

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
NOVEMBER 8, 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. Mayor Krista Knudsen was in the audience. A quorum was present and the Commission was competent to conduct business. There were 6 people in the audience at City Hall.

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

Approval of the October 11, 2021 Regular Meeting Minutes – MOTION BY ARLA JOHNSON TO APPROVE THE MINUTES FOR THE OCTOBER 11, 2021 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance Request – Ty & Michelle Lehmann requested a variance for the purpose of constructing a two story 14’x28’ addition and an attached 36’x26’ garage on the rear (streetside) of the home but within the 30’ bluff setback. The variance request also involves lifting the home and adding 2 feet in height. The proposed addition will meet the 75’ lake setback and all other ordinance requirements. The property is described as Lots 14, 15, and 16, Block 25, Tingdale Brothers Sherwood Forest (site address is 8766 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 or verbal comments received regarding this application; there was one property owner within 500’ who stopped in to comment he had no opposition to the project. Darrin Hoverson, MN DNR Hydrologist, returned no comments.

Ty Lehmann explained his project to the Commission and will answer any questions regarding the variance application.

Teri’s staff report indicated the following: The applicant is requesting a variance to construct a 14’x28’ addition on the west side of the home and a 36’x26’ attached garage that will be to the rear of the home but within the bluff setback. The existing home is located within the bluff but is a grandfathered structure. The proposed improvements also include raising the main structure up and adding two feet to the basement along with vaulting a portion of the existing home. The proposed addition and garage will meet the sideyard setback of 15 feet and the lake setback of 75 feet.

The home was constructed prior to the city keeping records and is considered a nonconforming structure. The homeowners did consider rebuilding however, the existing structure is in good shape with a solid foundation that will allow them to make the proposed improvements. The proposed addition is in the location of the existing rear deck and should not have an impact on the bluff. Again, the garage is located at the rear of the existing structure and will meet the sideyard setback.

The applicant did provide a verbal explanation as to how the home will be raised to add the additional block for the basement. The contractor will not have to have any heavy equipment on

the lakeside of the home. The contractor will be able to have the equipment on the north side of the structure. This location will also avoid disturbance to the septic tank which is located on the south side of the home. The bluff should still be protected with silt fence or similar measures during construction.

The applicant has provided elevation drawings of the proposed improvements including the overall height of the structure when completed. The height of the home will not exceed the height requirement of the city (25' to midpeak).

The property has over an acre of land, 58,253 square feet. The impervious surface for the property with the proposed addition and garage is 16.5% so this is within ordinance requirements which 25%.

The property does have a conforming septic system and enough area for a secondary system if necessary. The system is located on the south side of the property. The system is sized for a four-bedroom home. They will be compliant with the proposed improvements.

The property does have quite a bit of vegetative cover on the south side and street side of the property. The bluff vegetation has been cut down to about 8" and the property owners (new owners) have agreed to better vegetate the bluff.

The proposed addition is an appropriate use in R-2 zoning district and is compatible with the neighborhood and will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

STAFF RECOMMENDATION

Recommend approval of the variance as there is adequate area to protect the integrity of the bluff for the construction of the proposed improvements. A condition should be made that silt fence and other erosion controls measures should be implemented during construction to protect the bluff.

Glen Gustafson verified that Teri's staff report indicated to implementing a silt fence for erosion control measures during construction.

Joe Dubel commented that there is a crack in the foundation that may add some instability to the embankment. Ty answered that this has been discussed with the contractor and confirmed this will be braced during construction.

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

MOTION BY GLEN GUSTAFSON TO APPROVE THE VARIANCE REQUEST OF TY AND MICHELLE LEHMANN AS THERE IS ADEQUATE AREA TO PROTECT THE INTEGRITY OF THE BLUFF FOR THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS. WITH THE CONDITION A SILT FENCE AND OTHER EROSION CONTROLS MEASURES ARE IMPLEMENTED DURING CONSTRUCTION TO PROTECT THE BLUFF. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS –

Site Plan Review: Spider Lake Cottages, Tom Steffens – Teri's staff report indicated the following: The applicant is seeking a site plan review for subdividing property into a conservation subdivision. The property is 34 acres with 21.9 acres of upland area. The property is located east of the Causeway multi plex units on the east side of Lost Lake Road and north of the Anderson Gravel Pit. The property is located on Spider Lake which is considered a Natural Environment Lake (NE). A Natural Environment Lake has a minimum lot size of 80,000 square feet and a minimum buildable area of 40,000 square feet. The topography of the property is difficult. It has steep slopes,

bluffs and wetlands. Due to the topography and wetlands, it would require boardwalks for each lot over sensitive wetland areas and traversing bluff areas.

The Conservation Subdivision (Lake Shore’s form of a planned unit development) requires clustering of the homesites on smaller lots and with the remainder of the property put into a conservation easement. This is a good tool when developing property with difficult topography. The Conservation Subdivision process is Section 38 of the Zoning Ordinance. The Conservation Subdivision utilizes a method of dividing the property into tiers (400’ in depth for a Natural Environment Lake) and taking the suitable land area (no wetlands or bluffs) and dividing it by the lot size (80,000 square feet for a NE lake). This gives a base density of units for the development. The ordinance does grant very minor density increases if additional requirements are met, for example, increasing the setback by 100%. A density calculation sheet has been provided in the packet from the previous site plan from Jethro Carpenter. Mr. Steffens, narrative states 9 units would be allowed by his calculations.

Issues for the Planning Commission to address:

- A density calculation sheet has been provided in the packet from an earlier site plan review this year. However, according to the applicant’s calculation it appears 9 units would be allowed by ordinance. The applicant has provided a narrative regarding the density calculation. This will need to be verified with an updated survey showing this information. The updated survey should identify all bluffs, steep slopes, and wetlands (these should be delineated) and setbacks. It should be noted there is a 30’ wetland setback for the city. The survey should show the tiers and calculations for each tier. Tiers are needed to demonstrate the number of units allowed riparian access and potential density increases.

Criteria	Density Increase, Tier 1	Density Increase, Tier 2	Density Increase, Tier 3 and Beyond
Dwelling setback from lake increased 50% over minimum	5%	N/A	N/A
Dwelling setback from lake increased 100% over minimum	10%	N/A	N/A
Common Open Space increased to 60%	0%	0%	0%
Maintain predevelopment peak runoff rate for the 50-year, 24-hour storm event	0%	0%	0%
Maintain predevelopment peak runoff rate for the 100-year, 24-hour storm event	0%	0%	0%

38.1.1.1 Increases in unit or site densities shall not exceed the following maximums:

Tier	Maximum Density Increase
First	5%
Second and each subsequent tier	10%

- Will the cottages be served by city sewer or a community sewer system? There is a possibility of connecting the development to city sewer. A very preliminary study shows the city may have capacity for an additional 10-12 units without requiring the city to make costly upgrades to the system.
- The applicant has shown a pavilion for the peninsula, setbacks for the pavilion should be shown on the plan and elevation drawings for the pavilion should be submitted with the preliminary plat.

- Lake access or docking rights is only granted to the number of units allowed in tier 1 again this will need to be demonstrated with an updated survey and density calculation.
- The applicant is showing a preliminary lay out for 9 units utilizing an existing driveway off of Lost Lake Road the residential property to the north of the subject property has an easement for access. If the applicant proceeds with the development, the easement should be reviewed to insure there are no issues with such an access. The layout of the units seems to fit the topography better than the layout submitted in June. Amenities are shown as well.
- Moving forward a plan showing topographic alterations (grading plan), vegetation clearing limits should be completed for the units and the pathway. Will the pathway to the peninsula be paved and if so, how will this be accomplished?
- Impervious surface calculations should also be provided; Teri doesn't believe this will be a concern but it should be shown.
- The plan shows four docks and 8 slips, the applicant has stated that 7 units will have riparian access. How will the eighth dock slip be utilized? In addition, information should be provided on what type of docking system will be used (floating?), length of dock, and slips. What kind of lake bottom is in the area proposed for the docks, type of vegetation? Are any alterations planned? A dock plan should be submitted with the preliminary plat.
- How will the open space as required by ordinance be permanently preserved, what type of mechanism will be used to accomplish this?

The applicant should include a proposed time line for completion of the project and amenities. Financial security may be required by the city. In addition, the applicant is responsible for all costs incurred by the city in reviewing the plan.

Jim Woll reminded the Commission that this is a site-plan review and there will be no formal decisions made regarding the proposal. It is the opportunity for the Commission to talk to Mr. Steffens and his representative regarding their plans and offer feedback regarding any concerns the Commission members may have. Teri read her staff report pertaining to what Mr. Steffens is proposing.

Cindy Hidde, Stonemark, said there is a survey scheduled to be completed on the property very soon; she asked if Teri has heard from any concerned neighbors and that Stonemark would be on the property soon. She stated that Teri had shared a couple previous applications with her and asked Teri if there had been any proposals for a gazebo on the peninsula; they would like to put a structure there that would fit into the ordinance specifications without a variance.

Teri said Mr. Steffens is proposing a gazebo on the peninsula; she shared a past request was a variance for a home on the peninsula that wasn't approved. She said that a recreational facility such as a gazebo or picnic shelter is definitely different than home. Cindy asked if a 20'X30' gazebo would require a variance. Teri said it could possibly require a variance depending on the type of structure they propose and how much dirt movement would be required. Teri said, there is a small building envelope on the peninsula.

Teri said Darrin Hoverson the local area DNR Hydrologist has walked the property and she suggested sending the completed survey to him for comment to make sure it follows his interpretation is from when he visiting the site.

Tom Steffens wants to make sure there are no issues with removing some underbrush for traversing the property. Teri would like to see what the plan is and where they are working; she is hesitant to have them remove any trees. Tom said they would only be clearing deadfall.

Arla Johnson asked how much space is between the homes. Cindy said it appears to be 10 to 15 feet between the homes.

There was discussion regarding the lake bottom and vegetation where the docks will be placed. Tom said that Ben Meister, wetland specialist, has been there and will supply a report of the analysis of his findings.

Jim asked Teri to comment on the easement road that she mentioned in her staff report. Teri said there is an access road and the neighbor to the north has an easement across the applicant's property, so there should be an understanding between the two landowners. Tom answered that it isn't an exclusive easement and they intend to work with the property owner.

Teri suggested to talk to the neighbors to the north for their feedback regarding the proposed project.

Arla asked the next process. Teri said that the Preliminary Plat will be the next step; this will include all the nuts and bolts of the proposed project.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel had nothing to report.

Chairman – Jim Woll had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings has nothing to report.

Gene Hagen asked how the fine was derived at for the tree removal at Rocky Point Trail. Teri said there was consultation with the city attorney.

PUBLIC FORUM – There was no public forum.

MOTION BY ARLA JOHNSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF NOVEMBER 8, 2021 @ 9:37 AM. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk