

**BOARD OF ADJUSTMENT/PLANNING COMMISSION  
CITY OF LAKE SHORE  
CITY HALL  
MINUTES  
SEPTEMBER 10, 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 and Alternates Tom Diemert and John Ingleman; Council Liaison Susan Amacher; Zoning Administrator Teri Hastings; City Engineer Mark Hallan and City Clerk Patti McDonald. Mark Nelson, Lee Martin and Dave Baldwin were absent. There were 7 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY DICK MILES TO APPROVE THE MINUTES FOR AUGUST 13, 2012 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. JOHN INGLEMAN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY

**PUBLIC HEARING**

Variance - Keith Litke requested a variance to construct a new home with an attached garage with a footprint of 3010 square feet at a setback of 50 feet from Bass Lake. The property is described as Lot 2 and Parts of Lots 1 and 3, Shaffers Roy Lake 1<sup>st</sup> Addition (site address is 906 Bass Lake Road). The property 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 reports. There were no written comments received regarding the application.

Glen Oscarson the contractor for Mr. Litke came before the commission to explain the application for variance. There is a nonconforming home that they would like to remove and build at a setback of 50' vs. 75'.

Dick Miles said that there appears to be a bump out at 50' mark. Jack Long explained the drawing to the commission.

Mark Hallan said the proposed conditions on the site plan appear different than the drawings. Some of the math on the existing conditions is not correct for impervious surface. Mark clarified with staff that the septic design slope is in the right of way.

Earl North asked about the boat house. The boat house is structurally sound and they are going to clean it up. Glen explained that there will be no basement in the new structure due to the high water in the basement now. Earl commented that there is a significant frost heave near the garage. There are frost footings under the new structure. Mark Hallan commented that there are no first floor elevation drawings; he clarified they are not bringing in fill, only dirt moving for the water retention area.

Dick was concerned about the stormwater plan for dirt removal. Glen said there will not be any major dirt removal. Mark said there are no contour plans for the stormwater plan; however, he commented that it would be about a foot deep for the stormwater pond. Glen also said they want to save most of the trees.

Teri's staff report indicated the following: The applicant requested a variance to demolish the existing dwelling and to construct a new dwelling with an attached garage at a setback of 50 feet from Bass Lake. Bass Lake is considered a Natural Development Lake; however, this portion of the lake does have a general development standard for building. The footprint of the home with the garage is 3010 square feet which includes the garage (1040 square feet). The site plan does not indicate a deck or patio. Teri has spoken with the contractor about that issue. Any future decks will require a variance and patios must be 50 feet from the lake. The applicant has submitted elevation drawings of the home.

The proposed dwelling will meet the sideyard and rear setbacks. However, in speaking with the ssts (septic system) site evaluator and designer the home will need to be moved eastward 8 feet to better accommodate the mound for the septic system. The mound will need to encroach into the right of way slightly (still within the property). The site evaluation and design for the septic system should be submitted prior to meeting. It should be noted that the mound system will be in the location of the existing garage near the roadway; therefore, the soils will have been disturbed but the proposed system will be a mound. One option would be to flip flop the plan (attached garage on the west side of home and relocate septic to the east). Teri is not sure if there would be adequate area for the mound system on that side though.

The proposed impervious surface is at 25% which does require a stormwater plan. The current impervious surface is 18.8% so it is an increase. The applicant should be aware that simple methods of gutters etc can be used to help direct stormwater and prevent the stormwater from entering the lake and adjacent properties.

The proposed dwelling will be located further from the lake than the home to the west and the property to the east is still undeveloped. The lots in this area are fairly shallow with a depth of 150 feet or so (which is why they are allowed to fall under the general development lake standards).

The survey does indicate a stormwater pond on the lakeside but not sure of what type of grading would need to be done to accommodate the pond. The city engineer will review and comment on the stormwater/drainage plan.

There is an existing boathouse located on the property that is in poor condition. It is the intent of the property owner to improve the boathouse. The boat house is allowed to be improved with new siding etc. The boat house may not be increased in size. The roof of the boathouse may be used for a deck/patio area and a railing would be allowed around the perimeter for safety.

The depth of the lot along with the road right of way makes it difficult to meet all setbacks of the ordinance. The applicant has moved the proposed dwelling back farther from the lake than the existing home.

The property is nicely treed. Some trees will need to come down to accommodate the new structure. There is a nice stand of pines to on the northwest corner of the property. These should not have to be disturbed.

#### STAFF RECOMMENDATION

Recommend approval of the variance due to the narrow building envelope for the property. The variance will not alter the essential character of the area and is in harmony with the area. This area has seen a considerable amount of construction in the past couple of years. The current cabin is in poor condition and the property is in need of updating. There have been three homes

to the west that have been rebuilt along with two new homes on Bass Lake Trail so the proposed home will fit into the area.

MOTION BY DICK MILES TO APPROVE THE VARIANCE REQUEST FOR KEITH LITKE TO DEMOLISH THE EXISTING DWELLING AND GARAGE TO CONSTRUCT A NEW DWELLING AND GARAGE AT 906 BASS LAKE ROAD (LOT 2 AND PARTS OF LOTS 1 AND 3, SHAFFERS ROY LAKE 1<sup>ST</sup> ADDITION) PER SITE PLAN DATED 8/17/2012. THE VARIANCE IS AT A SETBACK OF 50' FROM BASS LAKE. AS THE DRAWINGS INDICATE THERE ARE NO DECKS OR PATIOS. THE SEPTIC SYSTEM IS IN COMPLIANCE. VARIANCE APPROVAL TO INCLUDE THE STORMWATER PLAN AS INDICATED. THE BOAT HOUSE CANNOT BE MOVED OR INCREASED IN SIZE. THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE AREA AND IS IN HARMONY WITH THE AREA. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Ordinance Amendment - Rental/lease of private homes - The Planning Commission considered an ordinance amendment to Section 47 of Chapter Four of the City Code pertaining to the rental and leasing of residential homes. There was revised language per the City Attorney presented at the meeting.

Tom Diemert questioned the sleeping quarters in section 47.4 and whether it is allowed over the garage. Teri said that even if it is over the garage it has to be inspected. John Ingleman asked if there will be a cost for the inspection. Teri said there would be, but it hasn't been determined. Teri said that Roger Lykins put her in touch with Jeff Peterson from the MN Dept of Health who was very helpful in her understanding of the inspection process. Dick asked if they have to be inspected to qualify for a license in the city. Yes, they do. Dick asked how the city determines if they are licensed or should be. Teri said if they haven't already applied for the city permit that it is mostly complaint based and she also checks the VRBO websites for listings within the city. Long term rentals are not included in the licensing process. Earl said that this change is to help alleviate the substandard listings to visitors within the city.

Roger Lykins from Lykins Pinehurst Resort said that he brought this to Teri's attention because he was aware of a residence that was rented without smoke detectors. He is concerned about safety issues including the water. He wants a level playing field between the resorts and the VRBO renters.

Susan Amacher asked about the sales tax or MN state ID number requirement that was suggested. Teri asked the city attorney regarding the sales tax number and he said they may just add it to their annual tax return. Earl suggested if the staff finds out differently it could be added to the application.

MOTION BY DICK MILES TO FORWARD THE ORDINANCE REVISION TO THE CITY COUNCIL FOR APPROVAL. JOHN INGLEMAN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**NEW BUSINESS** – There is no new business.

**OLD BUSINESS** – There is no old business.

## **REPORTS**

City Engineer – Mark Hallan had nothing to report.

Chairman – Earl North had nothing to report.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings had nothing to report.

**PUBLIC FORUM** – Michelle Zirbes - 8175 Harold Lane (1075 feet from Zorbaz) came before the commission to ask them to consider revising Section 7.2 Nuisance Standards of the City's existing Land Use and Subdivision Ordinance. She handed out an executive summary (*saved as a file attachment with the minutes*) explaining that they have lived with the Zorbaz noise for over five years and it sometimes lasts over 12 hours. They have shared their experience over the years to city staff, the police department and city council members. Michelle made available examples from her research and a list of neighbors with the same concern. Earl said he would like a copy to review before any comments or recommendations are made.

MOTION BY JOHN INGLEMAN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 10, 2012 @ 10:22 AM. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald  
Lake Shore City Clerk