

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
APRIL 14, 2014
9:00 AM**

Earl North called the meeting to order at 9:00 a.m. Members of the commission present: Tom Diemert and Earl North; Alternates Kevin Egan and Eric Peterson.; Council Liaison Susan Amacher; City Zoning Administrator Teri Hastings; City Engineer Dave Reese and City Clerk Patti McDonald. John Ingleman, Roger Smeby, Dick Miles and Alternate Pat Hastings were absent. There were 10 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY KEVIN EGAN TO APPROVE THE MINUTES FOR FEBRUARY 10, 2014 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

Variance - Bruce & Karen Timman requested a variance to construct a 2925 square foot single story dwelling which includes an attached 24'x22' garage, a roadside front porch of 50 square feet on a nonconforming lot. A variance is needed from the lake setback and right of way. The property is served by municipal sewer. The property is legally described Lot 2, Block 1, and Outlot C of Gull Lake Narrows. The property is zoned R-2, Medium Density Residential and is located between 8175 Harold Lane and 8187 Harold Lane.

The following documents became part of the record-Notice of mailing, notice of publication, signed application and attachments. There were two written comments read into the record, one from Mark and Marie Langer, 1193 Esther Lane, in support; and one from Bruce Zirbes to the north had concerns.

Don Hummer, Hummer Construction came before the commission to explain the Timman application. Don removed the posts on the front porch shown on the plan; they were not supposed to be drawn on the print. The roof will be supported by a truss system.

Earl North asked for confirmation of the well placement and the separation to the sewer. There is no septic needed as this property is served by city sewer. The stake for the well placement was accurate. They want to drill the well on May 13th. There will be a pressurized lift system for the city sewer.

Kevin Egan said overall the project doesn't trouble him. Teri said the Timman's tried their best to site the home into the building envelope.

Tom Diemert asked if it was also encroaching on the roadway. Teri said if the road was built in the proper location, it would meet the setbacks.

Dave Reese referred to his comments from his memo:

The proposed water well to serve the home must be located 50 feet from the municipal sewer collector line, which is a pressurized force main running within Harold Street. The new home will require a pump tank, pump, and pressure service line to be connected to City sewer. According to the drawings of record for City sewer, as prepared by Landecker and Associates and dated 8/12/91, the lot is served by a 2" diameter SDR 26 PVC service and there is a curb stop located there.

- A grading plan for the driveway access to the accessory structure is recommended due to the steep slope. The plan should include;
- The grading limits, or extent of grading area
- An estimate of how much excavation (cubic yards) will be required
- The proposed driveway grade(s)
- The planned finished floor elevation of the accessory structure
- How drainage from the driveway will be managed to prevent ice accumulation on the driving surface of Harold Street

Teri said that the Timman's own the lot adjacent to Outlot C on the application. They could put the garage on that property with an over the counter permit.

Tom Diemert has reservations when someone is building a new house with encroachment of the lake setback; however, in this situation they almost have to.

Teri's staff report indicated the following: The applicant is requesting a variance to construct a 2397 square foot dwelling with a 24'x22' attached garage, a roadside porch and a lakeside 48 square foot covered stoop. The home has a proposed setback of 71' at the closest point to the lake and meets the road right of way setback except for the 50 square foot porch. The improvements will meet the sideyard setbacks. The majority of the home does meet the 75 setback from the lake. In addition, the property owner owns Outlot C and is proposing to construct a 20'x36' accessory structure. The accessory structure will meet setback requirements.

The building envelope is wide (along the lake) and does not have a great deal of depth. The proposed home is approximately 32' wide and 94' wide (including the attached garage). A majority of the home sits within the building envelope. One of the issues with this property is the city roadway encroaches onto the Timman property. The roadway encroaches by about 10 on the northeast corner of the property. The proposed setback is from the traveled roadway and not the platted right of way.

The proposed home does have a second story area 1472 square feet, floor plans and elevations have been included.

The property will be served by municipal sewer; therefore, no site evaluation or design is required. The proposed well will need to be located 50 feet from the sewer stub/line. The stub is located approximately 57 feet from the northeast property corner.

The survey shows the total area of the property (Outlot C and Lot 2) has 26,349 square feet. The impervious calculation is less than 20% when discounting the road encroachment.

A grading and drainage plan has not been submitted for the property. A drainage plan is not typically required unless the impervious surface exceeds 20%. The grade approaching Outlot C is quite steep and most likely the reason the roadway is located where it is today. The city engineer may have some concerns with the grading for the accessory structure.

STAFF RECOMMENDATION

The building envelope for the lot is somewhat limited; however, the applicant has placed the majority of the home within the building envelope. The building envelope creates some practical difficulties with the site. The property owner does propose to put the property to a reasonable use (dwelling). The variance will maintain the essential character of the area.

MOTION BY KEVIN EGAN TO APPROVE THE TIMMAN VARIANCE AS PROPOSED ON THE APPLICATION FOR THE SETBACK FROM THE LAKE, THE ENCROACHMENT FROM THE ROAD AND SETBACK FROM THE SIDEYARD. THE WELL AND THE LIFT STATION WILL HAVE THE PROPER SEPERATION. ERIC PETERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Conditional Use Permit - John Poston has made application for a conditional use permit to change the use of the Sherwood Forest Restaurant/Bar to an Event Center along with converting the existing bunkhouse into a coffee shop with a farmers market. The property is legally described as Lots 13-25, Block 25 Tingdale Brothers Sherwood Forest on Gull Lake. The property is zoned Neighborhood Commercial and is located at 8785 and 8789 Interlachen Road.

The following documents became part of the record-Notice of mailing, notice of publication, signed application and attachments. Teri read comments received into the record. Alan Saeks, 8750 Interlachen Road, asked what the event center would entail. Stan and Sonja Larsen, 8821 Interlachen Road, stopped into city hall on April 8th with concerns of noise and parking. The Skalacheks were concerned with parking on Cobbanwood Way and space for emergency vehicles; they were also concerned with noise. Gary and Leslie Severson wrote an email in support of the application. There was another email with concerns for noise and lighting issues; there is a concern of drainage too from Kurt and Ruth Hunstiger at 8755 Lincoln Green Road.

Nick Miller, Marla and Lori from Prairie Bay came in support of the project and were in the audience.

John Poston came before the commission to explain his application. He would like to talk about the project in three steps. He said that with converting the lodge into an event center they want to remove the driveway on the back of the lot on Lincoln Green Road and convert the garage into a bride's cabin. They want to create a buffer on the property. He said they would have a cut off time for outdoor music. John said he owns 6 lots and that he would like to use three of them for overflow parking; it would be Class V rather than asphalt. Teri said it is still considered impervious surface. Teri said the new ordinance does allow for pervious pavers. John said they want to be good stewards to the land. There were concerns with run off and John is agreeable to rain gardens to catch the rain run off.

Earl North asked if Tract B will be used for parking and is it already included in the conditional use permit application. Teri said that all of the property is being considered for the project.

Kevin Egan said during the site visit that parking was determined to be 35 spots and the additional parking would almost double that. Teri said that it would probably cover it and that would include employee parking.

Wayne Anderson owns a cabin at Sherwood Forest and has concerns about noise and parking, but the main concern is with people wandering onto the association's property. He wants to clarify that the docks on Margaret and Gull are private docks. Earl said that it is his understanding that

during the discussion when the rain garden was put in that the docks (located on the association's property) were already considered private. Teri said it is unfortunate that people think that the Sherwood Forest Association docks are public. There is a public access right there and it is difficult to get people to quit wandering. There used to be a dock at the public access years ago. John said that the access is more used by snowmobiles. He said that he asked the police chief about complaints regarding the docks and there was one over the past two years. A split rail fence was put up along the area mentioned and private property signs could be put up too.

Kevin Egan commented to Wayne that there is not a whole lot that the city can do regarding where people are wandering. Wayne is concerned with the employees telling people they could go down to the lake.

Eric Peterson said that John has done a wonderful job with the properties he owns in Lake Shore. He said that he likes the idea of taking the back driveway out. He also agrees that the garbage area should be enclosed.

The second step is the bunk house being turned into a coffee shop and farmers market with locally grown produce. He intends to put a separate septic system in for that building. Teri said that Martin Joyce said there is room for a septic system just north of the building. The soils need to be verified before approval of the septic site. John said that the bride's cabin and the bunk house will both be upgraded with new log siding and the roofing will match the lodge.

Kevin Egan asked John to offer comments about the management of the property and distinguish from past operations. John said the tenant for the past three years had not done a real good job and they parted company in the late fall. He said that Prairie Bay has a respectable staff and run an exceptional catering business and restaurant. He followed with that they are also excited not only to have business meetings, wedding and holiday parties, but there will be a lot of non-profit events held at the lodge.

Dave Reese had a couple observations for the first two steps and suggests having a plan with dimensions for the parking area; including a plan where the rain garden will be for the city's record. Dave also suggested that that the trees for the proposed screening are placed properly and not in the right-of-way.

Step three is that the coffee shop will not open this year because the state's approval process will not be complete so he is asking if the Prairie Bay food truck and Sprout from the local Food Hub can come to the parking lot on Saturday mornings from 7 to 11.

Earl asked if a change to our ordinance would need to be made for allowing a food truck. Teri said possibly if it would be on a permanent basis; however, this food truck is not permanent and will not be mobile (moving to different sites within the city). Teri said it may have to be revisited if more food trucks were asking to operate in the city. Kevin said the CUP would take care of hours of operation for the food truck.

Nick Miller asked about food truck times being set in stone as there are some wedding receptions with late night food that use the food truck. This could also be included in the CUP.

Wayne Anderson asked if the cut off time for noise was firm. Teri said there is noise ordinance that the business would have to follow as with any business. Nick said it's not their intention to plan entertainment out on the deck and they plan to be neighborly. Marla said that the events planned are indoor events. She said there will always be an on-site manager at each event.

Teri's staff report indicated the following: The applicant is requesting a conditional use permit to change the use of the Sherwood Forest Restaurant/Bar to an event center along with converting the existing bunkhouse into a coffee shop and farmers market. In addition, the existing garage would be converted into a "Brides Cabin"; an area for the bride to prepare for a wedding. No other structures are planned on being constructed.

The property is zoned Neighborhood Commercial. The lot size for the Neighborhood Commercial District is 40,000 square feet with 20,000 square feet being buildable. The Sherwood Forest property contains over 130,000 square feet.

In permitting new conditional use permits; the Planning Commission may impose, in addition; to the standards and requirements expressly specified by the ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the city as a whole. This may include the following:

- Increasing the required lot size or yard dimension.
- Limiting the height, size or location of buildings.
- Controlling the location and number of vehicle access points.
- Increasing the street width.
- Increasing or decreasing the number of required off-street parking spaces.
- Limiting the number, size, location or lighting of signs.
- Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.

The following should be met for the conditional use to be approved: the use must be appropriate for the zoning district (neighborhood commercial). The use with conditions would be compatible with the city's Comprehensive Plan. The use with conditions would be compatible to neighborhood. The use would not be injurious to the public health, safety, welfare, decency, order and comfort, convenience, appearance or prosperity of the city.

The property of Sherwood Forest has been designated commercial for the past 30 years and has been operating as restaurant for most of that time by various owners and has coexisted with the residential properties that surround it.

The proposed use would be consistent with the Comprehensive plan as this use would promote year round businesses and promote the attractiveness of Lake Shore being a year round destination. In addition, the Comprehensive Plan encourages the development of service oriented businesses to support the growing number of full time residents.

In addition the Planning Commission should consider the following:

- The Conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity. *The proposal includes a farmers*

market and a coffee shop both will enhance the neighborhood. The use as an event center with proper conditions will provide residents and visitors with a premier venue as the lodge is listed on The National Historical Preservation List.

- *The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. The property has been used for commercial purposes for the past 30 years with no impediment to residential development in the neighborhood.*
- *The Conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The proposed uses should not create the need for additional public facilities or services.*
- *The Conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares. The applicant is proposing to eliminate the rear access off of Lincoln Green Road. The other two entrances into the property should remain (Cobbanwood Way and Interlachen) to allow for adequate traffic movement.*
- *Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. The applicant has provided a site plan depicting an area to be used for parking and depicting a parking layout. The applicant should be asked what the seating capacity will be for the coffee shop along with a capacity for the event center. The property does contain additional area that can be utilized for parking. I am not a strong advocate overbuilding parking lots if they are not necessary. This may be an item the Planning Commission may want to review after a certain time period to determine the adequacy of parking. In addition, there will need to be proper signage and the proper number of parking spaces to accommodate ADA (Americans with Disabilities Act) standards.*
- *Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result. The applicant should be asked about the operation of the farmers market and the event center. Will the event center have outdoor events? Will there be outdoor music? Plans on the operation of the proposed businesses should be submitted. The proposed uses will need to adhere to the ordinance in regard to noise (outdoor music or guests). A condition on noise could be placed by the Planning Commission if desired.*
- *The Conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance. Sherwood Forest is listed on the National Historical Preservation List; the proposed improvements will not damage the lodge but rather enhance it.*
- *The Conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients. The applicant will be putting in a new ISTS (sewer) system for the coffee shop. An updated certificate of compliance is needed for the lodge.*

The applicant's property contains 131,298 square feet. The Neighborhood Commercial District allows 40% impervious surface. The amount of impervious surface for this site plan is 38%

which includes the two areas of impervious surface that are proposed to be removed. The existing decks are not included in the impervious calculation.

The applicant has indicated he will be adding additional landscaping in the areas indicated on the site plan. This will provide additional screening along Lincoln Green Road. The site is wooded on the north end of the property.

Trash handling equipment: The applicant should address how he will handle trash equipment.

Mechanical Equipment: Teri doesn't believe there should be out of the ordinary mechanical equipment for the building located outside. This should be verified and if necessary a condition on type and location may be needed.

Exterior Lighting: The applicant should be prepared to discuss lighting for the exterior of the building. Due to the proximity of residential properties, the lighting should be downcast and prevent glare. Lighting levels will need to meet the ordinance requirement.

Signage: The applicant should be asked what type of changes are to be made to the sign. What type of signing is proposed for the coffee shop? Farmers market? A sign shall not cover more than 25% of the face of the building. Two signs are allowed for the business; additional signage is allowed for additional businesses.

Architectural Appearance: The applicant plans on residing the garage to match the lodge. The buildings fit well with the neighborhood and the character of the community.

A septic system site evaluation and design is required for the bunkhouse (coffee shop). Martin Joyce (site evaluator) has reviewed the file and property but due to the winter conditions a site evaluation and design has not been done. A compliance inspection will also be needed on the lodge.

Outdoor Storage: The applicant should address if any outdoor storage is planned. While outdoor storage may be necessary from time to time, it should be limited.

STAFF RECOMMENDATION:

Recommend approval of the conditional use permit for the change in use from a restaurant/bar to an event center, coffee shop, and farmers market. No parking along Interlachen Road.

- Access to the property to be limited to the Interlachen entrance and the Cobbanwood Way.
- Landscaping and site changes (removal of entrance and concrete pad) to be completed by July 1, 2014.
- X number of parking spaces as required by the Planning Commission. Parking should correlate to the capacity of the lodge for events. Off-street parking should not be relied upon for satisfying the parking requirement. Parking to be reviewed by the Planning Commission at their September meeting.
- Lighting for the building should not create glare or generate beyond the property lines.
- Signs shall adhere to the ordinance requirement.
- Outdoor storage of on any permanent basis is prohibited or unless modified by the Planning Commission.

Rationale for the conditional use permit:

The use with the above conditions should not be injurious to the use and enjoyment of other property in the immediate vicinity. The use will not require public cost for public facilities and services. The property will have proper vehicle approaches which should not cause traffic congestion or hazardous conditions. The business will not result in the destruction of a natural or historical feature of the area but rather the historic building will be used to enhance the community.

MOTION BY KEVIN EGAN TO APPROVE THE CUP FOR JOHN POSTON AT SHERWOOD FOREST TO CHANGE THE USE FROM A RESTAURANT/BAR TO AN EVENT CENTER, COFFEE SHOP, AND FARMERS MARKET PER THE CUP APPLICATION. APPROVE THE FOLLOWING: THE USE OF THE PRAIRIE BAY FOOD TRUCK AND THE PRESENCE OF THE SPROUT TENT. CONVERT THE GARAGE TO A BRIDE'S CABIN; CONVERT THE BUNKHOUSE TO A COFFEE SHOP/FARMERS MARKET; REMOVE THE CONCRETE PAD AS DISCUSSED AND EXPAND THE PARKING; REMOVE THE ASPHALT DOWN TO LINCOLN GREEN ROAD. CONDITIONS INCLUDE: NEW SEPTIC SYSTEM AT COFFEE HOUSE; APPROVAL FROM CITY STAFF FOR THE LANDSCAPING WITH TREES FOR A BUFFER AND REMOVAL OF DEAD TREES; CLASS V FOR THE EXTRA PARKING; A 10:00 PM CUT OFF FOR OUTSIDE LIVE MUSIC; PROVIDE AN IMPROVED PARKING PLAN; ENCLOSE DUMPSTERS; THE SEPTIC SYSTEM, PARKING AND STRUCTURES BE DELINEATED ON THE PLAN. ERIC PETERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Variance - Brad Miller requested a variance for the purpose of constructing a 1548 square foot two story addition onto the rear of the existing structure. The majority of the first floor of the addition would be garage and the second story would be living space. The existing detached garage would be removed from the property. The proposed garage would be 3'6" to 10' from the southerly side lot line. The property is legally described as Lot 13, Pine Harbor (site address is 9178 Pebble Beach Road) and 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 report. Teri received one phone call from Jane Arndt and she is not opposed to the project, but feels the structure is overwhelming for the lot and is concerned about the capacity of the septic system.

John Koupal from Start to Finish Construction came before the commission to explain the Miller application. John said there are a number of things not in compliance on the property. He didn't think there was a problem with the impervious surface; however, it wasn't calculated properly. He said that this project is a challenge. They need more bedrooms and garage storage. There is a concern for the septic system with the amount of bedrooms per Martin Joyce. Generally they tried to improve the property and be as compliant as they can.

Earl asked Teri if the sewer has to be a mound system. It does and there are 8 proposed bedrooms which would need a substantial mound system. Teri said to make the proposed plans according to what a new septic system would allow. Earl suggested denying the application to allow review of the plans and get a septic design that would fit the property and allow the application to come before the commission again at no cost to the applicant. Teri suggested readdressing the impervious surface calculations and the overhead power lines. Kevin Egan said that if the septic system design is agreed to, some of the commission members may still not agree to the amount of bedrooms proposed as it may alter the essential character of the neighborhood.

He suggested working closely with Teri to come up with a plan to scale for the property that is anticipated to function. John asked if the variance is denied at this time what would happen. Teri said that typically it is denied without prejudice and would be allowed to come back to the May meeting. John asked if the septic design is agreed to would the commission approve the plan as presented. Some of the commission agrees that an eight bedroom plan overwhelms the character of the neighborhood. Dave Reese commented that the mass of the building that is proposed is going beyond the building footprint. The other issues they may run into are how to handle the roof runoff drainage as there is only 3' from the sidewall and the property line and the eave is sometimes on the property line. Unless there was more space to direct the runoff to, it could be a real issue with the neighbor. Earl confirmed that the drawing shows a 2' roof overhang.

Teri's staff report indicated the following: The applicant is requesting to construct a two story 1548 square foot addition onto the existing structure. A second story will be added to the existing single story part of the dwelling. A majority of the first floor addition will be garage area. The existing garage is proposed to be removed. The existing home is 3'6" from the side property line. The addition will taper away from the lot line with a maximum setback of 10'2".

The property is a 50' lot. Variances are needed from the side lot lines. The back of the garage will be 13' from the north side lot line and 10' on south lot line.

The existing home is less than 75 feet from Gull Lake. The single story part of the home appears to be older (original cabin). The site plan shows a second story addition over the older cabin. Will the older portion of the cabin be torn down? The older cabin probably does not have adequate footings. The applicant should be questioned as to what the plans are for this part of the addition.

Elevation drawings have been submitted for the existing dwelling and the proposed addition. The addition will be 3' from the side lot line; how big of an overhang is planned? How will the addition be constructed with the close proximity to the lot line? The current roof slopes to the side lot line for the front part of the existing home; the new addition will also slope toward the neighboring property. It is a large roof area; how will the runoff from the roof be handled?

The elevation drawings depict a full two story building on a 50 foot wide lot. The proposed with is 28 feet and the overall length of the building will be 77 feet. This is a lot of building/bulk for a small area. The cabins on each side of the property are single story cabins. Further, north along Pebble Beach many of the cabins have been rebuilt and are two story homes; however, they are on 100' wide lots.

Floor plans have also been submitted. The plans indicate 8+ bedrooms. The proposed addition will impact the existing septic system (mound). A very large septic system will be required to meet the capacity for 8 bedrooms. A mound system is required due to the high water table. Mounds require additional area as compared to a typical pressure bed. A site evaluation and design has been requested and the applicant's representative has contacted Martin Joyce for a design. Due to the limited amount of area on the property, it is critical to have a completed site evaluation and design prior to approving the variance. In addition, the well serving the property is in the area of the proposed addition. A new well will also need to be drilled.

The survey shows three overhead power lines crossing the property. One overhead line will interfere with the proposed addition. The applicant's representative is working on addressing this issue. The issue should be adequately addressed prior to approving the variance.

The survey shows the existing impervious surface at 21.2 %; the site plan with the proposed addition shows the impervious surface at 14.4%. The site plan with the improvements does not include a driveway area nor does it include the two track trail that is noted on the survey. It would be unrealistic not to include some type of driveway area particularly with a substantial garage. The impervious surface calculation should be modified to include some type of driveway. In addition, the survey excludes the area of Pebble Beach Road from the lot area and the impervious surface of Pebble Beach road from the impervious surface calculation (this is how the city has typically handled these situations) however; the site plan has included Pebble Beach Road in the lot area and not included it in the impervious surface calculation. The impervious surface calculation is not correct and should be adjusted prior to any variance being granted.

STAFF RECOMMENDATION

Recommend denial of the variance as submitted. The applicant has a pre-existing lot. The lot was created before current ordinances. City records indicate an addition to the lakeside being approved in 1988. The proposed addition is very aggressive in size (bulk) for the lot. The proposed addition will alter the character of the south end of Pebble Beach Road due to height and size of the addition and its proximity to the side property line. The dwelling to the south is located close to the lot line and having a structure of that size will impact the adjacent property. The impervious surface calculations submitted are incorrect. If the impervious surface is more than 20% a drainage plan is required. In addition, it has not been demonstrated that a compliant on-site system can be constructed on the property. It has not been demonstrated the addition can be constructed without trespassing on the adjacent property.

The Planning Commission has dealt with 50' lots and the need to upgrade the existing cabins on those lots. The Planning Commission has to be conscious of the impact of the improvements on the adjacent properties. There are a number of newer homes that have been designed and constructed to fit within the neighborhood. A resubmittal of the variance may be an option.

MOTION BY EARL NORTH TO DENY THE MILLER APPLICATION AT 9178 PEBBLE BEACH ROAD FOR REASONS BEING THAT IT WILL NOT MEET THE CITY'S COMPREHENSIVE PLAN AND DOESN'T FIT THE CHARACTER OF THE NEIGHBORHOOD. THE APPLICANT CAN RESUBMIT THEIR APPLICATION FOR VARIANCE AT NO ADDITIONAL COST. KEVIN EGAN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Lot Split - Tom & Chris Smieja – The applicant has approximately 6.45 acres of land and is requesting to split the property into two tracts. The property is zoned Low Density Residential which has a minimum lot size of 40,000 square feet (a little less than an acre) and 20,000 square feet of buildable area. Buildable area excludes bluffs and wetlands. Tract A has a buildable area of 114,359 square feet and Tract B has a buildable area of 75,308 square feet.

The applicant has submitted a survey by a licensed surveyor. Legal descriptions have been prepared for the property (Tract A and Tract B)

The property does contain wetlands. The wetland area does encompass parts of Tract A and Tract B. The wetland area has not been defined by a wetland delineator due to the winter conditions. The wetland should be delineated prior to a permit on Tract B.

Tract A does contain a dwelling and three accessory structures. The impervious surface for Tract A is 9.7%. The maximum allowed for the R-1 district is 25%.

Monuments have been placed marking the corners of the property as well as the division line for the two tracts. The existing septic system (drainfield) is indicated on the survey. There is sufficient area on the site for a secondary system. Tract B does not indicate an area for an on-site septic system. The surveyor and applicant have been contacted to add this information. Again with the winter conditions it may be difficult to do at this time. I do not see any problems with on-sites for these properties although Tract A does have some elevation to it. The surrounding properties do have decent soils for onsites according to city records. There are clay pockets in this area but feel there should be adequate area for systems.

Building envelopes are shown on each of the tracts along with the setback from the wetland area. The survey does not show a proposed home location on tract B.

The survey does not contain any topographic information. Tract B does have some elevation along with some low areas. Teri copied the topographic map from Cass County; however, this information should be added to the survey prior to recording.

On Tract B, a proposed pond is shown. Proper permits will be needed for the pond. Prior to the construction of the pond, a site evaluation and design for the septic system should be submitted. Tract B does not show a proposed driveway into the Tract. The elevation from Whitstrom Road is very steep. The entrance to the property should come off of Oak Court.

STAFF RECOMMENDATION

Recommend approval of the lot split contingent upon a revised survey be submitted showing the proposed driveway entrance into Tract B, contours be added to the survey along with a proposed home location and septic location for Tract B.

Teri said that the contours and driveway were shown on the revised site plan provided.

Tom Diemert asked for clarification of lot ownership. Tom Smieja owns all of it.

Kevin Egan asked if the septic is site is ok on the revised site plan. Teri said that there appears to be an adequate site.

Dave Reese asked if the city has a yardage for earth moving more than 50 cubic yards. Teri said it could be in the 1000 cy range depending how far it is measured from the lake. If an exceptional amount of earth will be moved he could apply for a CUP. He would have to provide a grading plan for the proposed home.

MOTION BY TOM DIEMERT TO APPROVE THE SMIEJA LOT SPLIT (SURVEY DATE 4/10/14) AS IT MEETS THE ORDINANCE REQUIREMENTS OF THE CITY. ERIC PETERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Dave Reese said that bids were received for the city road improvements and will probably start early June.

Chairman – John Ingleman was absent. Earl had no comments.

Council Liaison – Susan Amacher complemented John Poston for his business presence in the city.

Zoning Administrator – Teri Hastings said that a couple months ago we heard from Lake Shore Village and haven't received their agreement documents.

Teri said that Verizon approached the city to put up a 100' tower. They looked at the wastewater drainfield site; however, it will not work. They are proposing a site at city hall. After they come before the city council for detail negotiation they will have to apply for a CUP for the project.

PUBLIC FORUM – There was no public forum.

MOTION BY EARL NORTH TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF APRIL 14, 2014 @ 10:45 AM. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk