

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
APRIL 9, 2012
9:30 AM**

Commission Chair Earl North called the meeting to order at 9:30 a.m. Members of the commission present: Earl North, Dick Miles, Dave Baldwin, Mark Nelson and Lee Martin; Zoning Administrator Teri Hastings. City Engineer Mark Hallan, City Clerk Patti McDonald and Council Liaison Susan Amacher were absent. Alternate Tom Diemert was available. There were 4 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY MARK NELSON TO APPROVE THE MINUTES FOR MARCH 12, 2012 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. LEE MARTIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY

PUBLIC HEARING

Variance-Bar Harbor Restaurant - John Allen of Bar Harbor Supper Club requested a variance to add a deck onto the existing storage building which is less than 75 feet from Gull Lake. The storage building is to be converted into a banquet room. The property is described as part of Government Lot 10, Section 16, Township 137, Range 27 and Lot 31 Gullwood. (8164 Interlachen Road) and is zoned Waterfront Commercial.

The following documents became part of the record – Notice of mailing, notice of publication, notice of public hearing, signed application and attachments and staff reports. There were no comments received from the public regarding the application.

Teri's staff report indicated the following: The applicant is requesting a variance to construct a deck onto the existing nonconforming storage building. The proposed deck will be 10' on the lakeside and 14 feet on the north side of the building. (The side deck is not shown on the survey but is included on the elevation drawings). The proposed deck will be 42.8 feet from the lake at the closest point. The applicant is planning on converting the storage building into a private banquet room.

The property is currently at 26.9 % impervious surface (27%) which is 2% over what the ordinance allows. In 2004 when Bar Harbor was constructed the proposed impervious coverage was at 24.5%. In reviewing the information from 2004 to the updated survey of 2012 the additional impervious surface was added during the construction phase. The parking lot was configured slightly different in the vicinity of the trash enclosure and septic tanks and there was a cement area leading from the side of the building to the storage building lakeside which has been removed. This past fall the work was done on the property removing some asphalt on the easterly end of the parking lot and incorporating some stormwater features along with adding additional trees and other landscaping throughout the property. In addition, the property owner has plans for a

buffer along the shoreline. If the variance is approved Teri thinks it would be appropriate to add the buffer as a condition of approval. It should be noted that the proposed deck has been calculated into the impervious calculation (320 square feet). In the past the commission has considered decks somewhat pervious if there were no landscaping plastic underneath the decking.

The banquet room would require additional seating and thus additional parking. The current seating of the remodeled restaurant along with the new patio arrangement has been submitted. The restaurant/bar would have 206 seats and the outdoor patio 97 seats. Typical weekday shifts will have 15 employees and weekends 25 employees. Previously we have counted dock slips to accommodate the patio seating. There are 34 slips currently serving the property. There is a plan to replace the docks along with some changes in length. The DNR (Darrin Hoverson) has been contacted regarding the replacement of the docks and will need to approve the new dock plan. The DNR is planning on a site visit for the week of April 2nd. The seating layout for the banquet room has not been determined but the applicant's representative is estimating approximately 24-28. The banquet room will not be heated and will not have water supplied to it. There will be an air conditioning unit put into the building. It could be conditioned the building be used only during summer months when dock space could be used.

Elevation drawings of the banquet room and the proposed deck have been submitted. One of the drawings does depict a sink so the applicant or his representative should verify the plumbing into the building.

The additional seating for the banquet room will require an adjustment to the sewer billing. Each 25 seats constitute an ERC (equivalent residential connection).

The building does have one clump of trees in front for screening. The applicant's representative did state they are planning on utilizing some tall grasses in front of the structure. Heather Baird from the DNR is planning on meeting with the applicant's representative to discuss some plantings.

STAFF RECOMMENDATION

Recommend approving a 4 foot walkway along the lakeside of the building and allowing a 14' wide deck on the north side of the building. By allowing the four foot walkway it would be consistent with how other nonconforming buildings are treated when there is no deck. It would be in harmony with the purposes and intent of the ordinance as the 4' walkway provides access from the front of the building to the side deck. The side deck is not going any closer to the lake than the existing structure so it is a reasonable use. The variance would be consistent with the Comprehensive Plan as it would enhance the visual appeal of the structure compared to how it looks currently particularly if a buffer utilizing native plants was required along the shoreline. In addition, the comprehensive plan encourages flexibility in design guidelines to accentuate the aesthetics and character of Lake Shore. The variance will maintain the essential character of the because of the type of materials used and will enhance the appearance of the property.

Sean Harguth and Chris McHugh were present to represent the application. Sean Harguth explained that they plan to remove the roof extend the walls by 2 feet and increase the roof pitch of the storage building and convert it into a banquet room. The decks will be 14 feet in width (published notice and site plan show a 10' lakeside deck and 14' deck on the side). The existing apron on the side of the building will be removed.

Dave Baldwin questioned the water and Sean stated there is no plumbing inside of the building currently and no plans for it so the drawings of the interior are not correct since they show a sink. Sean will provide a corrected drawing. Mark Nelson questioned the 10 foot deck versus 14 deck and felt now would be the time to do the 14 deck. The 14 foot deck would be at 38 feet from Gull Lake Sean stated they may do additional remodeling inside the restaurant adding additional bathrooms. There will be additional height added to the storage building. Mark Nelson stated the conversion would be an improvement.

Earl had a couple of thoughts to be included in the motion: shoreline restoration plan to be approved by the city to offset impervious coverage, maintain integrity of the bluff during construction along with minimal disturbance to the vegetation of the bluff, and additional runoff from the roof be contained on site.

Earl asked for comments from the public, there were no comments from the public.

Dave clarified on the restrooms. The restrooms will be redone in the main restaurant, there are none planned for the banquet room. The additional seating in the banquet facility will require the sewer billing to be adjusted for the property.

Richard questioned the width of 14 feet for the lakeside deck. In the past other applications were only given the ability to do 4 foot walkways, however those were residential applications and before the new variance language. Mark Nelson did state this was commercial waterfront versus residential. Earl asked about past variance applications within the city in relation to deck size. Teri indicated there was an application on Upper Gull a number of years ago but again the variance criteria has changed.

Richard stated the building would be an improvement on the site. Dave inquired about the new dock system and felt it is related to the deck since the dock is the dominant structure or focal point. The fingers will be lengthened and the boardwalk will be decreased from 10' in width to 8 feet in width but will need to stay within the boundary of the existing system.

Earl asked for any additional comments or questions.

MOTION BY LEE MARTIN TO APPROVE THE VARIANCE APPLICATION AT 9164 INTERLACHEN ROAD BASED ON THE SURVEY DATED 3-26-12 FOR THE CONSTRUCTION OF A DECK WITH A SETBACK OF 38.8 FEET AT THE CLOSEST POINT (14' WIDTH) WITH THE CONDITIONS THE CONTRACTOR MAINTAIN THE INTEGRITY OF THE BLUFF, A SHORELINE

RESTORATION/BUFFER PLAN APPROVED BY THE CITY AND ALL STORMWATER FROM THE BUILDING BE CONTAINED ON THE PROPERTY. MOTION SECONDED BY DAVE BALDWIN. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Recommend John Ingleman to an alternate to the City Council. John stated he has had a home on Lake Margaret for the past 16 years and has been a full time resident that last year and a half.

OLD BUSINESS

REPORTS

City Engineer – Mark Hallan was absent

Chairman – Earl North; Nothing to report.

Council Liaison – Susan Amacher was absent.

Zoning Administrator – Teri Hastings; Nothing to report.

PUBLIC FORUM

Dave Baldwin commented about the amount of commercial activity taking place within the city. Teri commented that she was not sure on what Zorbaz plans were for the deck work. Earl will draft a letter to the council regarding the matter.

MOTION BY MARK NELSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF APRIL 9, 2012 @ 10:05 AM. LEE MARTIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Teri Hastings