

**BOARD OF ADJUSTMENT/PLANNING COMMISSION  
CITY OF LAKE SHORE  
LAKE SHORE CITY HALL  
MINUTES  
OCTOBER 12, 2020  
9:00 AM**

**Commission Members Present:** Jim Woll, Arla Johnson, Bob Toborg, Glen Gustafson and Gene Hagen; Council Liaison John Terwilliger; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were and 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 Engineer Joe Dubel; Kevin McCormick PM, Land Design Solutions, LLC; Tom Spicola.

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

Approval of the September 14, 2020 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE SEPTEMBER 14, 2020 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**PUBLIC HEARING** – There were no public hearing items.

**NEW BUSINESS** –

Lot Split – Tom Spicola – Teri’s staff report indicated the following: The applicant is requesting a lot split to create two lots. The property is zoned R-2 and R-1 (Medium density residential and low density residential). The lot size for the R-2 district is 30,000 square feet and 100 feet of shoreline. Within the R-2 district 15,000 square feet of the proposed lot needs to be buildable land. The lot area needed for the R-1 district is 40,000 square feet with 20,000 square feet of buildable area. Tract A and B exceed these requirements.

Tract A has a dwelling, boathouse and two sheds on the property. Tract B has pole shed that does have living quarters within it and its own septic system. The septic systems (drainfields) are not shown on the survey other than the lift station locations. Sewer inspections and compliance inspections are on file showing the location of these systems. There is a well located near the southerly side lot line of Tract A. There is adequate area on both tracts for a secondary system.

The property does not contain any bluffs. It is heavily wooded with pine.

All lot corners have been monumented; the survey has been prepared by a licensed surveyor. Legal descriptions for the tracts have been prepared.

Structures located within 50 feet of the property have been located.

The survey does show building envelopes for each tract. Wetlands are shown on the survey for Tract B.

Access to Tract B will be off of County 77 therefore, an easement will not be needed.

**STAFF RECOMMENDATION:**

Recommend approval of the lot split as the split is in substantial compliance with the city's ordinances.

Tom Spicola phoned in to answer any questions the Commission may have regarding his lot split request. He commented that he requested the lot split in the event he ever sold his cabin and he would retain the lot with the pole barn. He has no plans on selling in the near future.

There were no questions from the Commission or the City Engineer.

**MOTION BY GENE HAGEN TO APPROVE THE TOM SPICOLA LOT SPLIT AS THE PROPOSED SPLIT MEETS THE INTENT OF THE ZONING ORDINANCE. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

Lot Split – Janice Rheaume Briggs – Teri's staff report indicated the following: The applicant is applying for a lot split. The applicant owns the Northwest Quarter of the Southwest Quarter of Section 6, Twp. 135, Range 29 which is approximately 36 acres. The property is zoned Agricultural which has a minimum lot size of 10 acres and 2.5 acres (108,900 square feet) of buildable area. Buildable area excludes bluffs and wetlands. Tract A has a total area of 12.07 acres and a buildable area of 9.45 acres and Tract B has a total area of 24.08 acres and a buildable area of 12.62 acres.

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; however, the roadway is not city maintained and there is an easement out to County 29.

Tract A does have 2 buildings located on it and are shown on the survey. In addition, there is an existing fence that extends from Tract A to Tract B that is to be removed. Tract A does have a septic system (mound system which is typical in this area) and there is also a well on Tract A.

The property does contain wetlands. The wetland area does encompass parts of Tract A and Tract B. The wetland area has been delineated by Ben Meister, a certified wetland delineator.

Monuments have been placed marking the corners of the property as well as the division line for the two tracts.

Building envelopes are shown on each of the tracts along with the setback from the wetland area. The survey does not show a proposed home location on Tracts A and B, however there is adequate area for a home and accessory structure.

The survey does show topographic information which has been digitized from the Cass County LIDAR data.

The survey does not provide soils information. However, soils information is on file from the construction of the septic system on Tract A.

**STAFF RECOMMENDATION:**

Recommend approval of the lot split as the subdivision is in substantial compliance with the city's zoning and subdivision ordinance.

Kevin McCormick phoned in to answer any questions the Commission may have regarding the Rheaume-Briggs lot split. He commented that the easements are of record.

There were no questions from the Commission or the City Engineer.

MOTION BY GLEN GUSTAFSON TO APPROVE THE JANICE RHEAUME BRIGGS LOT SPLIT AS THE PROPOSED SPLIT MEETS THE INTENT OF THE ZONING ORDINANCE. ARLA JOHNSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Variance Extension Request – Brian Halverson – Brian requested a one-year extension to his variance that was approved last year.

MOTION BY ARLA JOHNSON TO APPROVE BRIAN HALVERSON’S REQUEST TO EXTEND HIS VARIANCE ACTION FOR ONE YEAR. GLEN HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**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 had nothing additional to report.

**PUBLIC FORUM** – There was no public forum.

MOTION BY GLEN GUSTAFSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF OCTOBER 12, 2020 @ 9:13 AM. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald  
Lake Shore City Clerk