

PUBLIC HEARING – VARIANCE

Application: Variance Extension Request

Applicant: Alan J. Brown

Agenda Item: 5-1



Mr. Brown has requested a 12-month extension to act on the Variance request that was approved October 17, 2019; his request is below. The Background Information below is from the October 17 Public Hearing and is included for informational purposes only.

Mr. Brown's extension request is below:

Dear Dawn,

Thank you for returning my call. I appreciate the timely response.

This email is in reference to our call requesting an extension to my Variance Request in October 2019.

On October 17, 2019 the Board of Adjustment approved my Variance request related to my property located at 27713 Janco Lane. However, due to the timeframe of my Variance approval I as unable to move forward with my project because of the upcoming winter/spring months.

In addition, the current COVID-19 pandemic situation throughout the United States has added to my project start-up delay.

With that said, I formerly request a second extension for 12 months be approved by the Board of Adjustment.

Please feel free to contact me if there are any questions.

Sincerely,

Alan J Brown

Background Information: The applicant is requesting a Variance to construct a new cabin within the lake setback. Applicant proposes to remove the existing cabin that is 10 feet from the Ordinary High Water (OHW) mark and build a new cabin located 39 feet from the OHW.

The subject property is located at 27713 Janco Lane. The subject property contains a 673.56 square foot cabin that includes a 3-season porch and an entry deck, and a 192 square foot detached shed and is zoned Shoreline Residential.

The subject property is accessed via Janco Lane, which is a private roadway off of Pow Wow Point. There is a recorded easement across the subject property for access to the lot to the north.

Applicant proposes to remove the existing 673.56 square foot cabin and construct a new 950 square foot cabin 39 feet from the OHW, reducing the nonconformity by 29 feet.

The applicant proposes to increase the height of the new cabin by 7 feet. The existing cabin is 13 feet in height and the new cabin would be 20 feet in height. The increase in height would maximize interior space options for the new cabin.

Applicant proposes to install a depression area south of the proposed new cabin to maintain the stormwater on their property. Applicant also proposes to install gutters along the roofline of the new cabin to direct runoff to the depression area.

The subject property is .64 acres in size. There is a wetland behind the shed to the west. Approximately half of the subject property (including the proposed location of the dwelling) is located within the 100-year floodplain of East Twin Lake (identified in green below).



The adjacent properties to the north and south are also seasonal cabins and zoned Shoreline Residential. The subject property is bounded on the west by State Highway 371.

The subject property is served by a shallow well and two holding tanks. Applicant proposes to seal the shallow well and have a deep well drilled for the new cabin. Applicant proposes to move the existing lift tank and utilize the existing holding tanks for the new cabin.

The conditions of approval are:

1. Existing trees and vegetation between the dwelling and the OHW shall remain in a live state to provide screening as viewed from the lake. In the event the existing trees and vegetation dies or is damaged by a natural event, additional trees and vegetation shall be planted to provide screening as viewed from the lake.
2. All disturbed areas shall be stabilized with properly installed erosion control mats, bio-logs and/or silt fence until vegetation is permanently established.
3. The structure must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation (1,221.6' - NAVD88) or 3 ft above the Ordinary High Water level (constructed at an elevation 1,222' - NGVD 29) - whichever is higher.
4. The finished fill elevation for the structure shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure.
5. Before the foundation for the dwelling is constructed the applicant shall submit certification by a licensed land surveyor verifying the fill meets the minimum elevation requirements of this variance approval.
6. After the dwelling is constructed the applicant shall submit certification from a professional land survey verifying the finished fill and building

elevations were accomplished in compliance with the conditions of this variance approval and the standards of the Floodplain Management Overlay District.

7. Gutters shall be installed on the north and south sides of the dwelling. Stormwater shall be directed to the “existing depression area” identified on the survey.
 - a. *The planning commission should consider requiring a more comprehensive stormwater management plan.*

Applicable Regulations:

Section 17-11.7 VARIANCES

9. Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.

Planning Commission Direction: The Planning Commission can approve the extension request, deny the extension, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. Circumstances out of applicant’s control have prevented him from beginning construction of the new cabin.

Staff Recommendation: We recommend that the variance request to construct a new cabin within the lake setback allowed be approved, based on the above findings and subject to the following conditions:

1. All conditions of the October 17, 2019 approval remain;
 2. Applicant shall act upon the October 17, 2019 approval by October 19, 2020 OR April 21, 2021?
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