

STAIRWAYS AND OTHER STRUCTURES

FACT SHEETS

CASS COUNTY ENVIRONMENTAL SERVICES

1126.6 Stairways, Lifts and Landings, Platforms and Patios, Decks, Retaining Wall, Partition Fences, Docks, Boardwalks, Walkways, Watercraft Access Ramps, and Swimming Pools

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:

- A. Stairways and lifts shall not exceed four feet in width on residential lots or 8 feet if a combination of a stairway and a lift are installed. Up to 8 foot wide stairways may be used for commercial properties, public open-space recreational properties and planned unit developments;
- B. Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area and be an integral part of the stairway. Landings up to 64 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- C. Canopies or roofs are not allowed on stairways, lifts or landings;
- D. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
- E. No mechanized earth moving equipment shall be used in bluff zones.
- F. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions.
- G. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (A) to (F) of this section are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

1126.7 Platforms and Patios

- A. Platforms and patios may be placed within the structure setback, shall not exceed a total combined size of 400 square feet, and shall comply with the following standards:
 - 1. be free standing;
 - 2. have no railings;
 - 3. be a maximum of one hundred fifty (150) square feet in size;

4. not be more than one foot (1') below or above natural ground level; and;
 5. be placed at least ten (10) feet landward of the OHW.
- B. Patios within the building setback area require a shoreland alteration permit and shall meet the following conditions:
1. The patio encroachment toward the ordinary high water mark does not exceed fifteen (15) percent of the existing structure setback, and
 2. The patio does not encroach closer than forty (40') from the ordinary high water level; and
 3. The patio, or portion of the patio located within the building setback, shall not exceed 400 square feet.
- C. Patios are allowed behind the building setback without a permit provided that all structure setbacks are met and the property still meets all allowable impervious surface requirements.

1126.8 Decks

- A. All decks on residential structures built after 1971 shall meet the structure setback standards.
- B. On residential structures existing before 1972, decks that do not meet setback requirements from Public waters may be permitted. No variance would be required if all of the following conditions can be met:
- 1 The deck encroachment toward the ordinary high water mark does not exceed sixteen (16) feet or fifteen (15) percent of the existing structure setback, whichever is less; and
 2. The deck does not encroach closer than forty (40') from the ordinary high water level; and
 3. The deck is not roofed, screened, or enclosed.
 4. The total size of the nonconforming portion shall not exceed 400 square feet.

1126.9 Retaining Walls

- A. Retaining walls may be installed with a permit in the setback area above the OHW provided:
1. The Department determines that there is no other alternative to control erosion.
 2. No tier of a retaining wall shall exceed four feet in height without a plan signed by a registered professional engineer.

3. A design plan, showing elevations, stormwater drainage patterns, soil erodibility factors, and critical area seeding recommendation is submitted.
 4. One tier of retaining wall may be permitted adjacent to a lake or river to retain a slope other than a bluff to create area within a 14-foot shoreland alteration area for dock storage or other recreational purposes. Erosion control measures shall be employed.
- B. Retaining walls behind the structure setback are allowed provided they do not significantly alter the character of the property or do not create runoff or erosion problems.
1. No tier of a retaining wall shall exceed four feet in height without a plan signed by a registered professional engineer.

1126.10 Partition Fences

- A. A permit is required for a partition fence except fences for agricultural use.
- B. Construction and maintenance of partition fences shall comply with the requirements of Minnesota Statutes, Chapter 344.01 to 344.20
- C. A 4 inch right-of-way setback for a residential or commercial fence is required for easements or rights-of-way with widths of 40 feet or greater.
- D. A 3 foot right-of-way setback for a residential or commercial fence is required for roads or rights-of-way with widths of less than 40 feet.
- E. All fences shall meet structure setbacks from public waters.
- F. Fences shall not exceed 6 feet in height
- G. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway.
- H. Construction design plans shall be included with the permit application and approved by the Department.
- I. If one side of a fence is unfinished, the finished side of the fence shall face away from the applicant's property.

1126.11 Docks

- A. The landward end of all docks shall meet a 10-foot setback from the nearest property line.
- B. Docks shall be placed so as not to block access from an adjacent property to open water.
- C. Docks shall be placed within permitted shoreland alteration areas.

1126.12 Boardwalks and Walkways

- A. Boardwalks shall be used for lake access over wetlands within the building setback area. Boardwalks shall require a shoreland alteration permit and:
 - 1. Shall not exceed 6 feet in width on residential properties of 8 feet for commercial properties;
 - 2. May be placed on temporary or permanent supports;
 - 3. May be constructed of wood or metal;
 - 4. May have railings attached;
 - 5. Shall meet property line setbacks.
- B. Walkways may be used within the building setback in areas where foot traffic Eliminates the persistence of native vegetation. Walkways shall require a Shoreland Alteration Permit and:
 - 1. Shall not exceed 4 feet in width;
 - 2. May be covered with gravel, paving stones, bricks, or other materials (except asphalt):
 - 3. Shall meet property line setbacks; and,
 - 4. Shall be located within the 14 foot wide shoreland alteration area.

1126.13 Watercraft Access Ramps

Watercraft access ramps, approach roads, and access related parking areas:

- A. Are permitted for private residential lots only on lakes without Public Accesses.
- B. Area permitted for planned Unit Development Controlled Access Lots, or water-oriented commercial uses on any Public waters.
- C. Shall not include asphalt in shore impact zones 1 or 2 for activities regulated by this Section.
- D. Shall not exceed 14 feet in width from the lake to the structure setback line.
- E. Shall not include filling of wetlands.

1126.14 Swimming Pools

A private swimming pool with a filtration system in the ground or prefabricated installation above the ground shall require a shoreland alteration permit and shall meet all setback requirements in section 1126.1

