

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
JANUARY 13, 2020
9:00 AM**

Arla Johnson called the meeting to order at 9:00 a.m. Members of the Commission present: Arla Johnson and Glen Gustafson; Alternates John Ingleman, Pat Hastings and Bob Toborg; Council Liaison John Terwilliger; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Jim Woll, Gene Hagen; City Engineer Joe Dubel and Alternate Shawn Hansen. A quorum was present and the Commission was competent to conduct business. There were 2 people in the audience.

Election of Officers – Elections are the first meeting of the year.

GLEN GUSTAFSON NOMINATED JIM WOLL FOR THE CHAIR POSITION. JOHN INGLEMAN SECONDED THE NOMINATION. Jim Woll had agreed to the nomination prior to the meeting. MOTION PASSED UNANIMOUSLY.

GLEN GUSTAFSON NOMINATED ARLA JOHNSON FOR THE VICE CHAIR. PAT HASTINGS SECONDED THE MOTION. Arla Johnson accepted the nomination. MOTION PASSED UNANIMOUSLY.

Approval of the December 9, 2019 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE DECEMBER 9, 2019 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. PAT HASTINGS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance – Victoria Ritsche requests a variance to construct a 514 square foot (approx. 22'x22') attached garage with a second story at a setback of less than 30 feet from the right of way of Esther Lane and less than 75 feet from Gull Lake. The property is legally described as Lot 9 and part of Lot 10, First Addition to Ozonite Park (site address is 1203 Esther Lane) and is zoned medium density.

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. There was one phone call from Kelsey Smith and he had no objections.

Victoria Ritsche came before the Commission to answer any questions regarding her application.

Arla Johnson asked about Teri's recommendation regarding no parking on the road. Teri elaborated on the recommendation saying there has been a couple instances this winter where the plow was not able to get down to get the snow removed. Victoria said she would most likely park in the garage and extra parking would be in front of the garage.

Pat Hastings asked what the red line markings were on the drawing. Teri confirmed that it demonstrated addition parking per the architect.

John Ingleman asked if Victoria was keeping the shed. She is keeping the shed and will make updates to it.

Teri's staff report indicated the following: The applicant is requesting a variance to construct a 514 square foot attached garage with a second story at a setback of less than 30 feet from the right of way of Esther Lane and less than 75 feet from Gull Lake. The property currently does not have a garage but a dilapidated shed (labeled a garage on the survey). The lots in this area are pre-existing nonconforming lots which means they were created before today's current lot standards. There is not a building envelope on the property (not an area on the lot that would meet all the setbacks from the road or lake). The Commission received a drawing showing the 75' lake setback and 30' road setback in red; the 75' setback is very close to the road.

The closest point of the garage is 48' from the lake and 10' from the right of way. The applicant is also proposing a parking area on the side of the proposed garage. A car could possibly park in front of the garage, closest to the home but a larger vehicle may encroach into the right-of-way. Parking of vehicles should not inhibit plowing or snow storage. The applicant should be cautioned of this issue.

The proposed garage is a reasonable size given the size of the lot. The applicant does plan to restore the shed for additional storage space for the property.

The property does have some elevation which does create some difficulties for the garage. Landscaping retaining walls will be needed to construct the proposed garage. Retaining walls over 4' in height should be engineered.

The lot area is 11,735 square feet (most lake lots have 20,000 square feet and currently the ordinance requires 30,000 square feet) and has a proposed impervious surface is approximately 24.3%.

The property is served by municipal sewer and a community well.

The proposed garage will be a two-story garage with a bedroom above the garage; the floor plan was attached.

Again, as similar to the last application garages can be deemed a necessity since they provide storage of yard and garden equipment and preserve the aesthetics of the neighborhood.

STAFF RECOMMENDATION

Recommend approval of the variance as there are practical difficulties (lot depth and no building envelope). The proposed use will maintain the essential character of the area and the circumstances creating the difficulty with the property were not created by the land owner.

The commission may want to consider a condition prohibiting parking of vehicles, boats, trailers or other such equipment that impedes plowing of the road or snow storage.

MOTION BY GLEN GUSTAFSON TO APPROVE VICTORIA RITSCHER'S VARIANCE AS DESCRIBED ON THE APPLICATION AS THERE ARE PRACTICAL DIFFICULTIES (LOT DEPTH AND NO BUILDING ENVELOPE). THE PROPOSED USE WILL MAINTAIN THE ESSENTIAL CHARACTER OF THE AREA AND THE CIRCUMSTANCES CREATING THE DIFFICULTY WITH THE PROPERTY WERE NOT CREATED BY THE LAND OWNER;

WITH THE CONDITION OF PROHIBITING PARKING OF VEHICLES, BOATS, TRAILERS OR OTHER SUCH EQUIPMENT THAT IMPEDES PLOWING OF THE ROAD OR SNOW STORAGE. JOHN INGLEMAN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY. -

NEW BUSINESS – Teri indicated that Sourcewell is updating the zoning ordinance as approved by the city council.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel was absent.

Chairman – Vice Chair Arla Johnson had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings updated the Commission on the Gull Lake Trail and the last mile to be completed within Lake Shore. She is continuing to apply for grants that are available.

PUBLIC FORUM – There was no public forum.

MOTION BY JOHN INGLEMAN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JANUARY 13, 2020 @ 9:17 AM. PAT HASTINGS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk