

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
APRIL 8, 2013
9:00 AM**

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the commission present: John Ingleman, Dave Baldwin and Tom Diemert; Alternates Roger Smeby and Larry Anderson; Council Liaison Susan Amacher; City Engineer Mark Hallan; Zoning Administrator Teri Hastings; City Clerk Patti McDonald. Dick Miles and Mark Nelson were absent. There were 5 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY DAVE BALDWIN TO APPROVE THE MINUTES FOR FEBRUARY 11, 2013 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY

PUBLIC HEARING

Variance - Marc & Beth Swiontkowski requested a variance to construct a 30'x38' garage with living space above at a setback of less than 75 feet from Margaret Lake and within the road right of way. The property is described as Lots 1-6, Block 3, Tingdale Brothers Sherwood Forest (site address is 8223 Robinhood Way). The property is zoned Medium Density Residential.

Marc and Jeffrey Swiontkowski; and JJ Levenske from Northway Construction came before the Commission to explain their variance application. Because of the shape of the land they are seeking a variance to place a garage in the location requested. The goal was to make sure the garage didn't compete with the principal structure. Teri said that the Swiontkowski's had come before the Commission earlier for a site plan review to get guidance. It was determined that the property didn't have a bluff.

Dave Baldwin asked if Teri would explain what maximum height of an accessory structure which is 20' to midpeak. Dave Baldwin also inquired about the dirt removal needed to construct the garage. JJ explained how they would do that with the knowledge of the excavator and they would provide a SWPPP that would address some of those concerns.

John Ingleman asked if there will be a rain garden. Yes, there will be. Tom Diemert asked if the water from the roof will go into the rain garden. Teri said that maybe the question is 'is it a functional rain garden?' Mark Hallan said that it will be a catch basin either way, but the stormwater will need to be directed to the rain garden.

Dave Baldwin asked where the shed would be moved to. The shed doesn't have a foundation and will be moved further down the peninsula toward the mainland. He asked if they own the road itself. Teri said the road terminates at the lake. Is there an apron on the front of the garage and will it extend into the road right-of-way? Yes, there is an apron, just not shown on the site plan. Marc said that they moved the garage further into the hill so they wouldn't have to impact the right of way.

The City Engineer, Mark Hallan included that the following items/questions are noted to see if the applicant could have additional information: Location of septic system and potable water well that serves the existing home. Location of gas, electric, cable or other utility services on the property.

Existing slope at the proposed garage location is 1 vertical to 2 horizontal. The existing slope likely indicates the natural angle of repose of site soils. Per the attached sketches, the area to be excavated for the proposed structure (lower floor elevation of 1201') will require movement of 900 to 1,100 cubic yards of existing soil. This will require 120 to 140 truck loads of material (1.2 to 1.3 expansion factor) be hauled from the site. The overall impacted area will be approximately 80' x 120'.

The existing road cut into the bank/slope along the east side of the property will be impacted with this number of truck trips. How will the road edge be protected?

The existing gravel road to the site will need to be restored/repared after this amount of truck traffic. Is Owner willing to make these repairs?

A temporary and permanent erosion control plan needs to be worked out based on the "Owner/Contractor" methods and means established to complete the construction. The proposed residential/garage structure and related site conditions are considerably more complicated than a "typical residential" project, or even most light commercial projects. Someone needs to work out final contours/plans on how things will really be constructed and not just a computer generated view with stepped terraces that "looks nice". Stabilization of the final slopes (1:2) will critical and difficult at best. Some type of reinforced mat system will likely be needed and maybe irrigation to start.

Existing contours indicate that sometime in the past, grading work was done in the area just east of the proposed garage to create a somewhat level area to park or turn vehicles around. This grading work pushed materials out into the lake/wetland area. Currently runoff down the driveway enters the lake/wetland at this location. A final site plan should address this situation and reduce or delay the direct runoff that currently exists.

Who will be completing the structural design for the proposed garage that will be required to support 17 vertical feet of earth horizontal pressure over a 30' wide wall. Have soil density and other factors been established that will be required for the structural design and review of overall structure and slope stability?

Teri's staff report indicated the following: The applicant would like to construct a 30'x38' garage with living quarters above the garage. The proposed garage would have a zero setback from the road right of way, which requires a variance. The garage will need a variance from the 75' lake setback. There is lake on three sides of the property. The garage will meet the 75' setback from the main body of the lake but not the backwater adjacent to the roadway. The required setback is 30' from the road right of way on a city street. The proposed garage is in the area that was recently vacated. From the site plan and elevation drawings it is not clear whether or not there will be an apron in front of the garage doors. If so, the building should be decreased in size or moved back to accommodate this feature; it should not extend into the road right of way.

Guest quarters are allowed by ordinance if located above a garage. The maximum height of the structure allowed for accessory structures is 20' to midpeak (measure from the highest ground level).

Elevation drawings have been submitted. The guest portion of the garage (upper level) is slightly offset to accommodate a deck over a portion of the structure.

The site plan indicates the area to be excavated for the garage, which involves approximately 790 cubic yards of material. The area of proposed excavation would impact an existing storage shed on the property. The applicant should address if the shed will be relocated or removed from the property. The shed should not be located onto the existing septic system or the proposed. The applicant should explain how erosion will be controlled during construction and afterwards. Silt fence is shown between the roadway and the lake (wetland). A rain garden is also shown on the site but not sure how this will function based on the topography of the site. What site alterations will be made to make the rain garden functional? It should be noted that the applicant has stated that the proposed structure will be very environmentally friendly. The applicant has stated several merits of the project and its proposed location. The site does not contain any bluffs per the surveyor's notes.

There is a current compliance inspection on file for the home but a new septic system is being proposed for the guest cabin. A preliminary evaluation of the site was done by Martin Joyce in 2012 prior to winter conditions; a complete site evaluation and design are required for the site.

The existing impervious surface is 10.6 % and with the proposed garage the impervious will increase to 12.4% well within the ordinance (20%). Teri anticipates there may be additional impervious surface added such as sidewalks but would be minimal and still within the ordinance.

This section of Robinhood Way is not maintained by city, it is privately maintained.

The property owner proposes to use the property in a reasonable manner; guest homes and garages are typical residential uses. The variance will not alter the essential character of the area. The property is unique in shape and topography making placement of the garage difficult while accommodating septic system locations.

RECOMMENDATION

Recommend approval of the variance as the use as a garage and guest quarters are typical residential uses and the property does have unique characteristics in shape and topography not created by the landowner.

MOTION BY DAVE BALDWIN TO APPROVE THE VARIANCE AS DESIGNED PER SITE PLAN DATED 3/15/13 AT 8223 ROBINHOOD WAY TO ACCEPT THE SETBACK FROM ROBINHOOD WAY AND LAKE MARGARET; TO INCLUDE THE SWPPP TO BE APPROVED AND ACCEPTED BY THE CITY ENGINEER AND THE PLANNING AND ZONING ADMINISTRATOR. LARRY ANDERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – No new business.

OLD BUSINESS – No old business.

REPORTS

City Engineer – Mark Hallan had nothing to report.

Chairman – John Ingleman said that he, Susan and Tom went to a class regarding the use of pervious and impervious materials. Susan thinks that Lake Shore should review the city ordinance to consider the change to allow the products. Teri said that in Crosslake the credit is 50% for using the pervious material.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator –

Impervious Surface – Teri Hastings explained for the new alternates that an ordinance change would have to hold a public hearing; this body would recommend either approval or denial of the amendment to the city council for formal approval. Mark Hallan said that it has to be maintained to remain a pervious surface. Susan said she learned that it must be vacuumed for maintenance. Teri will invite a person from Brock White to demonstrate how the pervious material works.

Teri said that Government Training Services passed out the new schedule of training opportunities. The League also has online classes available too. The city covers the cost plus mileage.

PUBLIC FORUM – There was no public forum.

MOTION BY TOM DIEMERT TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF APRIL 8, 2013 @ 9:34 AM. DAVE BALDWIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk