

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
MAY 13, 2019
9:00 AM**

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

Approval of the April 8, 2019 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE APRIL 8, 2019 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance – Jacqueline and Keith Siemon requested a variance from the Lake Shore Land Use Ordinance relating to the lake setback for the purpose of demolishing the existing nonconforming dwelling (2,532 square feet) and constructing a new home (1,834 square feet main level, 1,532 square feet second story and 1020 square feet for the attached garage). The proposed lake setback for the home is 45 feet at the closest point along with a proposed patio at 38 feet from the lake. The property is legally described as Lot 11 and 12 Wienzel Point (site address is 1136 Wienzel Point Road) and is zoned medium density residential.

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. There were no written comments regarding this application. Ron Helmer, 1121 Wienzel Point Road, phoned Teri and was in support of the project.

Jacqueline and Keith Siemon came before the Commission to answer any questions or concerns regarding their application.

Paul Strong commented on Teri's suggestion to moving the patio as indicated on the application. They can have 150 square feet at 50 feet from the lake. Keith said they would like to keep it in front of the screen porch. They were agreeable to 10'X15' in front of the screen porch and wrap the rest around.

Glen Gustafson asked if they were having problems with the home. Keith said it is getting older and it is time to remodel which would be expensive to remodel.

Mark Hallen confirmed the sideyard setback of 15 feet. Are they going to use the current well? No, a new well will be located on the south side of the lot. They will be connected to city sewer. He confirmed the steps to the lake.

Teri's staff report indicated the following: The applicant is requested a variance to demolish the existing home (shed, home and garage) and to construct a new home with and an attached garage along with a lakeside patio and porch at a setback of less than 75 feet from Upper Gull Lake.

The applicant has two lots (lots 11 and 12) which have been combined for a lot area of 23,664 square feet. A lot typically with an area over 20,000 square feet can easily meet ordinance

requirement for structures, however; this lot depth is shallow (117-145') creating a long narrow building envelope. In some areas of the building envelope, it is not wide enough to accommodate a conforming structure with a minimum width of 24 feet.

The applicant is proposing a two-story home with an attached garage in approximately the same location. The proposed home will meet the sideyard setback of 15 feet on the northeasterly lot line (the existing structure is only a few feet off of the lot line). The proposal for the new home does include a covered porch and screen porch at a setback of 45 feet from the lake. There is a small portion of the home that is also at this setback. The existing home is at a setback of 45' from the lake and there is also a large patio lakeside that extends out 15 feet plus from the home. The existing patio will be removed from the site.

The property is level except for a slight hill on the lakeside that rises approximately 10 feet above the lake. The site plan does show a new sidewalk/steps to the lake. What will happen with the existing steps?

The existing impervious coverage is over the maximum amount allowed-25.6% and with the proposed improvements the impervious is reduced to 24.6%. The ordinance allows a maximum of 25% impervious surface. The applicant has indicated the home will have gutters to collect the stormwater from the roof. The applicant will need to ensure that the gutters are not directed towards the lake.

The property is served by city sewer. There is an existing well within the garage (shallow) and the applicant has indicated they will be drilling a new well. A proposed well location is not noted on the survey. Teri doesn't anticipate any problems with locating a well on the property.

The applicant has submitted elevation drawings of the proposed home and was attached to the application.

STAFF RECOMMENDATION

Recommend approval of the variance with the exception of the proposed patio. The variance is necessary due to the shape of the property (lack of depth). 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.

The proposed patio could be sited to meet the required setback of 50' and the ordinance does allow a 150 square foot patio within the 50-foot setback.

There were no concerns regarding the application from the audience.

MOTION BY GLEN GUSTAFSON TO APPROVE THE SIEMON VARIANCE CONTINGENT UPON THE CHANGE TO THE PATIO AS AGREED TO (150 SQUARE FEET - 10'x15') IN FRONT OF THE SCREEN PORCH. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Variance – Glenn and Diane Erlandson requested a variance to construct a 1232 square foot single story principal structure on a nonconforming lot. A variance from the side lot lines is requested for 10 and 11 feet where a 15-foot setback is required. All other zoning requirements and setbacks will be met. The property is legally described as Lot 11, Block 25, Tingdale Brothers Sherwood Forest on Gull Lake (the property is located between addresses 8752 and 8762 Interlachen Road). The property is zoned medium density residential (R-2).

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. There were no written comments regarding this application. Ross Johnson, 8766 Interlachen Road, phoned Teri and he had no concerns with the project.

Glen Erlandson and Brad Arnold from Hy-Tec Construction came before the Commission to answer any questions regarding the application. Brad Arnold gave a background of how the Erlandson's came to the request for variance.

Paul Strong asked about the placement of the well on the site plan. Brad commented that it was located there just showing it would be far enough from the septic system. A well would be a future improvement and placed where the soils are appropriate. Paul confirmed the existing garage is staying; it's not used as storage for a vehicle because of its placement, they use it for storage of lake recreational items.

Arla confirmed the width of 28' of the structure. Yes, it is 28'.

Mark Hallen said the first floor elevation wasn't indicated on the site plan. He also commented on the guttering system and runoff.

Teri's staff report indicated the following: The applicant is requested a variance to construct a 1332 square foot single story principal structure on a nonconforming lot. The property is unique in that a garage already exists in the location where a home would typically be sited. The property is a 50' lot. The minimum width for a structure is 24 feet and the sideyard setback is 15 feet. A variance is either needed for the sideyard setback or building width. In this particular application, the applicant is requesting a variance from the sideyard setback for 10 and 11 feet respectively. The width of the structure is 28 feet.

The property has a defined bluff and the existing structure does encroach within the bluff setback area.

The applicant has submitted floor plans and elevations of the proposed structure. The applicant has indicated this will be a principal structure and will be utilized as an exercise therapy building. The applicant will not reside at this location but will reside on the adjacent property.

The lot area for the property is 16,752 square feet and the proposed impervious coverage is 24.4% just under the maximum amount allowed by city ordinance. The drawings show gutters and downspouts for drainage for the proposed structure.

If the variance is approved, a site evaluation and design should be submitted prior to any permit being issued. The area where the proposed septic system is shown does not look large enough to accommodate a septic system. In addition, the proposed well is located between the two structures and while this is conforming, it may be in the best interest to locate the well closer to the side lot line. Wells only need to have a 1' setback from the side lot line. This would allow more flexibility in the future for the site.

The applicant should be asked if any screening is proposed for the structure.

Since the garage is located on the lakeside, how will this be accessed if the proposed structure is constructed?

There were no concerns regarding this variance application from the audience.

STAFF RECOMMENDATION:

Recommend approval of the variance for a principal structure provided a ssts site evaluation and design is submitted prior to the issuance of the permit to show a conforming sewer system can be installed on the property. The variance is necessary due to the shape/size of the property (50' lot). The variance should not alter the essential character of the area.

MOTION BY GENE HAGEN TO APPROVE THE ERLANDSON VARIANCE PROVIDED A SSTS SITE EVALUATION AND DESIGN IS SUBMITTED PRIOR TO THE ISSUANCE OF THE PERMIT TO SHOW A CONFORMING SEWER SYSTEM CAN BE INSTALLED ON THE PROPERTY. ARLA JOHNSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – There was no new business.

OLD BUSINESS –

Final Plat-Haines Addition – The applicant, Haines Trustees, is submitting the Final Plat of Haines Addition which consists of three residential off water lots. The property is located off of Birchwood Hills Road and does not have any public improvements. Please note the name of the plat has been revised based on the suggestion from the County Recorder.

The Final plat also shows a drainage and utility easement (this was not shown on the preliminary plat).

The preliminary plat was approved by the City Council at their April meeting.

There are no proposed covenants for this plat.

A satisfactory title opinion has been completed.

The park dedication fee will need to be paid before plat signing (\$750).

Professional fees will need to be reimbursed to the city (city attorney and city engineer) before the final plat is signed. A total for these fees has not been submitted to the applicant.

STAFF RECOMMENDATION:

Recommend final approval of the plat provided all items are completed satisfactorily prior to signing the final plat (payment of park dedication and professional fees).

Paul Herkenhoff, Lakes Area Surveying, explained why the county offered a name change to the plat. He was told there was already a plat with Birchwood Hills in the title and the change would minimize future confusion.

MOTION BY ARLA JOHNSON TO RECOMMEND APPROVAL OF THE HAINES ADDITION FINAL PLAT PROVIDED ALL ITEMS ARE COMPLETED SATISFACTORILY PRIOR TO SIGNING THE FINAL PLAT (INCLUDING PAYMENT OF PARK DEDICATION AND PROFESSIONAL FEES). ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS

City Engineer – Mark Hallan said Joe Dubel has been added to the staff at WSN and he will be here next month for the Planning and Zoning meeting.

Chairman – Paul Strong had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri reminded the Commission to attend the Comprehensive Plan public hearing on June 20th at 6:00 p.m. as we need a quorum of Commission members.

Teri said she is still hearing from short term rental owners and continues moving forward the application process. She shared that Nick Roeder (at last meeting) contacted her as he heard that people were not going to comply with the new ordinance. She let him know that a letter went out to the people that are renting to inform them that the applications need to be in before June 1st the fine schedule begins.

Teri encouraged the Commission members to go online to the City's website and enter their email address to receive the newsletter and other communications from the city.

PUBLIC FORUM – There was no public forum.

MOTION BY ARLA JOHNSON TO ADJOURN THE BOARD OF
ADJUSTMENT/PLANNING COMMISSION MEETING OF MAY 13, 2019 @ 9:33 AM.
GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk