

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
TELEPHONIC AT LAKE SHORE CITY HALL
MINUTES
DECEMBER 14, 2020
9:00 AM**

Commission Members phoning in: 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 Pat Hastings and Shawn Hansen. A quorum was present and the Commission was competent to conduct business. There was no one in the audience at City Hall.

Others present on the phone call:

City Planning and Zoning Administrator Teri Hastings was present at City Hall to coordinate the telephonic conference of the December 14, 2020 Lake Shore Board of Adjustment/Planning Commission. Practicing proper social distancing present at city hall were Teri Hastings, Jim Woll, and Patti McDonald.

Jim Woll called the meeting to order at 9:00 a.m. Jim went over the rules to be followed for the telephonic meeting.

Approval of the November 9, 2020 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE NOVEMBER 9, 2020 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ARLA JOHNSON SECONDED THE MOTION. ROLL CALL VOTE PASSED UNANIMOUSLY.

PUBLIC HEARING – There were no public hearing items.

NEW BUSINESS –

Final Plat - Portview – McClintick Family – Teri went over her staff report as indicated by the following: The McClintick family has submitted the Final Plat of Portview (final plat fee has been paid) based upon the variances granted at the November 2020 Planning & Zoning Commission meeting and the preliminary plat approved by the Planning Commission and City Council.

The final plat is in compliance with the preliminary plat that was approved by the City.

(Items 3 thru 7)

There are no association documents for the plat other than the road maintenance agreement. The road maintenance prepared by attorney Brad Person has been received. In addition, road names for the future road and the existing road have been reviewed by Cass County and are acceptable. The existing roadway will be called Portview Lane and the future roadway McClintick Trail. The family will need to change addresses of the existing cabins as they are currently using the same address of 1610 Portview Road with a letter identifying individual cabins. There is currently one permanent resident that will be impacted more by this change. Jessica Watts, Cass County GIS specialist indicated this is the better way to identify the properties in case of an emergency. The city will work with the family to make this transition.

An independent plat check of the final plat is being completed. The final plat should not be signed until a letter documenting the plat check is on file.

The applicants are aware that a title opinion is needed and should be reviewed to the satisfaction of the city attorney. The family is working with attorney Brad Person on this matter. The final plat will not be signed by the city until this is completed. *The title opinion has been received, reviewed and is acceptable.*

The park dedication fee (\$750.00) will need to be paid prior to the city signing the final plat. The family is aware of this requirement and a check has been mailed. *The check for \$750 was received.*

The professional costs (city attorney & city engineer) have not been totaled yet, the family is responsible for these costs and will need to pay for the new street sign of Portview Lane.

STAFF RECOMMENDATION

Recommend approval of the final plat to the City Council with the condition that the items addressed in 3-7 are satisfied prior to signing the final plat.

There were no questions or concerns from the Planning Commission.

MOTION BY ARLA JOHNSON TO RECOMMEND APPROVAL OF THE FINAL PLAT AND MOVE FORWARD TO THE LAKE SHORE CITY COUNCIL FOR FINAL PLAT APPROVAL. GLEN GUSTAFSON SECONDED THE MOTION. ROLL CALL VOTE PASSED UNANIMOUSLY.

Ordinance Update Discussion

Discussion on 'Shouses' (shed + house) – Teri has received comments regarding whether the city should put standards on 'shouses' along County 77. She said the city is currently working on the city zoning ordinance and is asking for input from the Commission. Teri's staff report indicated the following:

This past summer a "shouse" was constructed along Interlachen Road which prompted quite a few comments. Some comments were curious as to what is it, is it commercial etc. Teri heard from one member of the council expressing concern with the type of construction along the main corridor within the city.

Since the Planning Commission is in the process of updating the ordinance, it is a good time to review how the city would like to handle shouses if at all. Currently, the ordinance states that the minimum dwelling size in the R-1 low density residential district, and the R-2 shoreline district is 24'x24' and must be first established prior to an accessory structure being built. In addition, the maximum size for a detached accessory structure in these districts is 1200 square feet. The ordinance does not have a maximum size accessory structure limit if the accessory structure is attached to the principal structure so this has led to property owners constructing a minimum size dwelling with a large attached storage building. Property owners are required to install a conforming septic system (ssts) and well.

Teri asked Sourcewell (the company updating the zoning ordinance) for examples of how other communities have handled the matter. Most communities are not addressing the issue. However, they did provide an example from another community and draft language on handling 'shouses' which is attached for your review.

The city has options on how to handle shouses which include:

- Require a conditional use permit for such structures. Cup's require a survey, and the process can take up to 6 weeks. The Planning Commission could then place conditions on the use in regard to architectural standards.
- Place architectural standards within the specific zoning districts for shouses.
- Limit the size ratio for dwelling to storage area (as in the example provided by Sourcewell).
- No changes to the ordinance

Teri included a list of 'shouses' that have been constructed in the city if you would like to drive by and see. Also included were photos of the shouses at:

- 1674 Majesta Lane and 1690 Majesta Lane
- 7741 County 78
- 8641 Interlachen Road

Gene Hagen asked if this could be looked at on an individual basis when a someone is requesting a zoning permit for this type of structure. Teri said we could and that would be considered a Conditional Use. Arla commented that this could be challenging if there are no guidelines; we should have standards before we could make that kind of decision. Teri said this is the time to set the standards and the city can be somewhat flexible in determining what is allowable in each zoning district. Glen asked if surrounding communities have addressed shouses. Teri replied when talking with Sourcewell the communities that they represent have not dealt with shouses and they are allowing them.

John Terwilliger asked if this will be discussed on the council level. Teri replied that it will not until it is discussed at the Planning Commission level and included in the zoning ordinance.

Jim Woll asked if there were complaints or comments from the neighbors of the shouses that have been constructed. Teri replied there haven't been complaints; she said some people are more curious about what the building on County 77 is; more curious whether it is commercial or residential. Jim asked if they are R1. Teri replied they are R1 and one is wooded residential.

Jim referred to the Long Beach zoning ordinance that was included with the staff report in the packet. He commented that the 5% percent building limitation would not be a viable option, possibly considering an average size of the buildings already constructed (in Lake Shore) in terms of a square footage area; then looking at a rectangular lot, assuming a rectangular lot would be the easiest to build on; look at that, relative to the separation distance from the lot lines; permeability standards, set back standards, and use that evaluation to see if there were or are possible areas where they could be constructed and if those possible areas of construction exist; then look at the architectural standards. The other thought he had was to exempt any regulations or ordinances for facilities that would be constructed on a specific (not determined) acre size of potential property. If based in the smaller footprints, we could consider the conditional use permit to give the neighbors and the general public an opportunity to comment.

Jim asked the city engineer for comments. Joe said that he is hearing more about these buildings in the city's that he represents. He suggested looking at this ahead of time as it is becoming more of a fashion.

Comments from Arla thinks the city shouldn't put this off too long so we don't have to look at this retroactive. She thinks the lot size should be looked at and the architectural standards as well.

Gene asked what would happen if a person already has a structure and would like to add living quarters into. He was referring mostly to buildings outside the city limits. Gene asked if it would be allowable in the city if someone already had one that size. Teri replied that it is allowable to add living quarters (making sure the building is 24' x 24'). Gene feels we should consider size limits and architectural standards.

Glen agrees with Gene. He commented that Lake Shore is unique in having very expensive properties in the Gull Lake area; when you get into the rural areas these houses seem to fit more in the rural area. Teri replied that Glen is right on track and doesn't have an issue because Lake Shore has such a large area where it has agricultural use or a rural residential or wooded residential, which are the 5- and 10-acre tracts where these buildings fit the rural character of the area. We should try to be more restrictive in the R2 district, possibly putting the size ratio; and maybe put the conditions in the R1 district (where a portion of that being the off-lake county 77 corridor) or architectural standards or limit the size or require a conditional use permit in that district.

Bob Toborg commented that if he owned a rather expensive house on the lake, he wouldn't like to have a 'shouse' constructed next door.

John Terwilliger commented that it will be really tough to define what is allowable architecturally as there are numerous types of siding and metal roofs are becoming more common. He said there is quite a variation of the few that have already been built in Lake Shore.

Jim Woll suggested that the Commission ask Teri to find a couple people to meet with her to gather information to present to the Commission. Jim Woll and Arla Johnson agreed to work with Teri to evaluate the information that Teri has found regarding the 'Shouses' so far.

Date for ordinance review and public hearing – This will be delayed until the aforementioned group gathers information for 'Shouses'.

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 said she expects a January meeting that will most likely be held telephonically.

PUBLIC FORUM – There was no public forum.

MOTION BY GLEN GUSTAFSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF DECEMBER 14, 2020 @ 9:33 AM. ARLA JOHNSON SECONDED THE MOTION. ROLL CALL VOTE PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk