

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
NOVEMBER 4, 2013
9:00 AM**

Co-Chairman Dick Miles called the meeting to order at 9:00 a.m. Members of the commission present: Dick Miles and Dave Baldwin; Alternate Roger Smeby; Council Liaison Susan Amacher; City Zoning Administrator Teri Hastings; City Engineer Dave Reese and City Clerk Patti McDonald. John Ingleman, Mark Nelson and Tom Diemert were absent. There were 3 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 OCTOBER 14, 2013 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

Variance – Randy and Karen Blader requested a variance to rebuild the existing home on the same footprint along with adding an addition onto the rear (road side) 6'x45' and a 10'x24' addition to the garage. The existing home does encroach into the sideyard setback and the front deck/porch is at a setback of 67' from Gull Lake. The property is described as Part of Government Lot 6, Section 21, Township 135, Range 29. The property is zoned Medium Density.

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. Teri read the letters she received into the record: Gloria Rose is OK with the proposed project. There was one stating 4 concerns with the project from Craig Whiting and one from Gary and Teresa Schmidt expressing concern for being too close to Schaefer's Point Road. Randy Blader addressed Mr. Whiting's concerns in a letter.

Pat Marcussen came before the commission to explain the Blader's application. There were water issues inside the cabin and the insurance company agreed the Blader's could tear down the existing home for safety purposes. He said there is a decrease in total impervious surface with the new plan as proposed. Teri said there is a parking concern and the ordinance requires two parking spaces per home. The proposed plan shows there will be 2 spaces in the garage and at least two other parking spaces outside. The application meets the ordinance requirements. The parking issue is a neighborhood issue. She said if the variance is approved; caution should be used during demolition and construction not to compact the soils in the area of the proposed drainfield.

Teri's staff report indicated the following: The applicant is requesting a variance to demolish the existing dwelling and to construct a new dwelling with an enlarged garage along with adding a bonus room over the garage and a 6' x45' addition onto the rear (street) of the home. The existing structure encroaches on both sideyard setbacks and is 78 feet from the lake; however, the existing deck is at a setback of 67 feet from the lake.

The property currently exceeds the amount of impervious surface (26%). The applicant is proposing to decrease the impervious to 24.83% by utilizing pervious pavers for the drive and

sidewalks. The applicant does show a proposed stormwater retention pond on the lakeside and has provided the calculations for the pond. This will be reviewed by the city engineer.

The property is considered nonconforming since it does not meet the ordinance requirement for lot size. The lot size is 14,316 square feet and has a lot width of 90 feet.

There is not adequate area on the property to locate the home as proposed that would meet all setback requirements. The building envelope is shown on the survey. The lot depth makes it difficult to meet all setbacks and to allow for a conforming septic system. The further the home is from the lake, the useable area for the septic system decreases in the rear (street side). A site evaluation and design has been submitted for a new septic system that will be in the area of the existing system. If the variance is approved; caution should be used during demolition and construction not to compact the soils in the area of the proposed drainfield.

The home sustained severe water damage during the winter of 2012/13 and was gutted during the past summer. Section 4.4 Nonconforming uses; it is allowable to rebuild a nonconforming structure provided it is the exact same dimensions. In this case the applicant is adding a bonus room over the garage and additional square footage to the footprint of the garage and main living area. According to the floor plans, it appears that the applicant is adding additional living space on the backside of the garage and extending the garage toward the road. The roof pitch of the home will increase but additional living area will not be added. Overall, the modifications from the original footprint to the proposed foot print are modest.

The survey does show a portion of the existing structure on the northwest side of the Blader property; the home appears to be at approximately the same setback. The structure on the property to the southeast is a garage with living space above and is located some distance from the Blader property side lot line and should not impact the adjacent property.

STAFF RECOMMENDATION

Recommend approval of the variance due to the practical difficulties of meeting the setback requirements with the lot area and width and for placement of a conforming septic system. The proposed home is in harmony with the existing neighborhood and the property owner is using the property in a reasonable manner. The variance will maintain the essential character of the area with the modest additions.

Dave Baldwin said that the parking should be a moot issue for the board. Is Schaefer's Point a narrow road? Teri said it is a city maintained road; it is not a platted right-of-way. How many bath and bedrooms are there currently? There is a bonus room added along with a ½ bath and a ¾ bath. The septic will be replaced and the drainfield will be maximized for the additional space.

Roger Smeby asked what the actual sideyard setbacks are. The fireplace is 7'3" (actually 9'11") and 9' on the other side. Teri explained how the size of the septic system is calculated; it is how many bedrooms.

Dave Reese said that the stormwater calculations are based on a 1" rain, which is sufficient for this project. The proximity to the well to the retention pond for separation distance is a concern. Pat said they could move that to the other side of the property.

Dick Miles reiterated that during construction use caution around the drainfield.

Sandy Baldwin owner of the property next door is concerned about the parking on the road. She is concerned about the drainfield being too close to her property. Teri said there should be no concern with the drainfield; it meets MN standards.

Dave Baldwin asked if there will be a veneer on the outside of the fireplace. Pat said that has changed and will only be a vented fireplace on that side. There is a concern with where the construction trucks will park and concerns with the winter road conditions on the hill.

MOTION BY DAVE BALDWIN TO APPROVE THE BLADER VARIANCE DUE TO THE PRACTICAL DIFFICULTIES OF MEETING THE SETBACK REQUIREMENTS WITH THE LOT AREA AND WIDTH AND FOR PLACEMENT OF A CONFORMING SEPTIC SYSTEM. THE PROPOSED HOME IS IN HARMONY WITH THE EXISTING NEIGHBORHOOD AND THE PROPERTY OWNER IS USING THE PROPERTY IN A REASONABLE MANNER. THE VARIANCE WILL MAINTAIN THE ESSENTIAL CHARACTER OF THE AREA WITH THE MODEST ADDITIONS. CONDITIONS ARE A RECOMMENDED CHANGE TO THE STORMWATER PLAN AS THERE ARE CONCERNS TO THE PROXIMITY OF THE EXISTING WELL AND NO PARKING OR DRIVING ON THE PROPOSED DRAINFIELD. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED.

NEW BUSINESS

Lot Split – JP Elsenpeter/Peltier – Teri’s staff report indicated the following: The applicant is applying for a lot split. The property contains 6 acres of land and approximately 290 feet of shoreline on Gull Lake. The property has two zoning classifications due to the depth of the property. The property is zoned Low Density Residential, R-1 (lot size of 40,000 square feet) and Medium Density Residential, R-2 which has a minimum lot size of 30,000 square feet for a General Development Lake (Gull Lake). A minimum of 15,000 square feet is required to be buildable area for the R-2 district. There is a wetland located on the property which has been delineated. The surveyor has not calculated this area out of the lot size and has been requested to do so. Teri expects each tract to meet the minimum standard after deducting the wetland area. Each tract has over 100 feet of shoreline as required (125 feet and 166 feet). Tract A has a lot area of 5.4 acres and Tract B has a lot area of 34,708 square feet.

The building envelope is shown for both tracts. Tract B has a storage shed approximately 50 feet from the lake and on the proposed side lot line between tracts A and B. There is also a dwelling located on Tract A.

There is an easement proposed for access to Tract A which is the existing driveway. Tract A could be accessed off of a new drive from Schaefer's Point Road or Gullwood (Gullwood does have some elevation).

The survey does have a licensed surveyor’s signature and contains the legal description of Tract A and Tract B along with the description for the easement.

The wetland area has been identified along with the 30 foot building setback. Contours of the property are also shown (exception is for the rear portion of Tract A).

The property is served by onsite septic system. There is a septic system located on Tract A. A compliance inspection was done in 2007. Soil borings were done for the compliance inspection and soil borings for the home constructed in 2013 on Lot 1 of Gullwood were done this summer. I would suspect there are suitable soils on Tract B for an on-site system.

Monuments have been placed on the property corners.

STAFF RECOMMENDATION

Recommend approval of the lot split as it meets the minimum requirements of the subdivision ordinance for the R-1/R-2 zoning district for a general development lake.

Dave Baldwin commented on the driveway entrance from Schaefer's Point Road on the site plan. Teri said the topography isn't conducive for that entrance.

Roger Smeby asked about filling in the wetland. Teri said there is a 30' setback from the wetland and they would need a permit to fill in the wetland.

MOTION BY DAVE BALDWIN TO APPROVE THE LOT SPLIT AS PRESENTED AS IT MEETS THE MINIMUM REQUIREMENTS OF THE SUBDIVISION ORDINANCE FOR THE R-1 AND R-2 ZONING DISTRICT FOR A GENERAL DEVELOPMENT LAKE PER THE SITE PLAN DATED 10-14-13. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED.

OLD BUSINESS

Wind Turbines – Teri provided the commission with information regarding wind turbines and sample ordinances. Dick said that there was one small wind turbine in Lake Shore years ago that generated enough electricity to sell back to the electric company.

Dave Baldwin asked what the maximum height is for a structure. Teri said 25' to mid-peak. She said utilizing the height is one way to limit the control of these structures. Dave doesn't want to see wind turbines up and down the Gull Lake shoreline; he feels it is visual pollution.

Dick Miles made comment about a news article where Verizon is seeking construction approval for three new towers; none of them are in Lake Shore.

Teri explained the city could draft an ordinance as simple or complex as the city would need to either restrict or allow wind turbines. Susan has no objections to wind turbines in the rural areas. Dave Reese said the city meetings that he has attended with this concern are the noise; they have set land size requirements for construction.

Dick asked if the Commission should move forward with an ordinance regarding wind turbines. Teri asked if Dave would sit on a committee to move this forward. The turbines could be allowed in the agricultural zoned land in Lake Shore. Dave Reese said that Xcel Energy is required to meet federal mandates regarding renewable energy and has an incentive they are asking customers to consider wind or solar power; they will give the customer an 8 cents per kilowatt break on their utility bill for using efficient generated power.

Teri will ask other commission members to join the committee for wind turbines.

REPORTS

City Engineer – Dave Reese had nothing to report.

Chairman – John Ingleman was absent.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings said that the commission is in need of members and alternates to replace outgoing members Dave Baldwin and Mark Nelson.

PUBLIC FORUM – There was no public forum.

MOTION BY DAVE BALDWIN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF NOVEMBER 4, 2013 @ 10:15 AM. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk