

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
SEPTEMBER 8, 2014
9:00 AM**

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the Commission present: John Ingleman, Earl North, Roger Smeby, Dick Miles, Alternate Kevin Egan and Council Liaison Susan Amacher; City Engineer Dave Reese; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Alternates Pat Hastings and Eric Peterson were available in the audience. Tom Diemert was absent. There were 6 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 AUGUST 11, 2014 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. EARL NORTH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

Variance/Conditional Use Permit – Trent Gifford requested a variance to construct a 576 square foot garage addition onto the existing detached garage at a setback of less than 15 feet from the side property line. The applicant will need a variance from the maximum limit of 25% impervious coverage. The applicant is also requesting a conditional use permit to exceed the limit of 1200 square feet of detached accessory structure (a maximum of 2000 square feet may be granted through the conditional use process). The property is described as Lot 7, Block 1, Silver Bay Haven and Part of Government Lot 6, Section 4, Township 135, Range 29 (site address is 7545 Valley Point Trail). The property is zoned Medium Density Residential (R-2).

The following documents became part of the record-Notice of mailing, notice of publication, signed application and attachments and staff report. There was one comment received regarding this application and read into the record from Steve Wolf in support of the project. The Butner's stopped by city hall with questions about the project; they had no objections to the project.

Trent Gifford came before the Commission to explain his application. He would like a larger garage for when he moves up here permanently.

Kevin Egan said the project seems pretty straight forward. He suggested three conditions being: the look of the garage to look like the home and existing garage, use drain tile and use lighting that won't disturb the neighboring properties.

John Ingleman asked about the power pole. Trent said all the power meters will be moved and mounted on his garage.

Earl North said the variance and CUP relieves the 1200 square feet limit on the garage. Teri said it does. She also said that the impervious surface too; however, the roads within the old resort are sand (not Class V) and according their bylaws they cannot be abandoned; they are used for the other lots within Silver Bay Haven. With the roads being sand the members at the site review didn't think there would be a drainage problem.

Dave Reese asked if a driveway will be built to the entrance of the new addition. Trent said yes he would. Dave said that this may add to the impervious surface calculation. Trent said he didn't plan to use Class V, but he may use a bobcat to redirect the stormwater runoff away from both his and the neighboring property. Dave pointed out that the square footage calculation was incorrect;

he said it is 676 rather than 576 for the addition, which makes the impervious about 27.8%. For practical difficulty he looks at why the garage is 26x26 rather than what is allowed. Trent didn't want the structure too close to the road, so he pulled it back a couple feet. Dave commented on the setback from the utility (sewer main) easement and suggested to use caution when building. Teri said he is approximately 5.5 feet from the easement.

Teri's staff report indicated the following: The applicant requested to construct a 576 square foot addition (single story) onto the existing detached garage at a setback of less than 15' (6.7 feet) from the side property line. The applicant will also need a variance from the maximum amount of impervious coverage. In addition, a conditional use permit is needed to increase the overall size of the detached structure beyond 1200 square feet.

The property is part of a former resort that was formally subdivided in the late 1960's. The property was divided into 50' wide lots. In the 1980's, the platted road of Valley Road was vacated and the lots were extended out to Roy Lake Road. The old resort roads that serve adjacent properties are used in the impervious surface calculation. The commission may want to give the applicant some consideration on the impervious surface due to the usage of the old resort roads which are mostly sand. In addition, the Silver Bay Haven Homeowners Association documents do not allow the roads to be obstructed.

The proposed garage addition could be moved forward with the existing garage to gain a few feet from the side lot line. It would be difficult to place the addition in a location to meet the sideyard setback. The proposed garage addition would be very close to the electrical meters. Mr. Gifford has indicated he has contacted the power company and will be relocating the power meters.

The applicant has submitted elevation drawings for the proposed improvements.

Municipal sanitary sewer serves the property and it is shown on the survey. The property does not have its own well but rather a shared well for the property.

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 proposed use is consistent with the Comprehensive Plan. The use is for residential storage and would not detract from the appearance of the neighborhood.

The proposed use (residential garage) is an appropriate use within the R-2 zoning district. The use will also be compatible with the existing neighborhood with appropriate conditions.

The use will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city. The use will consolidate two buildings into one and increase the overall size. Adequate indoor storage prevents outdoor storage which can be a detriment to the neighborhood.

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 proposed garage addition will have the same appearance as the existing house and garage along with the decorative rock along the bottom portion of the garage to match the house.*
- The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. *The garage will not impede development of the surrounding property. Access lanes from the former resort will not be impacted with the garage addition.*
- The Conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. *The property is served by municipal sewer and no public facilities will be required to serve the garage.*
- 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 proposed garage will not impact the internal traffic flow of the Silver Bay Haven Development nor impact traffic from Upper Roy Lake Road.*
- Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. *The use will not require additional off-street parking.*
- 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 proposed garage addition will not create a nuisance situation with noise, dust or vibration. Lighting should not impact adjacent properties.*
- The Conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance. *The conditional use will not destroy any natural, scenic or historical features. The electrical meters will need to be relocated as discussed earlier.*
- The Conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients. *The garage should not create pollution of surface or ground waters. The applicant is planning to gutter the garage and has a plan to handle stormwater. The applicant is technically over on impervious coverage if the sand driveways are calculated into the impervious coverage formula. The applicant is planning to utilize drain tile around the structure as well.*

STAFF RECOMMENDATION

Recommend approval of the variance/conditional use permit for the garage addition as it will fit with the character of the area and should not adversely impact the adjacent properties. Practical difficulties are found with the existing resort roads that hinder locating a conforming structure on the property. The existing internal roads serving the development consist mostly of sand and

should not impede the absorption of stormwater. The lot has limitations due to the access roads serving other properties. The proposed improvement is a permitted use in the R-2 district. The variance should be approved with the condition that the garage addition be sided to match the home and the existing portion of the garage and the lighting on the garage not negatively impact the adjacent properties.

MOTION BY KEVIN EGAN TO APPROVE THE VARIANCE AND CUP AS OUTLINED IN THE APPLICATION. CONDITIONED UPON - THE GARAGE ADDITION BE SIDED TO MATCH THE HOME AND THE EXISTING PORTION OF THE GARAGE AND THE LIGHTING ON THE GARAGE NOT NEGATIVELY IMPACT THE ADJACENT PROPERTIES. WITH THE AGREEMENT OF MOVING OF THE ELECTRICAL PANELS AS AGREED TO. CORRECT THE SURVEY TO REFLECT THE RIGHT CALCULATION OF IMPERVIOUS SURFACE. EARL NORTH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Dave Reese said that they are wrapping up the city road projects.

Chairman – John Ingleman said that he would like to insert what can and can't be done when starting a project into the city newsletter under planning and zoning. Kevin will draft something for John to submit to the newsletter. Teri said she has a zoning bulletin that is under the planning and zoning tab on the city website.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings said that the Miller variance that was denied at the last Board of Adjustment meeting is being appealed at the city council level on September 22, 2014 at the regular city council meeting. The Millers have requested all the meeting tapes and minutes to prepare their case. John Ingleman asked if the Council can overturn their decision. Teri said it can happen. Kevin said that a body like the Board of Adjustment is respected; however, it is advisory. Teri will provide a complete record from the Board of Adjustment for her staff report in the council packet. Earl's concern is that should the Council overturn the BOA decision he hopes they add the appropriate requirements, i.e. septic systems, no parking on the tanks and all the other important considerations the Commission shared with them. Teri will have something prepared in case it heads that way. Teri will present it from the Planning Commission side.

Teri sent a letter to the property at 8255 Interlachen Road after the ordinance was approved regarding the display of vehicles for sale. She said there is a potential violation on Gullwood with a trail to the lake and a patio. Earl asked if it was one of the properties that already had a violation imposed to it. She said it is. Earl explained the past violations with the property in question; he said there were conditions set on the property on how they treated the bluff thereafter. Teri said there is a new owner at the property.

PUBLIC FORUM – Pat Reglasky came before the Commission with questions regarding the property at (8020 Ridge Road). He is here to get a sense if the BOA would allow a variance from the bluff if they purchased the property and rebuilt the home and a garage. Teri said typically there is a 30 foot setback from the top of bluff and the survey is showing there is no building envelope on this property. She said the survey indicates that Ridge Road encroaches onto the property. The city adopted the bluff impact rule in 1991. Earl said the Commission has tried to be considerate of what was done in the past; however, the DNR pays close attention to any

variance from the standard. Pat asked if he submitted a more formal proposal and design without being the owner would he get a better answer from the Commission if they would approve a variance request. There is a process on the application for coming before the Commission without owning the property. Teri said when she receives a request like this she has to forward the application to the DNR for comment. Earl said the comments of the DNR regarding an intrusion on a bluff have been fairly reasonable. The Raglasky's have the opportunity to come before the Commission for a site plan review. Dave Reese commented from his review standpoint and this being a critical slope they have to be sure of how much disturbance would they be doing to the slope, what magnitude of expansion would they be looking at and how much excavating. The engineers would look for a pretty detailed plan for how they would control and protect the bluff during construction and stabilization upon completion.

MOTION BY EARL NORTH TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 8, 2014 @ 9:43 AM. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk