

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
MAY 14, 2012
9:30 AM**

Commission Co-Chair Dick Miles called the meeting to order at 9:30 a.m. Members of the commission present: Dick Miles; Alternate Tom Diemert and John Ingleman; Council Liaison Susan Amacher; Zoning Administrator Teri Hastings; City Engineer Mark Hallan and City Clerk Patti McDonald. There were 3 people in the audience. Earl North Mark Nelson, Lee Martin and Dave Baldwin were absent. A quorum was present and the Commission was competent to conduct business.

MOTION BY TOM DIEMERT TO APPROVE THE MINUTES FOR APRIL 9, 2011 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. JOHN INGLEMAN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING - There was no public hearing items.

NEW BUSINESS

Zorbaz-deck alteration – Teri’s staff report indicated the following: Currently a roof structure is being erected over the existing deck at Zorbaz. Teri was informed earlier (after construction began) that it would be a pergola. Constructing a pergola, would not necessarily require a permit since it is not covered and would not impact impervious coverage. However, the construction of the pergola has more of a roof structure and it has been learned that the roof will be covered with a canopy and possibly canvas walls. The structure now becomes more of a porch than a pergola and would require a permit from the city.

The existing deck was approved in 2007 under a conditional use permit, the staff report and minutes from that meeting are attached along with a survey. At that time the impervious coverage was 46.6%. The property has not added any additional impervious surface beyond approximately 325 square feet as noted in the 2007 staff report for the deck. After the deck was approved, some sidewalks were removed and replaced with mulch.

In this case, the issue is now a lack of permit. Contacting the Planning & Zoning office prior to commencing a project would help. At this point the deck and roof are 75 feet from the lake so that is not at issue. Impervious coverage is still at 46% and the rationale for limiting the amount of impervious surface is runoff into the lakes.

Lee Johnson and Tony Nelson came before the Commission to explain the project at Zorbaz. Lee J said that he wasn’t aware he would need a permit for a pergola or awning, so he started his project without one. He would like the ability to roll an awning out over the pergola when it is raining. The sides would also roll down for protection from the wind. There will also be a pergola over the stage area.

Tom Diemert asked if the picture of the pergola in the packet is what is being constructed. Tony said that 60 feet of the pergola will have the ability to be canvas covered. The smoking area will also be covered by the pergola, but always have the canvas cover.

Teri said that during the site tour on Thursday there were some drainage concerns/issues that are deteriorating the structure. Tony said it wasn't done properly when the building was constructed.

Dick Miles said the main concern is adding the pergola to the conditional use permit along with a zoning permit. Teri said that the zoning ordinance doesn't require adding to the CUP. The structure would be used sometimes during the winter with the canvas over the top and the sides down. Dick is concerned about the water going right down the sidewalk into the lake. Tony suggested a diversion from the sidewalk out into the grass. Teri said there is grant money available from Cass and/or Crow Wing County to help with the runoff.

Tony explained how they may fix the drainage problem that is leading to the deterioration of the building. They will contract a mason for the project.

Lee J will come in for permit to continue with the project. He asked if he would need a permit for a band on July 4th weekend. Teri said it would follow the decibel levels that are set by the city. Teri will check with the city attorney to see if a time extension would be allowed.

Tony asked if the volleyball court could be extended. They would like to have volleyball leagues. Teri said depending on how much dirt is moved for a permitting process. She said that the sewer tanks would have to be avoided.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Mark Hallan asked about the Hartogh project where the Baratto Brothers are working; he said there is no silt fencing yet. Teri will check with Eric Carter. Mark has been to the project a couple times because of the concern from the neighbors.

Chairman – Earl North was absent.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings there will be a June meeting.

PUBLIC FORUM - There was no public forum.

MOTION BY JOHN INGLEMAN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF MAY 14, 2012 @ 10:06 AM. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk