

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

March 22, 2019

9:00 A.M.

Crosslake City Hall
37028 County Road 66, Crosslake MN 56442
(218) 692-2689

PUBLIC HEARING NOTICE

Applicant: Karen J Kloeckner

Authorized Agent: RemWhirl

Site Location: 12099 Anchor Point Rd, Crosslake, MN 56442 on Rush Lake-GD

Variance for:

- Lake setback of 31 feet where 75 feet is required to proposed structure
- Road right-of-way (ROW) setback of 23 feet where 35 feet is required to proposed structure
- Lake setback of 42 feet where 75 feet is required to proposed detached garage
- Road right-of-way (ROW) setback of 6.7 feet where 35 feet is required to proposed detached garage

To construct:

- 1,824 square foot house, covered patio and covered entry
- 380 square foot deck
- 676 square foot detached garage

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@crosslake.net).



STAFF REPORT

Property Owner/Applicant: Karen J Kloeckner

Parcel Number(s): 14070601

Application Submitted: April 14, 2020

Action Deadline: June 12, 2020

City 60 Day Extension Letter sent / Deadline: N/A / N/A

Applicant Extension Received / Request: N/A / N/A

City Council Date: N/A

Authorized Agent: RemWhirl

Variance for:

1. Lake setback of 31 feet where 75 feet is required to proposed structure
2. Road right-of-way (ROW) setback of 23 feet where 35 feet is required to proposed structure
3. Lake setback of 42 feet where 75 feet is required to proposed detached garage
4. Road right-of-way (ROW) setback of 6.7 feet where 35 feet is required to proposed detached garage

To construct:

- 1,824 square foot house, covered patio and covered entry
- 380 square foot deck
- 676 square foot detached garage

Current Zoning: Shoreland District

Existing Impervious Coverage:

14.2%

Proposed Impervious Coverage:

18.0%

- A stormwater management plan was submitted with the variance application
- A septic compliance inspection agreement (winter window) was submitted with the variance application to the planning and zoning office
- A wetland winter window agreement was submitted with the variance application

Development Review Team Minutes held on 3-10-2020:

- Property is located on Rush Lake at 12099 Anchor Point Road with a lake setback of 75 feet
- The proposed new dwelling (cellar, main level, upper level) to be approximately 36 feet from the OHW & 23 feet from the ROW with current and proposed elevations to be noted
- New 26' x 26' garage to be approximately 8 feet from ROW and 40 feet from the OHW
- Bench mark installed by surveyor and supplemental data form to verify elevation is being met of 1232.5

- Existing square foot nonconformities not used in proposal can be utilized up to 180 days of demolition
- All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet (Sec. 26-308)
- If the eaves exceed 36" the setback and the impervious coverage shall be measured from the dripline
- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed (Sec. 26-518)
- Your parcel is located within a plat and/or an organization that may have restrictions, you would need to verify those restrictions and clarify that your request is meeting all requirements of such
- Design and implement a stormwater management plan to update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1). When a wetland is being used the stormwater must be filtered to drinking standards before it can flow into any wetland
- A septic design if needed and/or a septic compliance inspection; a septic winter window agreement form is available if needed, verify septic system is meeting all setbacks
- Wetland Delineation is a requirement for a variance or a no wetland statement/letter; a wetland delineation winter window agreement form is available if needed
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application (staff suggests a cut and fill calculation of footings vs basement)
- Discussion on application requirements, procedure, schedule, fee schedule and the requirements/need for a complete application packet by the deadline date
- A Land Use Permit will be required prior to construction

Property owner was informed that before they could be placed on a public hearing agenda the following information is required:

1. A certificate of survey meeting the requirements outlined in Article 8, Sec. 26-222 of the City Land Use Ordinance
2. Grade and Elevation illustration, along with the Cut and fill calculations
3. Wetland delineation or a no wetland statement/letter
4. A septic design if project requires; compliance is on file
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- Brothen's Anchor Point established in 1956
- July 1971 – Septic system & bathroom addition
- June 1977 – 12x16 addition to house
- October 2000 – Update septic system
- October 2000 – Septic Certificate of Installation
- October 2000 – Well sealing
- December 2002 – Riprap

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 5-11-2020

City Engineer: N/A

Lake Association: No comments were received as of 5-11-2020

Township: N/A

Crosslake Public Works: No comments were received as of 5-11-2020

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 5-11-2020

POSSIBLE MOTION:

To approve/table/deny the variance to allow:

1. Lake setback of 31 feet where 75 feet is required to proposed structure
2. Road right-of-way (ROW) setback of 23 feet where 35 feet is required to proposed structure
3. Lake setback of 42 feet where 75 feet is required to proposed detached garage
4. Road right-of-way (ROW) setback of 6.7 feet where 35 feet is required to proposed detached garage

To construct:

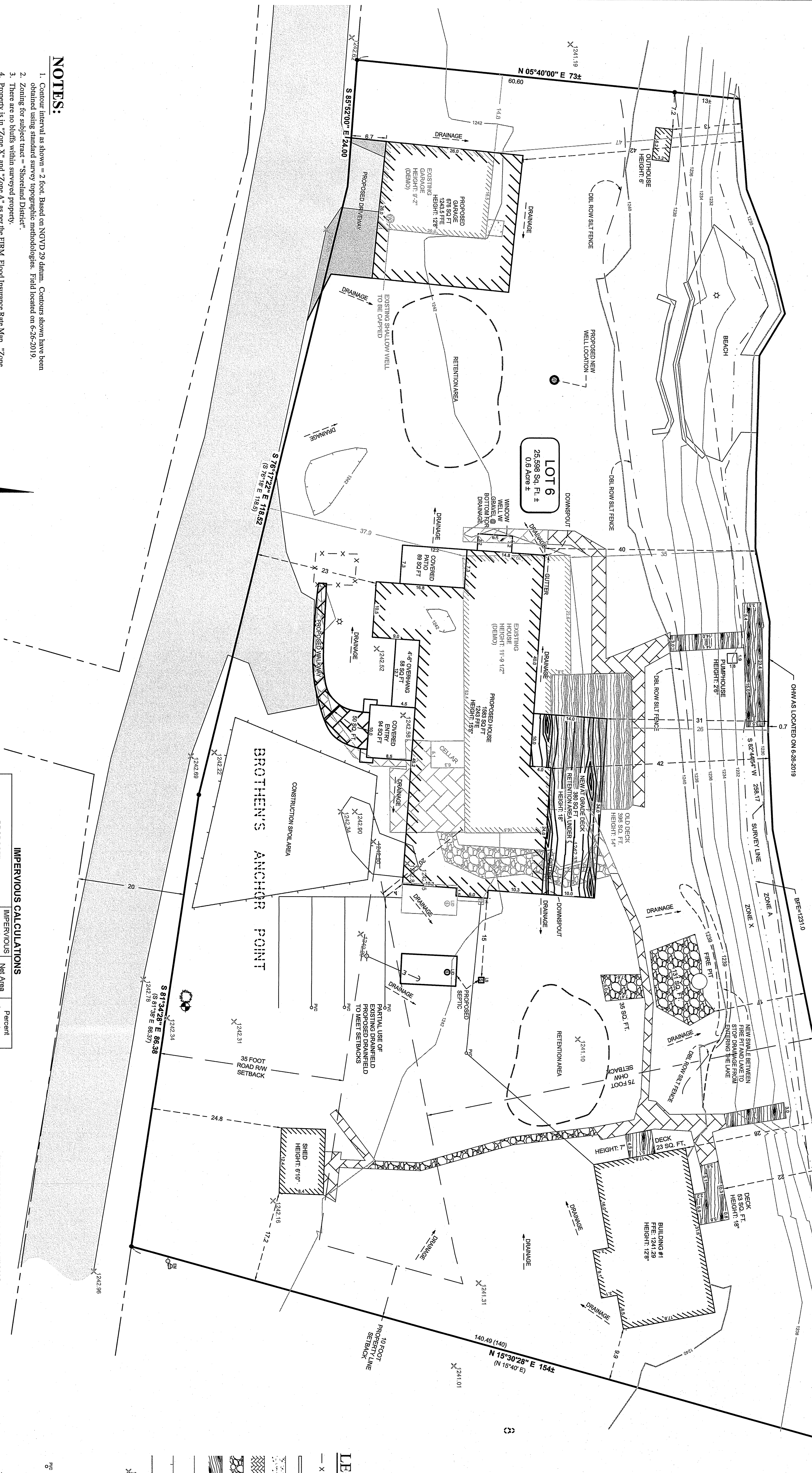
- 1,824 square foot house, covered patio and covered entry
- 380 square foot deck
- 676 square foot detached garage

As shown on the certificate of survey dated 4-24-2020

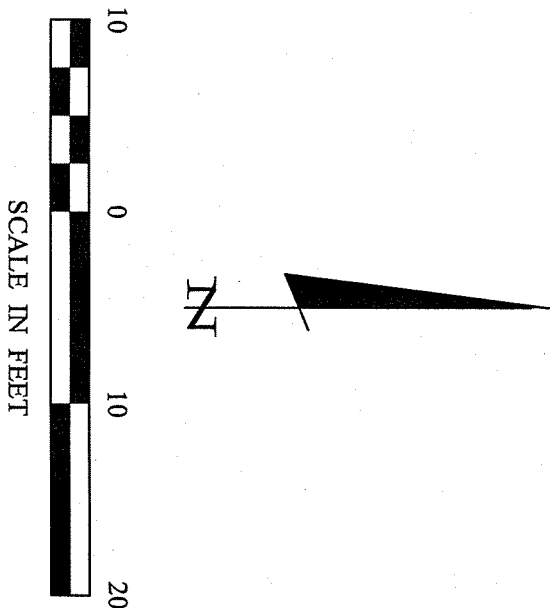


CERTIFICATE OF SURVEY

**LOT 6, BROTHEN'S ANCHOR POINT,
SECTION 7, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA**



- NOTES:**
1. Contour interval as shown = 2 feet, based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 6-26-2019.
 2. Zoning for subject tract = "Shoreland District".
 3. There are no bluffs within surveyed property.
 4. Property is in "Zone X" and "Zone A" as per the FIRM Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood areas elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
 5. Parcel ID of subject parcel: 14070001.
 6. The property address of subject parcel: 1009 Anchor Point Road.
 7. Buildable Area: 1,024 sq. ft.
 8. The retention areas and shade as shown have been provided by Ream Whitt.



PROPOSED		IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Proposed House, Patio & Entry	Building #1	592	25,598	2.3%
Proposed Garage		1,824	25,598	7.1%
Shed		676	25,598	2.6%
Proposed Walkway		103	25,598	0.4%
Pumphouse & Outhouse		100	25,598	0.4%
Existing Retaining walls		23	25,598	0.1%
Existing Conc., Pavers & Flagstone		60	25,598	0.2%
Existing and Proposed Driveways		660	25,598	2.6%
		568	25,566	2.2%

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq.ft.)
Building #1	592	25,698	2.3%
House & Carlin	992	25,698	3.8%
Garage	340	25,698	1.3%
Shed	103	25,698	0.4%
Pumphouse & Outhouse	23	25,698	0.1%
Corn., Pavers & Flagstone	1,150	25,698	4.5%
Bituminous	453	25,698	1.8%

— X — X —	DENOTES EXISTING FENCE LINE
	DENOTES EXISTING RETAINING WALL
	DENOTES EDGE OF EXISTING CONCRETE
	DENOTES EDGE OF EXISTING PAVING STONES
	DENOTES EXISTING FLAGSTONE
	DENOTES EDGE OF EXISTING WOODEN DECKING
— 120 —	DENOTES EXISTING INTERMEDIATE CONTOURS
— 1200 —	DENOTES EXISTING MAJOR CONTOURS (OBSESSION)
— 1210 —	DENOTES EXISTING INDEX CONTOURS
	DENOTES SPOT ELEVATION (EXISTING GRADE)
	DENOTES EXISTING MOUNTED LIGHT
	DENOTES EXISTING UTILITY POLE W/ GUY WIRE
	DENOTES EXISTING ELECTRIC METER
	DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
	DENOTES EXISTING SEPTIC LIFT STATION
	DENOTES NORTH
	DENOTES EXISTING BENCHMARK
	SET 3/8" REBAR IN EAST FACE OF A 18" RED PINE
	ELEV. = 124.5
	NEED 29 DACTIM
(123.45)	DENOTES PLANT AND/OR DEEDED MEASURE
•	DENOTES MONUMENT FOUND

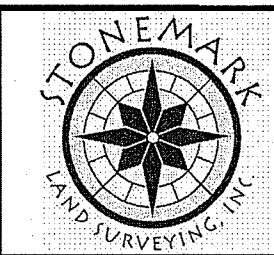
LEGEND

REVISIONS		
DATE	DESCRIPTION	BY
4-23-2020	Revised per City Comments	RJ
4-24-2020	Added shallow well note	RJ

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 4/24/2020 LIC. NO. 44881



30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com

218-692-6700
4.13.20

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OR REPORT WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION AND THAT I AM A DULY
LICENSED ARCHITECT UNDER THE LAWS OF THE
STATE OF MINNESOTA

DESIGNER	DATE	LICENSE
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DESIGNER	DATE	LICENSE NO.
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REVISIONS

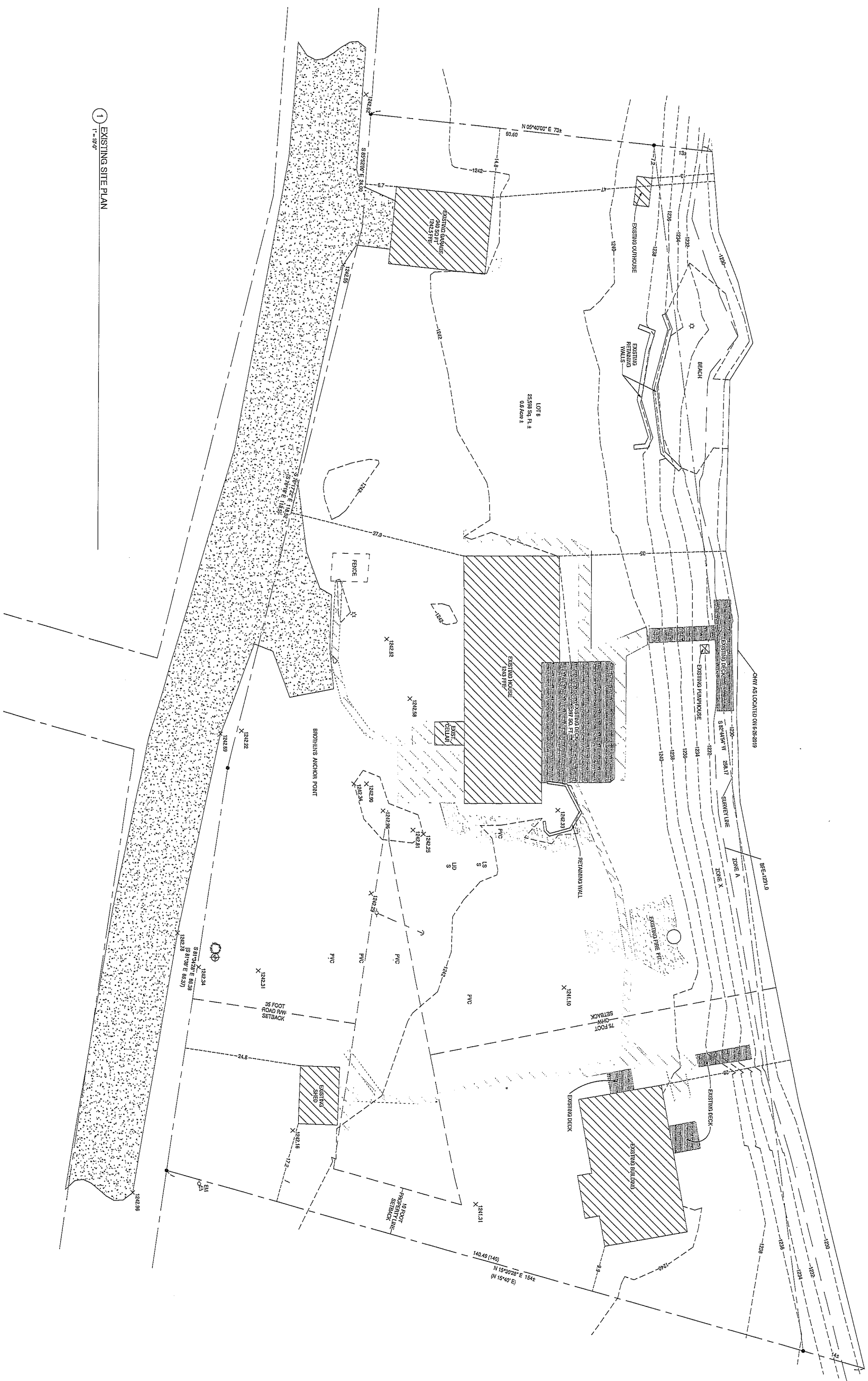
TEX & TINY CABIN

DRAWN BY: SJG

AO.0

EXISTING SITE PLAN

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1 EXISTING SITE PLAN
1" = 10'-0"

Use:

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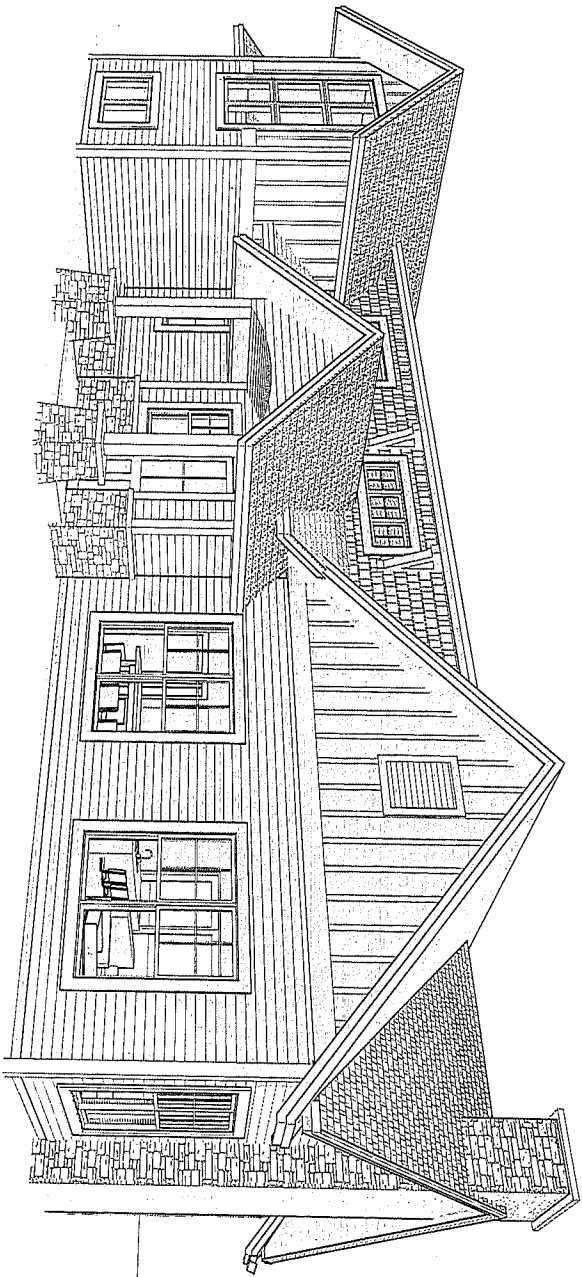
Design Development Approval:

I have reviewed these drawings and they are approved for completion of the Design Development Phase as represented in the attached plan. I understand that there may be alternative solutions to the methods proposed, and design modifications may be necessary during the Engineering process. Additional changes to these plans will require a change order. I understand that subsequent changes, additions, and revisions will result in changes beyond the original contract amount for both Budget and Schedule. Use of these plans prior to signature signifies approval.

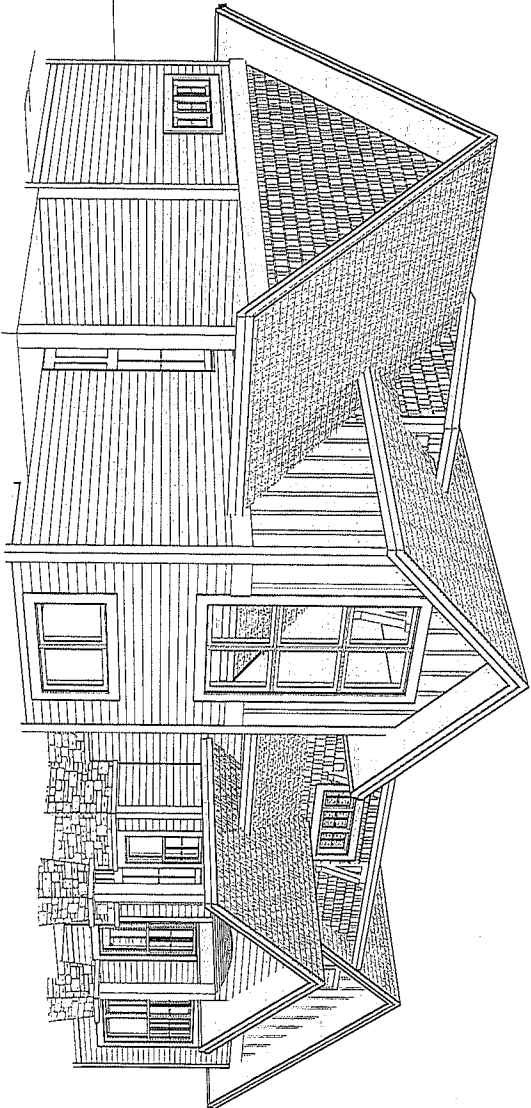
Client Signature:

Clients

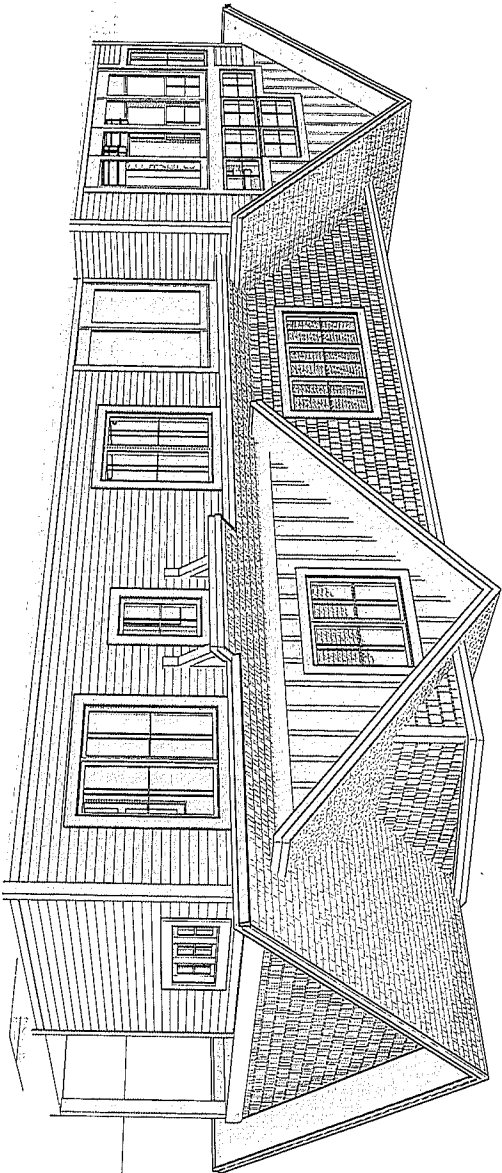
Date:



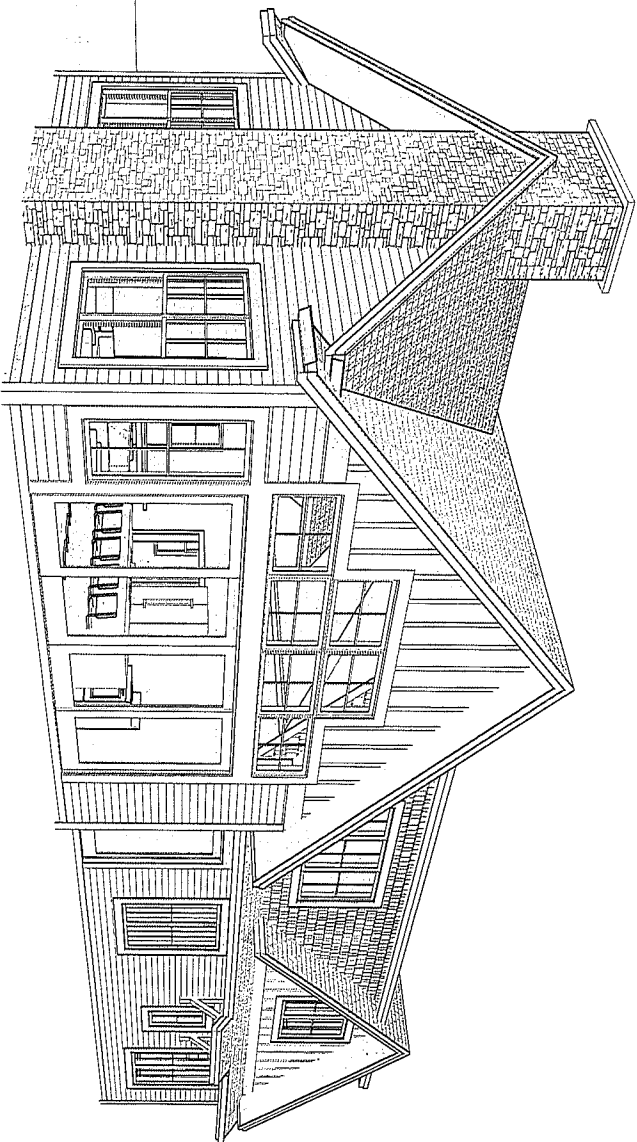
1 FRONT RIGHT CORNER 3D



2 FRONT LEFT CORNER 3D



3 BACK LEFT CORNER 3D



4 BACK RIGHT CORNER 3D

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I have thoroughly reviewed these drawings and they are approved for completion of the Design Development Phase as represented in the attached plans. I understand that there may be alternative solutions to the methods proposed, and design modifications may be necessary during the Execution Phase of the project. I understand that subsequent changes, additions, and revisions will result in charges beyond the original contract amount for both Builder and Architect. Use of these plans prior to signature signifies approval.

Client Signature:

Client:

Date:



218-692-6700

4.13.20

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DESIGNER DATE LICENSE NO.

REVISIONS

TEX & TINY CABIN

DRAWN BY:SG

T.O.1

EXTERIOR 3D'S

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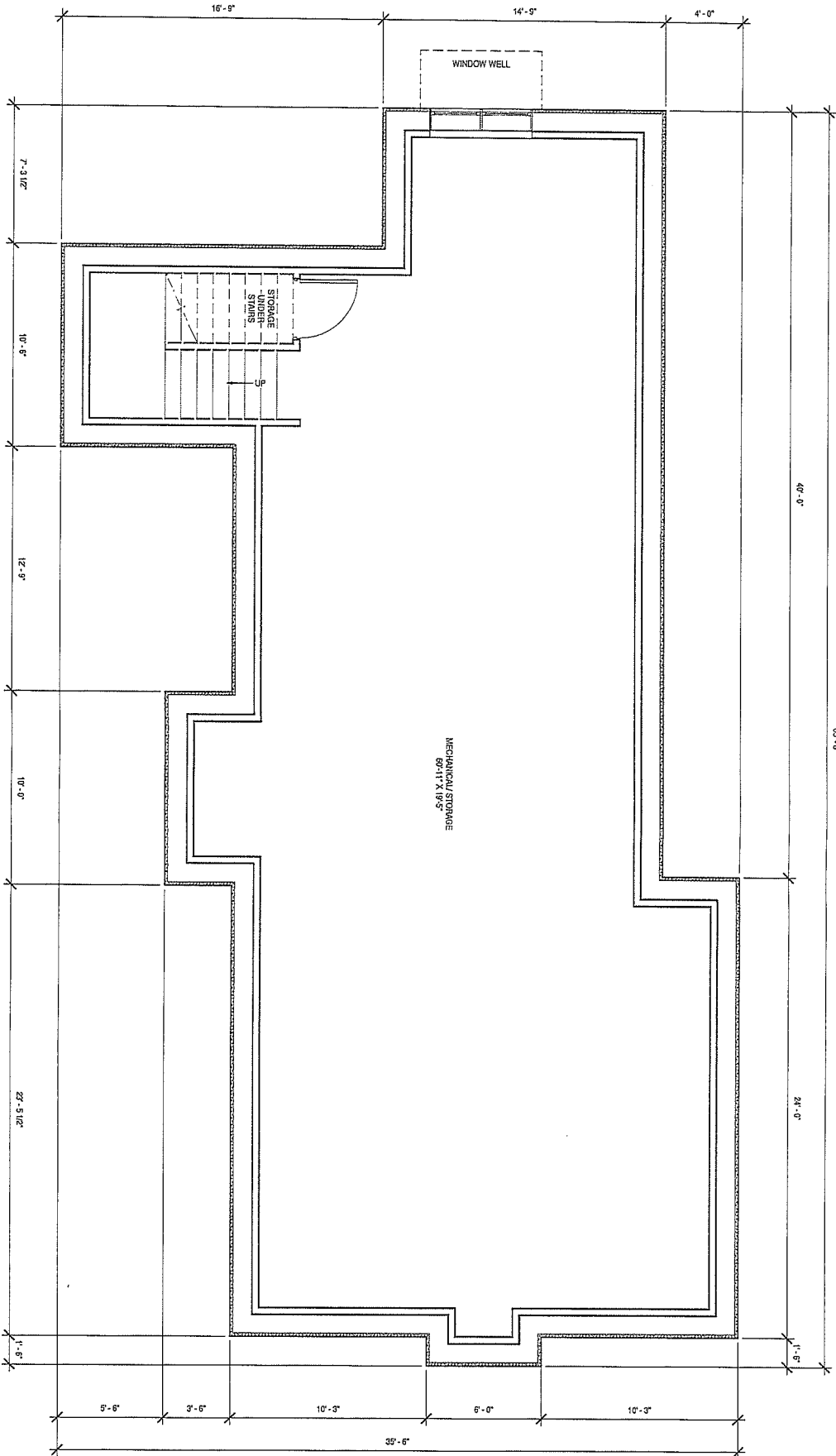
REVISIONS

TEX & TINY CABIN

DRAWN BY: SJB

A1.0
LOWER LEVEL
FLOOR PLAN

BUILDING AREA:	
LOWER LEVEL FLOOR PLAN:	1618 SQ. FT.
MAIN LEVEL FLOOR PLAN:	1618 SQ. FT.
UPPER LEVEL FLOOR PLAN:	720 SQ. FT.
TOTAL SQUARE FOOTAGE:	4133 SQ. FT.
UNFINISHED ATTIC:	99 SQ. FT.
EXTERIOR DECK/PATIO AREA:	
COVERED ENTRY:	99 SQ. FT.
COVERED PATIO:	99 SQ. FT.
TOTAL SQUARE FOOTAGE:	199 SQ. FT.



1 LOWER LEVEL FLOOR PLAN
1/4\" = 1'-0"

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Client Signature:

Client:

Date:



218-592-6700
4.13.20

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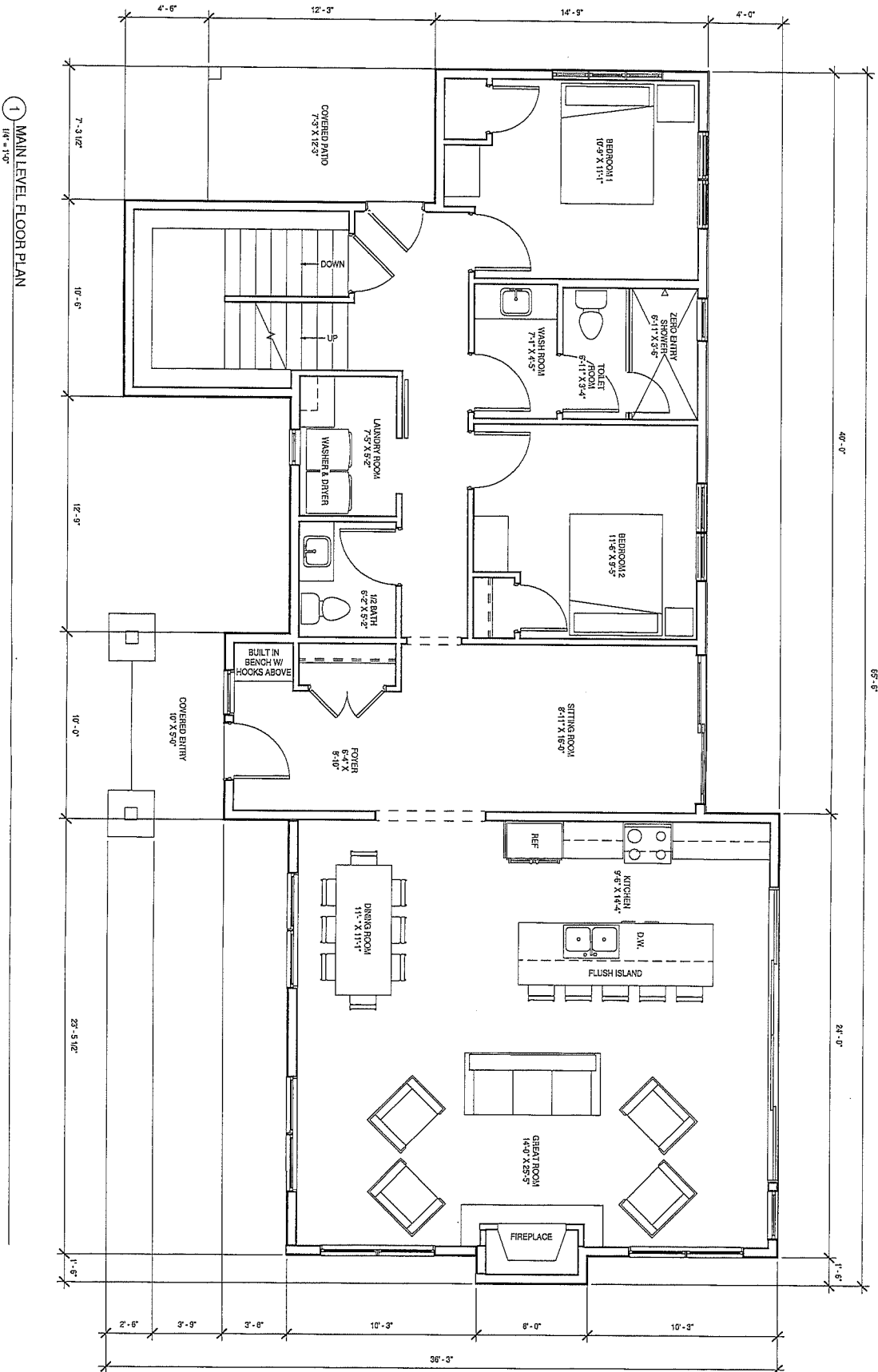
TEX & TINY CABIN

DRAWN BY: SJG

A1.1
MAIN LEVEL
FLOOR PLAN

BUILDING AREA:
TOTAL LEVEL FLOOR PLAN: 1618 SQ. FT.
UNFINISHED ATTIC: 53 SQ. FT.
TOTAL SQUARE FOOTAGE: 1671 SQ. FT.

EXTERIOR DECK/PATIO AREA:
COVERED ENTRY: 88 SQ. FT.
COVERED PATIO: 89 SQ. FT.
TOTAL SQUARE FOOTAGE: 173 SQ. FT.



1 MAIN LEVEL FLOOR PLAN
1/8" = 1'-0"

Design Development Approval:

I have thoroughly reviewed these drawings and they are approved for completion of the Design Development Phase as represented in the attached plans. I understand that there may be alternative solutions to the methods proposed, and design modifications may be necessary during the Engineering process. Additional changes to these plans will require a change order. I understand that subsequent changes, additions, and revisions will result in charges beyond the original contracted amount for both Engineer and Architect. Use of these plans prior to signature signifies approval.

Use:

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DESIGNER	DATE	LICENSE
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REVISIONS

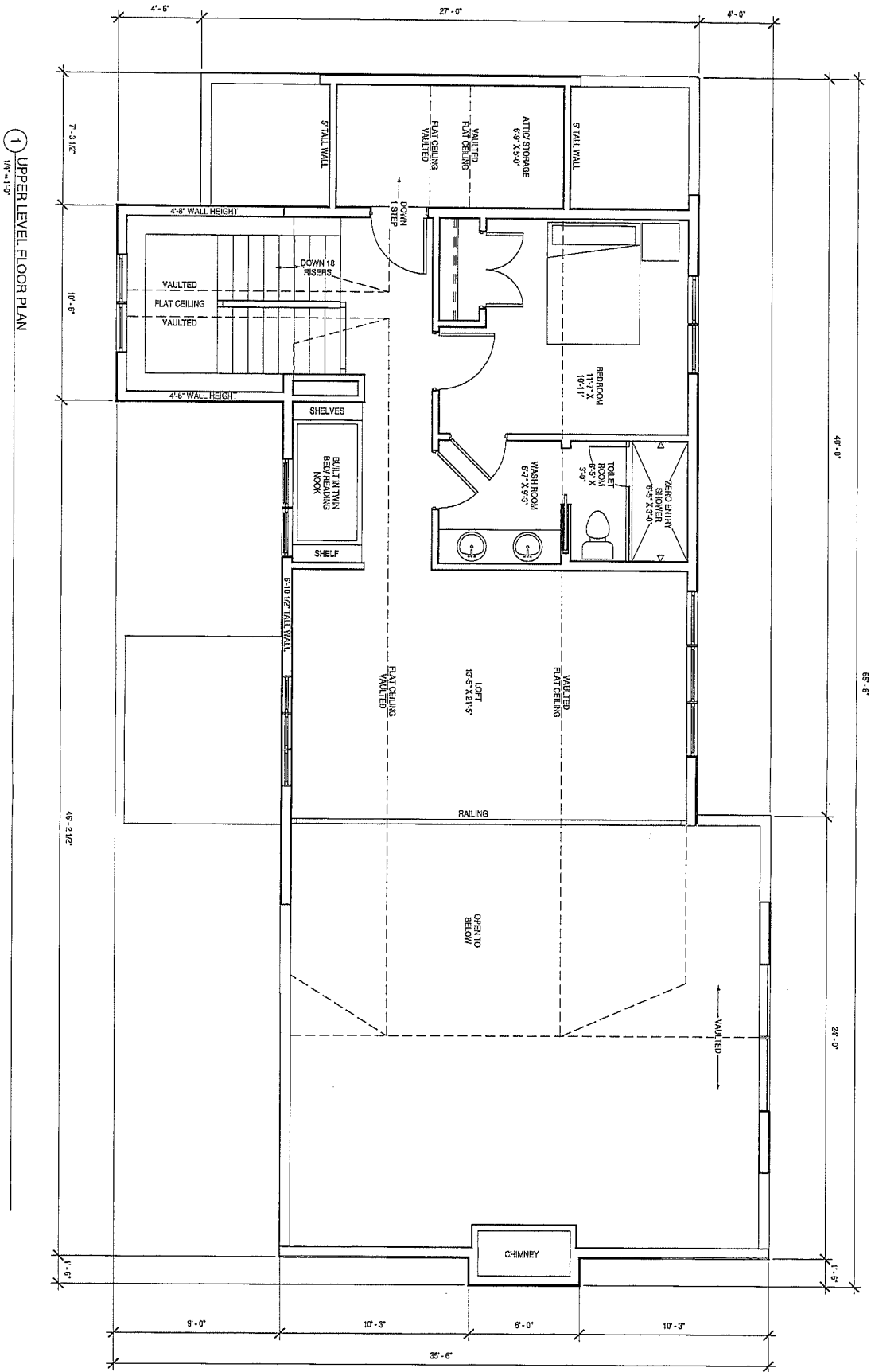
TEX & TINY CABIN

DRAWN BY: SJG

A1.2
UPPER LEVEL
FLOOR PLAN

FLOOR PLAN

BUILDING AREA:	
LOWER LEVEL, R.OOF PLAT:	1918 SQ. FT.
MEAN LEVEL, FLOOR PLAN:	1618 SQ. FT.
UPPER LEVEL, FLOOR PLAN:	728 SQ. FT.
TOTAL SQUARE FOOTAGE:	4133 SQ. FT.
UNFINISHED ATTIC:	65 SQ. FT.
EXTERIOR DECK/PATIO AREA:	
COVERED ENTRY:	50 SQ. FT.
COVERED PATIO:	89 SQ. FT.
TOTAL SQUARE FOOTAGE:	139 SQ. FT.



Design Development Approval:

I have thoroughly reviewed these changes and they are approved for completion of the Design Development Phase as represented in the attached plans. I understand that there may be alternative solutions to the mechanical, electrical, and plumbing systems proposed, and design modifications may be necessary during the Engineering process. Additional changes to these plans will require a change order. I understand that subsequent changes, additions, and revisions will be charged beyond the original contract amount, for both Builder and Architect. I use these plans prior to signature signifies approval.

Client Signature:

Client: _____ Date: _____



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DESIGNER	DATE	LICENSE
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REVISIONS

TEX & TINY CABIN

DRAWN BY: SJG

A1.3

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Client Signature:

Client

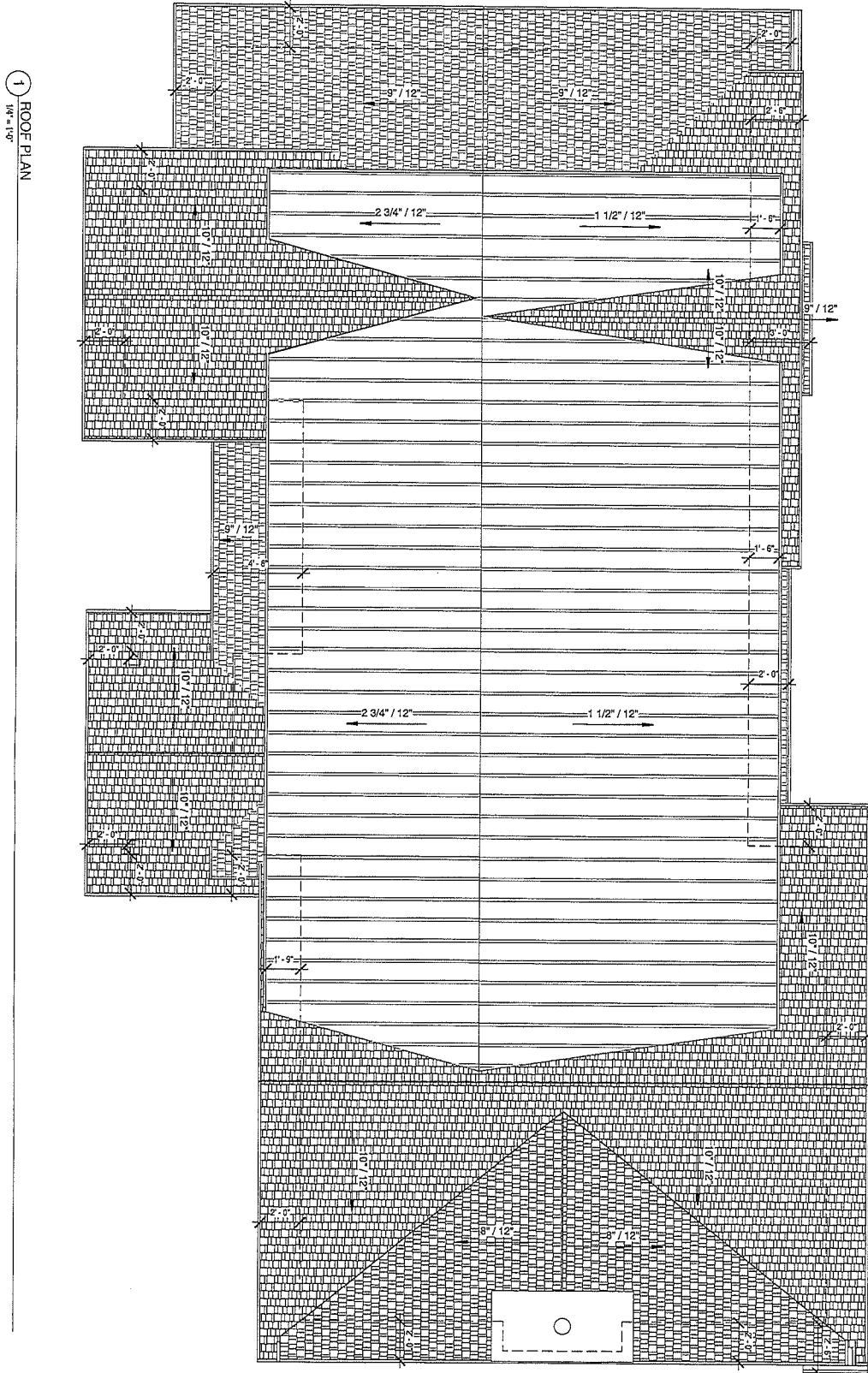
Date:

Design Development Approval:

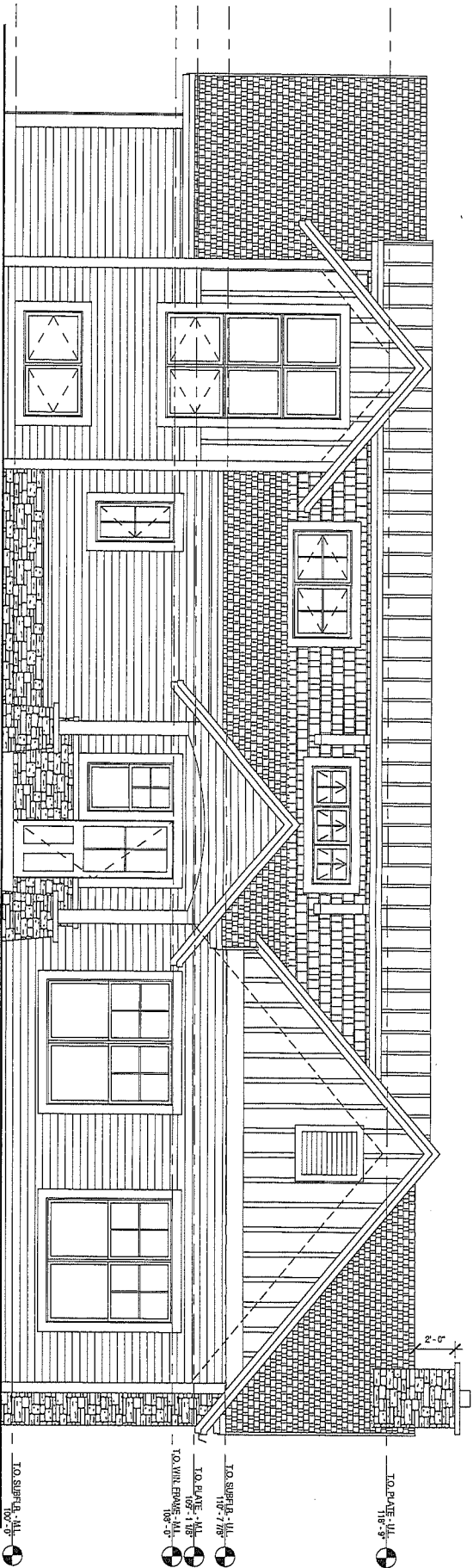
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Use:

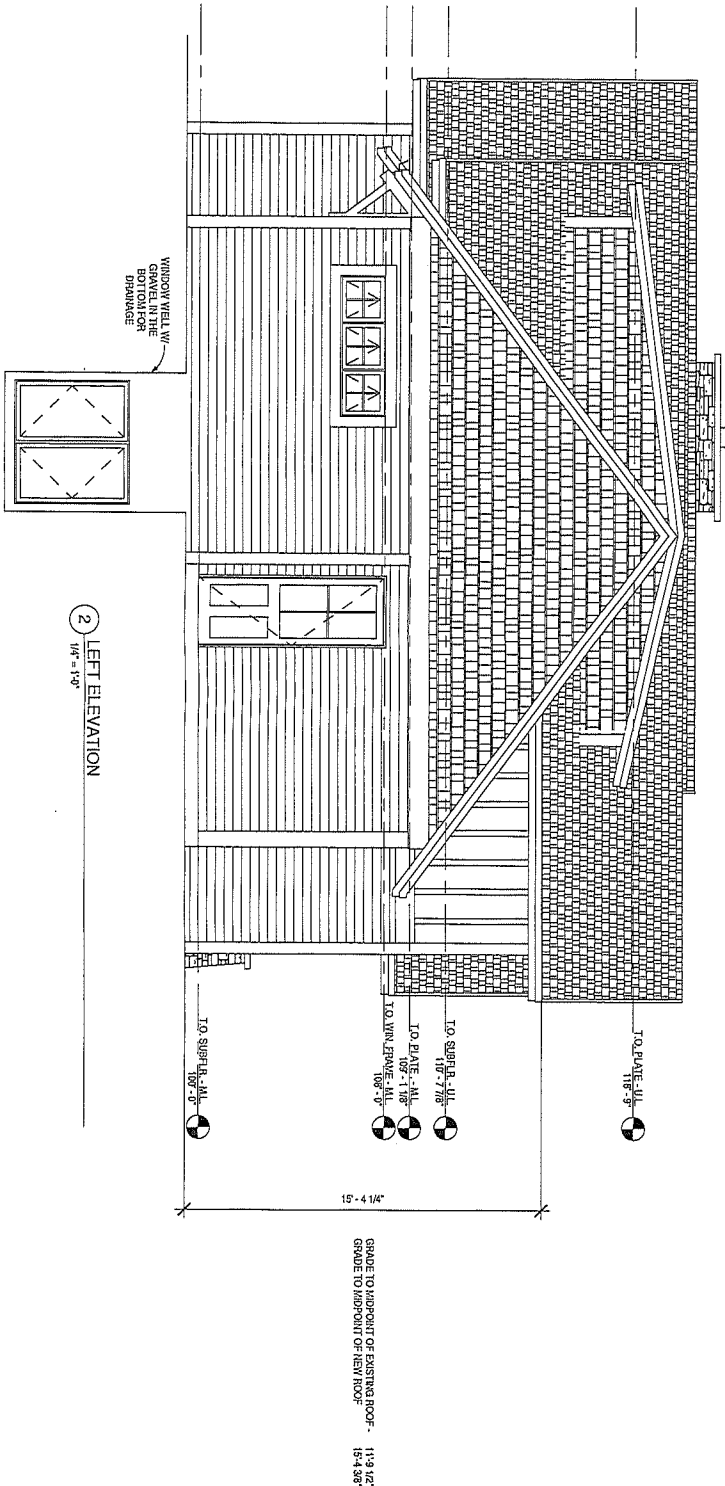
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1 ROOF PLAN
1/4" = 1'-0"



1 FRONT ELEVATION
1/4" = 1'-0"



2 LEFT ELEVATION
1/4" = 1'-0"

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Client Signature:

Client:

Date:



218-592-5700

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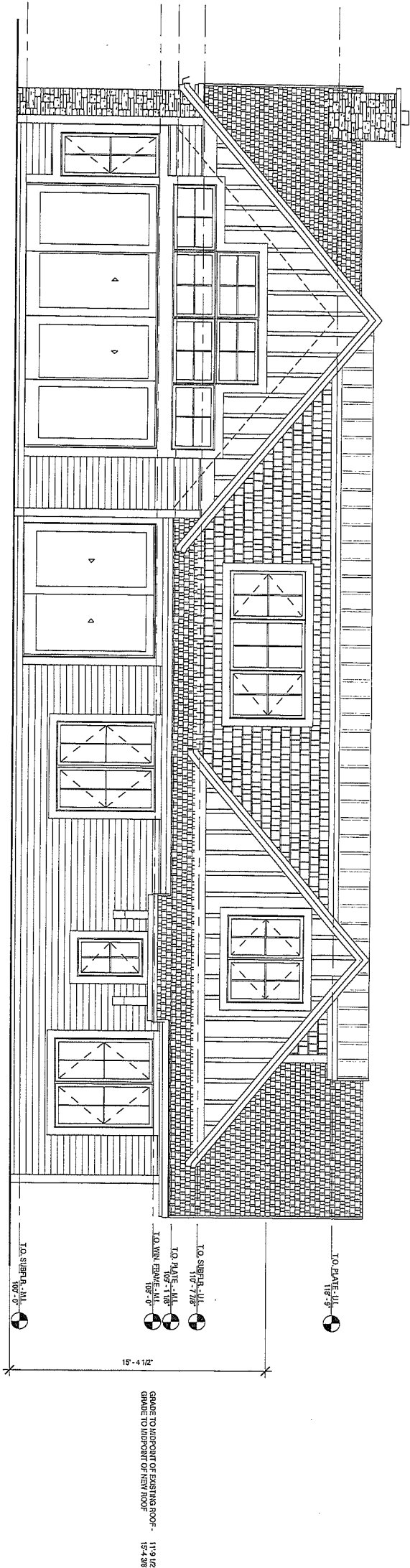
REVISIONS

TEX & TINY CABIN

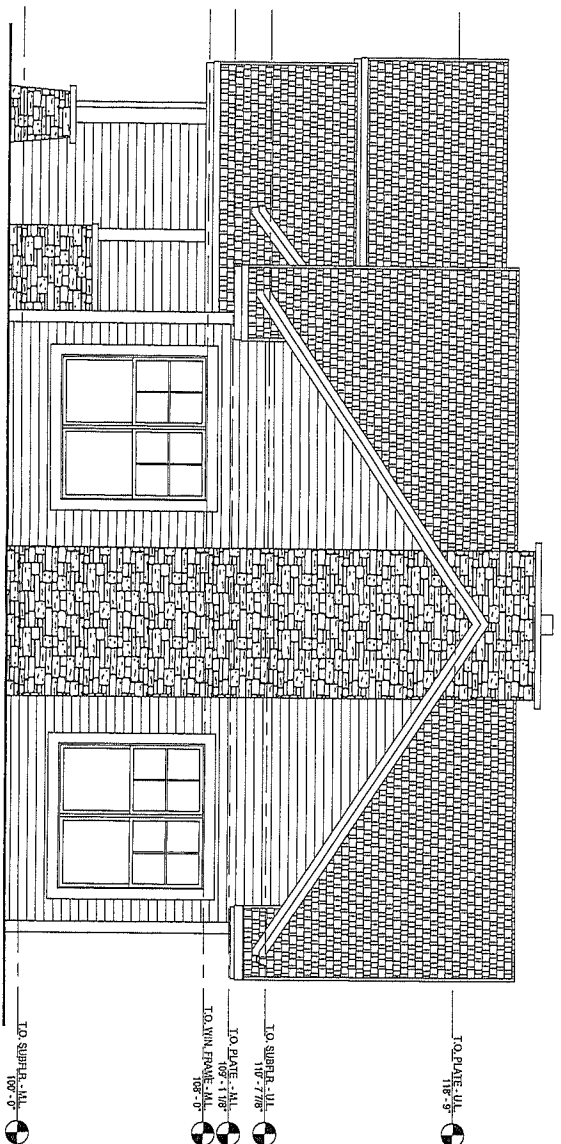
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A2.0
EXTERIOR
ELEVATIONS

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1 BACK ELEVATION
1/8" = 1'-0"



2 RIGHT ELEVATION
1/8" = 1'-0"

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Client Signature: _____

Client: _____ Date: _____



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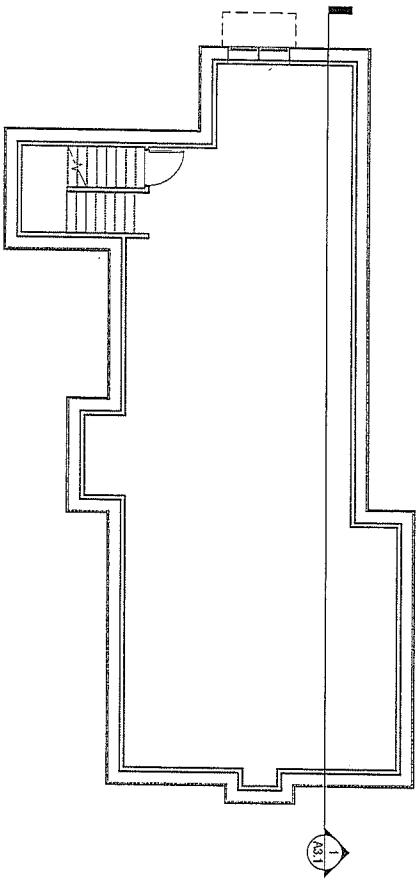
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DESIGNER _____ DATE _____ LICENSE NO. _____

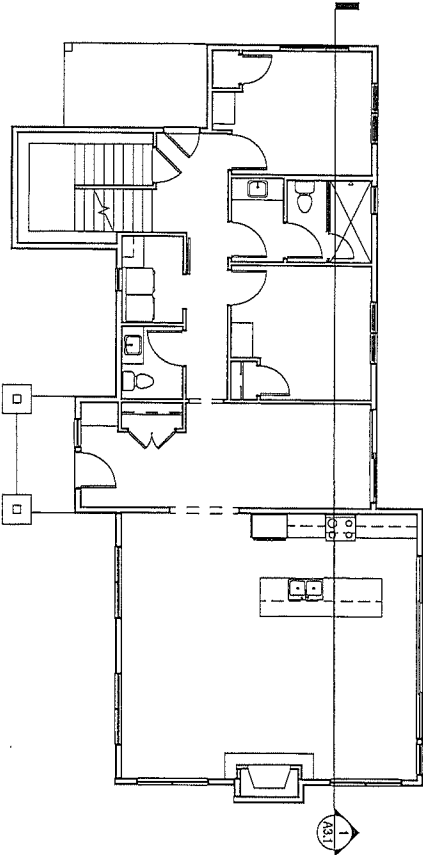
REVISIONS

DRAWN BY: SJG
A2.1
EXTERIOR
ELEVATIONS

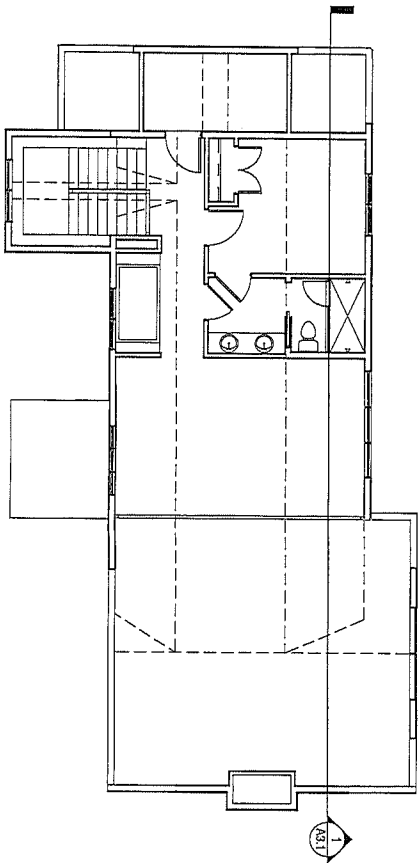
TEX & TINY CABIN



1 LOWER LEVEL SECTION KEY PLAN
1/8" = 1'-0"



2 MAIN LEVEL SECTION KEY PLAN
1/8" = 1'-0"



3 UPPER LEVEL SECTION KEY PLAN
1/8" = 1'-0"

Use:

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Client Signature:

Client:

Date:



218-592-5700

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TEX & TINY CABIN

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A3.0
BUILDING
SECTION KEY
PLANS

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218-692-6700

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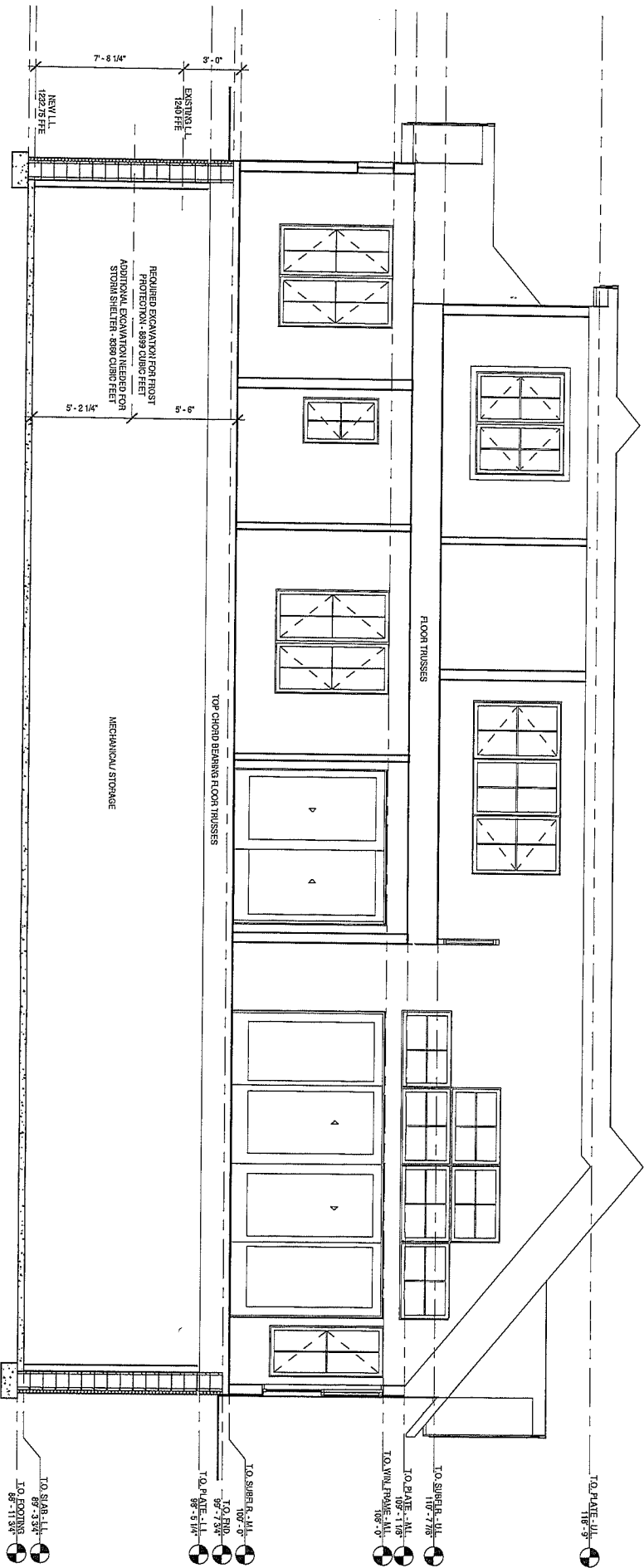
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REVISIONS

TEX & TINY CABIN

DRAWN BY:SIG

A3.1
BUILDING
SECTIONS



Design Development Approval:

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Use:

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Variance Application
Planning and Zoning Department
37028 County Rd 66, Crosslake, MN 56442
218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

Receipt Number: 621715

Permit Number: 2010022V

Property Owner(s): Karen Kloeckner

Mailing Address: 4425 Pleasant Dr., Arden Hills MN

Site Address: 12099 Anchor Pt Rd, Crosslake MN 56442

Phone Number: _____

E-Mail Address: tkloeckner@comcast.net

Parcel Number(s): 14070601

Legal Description: LOT 6 BROTHERS ANCHOR POINT

Sec 7 Twp 137 Rge 26 / (27) / 28

Lake/River Name: Rush

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

If yes list Parcel Number(s) _____

Authorized Agent: Dan Whirley / Sarah Goodrow

Agent Address: 33816 Co. Rd 3, Crosslake Mn 56442

Agent Phone Number: 218-831-0088

Variances

(Check applicable requests)

- ☒ Lake/River Setback
- ☒ Road Right-of-Way Setback
- ☐ Bluff Setback
- ☐ Side Yard Setback
- ☐ Wetland Setback
- ☒ Septic Tank Setback
- ☒ Septic Drainfield Setback
- ☐ Impervious Coverage
- ☐ Accessory Structure
- ☒ Building Height
- ☐ Patio Size
- ☐ _____
- ☐ _____

Signature of Property Owner(s) _____ Date _____

Signature of Authorized Agent(s) [Signature] Date 04-13-20

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$500 for Residential and Commercial Payable to "City of Crosslake"
- 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.

Received 4/13/2020

For Office Use:

Application accepted by [Signature] Date 4/14/2020 Land Use District SD

Lake Class 6D Septic: Compliance _____ 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:

Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes ☒ No ☐

Why:

Defer to the Planning Commission/Board of Adjustment

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

Yes ☒ No ☐

Why:

The property is a point lot previously created with no buildable area under current ordinances

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

Yes ☒ No ☐

Why:

Many of the neighboring propertys are of similar size and stature. Many of the neighboring propertys have been granted similar variances

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

Yes ☒ No ☐

Why:

previously established lot with no buildable area based on current ordinance

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

Yes ☒ No ☐

Why:

The property have been in the family for genorations and needs to be updated to current construction standards



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: