

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
DECEMBER 13, 2021
9:00 AM**

Commission Members in attendance: Jim Woll, Bob Toborg, Arla Johnson, Gene Hagen and Glen Gustafson; Council Liaison John Terwilliger; City Engineer Joe Dubel, City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Alternates Pat Hastings; Shawn Hansen and Pam Poston. A quorum was present and the Commission was competent to conduct business. There were 3 people in the audience at City Hall.

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

Approval of the November 8, 2021 Regular Meeting Minutes – MOTION BY GENE HAGEN TO APPROVE THE MINUTES FOR THE NOVEMBER 8, 2021 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance Request – Melinda and Joe Re requested a variance to construct a 25’x38.25’ garage addition onto the existing attached garage. The proposed garage will be 59.2’ from Lake Margaret and meets all other setback requirements. The property is legally described as Lot 15 and 16, Block 3 and part of Lots 13 and 14, Block 3, Tingdale Brothers Sherwood Forest on Gull Lake (site address is 8253 Robinhood Way). The property is zoned Medium Density Residential (R-2).

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. Teri sent the staff report to Darrin Hoverson, MN DNR Hydrologist, he had no comments.

Teri’s staff report indicated the following: The applicant made application for an addition to an existing attached garage. The original home and garage were constructed in 1982 with a variance for a lake setback of 50’; however, the home was constructed at greater setback than what was approved by the city. The applicant is requesting a garage addition with no living space above. The proposed footprint of the garage addition is 25’x38.25’. The garage height will be taller than the existing garage as shown on the elevation drawings.

The total area of the property is 40,794 square feet. The total impervious coverage with the garage addition is 14.44 %. The applicant indicated they will be adding a driveway area from the existing driveway which will be approximately 300 square feet of additional impervious surface and bring the total impervious surface to about 15.17%. The driveway cannot extend to the roadway due to the location of the septic system and other utilities.

The applicant has provided elevation drawings and a floor plan for the garage addition. As mentioned above, the garage addition will be taller than the existing garage but will not exceed the height requirement.

The proposed garage addition will meet the sideyard setback of 15’ and will meet the setback from the road right of way.

The property is well vegetated on the lakeside of the property. The property is not considered a bluff but does have some elevation. The hillside has numerous trees that will screen the proposed

garage from the lake during the summer months (“leaf-on conditions”). If the variance is approved, a condition should be placed on the approval to maintain the existing lakeside vegetation. There is not another viable location for a garage addition on the property due to the location of utilities and setbacks. The property does have a peninsula but not a building envelope (an area meeting all setbacks).

The proposed garage will not create any drainage concerns; however, gutters or other methods should be utilized to prevent any runoff from entering the lake or impacting the septic system.

STAFF RECOMMENDATION

Recommend approval of the variance for the garage addition as the addition would not alter the essential character of the area and the garage addition is located in the most viable location of the property. The proposed garage addition will be screened from the lake.

Proposed Condition: The vegetation must be left intact on the lakeside in front of the garage and drainage shall not be directed over the septic system or lake.

Arla Johnson asked if Teri’s proposed condition should be included in the motion.

There were no more comments or concerns from the City Engineer or Commission.

MOTION BY GLEN GUSTAFSON TO APPROVE THE VARIANCE REQUEST OF JOE AND MELINDA RE AS PRESENTED; WITH THE CONDITION THE VEGETATION MUST BE LEFT INTACT ON THE LAKESIDE IN FRONT OF THE GARAGE AND DRAINAGE SHALL NOT BE DIRECTED OVER THE SEPTIC SYSTEM OR LAKE. BOB TOBORG SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS –

Lot Split – Brett Bermel – Teri’s staff report indicated the following: The applicant is applying for a lot split. The applicant owns part of the Northwest Quarter of Section 7, Twp 135, Range 29 which is approximately 107 acres. The property is zoned Agricultural which has a minimum lot size of 10 acres and 2.5 acres (108,900 square feet) of buildable area. Buildable area excludes bluffs and wetlands. Tract A does not state the buildable acres and Tract B has a buildable area of 9.4 acres of buildable area; however, both tracts do have wetlands according to the Cass County GIS mapping and Teri doesn’t believe these have been removed from the buildable area.

The applicant has submitted a survey by a licensed surveyor. Legal descriptions have been prepared for the property (Tract A and Tract B).

The proposed Tracts, meet the minimum width for the zoning district of 300'. Both Tracts have access onto a public right of way (County 29). Tract B will have access through an easement. Two easements are shown on the survey (Easement A and Easement B).

The property does contain wetlands. There are two small pockets of wetland on the north half of the property and a larger wetland in the southwest corner. The wetland area is not large enough to impact the buildability of each tract. Each tract will exceed the minimum buildable area of 2.5 acres. The applicant should be made aware of the wetlands shown on the property.

Monuments have been placed marking the corners of the property as well as the division line for the two Tracts.

Building envelopes are not shown on each of the Tracts; however, setbacks are stated on the survey itself. The survey does not show a proposed home location on Tract A; however, there is adequate area for a home and accessory structure on the property. There is a structure located on Tract B

and several sheds located on Tract A. There is not a maximum size for accessory structures in the Agriculture Zoning District. The property must not exceed 10% impervious surface. Both tracts are compliant on impervious surface.

The survey does show topographic information and this information was supplied to the Commission members on the topography from the Cass County GIS site.

The survey does not provide soils information; however, there is a numerous wetlands surrounding this property and to the north. There is a current mound system serving the structure on the Tract B and would anticipate any future systems would also be a mound system due to the water table location.

STAFF RECOMMENDATION:

Recommend approval of the lot split since it is compliant with the city subdivision and zoning ordinance.

Teri included a wetland map with the Planning Commission packet and Jim Woll asked if the PEMC score could be clarified. Teri said it is the type of wetland.

There were no more comments or concerns from the City Engineer or Commission.

MOTION BY ARLA JOHNSON TO APPROVE THE BERMEL LOT SPLIT AS IT IS COMPLIANT WITH THE CITY SUBDIVISION AND ZONING ORDINANCE. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel had nothing to report.

Chairman – Jim Woll noted that the valuation on the November permit summary was nearly doubled from the previous year, showing considerable larger homes are being built. Teri said it was a very busy year for home building.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings said there will be a site plan review at the January Planning Commission meeting.

PUBLIC FORUM – There was no public forum.

MOTION BY ARLA JOHNSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF DECEMBER 13, 2021 @ 9:12 AM. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk