

**BOARD OF ADJUSTMENT/PLANNING COMMISSION  
CITY OF LAKE SHORE  
LAKE SHORE CITY HALL  
MINUTES  
JULY 12, 2021  
9:00 AM**

**Commission Members in attendance:** Jim Woll, Arla Johnson, Glen Gustafson, Bob Toborg and Gene Hagen; Council Liaison John Terwilliger; City Engineer Joe Dubel, City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Alternates Shawn Hansen and Pat Hastings. A quorum was present and the Commission was competent to conduct business. There were 4 people in the audience at City Hall.

Jim Woll called the meeting to order at 9:00 a.m.

Approval of the June 14, 2021 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE JUNE 14, 2021 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**PUBLIC HEARING –**

Rezone/Lot Split – Roger Lykins – Roger Lykins requested to rezone Part of Government Lot 4, Section 32, Township 135, Range 29 (property known as Lykins Pinehurst Resort) from Waterfront Commercial (WC) to Medium Density Residential (R-2). The site address for the property is 1414 Pinehurst Lane.

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments and staff report. There were no written comments received regarding this application.

Roger Lykins came before the Commission to answer any questions regarding his application.

Arla Johnson asked if this is two properties. Roger said it is two properties and explained how he acquired the second property and it became part of the resort. He now wishes to sell the resort and retain the property with the cabins known as Big Pine and Little Pine.

There were no concerns of the City Engineer.

Teri's staff report indicated the following: The applicant requested to rezone the property described as Part of Government Lot 4, Section 32, Township 135, Range 29 from Waterfront Commercial to Medium Density Residential, the property known as Lykins Pinehurst Resort. The applicant is also requesting a lot split provided the rezoning is approved. The rezoning will need to be acted upon first and the lot split will have to be contingent upon the City Council approving the rezoning request. The minimum lot size for the R-2 district is 30,000 square feet and 15,000 square feet of buildable area. The minimum lot width for this district is 100'. The property will meet the lot size criteria for the R-2 district.

The property owner will no longer operate Lykins Pinehurst resort and it will be used for residential purposes.

There are a number of factors that the ordinance lists in considering a rezoning request (Section 11.5).

- *Preservation of Natural Sensitive Areas:*  
There is a wetland area in the southwest area of the property.
- *Present Ownership and development:*  
As stated above the property owner will no longer operate the property as a commercial resort and will be used for residential purposes.
- *Shoreland soil types and engineering capabilities:*  
Soil classifications for this property are 543-Markey Muck, occasionally ponded (wetland area); 730 B-Sanburn sandy loam 3-8% slopes and 730 C-sandburn sandy loam, 8-15% slopes.
- *Topographic Characteristics:* The property does have some topographic changes including a bluff. Areas with the most topographic changes are near the wetland area and the area on the north side of the easement road. Topographic contours are shown on the survey submitted.
- *Vegetative Cover:* The property is wooded particularly to the rear and the area to the lakeside is nicely treed for a developed property.
- *In-Water Physical Characteristics:* There are no known protected, rare or endangered flora or fauna species in the area of the subject property. Lake bottom appears to be hard sand bottom.
- *Recreational Use of Surface Water:* Gull Lake is classified as a General Development Lake. General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.
- *Road and Service center accessibility:* The property is served by CSAH 77 – approximately 355 feet.
- *Socio economic development needs of the public:* The following items appear in the city's Comprehensive Plan:
  - Promote compatible land use development to protect investments and to protect our high quality of life.
  - Support growth patterns that reinforce our lake-oriented and rural development brand.
  - Ensure new residential development/redevelopment is efficient, environmentally sensitive, and offset any increased demand for services through valuation.
- *Availability of public sewer and water utilities:* The property is not within a reasonable distance to the city's wastewater system making and the city does not have a municipal water system. A subsurface treatment system currently serves the buildings on the property along with an individual well.
- *The necessity to preserve and restore certain areas having significant historical or ecological value:* There are no known areas of significant historical or ecological value on the property.
- *Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties:* The surrounding properties are zoned Medium Density Residential (R-2) so the rezoning would be consistent with the zoning to the north and south of the property.
- *Alternatives available for desired land use:* There are alternatives for the desired land use as a majority of the shoreline is currently zoned Medium Density Residential (R-2).

- *Prevention of spot zoning:* As mentioned above, the property to the north and south are zoned residential.
- *Conformance to the Comprehensive Plan:* The rezoning would be consistent with the Comprehensive Plan as cited above in addition to the following:

**Policies**

- **Promote compatible land use development to protect investments and to protect the high quality of life in Lake Shore.**

Lake Shore is a beautiful place to live and, largely because of that, people have invested a lot of money in the community. For the health of the community and to attract additional quality investment, it is important to protect those investments that have been made by ensuring all new development is compatible with the community.

- **Support growth patterns that reinforce the lake-oriented and rural development that defines the character of Lake Shore.**

The growth of the City has been driven by the scenic amenities and rural feel of the community. This is the community’s brand. All new development should reinforce that brand by preserving or enhancing the rural recreation character that distinguishes Lake Shore from other local communities.

- **Ensure that new residential development and redevelopment is efficient, orderly, environmentally sensitive, and fiscally responsible.**

With the high demand to live in Lake Shore, there is no need for the taxpayers to directly, or even indirectly, subsidize the cost of development. New growth and development should pay for itself, not just through the development process but also the increased valuation must pay for the increased demand for services. Degradation of sensitive environmental features will have a negative economic impact on the City and must be avoided.

**STAFF RECOMMENDATION**

Based on the criteria established in the City's Zoning Ordinance it appears to be justifiable to rezone the property to Medium Density Residential (R-2); staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

MOTION BY ARLA JOHNSON TO RECOMMEND APPROVAL AND MOVE FORWARD TO CITY COUNCIL THE REZONING REQUEST OF ROGER LYKINS AS DISCUSSION LEAD TO THE DECISION BASED ON THE CRITERIA ESTABLISHED IN THE CITY'S ZONING ORDINANCE IT APPEARS TO BE JUSTIFIABLE TO REZONE THE PROPERTY TO MEDIUM DENSITY RESIDENTIAL (R-2). GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**Lot Split:**

The applicant is requested a lot split to create two tracts of land based on the assumption the Planning Commission has recommended a rezoning change to R-2 -Medium Density Residential. The owner of the resort acquired Tract B in 1988 and it was rezoned to CW (Commercial Waterfront) and combined with Tract A. The owner is now wishing to subdivide Tract A and B however, both will be utilized as residential properties. The minimum lot size for Gull Lake is 30,000 square feet and minimum width of 100’ at the shoreline and building line. The buildable area for the R-2 district is 20,000 square feet (buildable removes the area that is considered wetland or bluffs). Both tracts meet this requirement.

Tract A has numerous buildings that were utilized as part of the resort along with a home that was used as the principal structure for the resort owner. Tract B has two cabins and a boathouse.

There is a proposed 33' wide easement that will provide access to Tract B. This is the current access road/driveway into the property. This access also provides access to the two properties to the south.

Areas of the proposed lots are shown and meet the ordinance requirements, the building envelopes for both lots are also shown on the survey. Tract B does not contain any bluffs or wetlands. Tract A does have an area labeled bluff and a wetland in the southwest quadrant of the property.

The on-site septic system for Tract A is shown and the septic system is shown for Tract B. It should be noted that the drainfield for Tract B is located on Tract A and easement for the system is included in the legal description. Wells are also shown for each tract.

The impervious coverage for each tract has been calculated and both tracts are below 20%.

All lot corners have been monumented, the survey has been prepared a licensed surveyor. Legal descriptions for the tracts have been prepared.

Topographic information has been provided on the survey.

**STAFF RECOMMENDATION:**

Recommend approval of the lot split contingent upon the City Council approving the rezoning request.

There were no concerns from the Commission and the City Engineer.

**MOTION BY ARLA JOHNSON TO APPROVE THE LOT SPLIT REQUEST OF ROGER LYKINS AS THE LOT SPLIT IS IN COMPLIANCE WITH THE LAKE SHORE SUBDIVISION ORDINANCE CONTINGENT ON THE CITY COUNCIL APPROVAL OF THE REZONING. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

Conditional Use Permit – Charles Johnson – Charles Johnson requested a conditional use permit to construct a 34'x32' single story detached garage meeting all setback requirements and impervious coverage limits. The property is legally described as Part of Outlot B and Part of Outlot C, Shore Acres (site address is 8864 Interlachen Road) and is zoned medium density residential.

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments and staff report. There were no written comments regarding this application. There was one verbal communication in favor of the proposed project from Sonja Larsen; Sonja also contacted Ingrid Anderson and she has no objections to the project as well.

Arla Johnson recused herself from the discussion as being an owner of the property.

Teri's staff report indicated the following: The applicant is requested a conditional use permit to exceed the 1,200 square foot limitation on detached accessory structures. The applicant is requesting to construct 34'x32' single story accessory structure. The total amount detached accessory structure will be 2,224 square feet.

The proposed garage will meet all setback requirements and height requirements. Elevation drawings have been submitted. The proposed garage will be a single-story structure with no guest quarters.

The property does not contain any wetlands but does have a bluff as shown on the survey.

The proposed garage will have an overall height of 19 from the ground which does not exceed the height requirement for accessory structures. The applicant has stated the garage will match the house gables maple stain (medium brown) but will be steel material. The applicant has also provided an alternative location for the garage that was hand drawn on the survey. The location of the proposed garage shown on the survey (done by the surveyor) will most likely be screened the most from the road and lake. It should be noted that the shed shown on the survey is to be removed. If the Planning Commission approves the garage, a condition requiring the removal of the shed should be made.

The proposed garage will not impact the on-site septic system for the property. The existing on-site septic system is located at an adequate distance from the proposed structure.

The property will not exceed the amount of impervious surface. With the proposed additional driveway area, garage and proposed home the impervious surface will be 11.3%.

The proposed use is for residential use and should not pose a conflict for surrounding property.

The proposed use will not impede the normal and orderly development of surrounding property nor will it create any additional requirements at public cost for public facilities and services.

The garage will not have a separate entrance onto County 77, the existing driveway will be utilized to access the proposed garage.

The proposed use should not cause offensive odor, noise or other potential nuisances.

#### STAFF RECOMMENDATION

Recommend approval of the proposed garage (as shown by the surveyor) with the condition the shed be removed as the proposed structure is an appropriate use in the R-2 zoning district, the structure will be compatible to the existing neighborhood. The proposed garage will not be injurious to the public health, safety, welfare, appearance or prosperity of the city. The proposed addition will not impede orderly development of surrounding property.

The City Engineer had no concerns.

Jim Woll asked for clarification of which shed is to be removed. Charles indicated the one labeled 'shed' and not the wood shed.

The Planning Commission had no concerns with the request.

**MOTION BY GENE HAGEN TO APPROVE THE CONDITIONAL USE PERMIT REQUEST OF CHARLES JOHNSON WITH THE CONDITION THE SHED BE REMOVED; THE PROPOSED STRUCTURE IS AN APPROPRIATE USE IN THE R-2 ZONING DISTRICT, THE STRUCTURE WILL BE COMPATIBLE TO THE EXISTING NEIGHBORHOOD. THE PROPOSED GARAGE WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, WELFARE, APPEARANCE OR PROSPERITY OF THE CITY. THE PROPOSED ADDITION WILL NOT IMPEDE ORDERLY DEVELOPMENT OF SURROUNDING PROPERTY. GLEN**

GUSTAFSON SECONDED THE MOTION. Arla Johnson recused herself as being an owner of the property. MOTION PASSED.

**NEW BUSINESS** – There was no new business.

**OLD BUSINESS** – Teri Hastings updated the Commission of the violation that was on Upper Gull Lake earlier this spring; the owners have indicated that they would like to apply for a variance to continue with the project.

Jim Woll asked the outcome of the Council's action from last month's rezoning and preliminary plat recommendations from the Planning Commission. Teri answered that both items were approved.

Jim Woll asked if the DNR weighed in on the Baudler boat house site plan review from last month's Planning Commission meeting. Teri answered that the DNR did answer back with various concerns.

### **REPORTS**

City Engineer – Joe Dubel had nothing to report.

Chairman – Jim Woll asked if there could be follow-up at the next Planning Commission meeting if there are items the Planning Commission meeting moved forward to the City Council. Teri answered that she can include the action.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings had nothing more to report.

**PUBLIC FORUM** – There was no public forum.

MOTION BY ARLA JOHNSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JULY 12, 2021 @ 9:16 AM. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald  
Lake Shore City Clerk