

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

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the commission present: John Ingleman, Dick Miles, Roger Smeby, Tom Diemert and Kevin Egan; Council Liaison Susan Amacher; City Zoning Administrator Teri Hastings; and City Clerk Patti McDonald. Earl North, City Engineer Dave Reese and Alternates Pat Hastings and Eric Peterson were absent. There was no one in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY KEVIN EGAN TO APPROVE THE MINUTES FOR APRIL 14, 2014 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**PUBLIC HEARING**

Teri Hastings said she had a request from the Miller's representative John Koupal, Start to Finish Builders and Remodelers, LLC, to postpone the variance request until the July 14<sup>th</sup> meeting.

Variance - Brad Miller requested a variance for the purpose of constructing a 757 square foot two story addition onto the rear of the existing structure. The proposed addition would be 6'6" from the southerly side lot line and 14' 5" feet from the northerly 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.

Teri's staff report indicated the following: The applicant has resubmitted the variance application for a downsized addition and keeping the existing garage. The addition would be a two story addition and be 6'6" from the southerly side lot line and would be approximately 10 feet from the north side lot line.

A second story will be added to the existing single story part of the dwelling as proposed last time. Given the roof lines and looking at the foundation, a question regarding the suitability of the existing structure to handle a second story should be questioned. Will this portion of the dwelling be removed and rebuilt? The existing home is 3'6" from the side property line. The revised addition will be 6'6" away from the side lot line on the southerly side at the closet point.

The property is a 50' lot. Variances are needed from the side lot lines. The existing structure is less than 75 feet from Gull Lake. It appears the applicant is proposing to construct a second story addition over the existing lakeside patio. The addition would be less than 75 from the lake.

Elevation drawings have been submitted for the existing dwelling and the proposed addition. Due to the second story over the existing structure, a construction easement may be needed from the adjacent property owner. The roof overhang could potentially be on the lot line. The contractor/applicant should discuss how they anticipate constructing the second story. 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. The elevation plans do include some different roof lines to help break up the building along with the covered entry on the north side of the structure. Aesthetically, the dwelling fits better than the previous submission. 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 6 bedrooms. The proposed addition will impact the existing septic system. A very large septic system will be required to meet the capacity for 6 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. Teri spoke to Martin Joyce who has revisited the site and has found an undisturbed area for the mound system (across from Pebble Beach Road). The size of the mound may dictate the number of bedrooms allowed; therefore, the proposed home may need to be downsized again.

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 21.20 % and the revised site plans shows the impervious surface at 20%. The city engineer can verify these numbers for accuracy.

#### **STAFF RECOMMENDATION**

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. The revised variance application is an improvement from the first submission. The addition has been downsized some, but is still a lot of bulk for a narrow lot. The design has more aesthetic appeal than the first submission which helps with the bulk of the home. The lot has limitations; the lot was created when people were building small seasonal cabins. This property is further restricted with low elevation and saturated soils (septic system). In addition, it has not been demonstrated that a compliant on-site system can be constructed on the property for the size of the home. This component is critical in order to approve the current submission. It should also be demonstrated how the addition can be constructed without trespassing on the adjacent property or with a construction easement from the adjacent property owner.

#### **NEW BUSINESS**

Vehicle sales/storage – Occasionally the city has an issue with vehicles for sale for extended periods of time or numerous vehicles for sale on one property. Kevin Egan took a photo for an example of one of the properties in the city that has numerous vehicles for sale.

Teri shared Nisswa's ordinance for the Sale of Motor Vehicles – The sale or display for sale of motor vehicles, motorcycles or recreational vehicles or equipment that is owned by the property

owner shall be allowed within all residential zoning districts. The sale of such vehicles shall not be allowed if the vehicles are not owned by the property owner. At no time shall any property owner display for sale more than two (2) motor vehicles, motorcycles, recreational vehicles or equipment. Teri said this is sample language if there should need to be changes to city code in the future.

Kevin Egan said that broadly speaking you could successfully argue that this land use isn't permitted in the R2 district. He also said that beyond the picture there were more vehicles that were for sale. Susan asked why the property owners weren't in the audience. Teri said she didn't invite them as they are not intended to be singled out; this issue could become a concern anywhere within the city.

Tom Diemert asked if changes would have to go through the city council too. Teri explained the procedure to change an ordinance. Because it isn't a real problem within the city, she could begin the process by sending the property owner a letter that this is not an allowable use, not only the vehicles 'for sale' but outdoor storage too.

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

## **REPORTS**

City Engineer – Dave Reese was absent.

Chairman – John Ingleman had nothing to report.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings said that she included the May permit summary. She also said that a couple parties have shown interest in the lots for sale on Nottingham Road by the city.

**PUBLIC FORUM** – There was no public forum.

**MOTION BY TOM DIEMERT TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JUNE 9, 2014 @ 9:17 AM. KEVIN EGAN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

Transcribed by Patti McDonald  
Lake Shore City Clerk