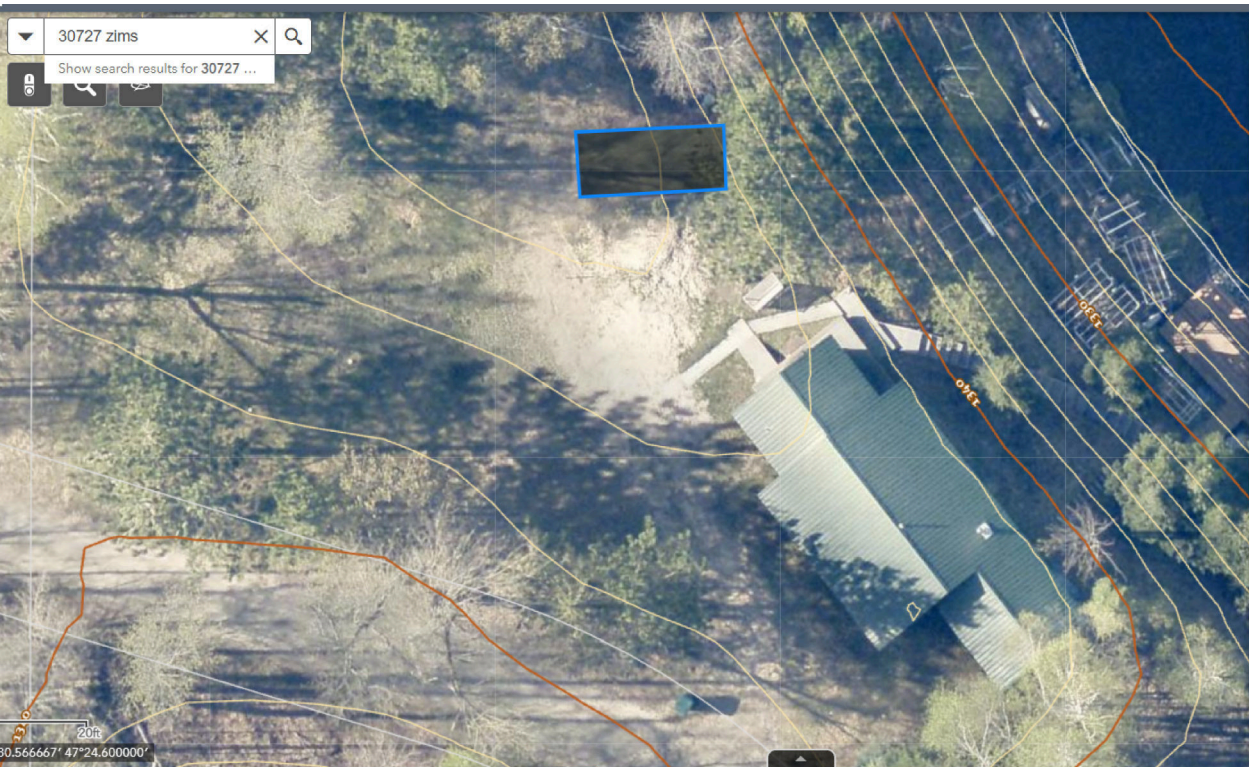
Cabin (24x26 and 12x16) 816 Assessor
 Deck 96 Assessor
 Open Porch (4x6) 24 Assessor
 Screen Porch 184 Assessor
 Boathouse 112 Assessor
 Path to Lake 165 Applicant
 Storage Building 168 Assessor
 Storage Building (8x14) 112 Assessor
 Proposed Garage (26x26 if 1 ft eave incl) 676 Applicant
 Driveway 480 Applicant

TOTAL 2833
COVERAGE PERCENTAGE (0.55 AC) 11.8%
COVERAGE PERCENTAGE (0.48 AC) 13.5%
COVERAGE PERCENTAGE (0.58 AC) 11.2%

From GIS Measuring Tool/2023 Aerial Photo:

House, steps to lake, walkways, boathouse, deck by lake 2080
 Shed requested to be kept 210
 Proposed garage (w/1 ft eaves included) 676
 Driveway (existing driveway) 974

TOTAL 3940
COVERAGE PERCENTAGE (0.55 AC) 16.4%
COVERAGE PERCENTAGE (0.48 AC) 18.8%
COVERAGE PERCENTAGE (0.58 AC) 15.6%



Measurement

Sq Feet (US)

Measurement Result

209.1 Sq Feet (US)

Clear

Press CTRL to enable snapping



Measurement

Sq Feet (US)

Measurement Result

2,079.4 Sq Feet (US)

Clear

Press CTRL to enable snapping

Itasca County GIS Viewer Version 2.22 Questions/Comments

30727 zims

Show search results for 30727 ...

Measurement

Sq Feet (US)

Measurement Result

974 Sq Feet (US)

Clear

Press CTRL to enable snapping

Acres

Measurement Result

0.46 Acres

Clear

Zims Ln

211



Measurement

Acres

Measurement Result

0.02 Acres

Clear



Measurement

Acres

Measurement Result

0.53 Acres

Clear







Parcel Information

PID	Owner Name	Owner Address	Township Name	Lake Name	Lake Class	Sec/Twp/Range	Zoning Type	Property Address	Legal Acres	Description
41-022-2305	ROALSTAD, ANDREW C - TRUSTEE	MOORE, JOELLYN C - TRUSTEE 291 WASHBURN AVE N MINNEAPOLIS MN 55405	WABANA TWP	WABANA	RD2	S:22 T:57 R:25	RURAL RESIDENTIAL	30727 ZIMS LN GRAND RAPIDS MN 55744	0.58	N 120 FT OF S 1320 FT OF LOT 4 LESS W 1200 FT

River Class:

Applicant / Agent Information

Name: John Schirber, Contractor Phone Number: (218) 256 - 0704

Property Information

Ownership Description: Private Access Road Name: Zims Lane
 Is septic compliant? Unknown Road Class: County / Township Rd

Structure Information

Existing Use: Seasonal Proposed Use: Garage
 Accessory Structure: Maximum building height: 35'
 Number of bedrooms: 0 Well type: Unknown
 Pressurized Water: Unknown Building Dimensions: 24'x24' Garage
 Current septic status: Unknown

Permit Fee

Permit application fee: Garage - Garage \$60

Permit Comments

Alter The Fact: No Resort: No
 7/3/23 Site Visit (JG): Proposed garage as staked is 80' from OHWL and 47' from the centerline of Zim's Lane. Per variance 040913, garage must be 50' from centerline of Zim's Lane. Also, per variance, 10'x20' shed must be removed.
 Shoreline Mitigation Required: No Comments: Single-story detached garage, on slab. Intended for garage/storage use. No living/sleeping quarters permitted.
 Application Received Date: 08/01/2023 Issued Date: 08/01/2023
 Issued By: Katie Benes

Terms

Road Setback

Centerline 68'
Right-of-Way 35'

Side Yard Setback

Accessory 10'
Dwelling 15'

Rear Yard Setback

Accessory 10'
Dwelling 30'

Riparian Setback

Structure 100'

Impervious Surface

15% of parcel
Property owner can increase the coverage allowed by 5% if erosion control and stormwater management conform to the shoreline vegetative buffer standards.

Elevation of Lowest Floor

3'

Bluff Setback

30' from the top of a bluff

Other

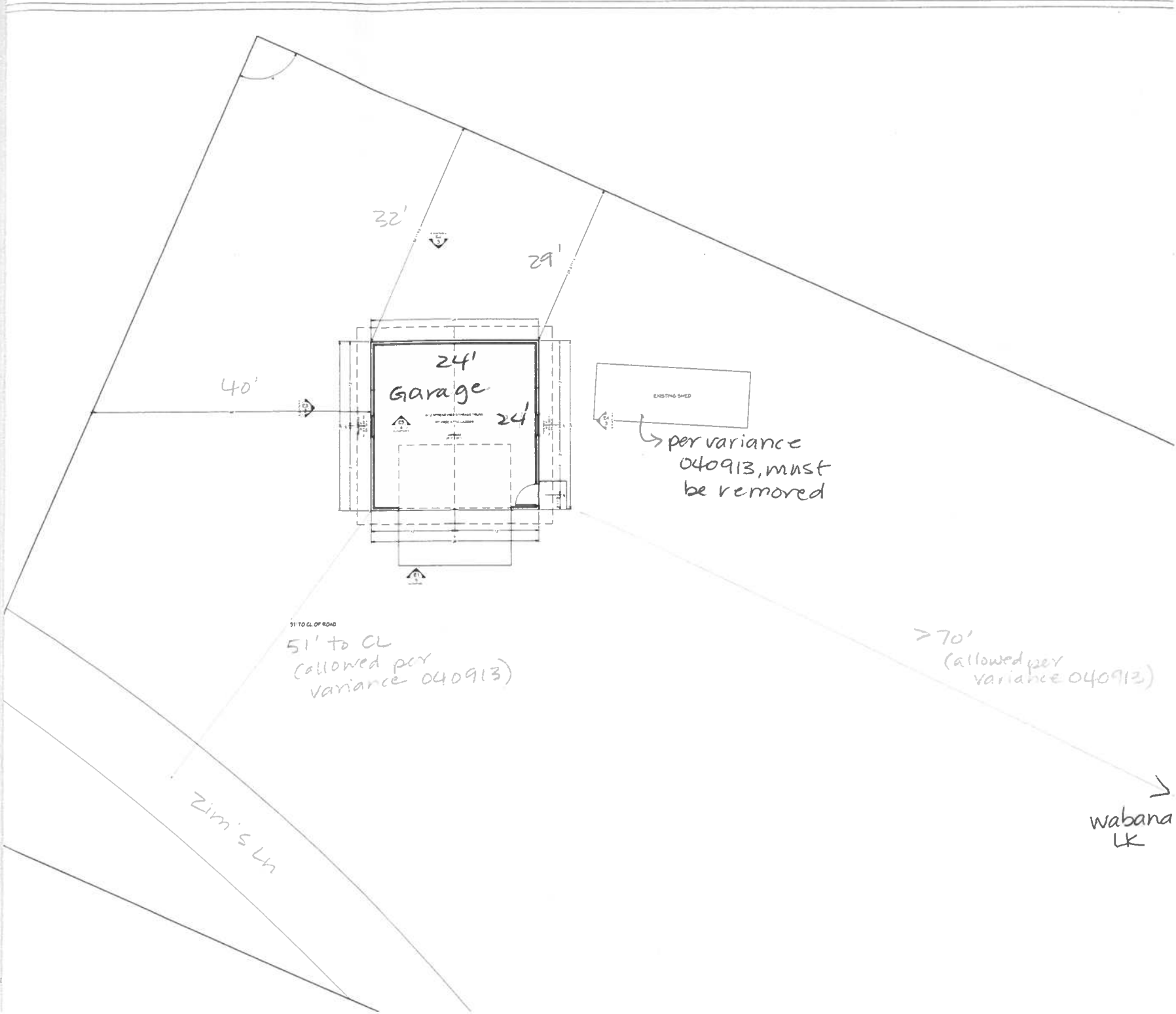
Contact SWCD at (218)326-0017 if constructing in any wetlands.
If construction activity will result in the disturbance of one acre or more, need to obtain Storm Water Permit thru MPCA at 1-800-657-3804 prior to construction.
Electrical Inspector contact Steve Bartlett at 218-591-1616.
New or upgrading driveways; township road contact your township and county road contact County Engineer Office at 218-327-2853.

Disclaimer

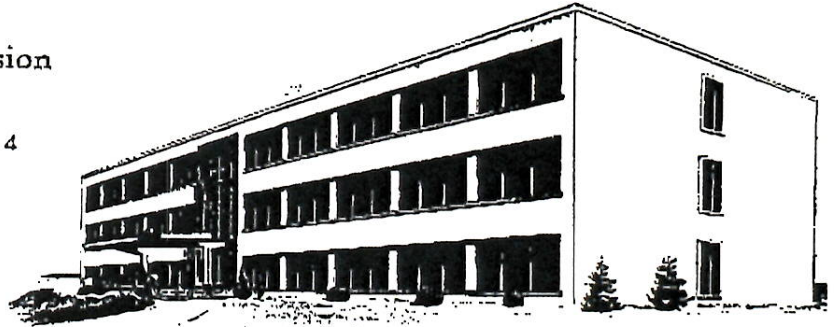
I have read the above minimum requirements and hereby acknowledge that I understand and will comply with them. Permit is valid for 12 months to start construction.
Permit authorized by Environmental Services Department.

Approvals

Approval	Signature	Date
#1 Approved By		8.1.23
#2 Approved By		8/1/23



Itasca County Planning Advisory Commission
COURTHOUSE
GRAND RAPIDS, MINNESOTA 55744



August 19, 2004

Thomas and Anne Linder
38367 Branch Avenue
North Branch MN 55056

RE: Variance from Section 5.6.7E and 3.8C of the Zoning Ordinance for the construction of a 3-season porch and new garage - N 120' of S 1320' of Lot 4 less W 1200', S. 22, T57

Dear Mr. and Mrs. Linder:

At the Board of Adjustment meeting on August 4th, 2004, the Board reviewed the above variance.

After discussion, the Board (3:2) amended the above variance and approved the construction of the 3-season porch to be located 53' from the OHW of Wabana Lake and 38' from the centerline of Zims Lane and for the 24'x28' garage to be 30' from the top of the bluff and 10' from the back property line based on the conclusions of law set forth in the findings of fact/conclusions of law and order (enclosed). Please review as this document contains the conditions based on the Board's approval.

In accordance with Article Eighteen of the Itasca County Zoning Ordinance, the Board's decision may be appealed to District Court by any aggrieved party within 30 days after receipt of written notice of the decision made by the Board on 8/4/04.

Enclosed please find the validated forms, findings, staff report and minutes.

If you have any questions, please don't hesitate to contact this office at 218/327-2857.

Sincerely,

[Handwritten Signature]
Zoning Department

Enclosures - permit, variance, minutes and findings

e Wabana Tap

ITASCA COUNTY APPLICATION FOR ZONING/ISTS PERMIT & CERTIFICATE OF COMPLIANCE PERMIT NO. 040913

Current

Property Owner, Address & Phone# Thomas & Anne Linder, 38367 Branch Avenue, North Branch MN 55056
Agent, Address & Phone # 651-237-0248 Owner

Contractor, Address & License # Owner

*If other than self, they are to be licensed with the Mn Dept. of Commerce. Property owner may forfeit any mechanic's lien rights entitled under MS 514.01. The hiring of unlicensed contractor/s is a misdemeanor under Minnesota Law.

Em. # Latitude/Longitude of driveway location to residence

The side of the main road/highway that the driveway is located on:

Property Address (if different than current) XXXXXXXX 30727 ZIMS LANE, GRAND Rapids MN 55744

Complete Legal Description N 120' of S 1320' of Lot 4, Less W 1200', Section 22, 57-25, Wabana #35

Parcel # and Lot Dimensions and/or Area 41-022-2305 .55 acres

Lake and/or River Name & Classification Wabana RD-2

Highway/Road Name and/or No. Zims Lane Zoning District Rural Residential Existing Use Seasonal

PROPOSED USE:

Single Family Dwelling XX New Construction Garage
Multi-family Dwelling XX Alt. Of Structure 3-Season Porch
Two, Three or Four Plex Change in Use
XX Seasonal Cabin Other
Manufactured Home Special Conditions Necessary (explain)
XX Garage Steep Slopes Screening Erosion Control
Accessory Structure OTHER:
Recreational; Commercial; Industrial

STRUCTURE - MINIMUM DISTANCE FROM: GARAGE 40'

- A.* Road centerline and/or* intersecting road to bldg line XX'
B. Side Yard (each) 15' PORCH
C. Rear Yard (each) GARAGE 10'
D. Water Table to lowest floor 03'
E. Flood Plain - First Floor Elevation
F. High water mark to building line
G. Top of Bluff PORCH 53' GARAGE na 70'
H. Maximum percent of lot coverage 25%
L Max. Building Height Maximum Stories
J. Dimensions: 3-Season Porch 14' x 24'; Garage 24' x 28'

MINIMUM REQUIREMENTS FOR ISTS:

- A. Septic Tank (S.T.) to: Well 50'
B. S.T to: Occupied Bldg and Property Line/s 10'
C. S.T to: Buried Water Pipe under Pressure 10'
D. Minimum Septic Tank Size (Gallons)
E. ISTS to Ordinary High Water Mark
F. Type of Sewage Treatment:
G. Sewage Treatment to Deep Well 50'
H. Sewage Treatment to Shallow Well 100'
I. Sewage Treatment to Occupied Building 20'
J. Sewage Treatment to Property Lines (each) 10'
K. Sewage Treatment to Water Table 03'
L. Certified Installer or **Self

INSPECTION: 218/327-2857

I have read the above minimum requirements and hereby acknowledge that I understand them and will comply with them. **I hereby waive any and all claims against Itasca County, on installing my own ISTS, due to my failure to conform and comply with the Sanitation Ordinance and Minnesota Rules Chapter 7080. Permit is valid for 12-months to start construction.

SIGNATURE AND DATE X Thomas R Junda 7/7/04

Fees: Permit/Emergency # \$ NA see Variance Paid In Full on 7/7/04 Received by mjd

Zoning/Sanitation Permit: APPROVED REJECTED indicate reason below

7/7/04

Date

Zoning Officer

Comments: Cannot Meet Required Road/Centerline or Lake Setback for a Porch & New Garage

DATE 7/7/04

PHONE # 651-237-0248
CABIN 326-9162

PERMIT # 040913

ITASCA COUNTY VARIANCE APPLICATION

APPLICANT/ADDRESS: Thomas & Anne Linder, 38367 Branch Avenue, North Branch MN 55056

AGENT/ADDRESS: _____

PROPERTY ADDRESS 30727 Zims Lane, Grand Rapids MN 55744

PROPERTY DESCRIPTION PARCEL # 41-022-2305 N 120' of S 1320' of Lot 4, Less W1200',
Section 22, 57-25 (Wabana #35)

ZONING DISTRICT Rural Residential LAKE NAME/CLASS Wabana RD-2

THIS VARIANCE APPLIES TO 5.6.7 & 3.8 C SECTIONS OF THE ZONING ORDINANCE
No variance shall have the effect of allowing in any district uses prohibited in that district.

THIS VARIANCE WOULD ALLOW: applicant to replace existing deck with a 3 season porch (14'x24)
and construct a new garage 24' x 28'. The existing deck is rotted with no foundation
and the replacement porch will be in the same location 53' from the lake and 35' from the
road centerline. The new garage will be 70' from the lake and 40' from the road centerline.
Due to the shallow depth of the lot, the required setbacks cannot be maintained.
Attach a detailed sketch of the property showing proposed development with setbacks and existing conditions on said property and the adjoining properties. Describe in detail the nature and extent of hardship involved to the property from strict application of the Zoning Ordinance, explaining the following facts—attach additional pages if necessary. Within the Shoreland District, a stormwater/erosion control plan must be submitted and the existing septic system must be certified or upgraded for variances for replacement of a dwelling and bedroom additions.

1) Variance would be consistent with the intent and general purposes of the Zoning, Shoreland & Sanitation Ordinance and with the Comprehensive Plan. yes

2) Property cannot be put to reasonable use under conditions allowed and the plight of the landowner is due to circumstances unique to the property—not created by the landowner. Shallow Depth of the lot minimizes any building locations to meet setbacks

3) Issuance of the variance will maintain the essential character of the locality. Adjacent Property owners have existing structures closer than the required setbacks and closer than the applicants cabin

4) Alleged hardship involves more than economic consideration: yes

5) Lakeshore Mitigation Practices: SUBMIT A PLAN THAT ADDRESSES AT LEAST 4 POINTS: "1/2 point": "use of exterior building materials that blend with natural vegetation"; "1 point": "restore native vegetation buffer within 25' of OHW or within the first 75% of the distance between the dwelling and OHW whichever is less"; "restore native buffer area in both side yards"; "restore or plant aquatic vegetation within 50' lakeward of OHW"; "remove nonconforming accessory building/s"; "2 points": "Restore native vegetation buffer area within 50' of the OHW"; "maintain existing native vegetation in entire structure setback area"; "3 points": "Restore native vegetation in setback area within 75' of the OHW"; "point": "other practices approved by zoning official. Note: buffer shall cover the entire width of the lot except for a lake access as described in S. 5.8.1 and 5.9. of the Zoning Ordinance. All aquatic vegetative restoration requires a DNR permit.

A site inspection shall be made by the Board and the applicant/property owner acknowledges that no one can be prohibited from coming onto the property. Yes The applicant/property owner chooses a site inspection by staff. XX Yes

SIGNATURE/DATE Thomas R Linder 7/7/04

On 7/7/04, the Zoning Office received the completed application, accompanying information and the fee is paid in full.

Applicant or Agent has been given a copy of the info handout that addresses their responsibility for the variance processing _____

Page #3

8/4/04

ICPC/BoA

Addition (plan dated 7/7/04) including the staff report with the addition that the DNR aquatic plant removal rules be included with each sale. Staff will prepare the findings/conclusions of law and order for Chair's signature.

10:07 a.m A motion was made by Grossell, seconded by Ranger and unanimously carried to close the Planning Commission meeting and recess for a 5 minute break.

A motion was made by Bellomy, seconded by Ranger, and unanimously carried to call to order the Board of Adjustment meeting and opened the public hearing at 10:15 a.m. with same members present.

Thomas Linder- N 120' of S 1320' of Lot 4, less W 1200', S.22, T57 R25 has submitted a variance from Section 5.6.7E & 3.8C of the Zoning Ordinance for the replacement of the existing deck with a 3-season porch to be located 53' from Wabana Lake and 35' from the centerline of Zims Lane and for a new garage to be located 70' from Wabana Lake and 40' from the centerline of Zims Lane. Don Dewey entered into the record the staff report with the correction that Wabana Township is in Commissioner District #2. He further clarified that since the application was filed, it was discovered that a Variance is not required for the cabin addition/replacement according to the newly adopted Zoning Ordinance of 10/1/03 which allows for additions to nonconforming structures provided the addition is not toward the already nonconforming setback and no part of the addition will be located within a shore or bluff impact zone. The site inspection was conducted on 8/2/04 at which time a re-measurement of the proposed addition determined that if an eve/overhang were included the distance would be 48' from the lake. It was noted that if the addition were relocated to be 50' from the lake, no variance would be necessary. Thomas Linder was present to address the application stating that he would be willing to amend his request from a 14' x 24' porch to a 14' x 20' moving it back to the meet the 50' lake setback. Discussion was also held regarding the existing bluff on the property and the side yard setback in relationship to recent property line disputes. Mr. Linder told the Board that 2 land surveys have been completed which verify the location of the property. Mr. Fordham, County Survey, verified the existence of a 1994 & 1997 survey on file. Chair Snowden questioned why the new septic system had not been hooked up and recommend that it be completed prior to any new construction. Ron Radecki, Wabana Township Chairman & Zoning Commissioner, addressed the Board listing several concerns and distributed correspondence from Mr. & Mrs. Jerald Larson dated 7/28/04; Lorrie Yeschick, 7/23/04; & anonymous correspondence dated 7/31/04 & 8/1/04 all in opposition to the Variance siting concerns with the bluff setback, vegetation, and the larger replacement size of the deck with a 3-season porch. Mr. Dewey clarified that the bluff setback only affects the proposed garage. Mr. Radecki further stated the township's recommendation which included heavy screening to be planted, the existing travel trailer be removed, the garage not contain any living

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8/4/04

ICPC/BoA

quarters and any exposed soil from the construction be re-vegetated. S. Grossell questioned the impervious surface coverage which D. Dewey verified that the 25% allowable coverage would not be exceeded. D. Lick addressed the Board expressing concerns with a lack of supervision from the Board to oversee the project, in particular replanting/re-vegetation. At this time, members unanimously agreed to close the public portion of the meeting. Discussion by members included a review of the staff report which noted several corrections: 1. Commissioner District should be #2 and the numbering system 4-9 be corrected. The Board completed and discussed the criteria necessary for granting a Variance. Based on the criteria, Chair Snowden made a motion to approve the Variance from Section 5.6.7E and 3.8C of the Zoning Ordinance for the replacement of the existing deck with a 3-season porch to be located 53' from Wabana Lake and 38', closest point, from the centerline of Zims Lane for the construction of a 24' x 28' garage to also be a minimum of 30' from the top of the bluff and 10' from the back property. The motion also includes the Staff Report of 8/4/04 and 6 additions as listed: 1) the septic system is to be connected and used concurrently prior to any further construction. The old system is to be removed/filled; 2) the roof drainage from the house, porch, and garage be diverted away from the lake; 3) the bank vegetation be restored and maintained and additional tree screening be incorporated—at least 7 - 4' evergreen/spruce trees be planted 1 every 8' in a staggered pattern with a completion date of December 31, 2004; 4) current excavation of deck, lake side, be filled in and re-vegetation restored; 5) the path to the lake to be rebuilt to include run-off control such as steps; and 6) erosion control during and after construction, including the removal of the shed (1-mitigation point). Applicant is to work with Soil and Water on an erosion control plan. The motion further included that the porch/deck be a 12' x 20' structure with a full roof allowed over the entire structure but that the screen porch be limited to 12' x 12' not be insulated, unheated and contain no extension of living. S. Grossell seconded the motion. After discussion a roll call vote was taken. Nays: Worth, Grossell; Ayes: Snowden III, Bellomy, and Ranger. Motion carried.

Rec'd this page

old septic filled

ADDITIONS TO THE AGENDA

David Figi has submitted a 12 month extension for submission of hardshells on the minor subdivision entitled Deer Ridge, T57 R26. G. Fordham, County Surveyor, addressed the Board stating the reason for the extension is due to the difficulty in getting legal easement from the plat to CSAH #62, a requirement of the Ordinance. Following some discussion, a motion was made by Grossell, seconded by Bellomy and unanimously carried to allow the 12 month extension for submission of hardshells on the minor subdivision entitled Deer Ridge.

Coop Session - Members agreed to have staff schedule the session with the County Board at their second Tuesday meeting either in September or October, whichever can be arranged.

STATE OF MINNESOTA
COUNTY OF ITASCA COUNTYITASCA COUNTY BOARD OF ADJUSTMENT
REGULAR DIVISION

In Re: FINDINGS OF FACT/CONCLUSIONS OF LAW
RESOLUTION AND ORDER

The Variance of Thomas and Anne Linder
Applicants

This matter came before the Itasca county Board of Adjustment for public hearing on August 4, 2004. Tom Linder appeared on behalf of the applicants. Upon the records, files and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. The Applicants, Thomas and Anne Linder, own property described as N 120' of S 1320' of Lot 4 less W 1200', Section 22, T57 R25, hereafter the 'property'.
2. On July 7, 2004, the applicants submitted a variance application, including a permit application, from Section 5.6.7E and 3.8C of the Zoning Ordinance for the replacement of an existing deck (12'x24') with a 3-season porch (14'x24') to be located 53' from Wabana Lake, a Recreational Development 2 class lake and 35' from the centerline of Zims Lane; to include a 24'x28' garage to be located 70' from the lake and 40' from the centerline of Zims Lane.
3. The property measures 120' along Wabana Lake and contains .55 acres in area.
4. The property was inspected by the full Board on August 2nd. A measurement was taken and the setback for the 3-season porch addition would be 48' to the closest point from the lake.
5. The applicant offered to amend the variance for the porch to be 14'x20', moving it back to be 50' from the lake.
6. According to Section 4.5.2 of the Zoning Ordinance, a variance would not be required for the addition provided:
 - A. no part of the addition is toward the already non-conforming setback and no part of the addition will be located within the shore or bluff impact zone;
 - B. no part of the addition encroaches upon the septic treatment system or septic expansion area;
 - C. the proposed addition shall not increase the square footage of the footprint of the original structure as it existed on 4/1/95 by more than 100%; and
 - D. the existing structure shall be in sound condition and shall not be removed once the new construction is completed.
7. In addition to the afore mentioned, the record of the Board includes:
 - A. Staff Report dated 8/4/04
 - B. Correspondence dated 7/9 to Wabana Township from Ms. Quesnell
 - C. Notices dated 7/12 to property owners and 7/16 to applicant informing them of the hearing and/or site inspection
 - D. Hand drawn sketch of property; GIS parcel map of Gov. Lot 4, S. 22; plat map of Wabana Township with map/list of property owners and others receiving notice of said hearing.

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- E. Correspondence dated 7/29 to Wabana Township, Property owners within 500' of property; Howard Christman, DNR and the Wabana Lake Association from Nadine Hopkins informing them of the amendment to the variance pertaining to the 3-season porch addition; including an excerpt from the Zoning Ordinance relative to Section 4.5.2 of the Zoning Ordinance on additions to non-conforming structures;
- F. Correspondence received from Richard Chambers;
- G. Correspondence/s submitted by Ronald Radecki that include: Wabana Lake Property Owner (unsigned) dated 7/31/04; Mr. and Mrs. Jerald Larson dated 7/28/04; Lorrie Yeschick dated 7/23/04; unsigned correspondence to Ron Radecki dated 8/1/04 with attachments of certificate of survey/legal description for Steve Hess, photo copy of photographs of cabin/s; and sketch of parcel #41-022-2305.
8. Wabana Lake is classified as a Recreational Development 2 lake and the required structure setback for a new structure is 100' from the ordinary high water mark. The property is zoned Rural Residential in which dwellings and accessory structures are a permitted use.
9. The applicants propose to mitigate the impacts to the encroachments to the ordinary high water mark if the instant variance were granted. These measures include: restore native vegetation buffer within 25' of the OHW or within the first 75% of the distance between the dwelling and the OHW whichever is less; maintain existing native vegetation in entire structure setback area; and removal of the shed.
- 10 Ron Radecki, Wabana Township Chair/Zoning Commissioner and David Lick spoke in opposition to the variance and their specific objections contained in the testimony and written submissions include:
- A. the proposed porch does not comply with the bluff setback;
 - B. soil erosion from exposed soil;
 - C. lack of supervision to oversee the project, particularly the revegetation requirements;
 - D. size of the porch being larger than the existing deck that was removed and the existing structure allows for a reasonable use of the property; and
 - E. lot size is not sufficient to handle the proposed structures;
 - F. question on the setback from the adjoining property line for the garage
11. Itasca County Surveyor Greg Fordham verified the existence of a 1994 and 1997 survey on file of the property.
12. In response to the questions about the location of the property line and the 10' side yard setback requirement, applicable to the proposed garage, the applicant states that the proposed garage will not encroach upon the side yard setback requirement.
13. The maximum lot coverage requirement of 25% as provided in Section 3.4 of the Zoning Ordinance will not be exceeded if the variance for the garage is granted. .
14. Zoning/Sanitation Administrator Don Dewey verified that the bluff location would only affect the proposed garage.
15. Section 3.17.1 of the Zoning Ordinance requires a structure setback of 30' from the top of a bluff. The proposed garage will be 30' from the top of the bluff if the variance is granted.
16. A new septic system has been installed under Permit #000388. However, the applicant has yet to connect it to the cabin. The new system has been in place for approximately two years and his failure to connect it to the cabin is inexplicable.

FROM THE FOREGOING FINDINGS OF FACT, the Board makes the following:

CONCLUSIONS OF LAW

- 1. The instant variance application should be amended and approved pursuant to Section 19.24, Subpart A, parts 1-4 because:
 - A. The proposed garage and deck/porch are in fact reasonable use for this property and are incidental to the allowed cabin use in the Rural Residential zone;
 - B. The Zoning Ordinance allows for additions to non-conforming structures within the parameters of Section 4.5.2 of the Zoning Ordinance and the proposed site for the porch, as amended by the applicant will comply with those parameters;
 - C. The lot size and topography limits placement of the structures at locations that conform to all setback requirements. These limitations are not created by the landowner;
 - D. The essential character of the area will not be altered as there are other adjacent structures in the area that are similarly located from the lake and road;
 - E. A new septic system has been installed that the applicant assures will be put into operation prior to the construction of the porch and garage; and a shed will be removed that is located on the bluff edge;
 - F. Improved runoff/drainage control and revegetation requirements/measures will be implemented.

NOW THEREFORE, upon the motions of Snowden and Grossell, the Board (3:2) hereby orders and resolves that the 3-season porch/deck be located 53' from Wabana Lake and 38' from the centerline of Zims Lane and the 24'x28' garage be located 30' from the top of the bluff and 10' from the back property line subject to the following conditions and restrictions:

- 1. The porch/ deck be a 12'x20' structure, allowing a full roof over the entire structure, and with the screen porch portion of this structure be limited to 12'x12'; and provided further that the screen porch not be insulated or heated and contain no extension of living area;
- 2. The septic system shall be connected and in operation prior to any further construction; *OK 1/12/06*
- 3. The roof drainage from the house, porch and garage be diverted away from the lake;
- 4. The bank vegetation be restored and maintained and additional tree screening be implemented with at least seven 4 feet in height evergreen/spruce trees be planted, with 1 being placed every 8' in a staggered pattern with a completion date of December 31, 2004. *Completed -*
- 5. Current excavation of deck and lake side area be filled in and re-vegetated;
- 6. The path to the lake be rebuilt to include runoff control such as steps.
- 7. Implementation of the following mitigation measures: A. restore native vegetation buffer within 25' of the OHW or within the first 75% of the distance between the dwelling and the OHW whichever is less; B. maintain existing native vegetation in entire structure setback area; and C. removal of the shed.
- 8. Erosion control during and after construction. The applicant is to work with the Soil and Water Conservation District on an erosion control plan.

ITASCA COUNTY BOARD OF ADJUSTMENT

Byron Snowden III
Byron Snowden III, Chairperson

Aug. 18, 2004
Date

ATTEST:

Don Dewey
Don Dewey, Zoning/Sanitation Administrator

8-18-2004
Date

160' x 100'
Approx.

WABAWA LAKE

Zims Ln

