ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 5-16-2023

REPORT DATE: 5-23-2023

MEETING DATE: 6-8-2023

APPLICANT INFORMATION

APPLICANT NAME: Peter Niska

APPLICANT ADDRESS: 1963 Johnson Rd Ext., Cook, MN 55723

OWNER NAME: BUS MAINTENANCE SERVICES CO (applicant's business)

SITE ADDRESS: 9163 HWY 53, COTTON, MN 55724

LEGAL DESCRIPTION: Please see Exhibit A

PARCEL IDENTIFICATION NUMBER (PIN): 305-0020-01712, 305-0020-01720, 305-0020-01700

NATURE OF REQUEST: A conditional use permit for establishing a Residential Use in a Commercial Zone District.

PROPOSAL DETAILS: The property was historically used for school bus storage. The applicant is proposing to convert the former school bus garage into a dwelling. The property is zoned Commercial (COM) - 11. St. Louis County Ordinance requires CUP approval for establishing a residence within a commercial zone district.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Frontage Rd

LAKE NAME: N/A

RIVER NAME: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property is currently developed with an accessory structure and parking area.

ZONE DISTRICT: COM 11

PARCEL ACREAGE: 2.7 acres

LOT WIDTH: 215 FEET

FEET OF ROAD FRONTAGE: 107 FEET

FEET OF SHORELINE FRONTAGE: NA

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is adequate screening from property lines.

TOPOGRAPHY: The property is relatively flat.

ROAD FUNCTIONAL CLASS: Local

LAKE CLASSIFICATION: N/A

RIVER CLASSIFICATION: N/A

PARCEL AND SITE INFORMATION



WETLAND ISSUES: NA

FACTS AND FINDINGS

A. Plans and Official Controls:

- 1. Zoning Ordinance 62, Article V, Section 5.6 E, states that a Residential Use Class I is an allowed use in the Commercial zone district with a conditional use permit.
- 2. The St. Louis County Comprehensive Land Use Plan Objective LU-4.3 encourages infill, redevelopment, or reuse of vacant commercial or industrial properties.

B. Neighborhood Compatibility:

- 1. The area is zoned COM-11, however, there are existing residential uses adjacent to the subject property.
- 2. The surrounding area consists of rural residential properties, public/semi-public uses, commercial uses, and vacant properties.
- 3. The property is located along the heavily traveled Highway 53.

C. Orderly Development:

1. The property is already developed with existing road access with no additional proposed structures. Historically, the property was a school district bus garage.

D. Desired Pattern of Development:

- 1. The existing pattern of development includes a variety of uses in the immediate area.
- 2. This property is zoned Commercial, however, adjacent properties are used residentially.
- 3. The property is located in the Rural Communities category on future land use maps. Primary use within this category include single family residential use.

E. Other Factor(s):

- 1. The property was split off from the former school property in 2013.
- 2. The applicant currently has a SSTS permit to construct for the dwelling.

PLANNING COMMISSION CRITERIA FOR APPROVAL OF A CONDITIONAL USE PERMIT

- 1. Does the use conform to the land use plan?
- 2. Is the use compatible with the existing neighborhood?
- 3. Will the use impede the normal and orderly development and improvement of the surrounding area?
- 4. Is the location and character of the proposed use considered consistent with a desirable pattern of development?
- 5. What, if any, other factors should be taken into consideration on this case?

RECOMMENDED CONDITIONS, IF APPROVED

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a Residential Use – Class I, the following conditions shall apply:

- 1. St. Louis County On-site Wastewater SSTS standards shall be followed.
- 2. The applicant shall comply with all applicable local, state, and federal regulations.
- 3. If the zone district remains Commercial, no additional Conditional Use Permits shall be required for future Residential Uses.

Exhibit A: Legal Description

PART OF NW1/4 OF SE1/4 LYING SLY OF A LINE COMM AT NE COR THENCE SLY ALONG E LINE 331 FT TO PT OF BEG THENCE RT 88DEG48'00" WLY TO W LINE OF SAID NW1/4 OF SE1/4 EX THAT PART OF NW1/4 OF SE1/4 BEG 331 FT S OF NE COR RUNNING THENCE S 608 FT THENCE W 670 FT THENCE N 600 FT THENCE ELY TO PT OF BEG & EX ALL THAT PART OF NW1/4 OF SE1/4 LYING WITHIN DESC: COMMENCING AT NE COR OF SAID NW1/4 OF SE1/4 THENCE S00DEG22'27"E ALONG E LINE OF SAID NW1/4 OF SE1/4 828 FT TO PT OF BEG THENCE S88DEG25'33"W 154.88 FT THENCE S25DEG 50'09"W 116 FT THENCE S04DEG46'53"W 391.23 FT TO S LINE OF SAID NW1/4 OF SE1/4 THENCE S88DEG58'40"W ALONG SAID S LINE 1086.29 FT TO W LINE OF SAID NW1/4 OF SE1/4 THENCE N00DEG25'34"W ALONG SAID S LINE 1086.29 FT TO A LINE BEARING S88DEG25'33"W FROM A PT ON E LINE OF SAID NW1/4 OF SE1/4 BEING 331 FT S OF NE COR THEREOF THENCE N88DEG25'33"E ALONG SAID LINE 1233.84 FT TO WLY R/W OF STATE HWY #53 THENCE SELY ALONG SAID R/W 528.21 FT TO A LINE WHICH BEARS N88DEG25'33"E FROM PT OF BEG THENCE S88DEG25'33"W 89.16 FT TO PT OF BEG

And

THAT PART OF NW1/4 OF SE1/4 BEG 331 FT S OF NE CORNER RUNNING THENCE S 608 FT THENCE W 670 FT THENCE N 600 FT THENCE ELY TO PT OF BEG EX THAT PART OF NW1/4 OF SE1/4 LYING WITHIN DESC: COMM AT NE COR OF SAID NW1/4 OF SE1/4 THENCE S00DEG22'27"E ALONG E LINE OF SAID NW1/4 OF SE1/4 828 FT TO PT OF BEG THENCE S88DEG25'33"W 154.88 FT THENCE S25DEG 50'09"W 116 FT THENCE S04DEG46'53"W 391.23 FT TO S LINE OF SAID NW1/4 OF SE1/4 THENCE S88DEG58'40"W ALONG SAID S LINE 1086.29 FT TO W LINE OF SAID NW1/4 OF SE1/4 THENCE N00DEG25'34"W ALONG SAID W LINE 978.42 FT TO A LINE BEARING S88DEG25'33"W FROM A PT ON E LINE OF SAID NW1/4 OF SE1/4 BEING 331 FT S OF NE COR THEREOF THENCE N88DEG25'33"E ALONG SAID LINE 1233.84 FT TO WLY R/W OF STATE HWY #53 THENCE SELY ALONG SAID R/W 528.21 FT TO A LINE WHICH BEARS N88DEG25'33"E FROM PT OF BEG THENCE S88DEG25'33"W 89.16 FT TO PT OF BEG

And

THAT PART OF NE1/4 OF SE1/4 LYING W OF HWY & BETWEEN TWO LINES DRAWN PARALLEL WITH N LINE OF SAID NE1/4 OF SE1/4 AND 331 FT & 931 FT DISTANT THEREFROM EX PART LYING WITHIN FOLLOWING DESC: COMM AT NE COR OF NW1/4 OF SE1/4 THENCE S00DEG22'27"E ALONG E LINE OF SAID NW1/4 OF SE1/4 828 FT TO PT OF BEG THENCE S88DEG25'33"W 154.88 FT THENCE S25DEG 50'09"W 116 FT THENCE S04DEG46'53"W 391.23 FT TO S LINE OF SAID NW1/4 OF SE1/4 THENCE S88DEG58'40"W ALONG SAID S LINE 1086.29 FT TO W LINE OF SAID NW1/4 OF SE1/4 THENCE N00DEG25'34"W ALONG SAID W LINE 978.42 FT TO A LINE BEARING S88DEG25'33"W FROM A PT ON E LINE OF SAID NW1/4 OF SE1/4 BEING 331 FT S OF NE COR THEREOF THENCE N88DEG25'33"E ALONG SAID LINE 1233.84 FT TO WLY R/W OF STATE HWY #53 THENCE SELY ALONG SAID R/W 528.21 FT TO A LINE WHICH BEARS N88DEG25'33"E FROM PT OF BEG THENCE S88DEG25'33"W 89.16 FT TO PT OF BEG

Of Section 10, Township 54N, Range 17W (Cotton)

	Conditional Use Permit (APPLICATION St. Louis County, Minnes	sota Permit #	
	ication is used to apply for a Land Use Permit. Applicants will need e information, see our website at: <u>www.stlouiscountymn.gov/land-u</u>		et(s) in order to
PROPERTY I	DENTIFICATION NUMBER (PIN) PIN is found on your Prope	rty Tax Statement	
*Primary PIN3Associated PIN3E.g. 123-1234-12345.	0 5 - 0 2 - 0 1 7 1 2 Associated PIN 0 5 - 0 0 - 0 1 7 1 2 Associated PIN 0 5 - 0 0 - 0 1 7 2 0 Associated PIN Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and Associated PIN: Additional and	305-0020- 	0 1 7 0 0 is related to the project.
APPLICANT	https://gis.stlouiscountymn.gov/landexplorer/ Property Lookup: http://apps.stlouisco	ountymn.gov/auditor/parcelInfo2005Iframe/	
	I am a Contractor Homeowner Other Ss hyson Rd Gyt.	*Daytime # 218-780-5817	Date 4/12/23
*Applicant Addres	huson Rd Ext.	*City *State Cook MN	*ZIP 55723
Applicant Email			-
Contact Person Ir	ete @ gmail, Com applicable. Contact Person #	ŧ	
Mailing Address I	f different than above.	City State	ZIP
Email Address wh	ere to email permit. Providing an email address will expedite the time in which a perm	it is received by an applicant.	
SITE INFORM	IATION		
Ves No	*Is there a site address for this property? (If no, the application will	be forwarded to 911/Communications	s to assign one.)
		be forwarded to 911/Communications	s to assign one.)
	*Is there a site address for this property? (If no, the application will use list site address: $9/63$ Hwy 53 *Is this leased property? If yes, leased from: \Box MN Power \Box MN DN		
If yes above, plea	ise list site address: 916 3 Hwy 53	IR 🔲 US Forest Service 🗌 St Louis Cou	nty Other
If yes above, plea	Ise list site address: 916 3 Hwy 53 *Is this leased property? If yes, leased from: □ MN Power □ MN DN	R 🗆 US Forest Service 📄 St Louis Cou ner? If yes, you must attach writte	nty Other
If yes above, plea	Isse list site address: 916 3 Hwy 53 *Is this leased property? If yes, leased from: *Do you have written authorization from the leased property own erty accessed? Public Road	R 🗆 US Forest Service 📄 St Louis Cou ner? If yes, you must attach writte	nty Other
If yes above, plea	Isse list site address: 916 3 Hwy 53 *Is this leased property? If yes, leased from: *Do you have written authorization from the leased property own erty accessed? Public Road	R 🗆 US Forest Service 📄 St Louis Cou ner? If yes, you must attach writte	nty Other
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If yes above, plea	ase list site address: 916 3 Hwy 53 *Is this leased property? If yes, leased from: MN Power *Do you have written authorization from the leased property own erty accessed? Public Road Private Road Easement Water 0 ORMATION *Is this project on a parcel less than 2.5 acres? *Is this project within 300 feet of a stream/river or 1,000 feet of	IR US Forest Service St Louis Counter? If yes, you must attach writte	nty Other n authorization form.
If yes above, plea	Isse list site address: 9/6 3 Hwy 53 *Is this leased property? If yes, leased from: MN Power MN DN *Do you have written authorization from the leased property own erty accessed? A Public Road Private Road Easement Water C ORMATION *Is this project on a parcel less than 2.5 acres? *Is this project within 300 feet of a stream/river or 1,000 feet of *Is this project adding a bedroom? Include home, garage, & accessod *Total # of bedrooms on property after project completion. Include	IR 🗆 US Forest Service 📄 St Louis Cou ner? If yes, you must attach writte Other a lake? ry dwelling.	nty Other n authorization form.
If yes above, plea	se list site address: 916 3 Hwy 53 *Is this leased property? If yes, leased from: MN Power MN DN *Do you have written authorization from the leased property own erty accessed? A Public Road Private Road Easement Water C ORMATION *Is this project on a parcel less than 2.5 acres? *Is this project within 300 feet of a stream/river or 1,000 feet of *Is this project adding a bedroom? Include home, garage, & accessod *Total # of bedrooms on property after project completion. Include	IR US Forest Service St Louis Counter? If yes, you must attach writte other a lake? ry dwelling. le home, garage, & accessory dwelling osed structure? If yes, please expl	nty Other n authorization form.
If yes above, plea	Ise list site address: 9/6 3 Hwy 53 *Is this leased property? If yes, leased from: MN Power MN DN *Do you have written authorization from the leased property own erty accessed? A Public Road Private Road Easement Water COMMATION *Is this project on a parcel less than 2.5 acres? *Is this project within 300 feet of a stream/river or 1,000 feet of *Is this project adding a bedroom? Include home, garage, & accessod *Total # of bedrooms on property after project completion. Include *Does this project include plumbing or pressurized water in property address the stream?	IR US Forest Service St Louis Counter? If yes, you must attach writtee other a lake? ry dwelling. The home, garage, & accessory dwelling posed structure? If yes, please expl em?	nty Other n authorization form.



Conditional Use Permit (CUP)

WORKSHEET St. Louis County, Minnesota

About: Land Use Permits are required for most building construction activities. They are also required for a variety of other uses. For more information, check out our website at: www.stlouiscountymn.gov/land-use

WHAT ARE YOU APPLYING FOR Che	ck all that apply to the project. PLEASE MAKE CHECKS T	TO: ST. LOUIS COUNTY AUDITOR
#1 New Buildings Less than/equal to 1,200 square feet-\$165	#2 Other Construction/Change in Use-\$85	#4 Performance Standard-\$385 Additional Worksheets Required
Greater than 1,200 square feet-\$325 Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. (Includes attached deck, if applicable.) Replacement of Existing Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. Will the old dwelling be removed from the property? Yes No	 Addition(s) to Dwelling Is the dwelling location on a lake or river? ☐ Yes ☐ No If Yes above, does the structure meet the required shoreline setback? ☐ Yes ☐ No If No, structure does not meet the shoreline setback, a performance standard permit or variance may be required. See box #4 or #7. ☐ Addition(s) to Accessory Structure 	 Borrow/Gravel Pit Home Business Land Alteration Nonconforming Structure Replacement Addition to a structure that does not meet shoreline setback Other
If yes, an affidavit must be filled out stating	 New Deck Only or Deck Replacement Combination Addition(s) & Deck on the same structure Moving a Structure 	#5 Site Evaluation Site Visit/Evaluation-\$165
when the old dwelling will be removed. If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out. Accessory Dwelling-Guest cottage or bunkhouse. Must follow administrative standards.	 Sign Structure Alteration or Component Replacement Change in Use (i.e. converting an old cabin to storage) What will the new use of the structure be? Explain the current and proposed use. Current: Proposed: 	#6 Wetland Reviews <u>Additional Worksheets Required</u> No Loss/Exemption/Replacement Plan- \$165 Wetland Delineation Review-\$385 Wetland Banking Plan Review-\$1,140
Accessory Structure- Garage, Pole Building, shed, sauna, screenhouse or gazebo that either	Other-\$60 Permit extension beyond 2 years	#7 Public Hearings Additional Worksheets Required
meets lake or river setback or not located in a shoreland area. Water-oriented Accessory Structure- Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards. Commercial Structure Other Principal Structure	#3 Subdivisions/Parcel Reviews Additional Worksheets Required Plat-Minor Subdivision-\$650 Conventional or Conservation Plat-Less than or equal to 3 lots-\$650 Conventional or Conservation Plat-Greater than 3 Lots- \$1,300 Lot Line Adjustment-\$85 Parcel Review-\$85 Performance Standard Subdivision-\$385	Administrative Appeal-\$1,275 Environmental Assessment-\$1,140 Conditional Use Permit-\$650 Conditional Use Permit Rehearing-\$210 Interim Use Permit Rehearing-\$210 General Purpose Borrow Pit-\$650 Variance-\$650 Variance Rehearing-\$210 Multiple Hearing (Variance/conditional use)- \$980 Rezoning-\$650

TYPE OF PROPOSED STRUCTURES Check all that apply to the project. *Structure *Foundation *Maximum *Maximum *Maximum *Maximum New Structure(s) Type Length Width Height Type Sq. ft (Basement, Slab, (Exterior (Exterior (Ground Level to (Same as box #1 or (Exterior footprint only) Footprint Only) Footprint Only) Pier, etc) Roof Peak) hange use 2 above) Post France 04 50 Feet Feet Awelling Sq. ft. Feet 20 Feet Feet Sq. ft. Feet Feet Feet Sq. ft. Feet *Foundation *Structure *Maximum *Maximum *Maximum *Maximum Structure Additions Type Length Width Height Туре Sq. ft (Basement, Slab, (Exterior (Exterior (Ground Level to (Same as box #2 (Exterior footprint only) Pier, etc) Footprint Only) Footprint Only) Roof Peak) above) Feet Feet Sq. ft. Feet Feet Feet Sq. ft. Feet Feet Feet Sq. ft. Feet *Indicates required field. Incomplete applications will be returned.

CONTACT: Planning and Community Development Department

Technical Assistance Toll Free: 1-800-450-9777 Land Use Information www.stlouiscountymn.gov/land-use Duluth Government Services Center 320 West 2nd Street, Suite 301 Duluth, MN 55802 (218) 725-5000 Virginia Government Services Center 201 South 3rd Avenue West Virginia, MN 55792 (218) 749-7103

Office Use Only

Receipt #	
Receipt Date	
Payment Amount	
Paid By	



Conditional Use Permit (CUP)

WORKSHEET St. Louis County, Minnesota

About: Conditional use permits are typically required on property where the owner does not reside and/or has employees and customer traffic. A CUP needs additional controls or restrictions to assure that it is in harmony with the neighborhood. They are also required for a variety of other uses.

County Land Explorer: https://gis.stlouiscountymn.gov/landexplorer/ Property Lookup: http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe/

WHAT ARE YOU APPLYING FOR? Check all that apply to the project.

New business

Expansion of existing business

Replace existing business

Extractive Use-General Purpose Borrow (Gravel) Pit* *Additional worksheet required. It is not necessary to continue filling out the CUP worksheet form. Please see Extractive Use- General Purpose Borrow (Gravel) Pit Worksheet (attached).

Other If Other, please explain: If Other, please explain: Current structure will be renovated to Current structure will be renovated to be a residence (garage, with well + septic (holding tank)

ABOUT THE BUSINESS

TYPE OF BUSINESS

How is the property currently being used?

storage for school district Bus garge

What type of business/use is being applied for? (List all uses that will take place)

Change use to Ovelling

HOURS OF OPERATION (Proposed) Monday through Friday		Saturday	Sunday	Comments			
Start: End:		Start: Start: End: End:					
TRAFFI	C, PARKI	NG, AND/	OR DOCKAGE				
🗌 Yes	🗆 No	Will the pr	Will the proposal generate an increase in traffic? (Boat, snowmobile, truck, bus, car, etc.)				
If Yes, e	stimated i	ncrease:	10 vehicles or	r less 🗌 11-25 veh	icles Greater than 25 vehicles		
☐ Yes	□ No	Does the p	Does the proposal require parking? (Please include employees, visitors, and other parking)				
If Yes, h	ow many	parking spa	ces are available	e on the property?	л. -		
APPRO	VAL FROM	I LOCAL R	OAD AUTHOR	TY REQUIRED			
☐ Yes (☐ No	Please attach	approval lette	r)				

SIGNA	GE AND LIG	HTING						
🗌 Yes	No I	Does your proposal inclu	ude signage? (Include	e any off-site signs)				
If Yes.	If Yes, please list number of signs, size, location, and illumination of each sign:							
				on of cach sign.				
🗌 Yes	No N	Vill there be lighting (in	cluding security ligh	nting) that may be	visibl	le from roads, wate	erways, and adjace	ent properties?
If Yes,	please explai	1:						
TUDE								
× -	New Structur	D STRUCTURES Check	all that apply to the proj	ject.				
		Church	Foundation	Maximum	Ma	viewe Middle	Manufacture	Maulaun
□ Nev	v Structure(s)	Type	Foundation Type	Maximum Length		ximum Width (Exterior	Maximum Sq. ft	Maximum Height
			(Basement, Slab, Pier, etc)	(Exterior Footprint Only)		Footprint Only)	(Exterior footprint only)	(Ground Level to Roof Peak)
				Feet		Feet	Sq. ft.	Feet
				Feet		Feet	Sq. ft.	Feet
				Feet		Feet	Sq. ft.	Feet
				Feet	Feet		Sq. ft.	Feet
			_	Feet Feet		Sq. ft.	Feet	
		Other		Feet		Feet	Sq. ft.	Feet
□ Stru	ucture Additio	Churchurch	Foundation	Maximum		Maximum	Maximum	Maximum
		Туре	Type	Length	Width		Sq. ft	Height
			(Basement, Slab, Pier, etc)	(Exterior Footprint Only)	(Exterior Footprint Only)	(Exterior footprint only)	(Ground Level to Roof Peak)
				Feet		Feet	Sq. ft.	Feet
					eet	Feet	Sq. ft.	Feet
					Feet Feet		Sq. ft.	Feet
		Other		1	-eet	Feet		Feet
OUTDO	OR BUSINE	SS ACTIVITY Check all	that apply to the project					
□ Yes	No	door work or storage a	reas such as: rock p	blies, assembly site	es, tar	nk storage, equipm	ent parking, etc?	
	please explain							
1 100/	picase explai							
WASTE	WATER TRI	ATMENT						
Will was	stewater will	be generated?						
If Yes, v	what type of	system will be used to h	nandle wastewater t	treatment?				
	ate Septic Sys							
		-i						
	er, please exp	din:						

SOLID WASTE Check all types of waste generated and describe how your will collect and store waste generated from the business below:							
🗌 Oil an	ehold Garba Id Grease Automotiv	-	Animal Waste Chemicals Medical	□ Radioactive □ Other			
If Other,	please exp	blain:					
Please d	escribe coll	ection and dis	posal: poldin	g tank			
Sel	F Cont Pump	ing Coit	Fract with Bren	g tonk, t's Septre Service			
*Additio	nal informa	tion may be r	equired based on the scope of t	the project.			
STORM	WATER M	ANAGEMENT		Contraction of the second			
Yes	X No	Will there be	more than one (1) acre of alter	red surface?			
2 Yes	es No If Yes, do you have an MPCA NPDES permit? (Please attach permit)						
CONTA	CT: Plann	ing and Com	munity Development Departr	ment			
Technical Assistance Duluth				Virginia	Office Use Only		
Toll Free: 1-800-450-9777 Land Use Information www.stlouiscountymn.gov/landuse			Government Services Center 320 West 2 nd Street, Suite 301 Duluth, MN 55802 (218) 725-5000	Government Services Center 201 South 3 rd Avenue West	Receipt #		
		.gov/landuse		Virginia, MN 55792 (218) 749-7103	Receipt Date Payment Amount		

Payment Amount _____ Paid By _____

Site Sketch Form The sketch is to graphically illustrate your proposed project(s)

*All Driveways, Ac	on Sketch (in feet) the Property and Dimensio cess Roads, and Wetlands ctures and Dimensions	ons.	*Dista *Dista *Dista		tructures to Septic tructures to Prope	
You may submit your	own site sketch IF it has	the required informa	tion indica	ted above.		
*Applicant Name: *Site Address; *PIN:						
W E S			D	riveway		
Distance Well \$ H 60'	between olding tank well 165'		50' X 100' Y	Existing Bldg		
Depth of	WUI 165'					
		5				
		Sanitary Author	ity Use On	ly		
	o be determined by appro hown above, negatively in	priate sanitary authority	.)]Yes 🗌 No	

















