

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
DECEMBER 9, 2019
9:00 AM**

Arla Johnson called the meeting to order at 9:00 a.m. Members of the Commission present: Arla Johnson, Gene Hagen, Roger Smeby, Jim Woll and Glen Gustafson; Council Liaison John Terwilliger; City Engineer Joe Dubel; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Alternate Bob Toborg was available in the audience. Alternates Shawn Hansen, Pat Hastings and John Ingleman were absent. A quorum was present and the Commission was competent to conduct business. There were 6 people in the audience.

Approval of the November 12, 2019 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE NOVEMBER 12, 2019 BOARD OF ADJUSTMENT/PLANNING COMMISSION WITH ONE CHANGE. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance – Tony and Ginny Udelhoven requested a variance to construct a 550 square foot addition to the northeast side of the home at a setback of 53’ from the lake and meeting the sideyard setback of 15’. In addition, the applicant requests to construct a 20’ x 28’ second story addition over the home. The variance requests also involve demolishing the existing 386 square foot garage and building a new 784 square foot garage at a setback of 3’10” from the side property line and 11’ 11” from the road right-of-way (the same setbacks as the existing garage). The property is legally described as Lot 21, Wienzel Point. The property is zoned Medium Density Residential (R-2). Site address is 1080 Wienzel Point Road.

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. Ron Helmer, 1120 Wienzel Point Road, phoned Teri indicating his support of the project. Tamera and Scott Anderson, 1128 Wienzel Point Road, sent a letter of support for the project.

Tony Udelhoven and Travis Miller came before the Commission to answer any questions regarding the application.

Glen Gustafson asked how many trees the Udelhoven’s plan to take down. Tony answered there will be about 5 trees that will come down; they plan to plant additional trees when the project is done.

Arla Johnson commented that Teri’s staff report said that the garage will also need a variance. Teri answered that it does need a variance. Arla asked for confirmation that no new decks are proposed other than a new covered entry. Tony said the covered deck is the only deck as proposed.

Teri’s staff report indicated the following: The applicant is requested a variance to construct a 550 square foot addition to the northeast side of the home at a setback of 53’ from Upper Gul Lake (the addition would be no closer to the lake than the existing home) and would meet the sideyard setback of 15’. The applicant is also proposing to construct a 20’x28’ second story over the home. The second story would not exceed the maximum height for dwellings. The variance also includes

demolishing the existing 386 square foot garage and constructing a new 784 square foot garage in the same area. The proposed garage is at a setback of 3'10" from the easterly property line and 11'11" from the road right of way (the same setbacks as the existing garage). In addition, the garage will need a variance from the lake across from Wienzel Point Road. The proposed garage again is on the same plane as the existing garage.

The applicant has a lot area of 24,269 square feet. The lot depth is approximately 154' on the easterly side and 103' on the westerly side thus creating a small trapezoid building envelope. The current home and garage are both located outside of the building envelope. The existing home is fairly centered on the lot. The home was constructed in 1971 and the garage in 1975.

The entrance into the garage is on the westerly side of the building and not the south side (street side) so the 11' setback is not as critical. Typically, the city would like to be able to see that a vehicle can be parked outside of the garage and not interfere with plowing etc. It should be noted the applicant is proposing to remove the sewer rock for the driveway and asphalt it.

The applicant is not proposing any lake side decks or patios other than a new covered entry. This should be confirmed at the meeting.

The property is level except for a slight hill on the lakeside that rises approximately 10 feet above the lake. The property does have some nice mature trees; the applicant should be asked how many trees will need to be removed to accommodate the additions. There appears to be nice screening on the easterly setback area.

The existing impervious coverage is at 14.9% and the proposed impervious surface is at 16.1%. A drainage plan is not required since the impervious surface is less than 20%; however, the site plan does show two storm water retention areas.

The property is served by city sewer. The existing well is a shallow well and it is presumed located inside of the dwelling. It is not shown on the survey. The location of the shallow well should be confirmed and the applicant should be asked if a new well will be drilled.

The applicant has submitted elevation drawings of the proposed home. The second story is a story and a half so it does fit the neighborhood very well.

STAFF RECOMMENDATION

Recommend approval of the variance as submitted. There are unique circumstances to this property as it was platted prior to current regulations and it does have to meet lake setbacks from the north and south. The proposed variance will not create a land use not permitted in the medium density residential zoning district. The variance is not for economic reasons alone. The variance will not alter the character of the neighborhood. The variance is in keeping with the spirit and intent of the ordinance. Overall, the proposed variance will be a nice update for the neighborhood.

MOTION BY GLEN GUSTAFSON TO APPROVE TONY AND GINNY UDELHOVEN'S VARIANCE AS DESCRIBED ON THE APPLICATION; DUE TO THE UNIQUE CIRCUMSTANCES TO THIS PROPERTY AS IT WAS PLATTED PRIOR TO CURRENT REGULATIONS AND IT DOES HAVE TO MEET LAKE SETBACKS FROM THE NORTH AND SOUTH. THE PROPOSED VARIANCE WILL NOT CREATE A LAND USE NOT PERMITTED IN THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT. THE VARIANCE IS NOT FOR ECONOMIC REASONS ALONE. THE VARIANCE WILL NOT

ALTER THE CHARACTER OF THE NEIGHBORHOOD. THE VARIANCE IS IN KEEPING WITH THE SPIRIT AND INTENT OF THE ORDINANCE. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS –

Lot Split – Leland Johnson is applying for a lot split. The applicant owns 40 acres of property that is zoned Wooded Residential. Wooded Residential has a minimum lot size of 5 acres and 2.5 acres of buildable area. Buildable area excludes bluffs and wetlands. Tract A as 5 acres of land (218,133 sq. ft.) and 4.9 acres of buildable area. Tract B has 35.2 acres and 27.3 acres of 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 via a ½ mile easement road that is 33' wide. The easement then continues through Tract B for access to Tract A. Due to the width of the easement road, that may limit future subdivisions of the property.

The property does have several large wetland areas located on Tract B. The wetland areas have not been delineated; however, they should not significantly impact the amount of buildable area. The wetlands were digitized from the Minnesota DNR resources. showing the wetlands is attached.

Monuments have been placed marking the boundaries of the proposed tracts.

Building envelopes are shown on both tracts of land.

The survey checklist indicates there are slopes over 12% on the site; there are areas considered bluffs and these are indicated on the survey.

There are improvements located on Tract A which are shown on the survey. Tract B is vacant. The impervious surface for Tract A is 3.4% and the impervious surface for Tract B is .6% due to the easement road.

The survey does not provide soils information; however, soils information has been provided on past SSTS certificates of compliance.

STAFF RECOMMENDATION

Recommend approval of the lot split as the proposed split meets the intent of the zoning ordinance.

Leland Johnson came before the Commission to answer any questions of the lot split proposal.

Jim Woll asked for clarification on Teri's staff report regarding the wetlands. Teri confirmed the wetlands have not been delineated and will not significantly impact the buildable area on Tract B.

There were no further concerns from the Commission or the City Engineer.

MOTION BY GENE HAGEN TO APPROVE THE LELAND JOHNSON LOT SPLIT AS THE PROPOSED SPLIT MEETS THE INTENT OF THE 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 – Vice Chair Arla Johnson had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings thanked Roger Smeby for six years of service to the Planning Commission; she presented him with a plaque indicating the Commission’s appreciation of his service.

Teri announced that Bob Toborg is the new alternate to the Planning Commission.

PUBLIC FORUM – There was no public forum.

MOTION BY GENE HAGEN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF DECEMBER 9, 2019 @ 9:21 AM. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk