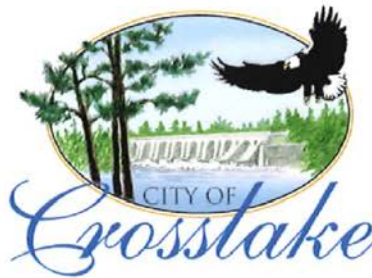


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



13888 Daggett Bay Rd
Crosslake, Minnesota 56442
www.cityofcrosslake.org

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

July 26, 2024
9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Rd, Crosslake MN 56442
(218) 692-2689

PUBLIC HEARING NOTICE

Applicant: James S & Karen A Clapper

Authorized Agent: N/A

Site Location: 15258 Birch Narrows Rd, Crosslake, MN 56442 on Daggett Lake - GD

Variance for:

- Lake setback of 37.4 feet where 75 feet is required to proposed deck
- Lake setback of 69.3 feet where 75 feet is required to proposed deck
- Existing impervious is 30.1% where 25% is allowed

To construct and allow:

- 200 square foot deck with a large majority in the SIZ 2
- 252 square foot deck with 45 square feet in the SIZ 2
- 30.1% impervious where 25% is allowed by the city ordinance

Notification: Pursuant to Minnesota Statutes Chapter 462, and the City of Crosslake Zoning Ordinance, you are hereby notified of a public hearing before the City of Crosslake Planning Commission/Board of Adjustment. Property owners have been notified according to MN State Statute 462 & published in the local newspaper. Please share this notice with any of your neighbors who may not have been notified by mail.

Information: Copies of the application and all maps, diagrams or documents are available at Crosslake City Hall or by contacting the Crosslake Planning & Zoning staff at 218-692-2689. Please submit your comments in writing including your name and mailing address to Crosslake City Hall or (crosslakepz@cityofcrosslake.org).



STAFF REPORT

Property Owner/Applicant: James S & Karen A Clapper

Parcel Number(s): 14100695

Application Submitted: June 17, 2024

Action Deadline: August 15, 2024

City 60 Day Extension Letter sent / Deadline: NA / NA

Applicant Extension Received / Request: NA / NA

City Council Date: NA

Authorized Agent: N/A

Variance for:

- Lake setback of 37.4 feet where 75 feet is required to proposed deck
- Lake setback of 69.3 feet where 75 feet is required to proposed deck
- Existing impervious is 30.1% where 25% is allowed

To construct and allow:

- 200 square foot deck with a large majority in the SIZ 2
- 252 square foot deck with 45 square feet in the SIZ 2
- 30.1% impervious where 25% is allowed by the city ordinance

Current Zoning: Shoreland District

Existing Impervious Coverage:

30.1%

- A stormwater management plan was submitted
- Compliant septic compliance inspection on file dated 6-5-2024

Proposed Impervious Coverage:

30.1%

Parcel History:

- September 1971 – 24x24 Garage
- September 1979 – 8x12 deck
- December 1987 – septic
- March 2000 -2 story 25x25; basement 23x25; upgrade septic (only septic approved in April 2000 variance)
- April 2000 – Variance approved to install a septic system at one-foot setback from the side property line

PUBLIC HEARING

1. **Variance 00-02, Jim & Karen Clapper.** The Clapper's are requesting a Variance from the 10' sideyard setback to 1' in order to install a sewage system treatment area. Jim Clapper was present to represent himself.

Mr. Clapper stated that his current home is only 960 square feet and that there is not enough room for his family of five. He has a plan to add on to the current home and the plan requires a septic system enlargement. Due to the narrow, irregular shape of the lot the only place to install the required addition is closer to the side property line than the 10' setback.

MOTION 03-03-00 WAS MADE BY JIM TRAUTMANN AND SECONDED BY NANCY KOCH TO APPROVE VARIANCE 00-02 IN ORDER TO RELIEVE THE HARDSHIP OF THE NARROW, IRREGULAR LOT SHAPE WITH THE FOLLOWING CONDITIONS: NO FURTHER EXPANSION OF THE DWELLING ON THE PROPERTY AND THE DRAINFIELD MUST BE MARKED TO ELIMINATE SOIL COMPACTION. MOTION CARRIED UNANIMOUSLY.

- Septic upgrade design or a compliance inspection will be needed

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comment received before packet cutoff date

City Engineer: N/A

Lake Association: No comment received before packet cutoff date

Crosslake Public Works: No comment received before packet cutoff date

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comment received before packet cutoff date

POSSIBLE MOTION:

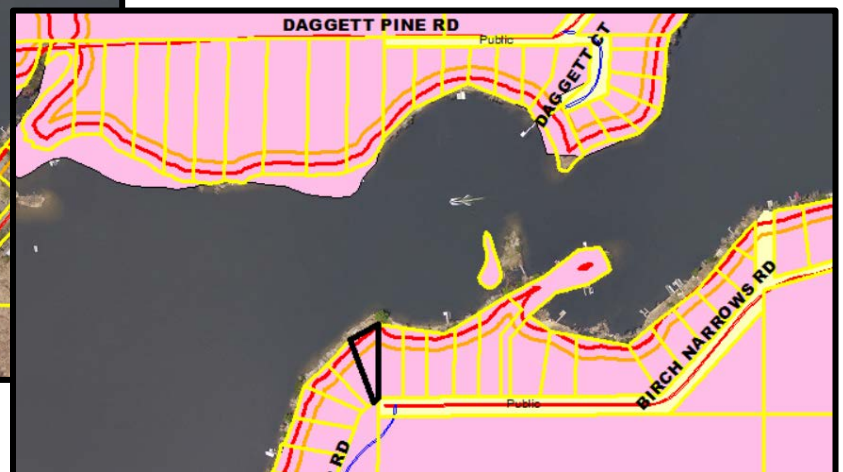
To approve/table/deny the variance to allow:

- Lake setback of 37.4 feet where 75 feet is required to proposed deck
- Lake setback of 69.3 feet where 75 feet is required to proposed deck
- Existing impervious is 30.1% where 25% is allowed

To construct and allow:

- 200 square foot deck with a large majority in the SIZ 2
- 252 square foot deck with 45 square feet in the SIZ 2
- 30.1% impervious where 25% is allowed by the city ordinance

As shown on the certificate of survey dated 6-17-2024



JAMES S & KAREN A CLAPPER PROPERTY

PERMIT HISTORY

This property is classified as Shoreland District

- September 1971 – 24x24 Garage
- September 1979 – 8x12 deck *2008 replaced*
- December 1987 – septic
- March 2000 -2 story 25x25; basement 23x25; upgrade septic from approved variance
- April 2000 – Variance approved to install a septic system at one-foot setback from the side property line

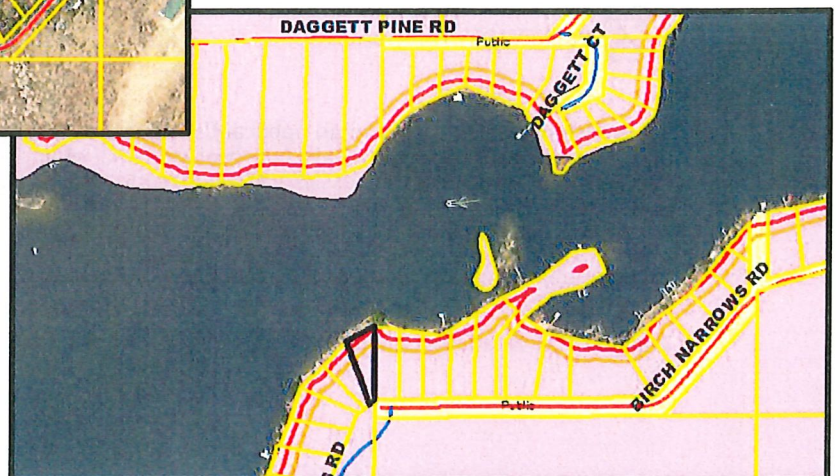
PUBLIC HEARING

1. **Variance 00-02, Jim & Karen Clapper.** The Clapper's are requesting a Variance from the 10' sideyard setback to 1' in order to install a sewage system treatment area. Jim Clapper was present to represent himself.

Mr. Clapper stated that his current home is only 960 square feet and that there is not enough room for his family of five. He has a plan to add on to the current home and the plan requires a septic system enlargement. Due to the narrow, irregular shape of the lot the only place to install the required addition is closer to the side property line than the 10' setback.

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- Septic upgrade design or a compliance inspection will be needed



*Ux17 survey certificate
req'd*

12 count

CERTIFICATE OF SURVEY

PART OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER,
SECTION 10, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA
TOTAL AREA = 18,866 SQ.FT. ± / 0.4 ACRES ±

LEGAL DESCRIPTION PER DOCUMENT NUMBER 425675

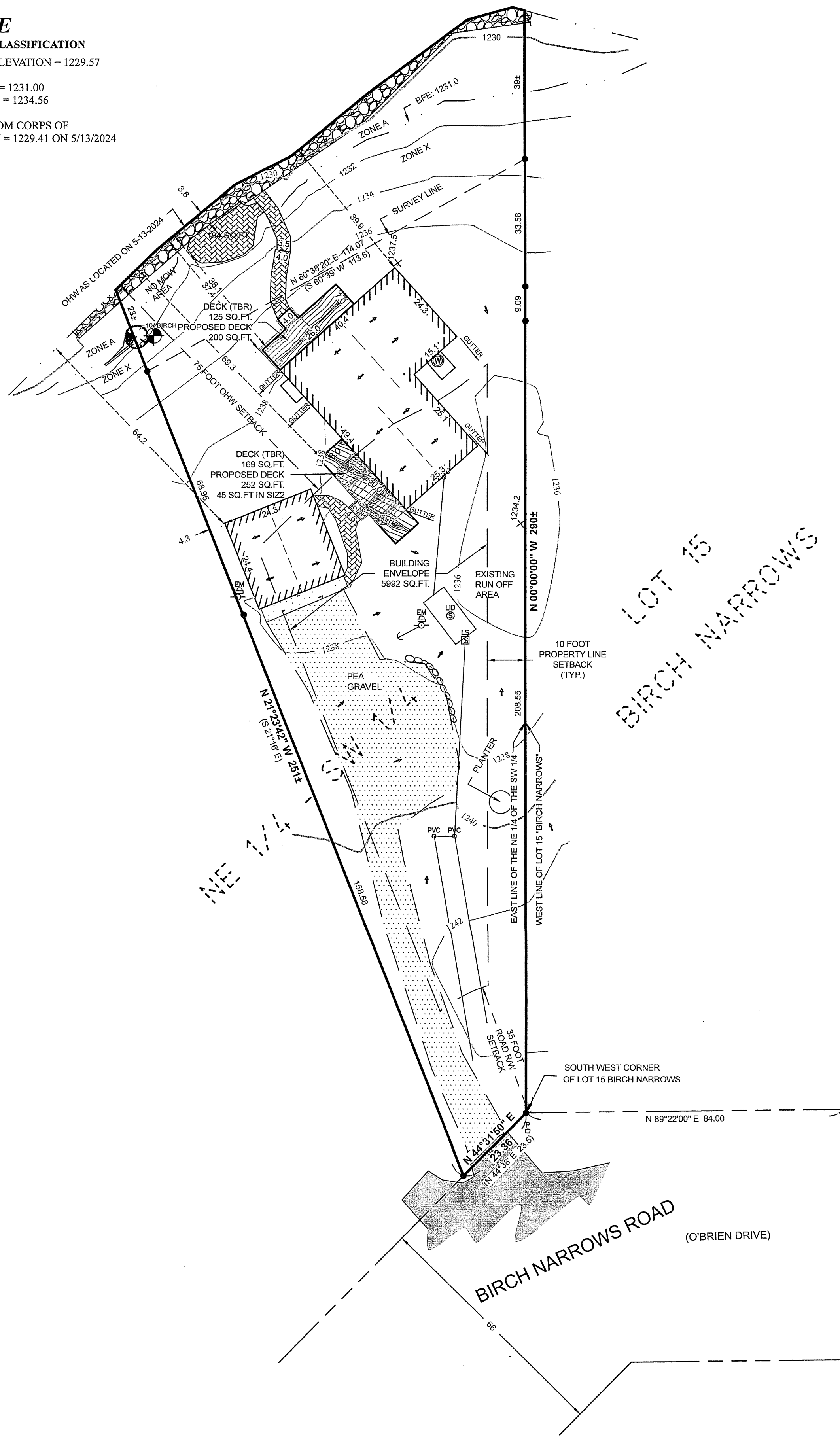
That part of the NE 1/4 SW 1/4, Section 10, Township 137, Range 27, described as follows:
Beginning at the point on the East line of said NE 1/4 SW 1/4 which is the Southwest corner of Lot 15,
Birch Narrows, thence North 250.9 feet along said East line (West line of Lot 15 "Birch Narrows")
to the shore of Daggett Lake; thence South 60 degrees 39 minutes West 113.6 feet along said shore;
thence South 21 degrees 16 minutes East 227.6 feet; thence North 44 degrees 38 minutes East 23.5
feet to the place of beginning.

DAGGETT LAKE

GENERAL DEVELOPMENT CLASSIFICATION
NORMAL RESERVOIR POOL ELEVATION = 1229.57

100 YEAR FLOOD ELEVATION = 1231.00
HIGHEST KNOWN ELEVATION = 1234.56

INFORMATION OBTAINED FROM CORPS OF
ENGINEERS LAKE ELEVATION = 1229.41 ON 5/13/2024
NGVD 29 DATUM



LEGEND

- DENOTES EXISTING RETAINING WALL
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- 1208— DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210— DENOTES EXISTING INDEX CONTOURS
- 10" OAK DENOTES EXISTING DECIDUOUS TREES, TYPE, & SIZE
- DENOTES EXISTING UTILITY POLE
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- EM DENOTES EXISTING ELECTRIC METER
- PE DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- W DENOTES EXISTING WELL
- PVC, SCD, LB, LS DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- LS DENOTES EXISTING SEPTIC LIFT STATION
- (TBR) DENOTES "TO BE REMOVED"
- BENCHMARK:**
SET A DOUBLE HEADED NAIL IN THE EAST FACE OF A 10" BIRCH.
- ELEV. = 1234.60
NGVD 29 DATUM
- (123.45) DENOTES PLAT AND/OR DEEDED MEASURE
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF BIRCH NARROWS.

IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House & Cellar	2,067	18,866	11.0%
Garage	594	18,866	3.1%
Concrete & Pavers	509	18,866	2.7%
Pea Gravel	2,477	18,866	13.1%
Bituminous Driveway	25	18,866	0.1%
Total	5,672	18,866	30.1%

RUN OFF CALCULATIONS

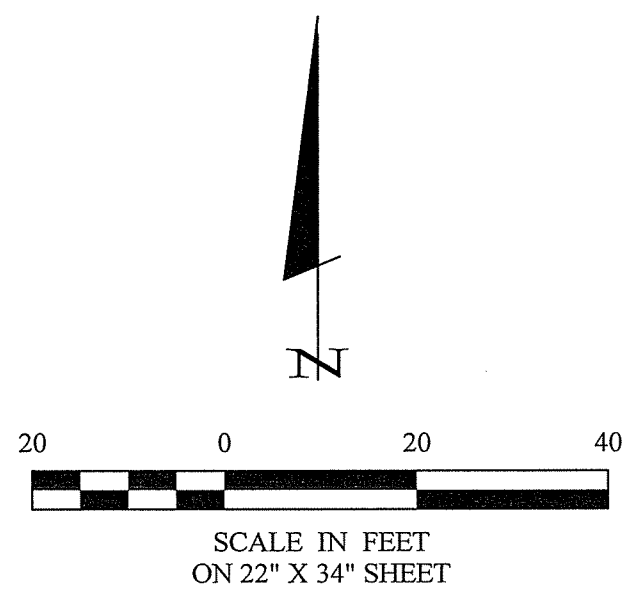
Total Impervious Surface Area 5,672 sq. ft. x 0.0833 ft. = 473 cu. ft. (from table above)

EXISTING RUN OFF AREA

SURFACE AREA = 1,356 SQ. FT.
1.8' DEEP
TOTAL RUN OFF STORAGE EXISTING = 1,220 CU. FT.

NOTES:

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 5/13/2024.
- Zoning for subject tract = "SHORELAND DISTRICT".
- Parcel ID of subject parcel: 14100695.
- The E911 address of subject parcel: 15258 Birch Narrows Road.
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Approximate location of septic system per City of Crosslake, Crow Wing County Certificate of Installation dated 8-10-2000 - Permit #7552
- No wetlands were found on 4-22-2024 at the site per Ben Meister, Meister Environmental, LLC. MN Certified Wetland Delineator #1031.
- There are no bluffs located within surveyed property.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.



SHEET 1 OF 1	CERTIFICATE OF SURVEY	PROJECT MANAGER: CMH	PROJECT No.: 24094	DATE: 6-4-2024	REVISIONS DATE DESCRIPTION BY	I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. Cynthia M. Hidde CYNTHIA M. HIDDE PLS# 44881 DATE: 6/17/2024 LIC. NO. 44881	 30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurveying.com
	Jim & Karen Clapper 115 W Pleasant Lake Road North Oaks, MN 55127	CHECKED BY: RJF	FILE NAME: C24094.DWG	SCALE: HORIZ. 1" = 20'	6-17-2024 Revised gutter location CMH		
		DRAWN BY: CMH	FIELD BOOK: BOOK PG.	VERT. NONE			

Design Review Team application
Existing deck pictures
Jim & Karen Clapper March 2024

Front deck, cedar
construction, built in
2008, significant
deterioration



Lakeside deck, cedar
construction, built in
2008, significant
deterioration



Lakeside deck, cedar
construction, built in
2008, significant
deterioration



City of Crosslake
Planning & Zoning Dept
13888 Daggett Bay Rd
Crosslake, MN
56442

Subject: Clapper Variance Application Stormwater Plan

Please find enclosed documents:

Stormwater Detail, taken from Signed Certificate of Survey
Stormwater explanation p1
Stormwater explanation p2

1. There are five rain gutters, draining water from the rooftop of the lakehome. I have numbered them 1 – 5. There is no rain gutter on the north-east corner of the structure.
2. Rain gutters 1, 2, 3 remove most of the water from the structure and the flows to the existing run-off area, with a low point of 1234.2 ft which is away from Daggett Lake and is clearly shown on the survey drawing.
3. Rain gutters 4 and 5 drain water from half of the lower rooftop of the lake side of the lakehome. These drain into a neutral slope and into a combination of river rock and vegetation. These two gutters are about 49 feet from the OHW mark and we have never experienced any erosion or visible runoff towards the lake in our 34 years of owning this home.
4. The pea gravel driveway has been counted as being impervious and represents a majority of my impervious surface area, measured at 13.1% of my total property net area. I do not agree that this surface is totally impervious, and it should get some sort of proportional treatment. Also, any runoff from the driveway flows to the existing run-off area and not towards Daggett Lake.

I request that you accept this plan and approve my variance to replace and enlarge my two decks.



Jim and Karen Clapper
15258 Birch Narrows Rd
Crosslake, MN
56442
651-235-5779



Rain gutters #1 and #2,
on the north-east
elevation. Both flow
towards the existing Run Off
Area, away from
Daggett Lake



Rain gutters #2 and #3,
on the south-east
elevation. Both flow
towards the existing Run Off
Area, away from
Daggett Lake



Rain gutters #4 and #5, on the south-west elevation. Both drain water from a rooftop area of 435 sft onto neutral slope, 49 feet away from OHW. Water runs onto combination of river rock and vegetation.

New No Maintenance
shoreline buffer
13' x 22' = 286 sqft

OHW AS LOCATED ON 5-13-2024

DECK (TBR)
125 SQ.FT.
10" BIRCH PROPOSED DECK
200 SQ.FT.

75 FOOT OHW SETBACK

DECK (TBR)
169 SQ.FT.
PROPOSED DECK
252 SQ.FT.
45 SQ.FT IN SIZ2

Stormwater
Detail

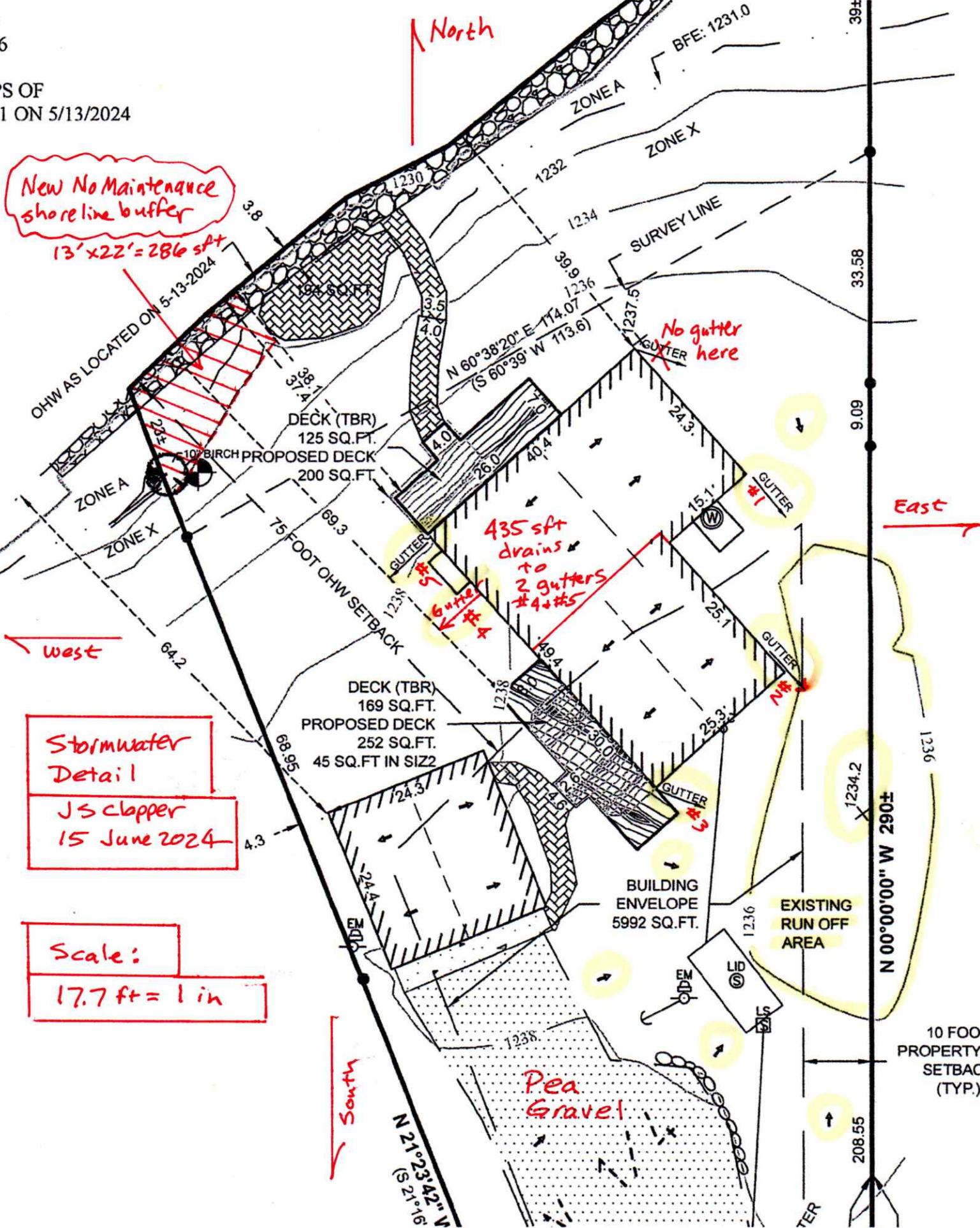
JS clopper
15 June 2024

Scale:
17.7 ft = 1 in

South

North

East



BFE: 1231.0

ZONE A

ZONE X

SURVEY LINE

No gutter here

GUTTER #1

GUTTER #2

GUTTER #3

BUILDING ENVELOPE
5992 SQ.FT.

EXISTING RUN OFF AREA

10 FOOT
PROPERTY
SETBACK
(TYP.)

N 00°00'00" W 290±

N 21°23'42" W
(S 21°16')

39±

33.58

9.09

1234.2

1236

208.55

TER

DETERMINED FROM CORPS OF NAVIGATION = 1229.41 ON 5/13/2024

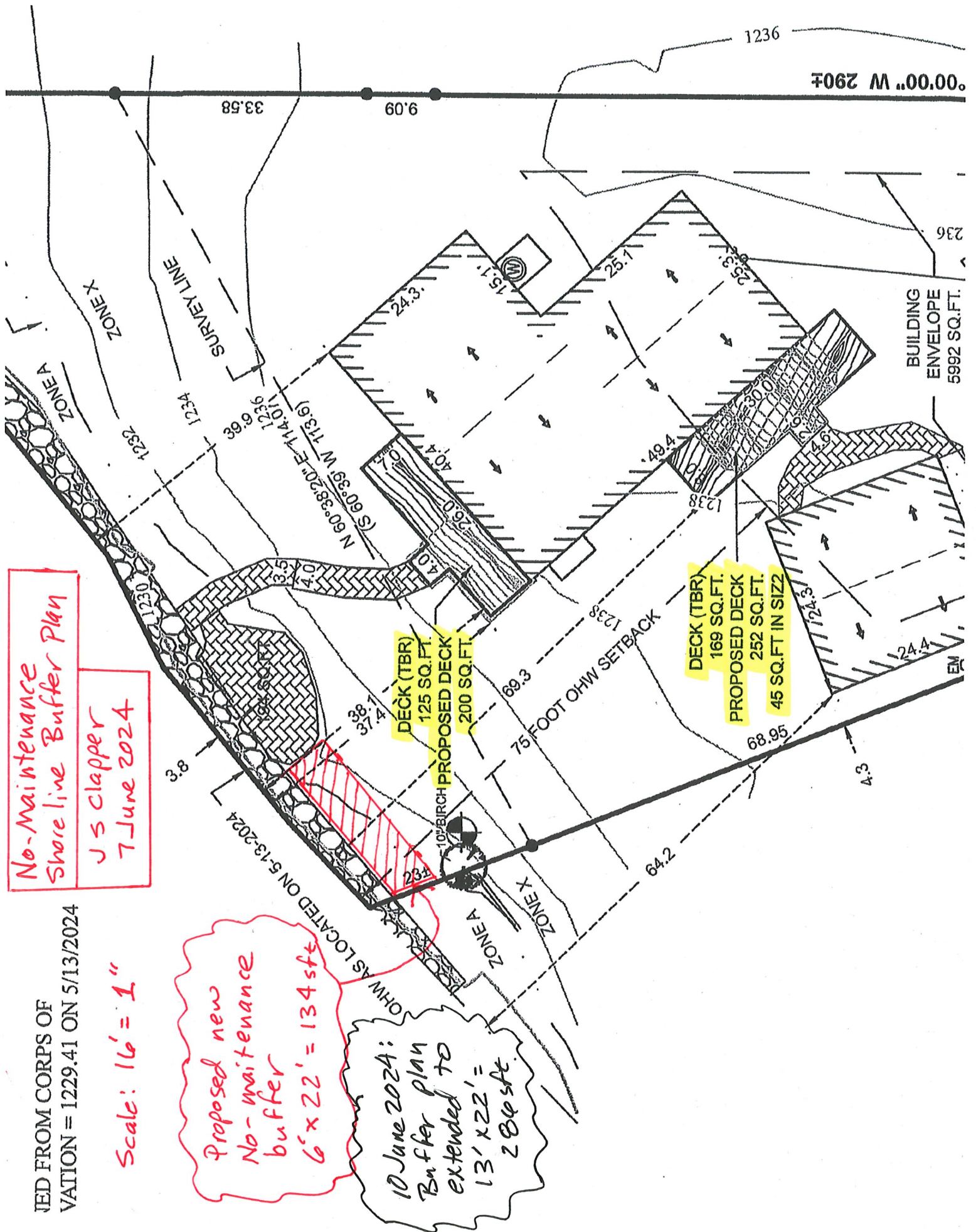
Scale: 1/6" = 1'

Proposed new No-maintenance buffer 6' x 22' = 134 sqft

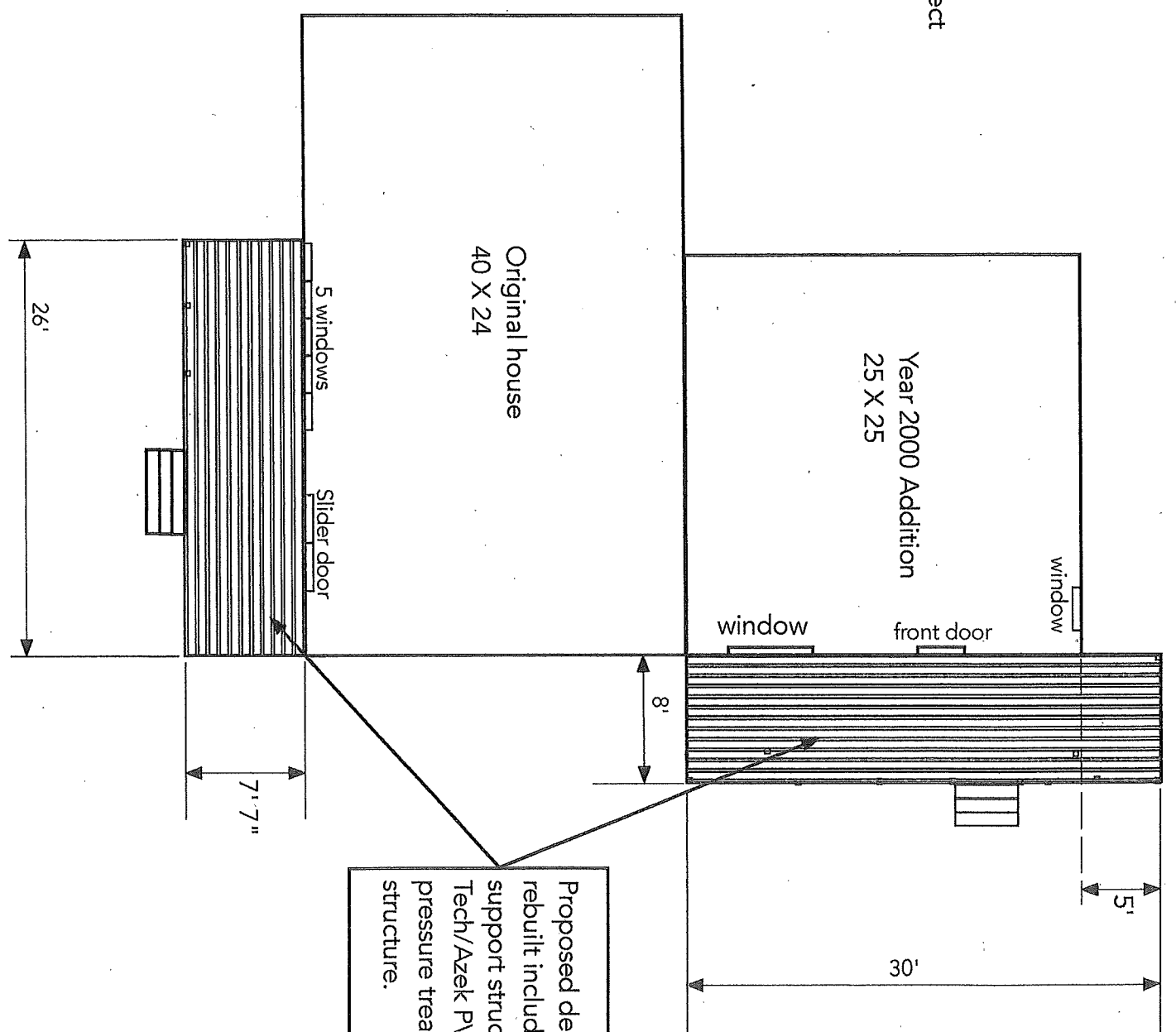
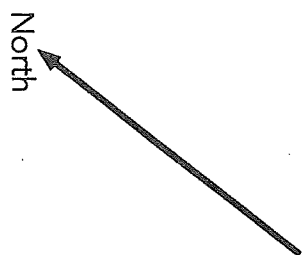
10 June 2024: Buffer plan extended to 13' x 22' = 286 sqft

No-maintenance Shoreline Buffer Plan

J S Clapper 7-June 2024

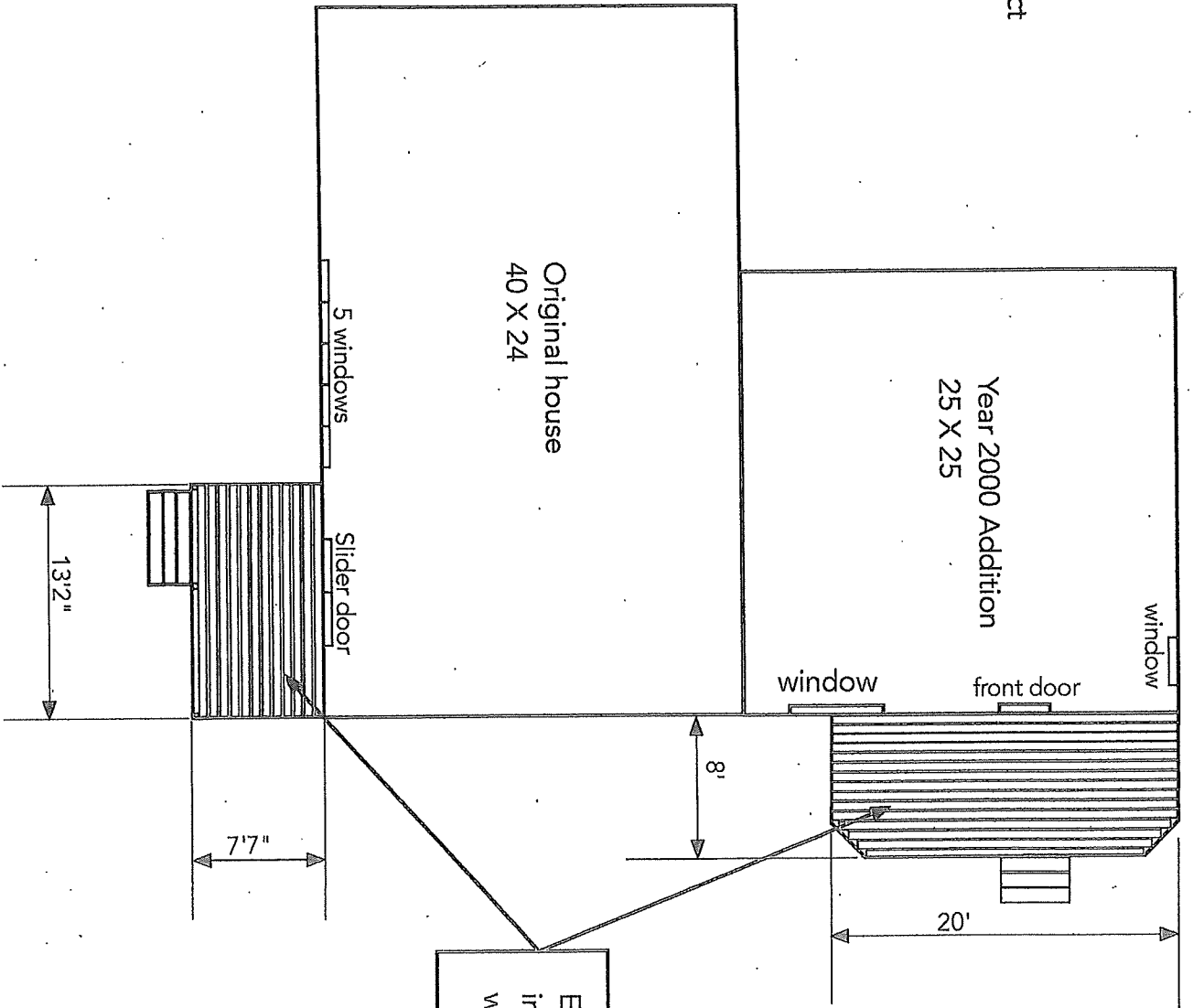
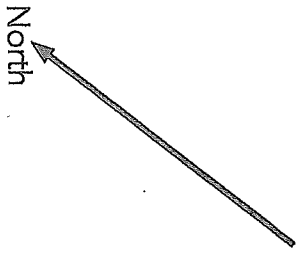


Clapper Lakehome
Deck Replacement Project
Scale: 1" = 10'
9 Feb 2024

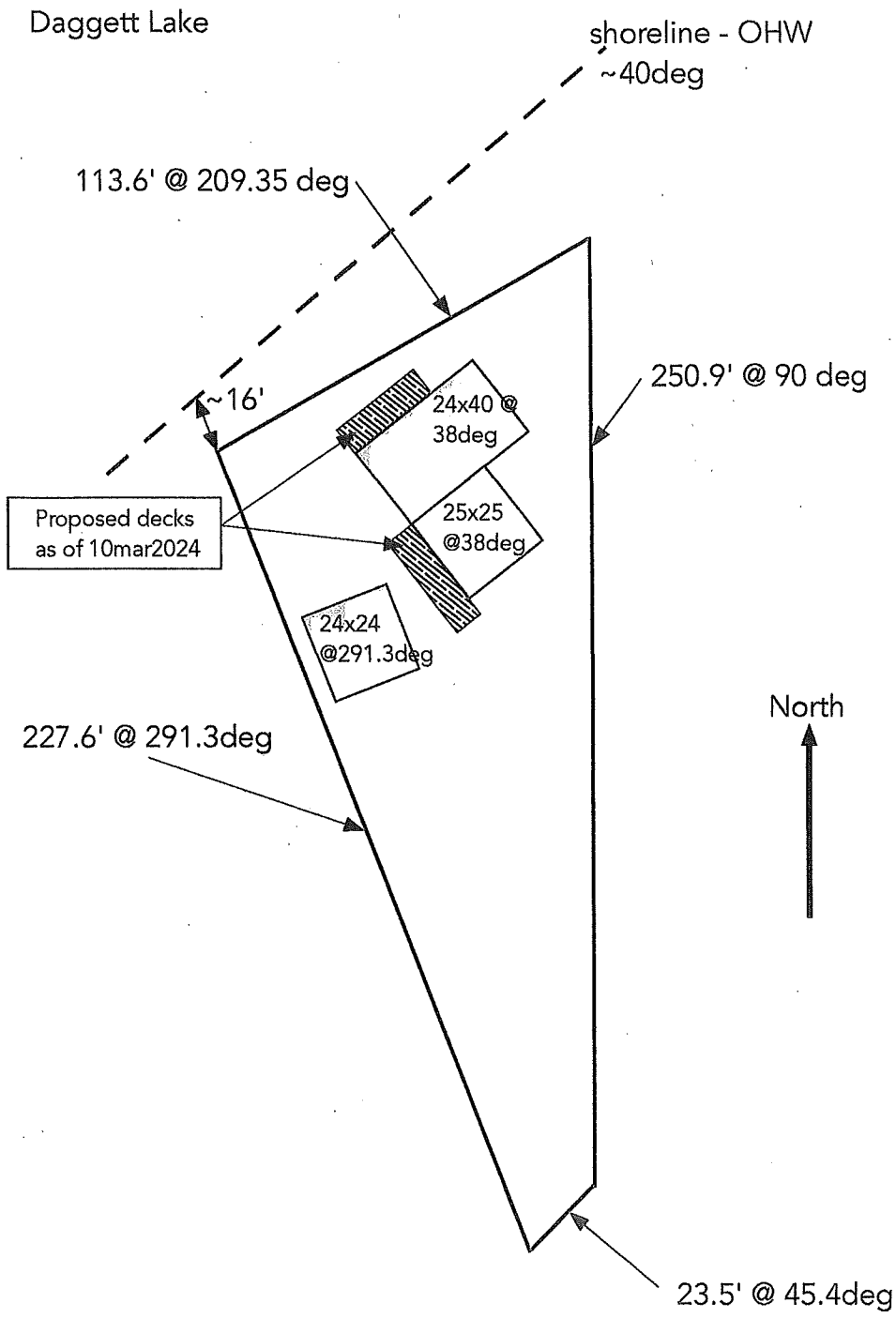


Proposed decks: completely rebuilt including footings, support structure. Timber Tech/Azek PVC decking, pressure treated support structure.

Clapper Lakehome
Deck Replacement Project
Scale: 1" = 10'
9 Feb 2024



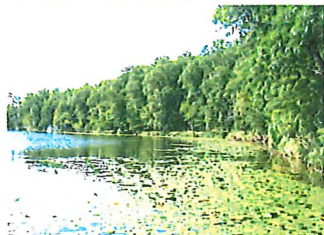
Existing decks, cedar, built in ~2006. Deteriorated, worn and too small.



Proposed decks
as of 10mar2024

Clapper Lakehome Lot Plan
 PID 14100695
 15258 Birch Narrows Rd
 Crosslake, MN 56442
 0.38 acres per deed
 Section 10, Twp 137, Range 027
 Scale: 1/4" = 12'

Appendix C: SHORELINE RAPID ASSESSMENT MODEL



The City of Crosslake's Shoreline Rapid Assessment Model (SRAM) is a tool for quickly and objectively determining the degree of natural vegetation along a shoreline and the amount of natural buffer required to meet Ordinance requirements. With this model, the Shore Impact Zones (SIZ-1 & SIZ-2) are evaluated for natural vegetative cover and a cumulative score is tallied. Vegetative restoration that may be necessary must be performed according to Article 19.

Shoreline:

Condition of Shoreline	Score:
Stable shoreline	0
< 25% of shoreline is eroding or unstable	-1
25-50% of shoreline is eroding or unstable	-2
50-75% of shoreline is eroding or unstable	-3
> 75% of shoreline is eroding or unstable	-4

Ground cover:

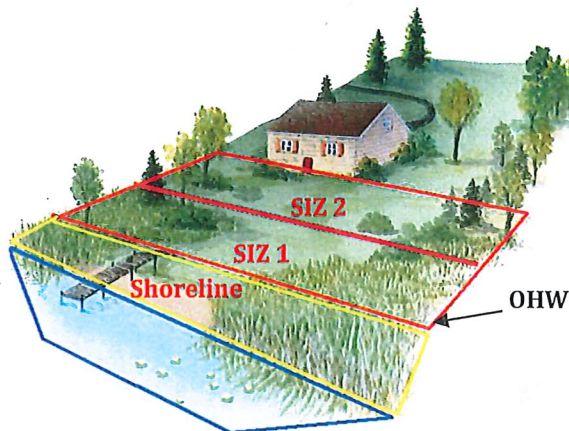
% Naturally Vegetated Cover in SIZ 1	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	3
50-75% natural vegetated cover	5
> 75% natural vegetated cover	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	2
50-75% natural vegetative cover	3
> 75% natural vegetated cover	4

Trees / shrubs:

% Naturally Vegetated Cover in SIZ 1	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	3
50-75 % of surface is covered by shrubs and trees	5
> 75% of surface is covered by shrubs and trees	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	2
50-75 % of surface is covered by shrubs and trees	3
> 75% of surface is covered by shrubs and trees	4



If score is 0-5:

- Leave a 20' No Mow Buffer & possible other mitigation efforts

If score is 6-10:

- Leave a 15' No Mow Buffer

If score is 11-15:

- Leave a 10' No Mow Buffer

Above buffers shall allow for an access area to lake, per Ordinance requirements

Landowner Clapper Permit or Parcel Number 14100695
 Score 10 (Max Score = 22)
 Crosslake Planning & Zoning Department Staff [Signature]



Variance Application
 Planning and Zoning Department
 13888 Daggett Bay Road, Crosslake, MN 56442
 218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

Receipt Number: 244206

Permit Number: 240112 V

Property Owner(s): James S & Karen A Clapper

Mailing Address: 115 W Pleasant Lk Rd, North Oaks, MN 55127

Site Address: 15258 Birch Narrows Rd, Crosslake, MN 56442

Phone Number: 651-235-5779

E-Mail Address: j.s.clapper@comcast.net

Parcel Number(s): 14100695

Legal Description: That part of the NE1/4 of SW1/4 descr as foll; beg at the pt on the E line of said NE1/4 of SW1/4 which is the SW corner of lot 15 Birch Narrows thence north 250.9ft alg said Line W line of Lot 15 Birch Narrows W to the shore of Daggett Lake thence S 60 deg 39 min W 113.6 ft alg said shore thence S 71 deg 16 min E 227.6 ft then N 44 deg 38 min E 23.5 ft to the place of beg with easements of record

Sec 10 Twp 137 Rge 26 27 28

Lake/River Name: Daggett Lake

Do you own land adjacent to this parcel(s)? ___ Yes X No

If yes list Parcel Number(s) _____

Authorized Agent: _____

Agent Address: _____

Agent Phone Number: _____

Variances	
(Check applicable requests)	
<input checked="" type="checkbox"/>	Lake/River Setback <i>37.4' 200 Deck s/b 75'</i> <i>29.3' 250 Deck</i>
<input type="checkbox"/>	Road Right-of-Way Setback
<input type="checkbox"/>	Bluff Setback
<input type="checkbox"/>	Side Yard Setback
<input type="checkbox"/>	Wetland Setback
<input type="checkbox"/>	Septic Tank Setback
<input type="checkbox"/>	Septic Drainfield Setback
<input checked="" type="checkbox"/>	Impervious Coverage <i>30.1% s/b 25%</i>
<input type="checkbox"/>	Accessory Structure
<input type="checkbox"/>	Building Height
<input type="checkbox"/>	Patio Size
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Signature of Property Owner(s): James S Clapper / Karen A. Clapper Date 7 June 2024

Signature of Authorized Agent(s) _____ Date _____

- All applications must be accompanied by a signed Certificate of Survey
- Fee ~~\$500~~ \$750.00 for Residential and Commercial Payable to "City of Crosslake" *CK# 10604 + 10605* \$500 + \$250
- No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Land Use Ordinance.

For Office Use:
 Application accepted by CS Date 6-17-24 Land Use District SD

Lake Class GD Septic: Compliance 6-5-24 SSTS Design — Installation —



Practical Difficulty Statement

Pursuant to City of Crosslake Ordinance Article 8 – Variances may be granted when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty”.

Please answer the following questions regarding the “practical difficulty” for your variance request.

1. Is the Variance request in harmony with the purposed and intent of the Ordinance?

Yes No

Why:

The property is zoned Shoreland District. The proposed decks are replacing existing decks for safer and better use and are a typical improvement on a Shoreland District property.

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

The request is consistent with the Comprehensive Plan replacing what is already in place and increasing size for better use.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why: We have two small cedar decks attached to the exterior of the house that are beyond repair.

The lakeside deck is within the setback and the other at the main entrance is just slightly inside the setback. We want to rebuild these decks and lengthen them to allow more seating and a table for meals.

4. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why:

The two decks will be extended alongside the house, but not extended outward from the house. Especially for the lakeside deck, it will not extend any closer to the lake.

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why: The original house was built in 1957 before shoreline setbacks were in place. The addition in 2000 was positioned to be outside the setback requirements of that time and the basic structure of the original house was maintained. The small lakeside deck adjoining the original structure is inside the current setback and was rebuilt in 2004 within its original footprint.

6. Does the need for a Variance involve more than economic considerations?

Yes No

Why: The existing decks are quite small and do not allow use by more than a few people at a time.

They do not have enough room to enjoy a meal outside and space for two grills.

By lengthening the decks, we can accomodate more people and enjoy meals outside.

We are not able to meet the 25% impervious requirement but purposely put down pea gravel for our driveway to provide permeability, instead of bituminous and will keep it that way. The survey shows that any storm water runoff goes into the “1234.2” low area and not the lake.



City of Crosslake Planning Commission/Board of Adjustment

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Planning Commission/Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty” according to Minnesota Statute Chapter 462. The Planning Commission/Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are “practical difficulties” in complying with regulations and standards set forth in the Land Use Ordinance.

1. Is the Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why:

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why:

4. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why:

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

6. Does the need for a Variance involve more than economic considerations?

Yes No

Why: