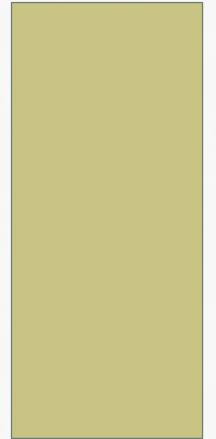


NON-CONFORMITIES

SEPTEMBER 2017



OVERVIEW

- Statute References
- Ordinance References
- Non-conformity determination
- Processing a permit request

NONCONFORMITY DETERMINATION

- ? What **was** the official control at the time?
- ? Was a permit required?
- ? What does the permit say?
- ? How much discretion will you give?

394.36, SUBD 4 & 5(F)

HOMESTEAD, NON-HOMESTEAD OR SEASONAL RESIDENTIAL/RECREATIONAL TAX CLASS

- Continued through...
 - Repair
 - Restoration
 - **Replacement:** Reconstruction or restoration; means construction that exactly matches pre-existing conditions.
 - **Maintenance:** Normal upkeep of a structure including the replacement of windows, doors, siding, external roof surfaces or exterior finish, such as paint or stain.
 - **Improvement:** Making a non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion or enlargement.

394.36, SUBD 4 & 5(F)

HOMESTEAD, NON-HOMESTEAD OR SEASONAL RESIDENTIAL/RECREATIONAL TAX CLASS

- Discontinued? Destroyed?
 - Over a year
 - Destroyed by fire or other peril. YES people are peril
 - 50% of EMV
 - No permit application within 180 days=loose status



394.36, SUBD 4 & 5 (F)

HOMESTEAD, NON-HOMESTEAD OR SEASONAL RESIDENTIAL/RECREATIONAL TAX CLASS

- Replacement structures
 - Apply for permit within 180 days
- Shoreland
 - Setback can be increased to mitigate
 - Vegetative buffers
 - Reducing impervious
 - Stormwater

CHECKLIST

NONCONFORMING STRUCTURES - ENV. MITIGATION ASSESSMENT CHECKLIST

This checklist is intended to provide an assessment of conditions to the ES Dept. to determine whether mitigation of potential environmental impacts are necessary per MN Statutes H.F. No 519, 3rd Engrossment - 86th Legislative Session (2009-2010)[H0519-3]

Existing structure dimensions documented? Length _____ Width _____ Height _____

Is the structure located within the shore impact zone?

Are there any existing erosion problems onsite?

If the impervious surface lot coverage is greater than 25% of the lot area, has the applicant obtained an approved variance from the Stearns County Board of Adjustment?

Can a Type I septic system be installed? If not, has the applicant obtained an approved variance from the Stearns County Board of Adjustment?

Are there any steep slopes or bluffs on the property as defined by Section 3 of Ord. #439?

CHECKLIST

What is the current vegetation on the property? (Include both ground cover and canopy cover assessments)

What is the 15% threshold analysis of the Stearns County Pollutant Loading Model?

Are impacts to wetlands avoided?

Is an erosion and sediment control plan required per Section 7.10, Ord. #439? If so, use existing ordinance requirements for mitigation.

Is a stormwater management plan required per requirements of Section 7.25 of Ord#439? If so, use existing ordinance requirements for mitigation.

Can the setback be increased without destroying mature tree canopy?

Can the setback be increased without encroaching on setback requirements from the well, septic system, side property line, road, bluff/steep slope?

Can the setback be increased without destroying the character or use of the structure (i.e.-boathouses, W.O.A.S.)

Does the structure meet the RFPE? (If no, apply current floodplain regulations)

WHAT IT DOESN'T MEAN



Flat to pitched.....Pitched to flat

Changing footprint/same square footage

Replacing salvaged structure

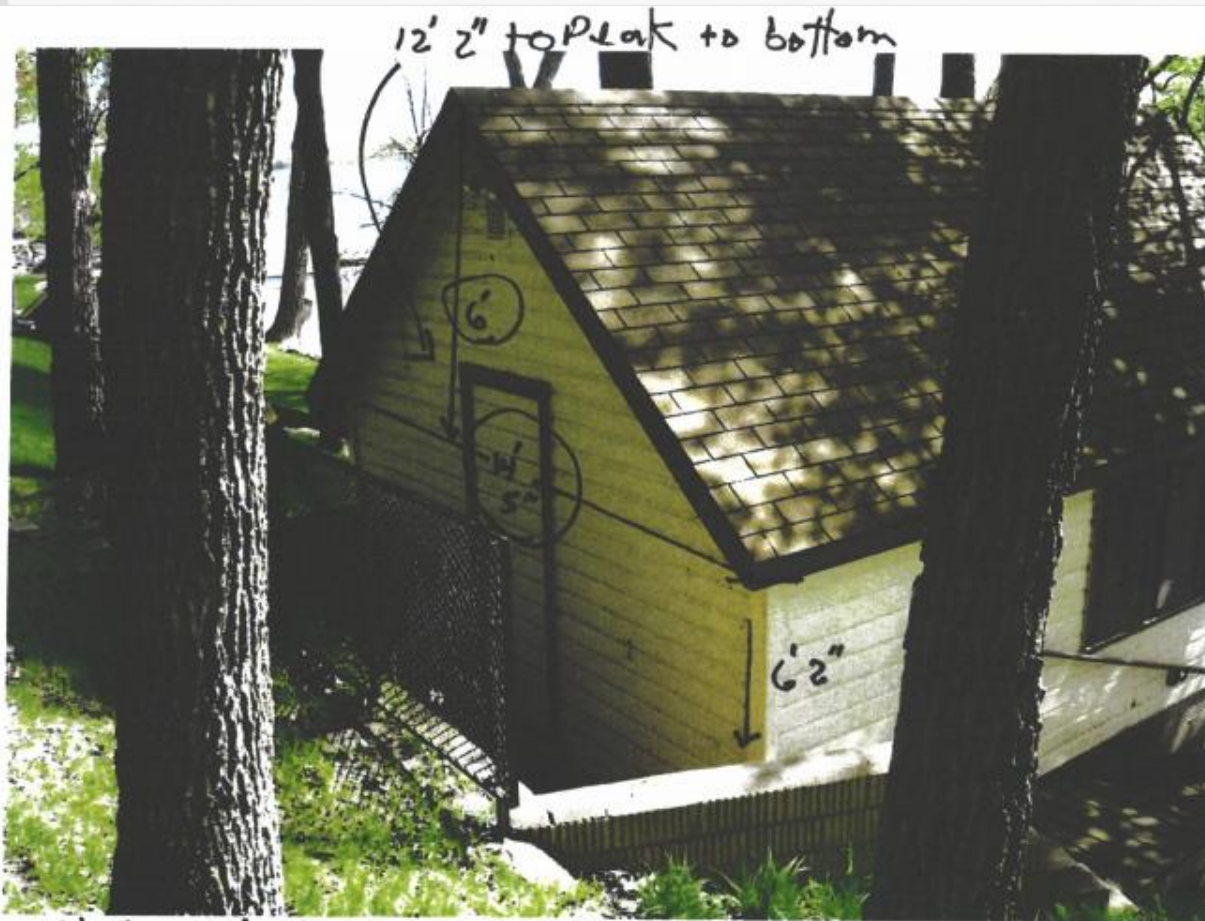
Build over the property line



Extra Features

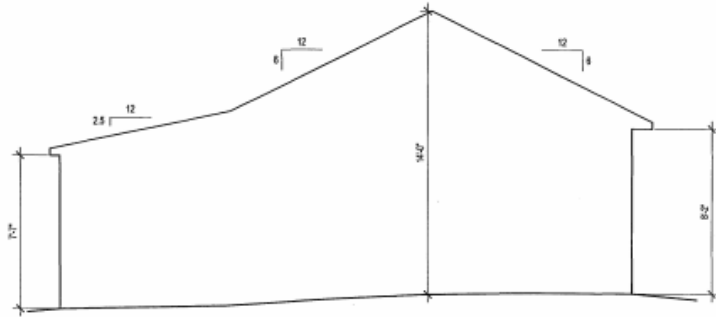
Seq	Val Code	Description	Year Built	Value	Length	Width	Height
1	000032	SALVVALUE NO VALUE	1900	\$0.00	12	18	0
2	000039	GRANARY	1900	\$259.00	16	20	0
3	000032	SALVVALUE NO VALUE	1900	\$0.00	12	40	0
4	000060	OLDBARN NO MILKING	1900	\$1,728.00	32	50	0
5	000032	SALVVALUE NO VALUE	1900	\$0.00	12	20	0
6	000075	SHED - \$4.50	1900	\$486.00	15	32	0
7	000031	SALVVALUE \$ 100	1940	\$200.00	0	0	0

DOCUMENT EVERYTHING

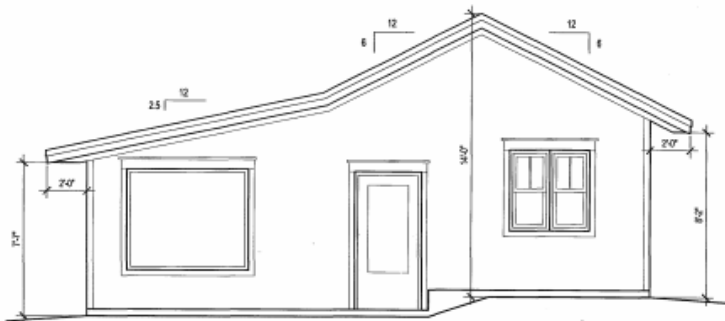


Permit Conditions / Comments:

Use heavy duty silt fence for erosion prevention & sediment control throughout entire project. See enclosed homeowner responsibility fact sheet. Must meet 30 ft. setback from top of staked bluff line. Contact Stearns County staff if doing any work along the shoreline. Boathouse must be replaced within the exact same dimensions and location. POST PERMIT in visible location.



EXISTING CABIN PROFILE



1 SIDE ELEVATION
A2.1 SCALE: 1/4" = 1'-0"



394.36, SUBD 5 (B-E) EXISTING NONCONFORMING LOTS IN SHORELAND AREAS

You can build on it without a variance if:

- Meet setbacks
- Type 1
- Meet impervious

You can separate a group of parcels if:

- 66% lot size=26,400 ft² RD Lake
- Type 1
- Meet Impervious



LOT 6 LESS NLY PART BLK 1 **NOT TO BE SOLD SEPARATE**
FROM # 36.24650.000

394.36, SUBD 5 (B-E) EXISTING NONCONFORMING LOTS IN SHORELAND AREAS

You can separate a group of parcels if regardless of size:

- Lots have a habitable residential dwelling
- Suitable for or served by a SSTS or public sewer



394.36, SUBD 1

TAX CLASS IS **NOT** HOMESTEAD, NON-HOMESTEAD OR SEASONAL RESIDENTIAL

“Any lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued”.

Expansions or additions allowed through CUP

