

Shannon Westerlund

From: Shannon Westerlund
Sent: Thursday, August 13, 2020 12:34 PM
To: (b) (6)
Cc: Kimberly Burton; Peter P. Gansen
Subject: permit application

Re: App# 2020-006313

Hi Dan,

Our office has received your permit application for a patio which is under review.

It appears you are applying for the patio using 'patio encroachment' per Section 6.3 C. of the Shoreland Management Ordinance.

Our records show variance #31285V was issued on the parcel in 2004 for a new residence and deck. If a variance has been granted previously then a variance is required for any future additions and/or expansions to a non-conforming structure. *(See excerpt below)*

For this reason, your application is being denied and a full refund will be credited. To request a variance please submit an application online here under Section 6. <https://pzpermit.co.aitkin.mn.us/index.php>

If you have questions on the variance process or application please contact Kim or Pete in Planning & Zoning at 218-927-7342.

- 6.3 Additions/expansions to non-conforming principal structures built prior to January 21, 1992 without a variance. If a variance has been granted for an addition/expansion to a principal structure since January 21, 1992, then Sections 6.3 A, B, and C do not apply and a variance is required for any future additions and/or expansions.**
- A. All additions or any enlargement of an existing sub-standard principal structure shall be allowed providing all of the following criteria will be met: (If all of the following criteria are met, a one-time expansion since January 21, 1992 will be allowed without a variance.)
- (1) The addition/expansion will not decrease the setback of the existing structure from the ordinary high water level,
 - (2) The addition/expansion will not exceed 50 percent of the total volume of the existing structure, or exceed 50 percent of the assessed market value as indicated in the records of the County Assessor,
 - (3) The existing structure is setback to a minimum of a line parallel with the Shore Impact Zone,
 - (4) Impervious surface coverage of the parcel or lot shall not exceed 25 percent.
 - (5) The existing structure and proposed addition/expansion must meet all other setback distance requirements of this Ordinance.
- B. Deck additions shall be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
- (1) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - (2) the deck encroachment toward the ordinary high water level (OHWL) does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet to the OHWL, whichever is more restrictive;
 - (3) The deck is not roofed or screened; and
 - (4) All other setback distance requirements of this Ordinance must be met.
- C. Patios shall be allowed without a variance and not meeting the required setback distance from the ordinary high water level if all of the following criteria and standards are met:
- (1) The patio encroachment from the principle structure toward the ordinary high water level does not exceed 20 percent of the existing setback distance of the structure from the ordinary high water level or does not encroach closer than 30 feet to the OHWL, whichever is more restrictive.
 - (2) The patio is not roofed or screened,
 - (3) Impervious surface requirements must be met,
 - (4) All other setback distance requirements of this Ordinance must be met, and
 - (5) The patio must be within 2 feet of the principal structure.

Best regards,

Shannon Westerlund

Aitkin County Planning & Zoning

Environmental Services

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