

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
MAY 10, 2010
7:00 PM**

Commission Chair Earl North called the meeting to order at 7:00 p.m. Members of the commission present: Earl North, Dave Baldwin, Dick Miles, Mark Nelson; Lee Martin; Council Liaison Susan Amacher; City Engineer Mark Hallan; Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Alternate Tom Diemert was available. There were 8 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY LEE MARTIN TO APPROVE THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MINUTES FOR APRIL 12, 2010 AS PRESENTED. DAVE BALDWIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

After the Fact Variance - Michael Twaddle requested an after the variance for locating an 8'x12' storage shed at a setback of less than 15 (nine feet) feet from the sideyard and a setback of less than 50 feet (23 feet) from the road right of way of County 77. The storage shed meets the lake setback of 75 feet. The property is described as Part of Government Lot 7, Section 16, Township 135, Range 29 (site address is 7720 Interlachen Road). The property is zoned Medium Density Residential.

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. There was one written comment read into the record on 7/14/09 in support of the variance.

Earl North said that the Twaddle's are requesting the after the fact variance because a storage shed was built that didn't meet the sideyard and road right of way setbacks. He said the last time the commission met with the Twaddle's they were asked to provide a site survey clearly defining the sideyard and road right of way setbacks. They have provided the site survey.

Teri's staff report indicated the following: The applicant is applying for an after the fact variance for an 8'x12' storage shed at a setback of less than 15' from the sideyard and a setback of less than 50 feet from the county road right of way. The shed does meet the lake setback of 75'.

The shed is located 9.7 feet from the side property line at the closest point and 23.5 feet from the road right of way. The edge of the bituminous roadway is approximately 53 feet from the shed.

There is not a conforming location on this property for any type of structure. There is a larger area on west side of the home (from the home to the side lot line) however; the topography is not as conducive to locating the shed. In addition, that area is much more visible to the lake as well as the roadway.

The storage shed is very well screened on the east side of the home. The shed is painted in the same stain as the home and of the same material.

A compliance inspection is on file at city hall.

Mark Nelson asked if the Twaddle's were aware that the snowmobile trail goes in front of their home. When the property was before the commission to get approved to be zoned suitable to build a house it was stated that there could not be mailboxes or flowerbeds blocking the road right of way. Earl said that the issue before the committee is the after the fact variance for the shed. Mark just wanted the Twaddle's to be aware of the situation.

Mike Twaddle stated again that the storage shed was constructed without a variance due to a misunderstanding and was not put up with the intent to violate any ordinance. He said it was put in the only logical place on the property. It is well screened and constructed with the same materials as the principal structure, while maintaining the best setbacks possible.

MOTION BY DAVE BALDWIN TO APPROVE THE AFTER THE FACT VARIANCE AS THE LOT SIZE CREATES A HARDSHIP FOR LOCATING OR CONSTRUCTING A CONFORMING STRUCTURE ON THE PROPERTY. LEE MARTIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Lot Split – Naomi Farr requested a lot split to create two lake lots. The property is zoned R-2, Medium Density Residential. The minimum lot size for Upper Gull Lake is 30,000 square feet and a minimum of 15,000 square feet buildable area. The lot width required is 100' at the shoreline and building line. The remnant tract and tract A meet lot size and width requirements. This property was recently platted as Farr's Gull Lake Addition. Lot 2 is currently being purchased and the purchaser would like to divide Lot 2 for mortgage reasons, however, ordinance requirements still must be met in order to approve the split.

Tract A has an existing building that is a boathouse. There is a depression behind the boathouse which would be a difficult spot for a dwelling so the likely site for a dwelling is in the location of the concrete pad shown on the survey for tract A. The building envelope is shown for both tracts.

There is a proposed 30' wide easement that will provide access to tract A and the remnant tract.

It is noted on the survey that there are no wetlands on the property. There is a bluff on the northerly portion of Lot 2 and it is shown on the survey.

There are two systems for the home on the remnant tract and they are shown on the survey. There is also an on-site septic system for tract A. The septic tank is on the common lot line and the drainfield is located on the remnant tract. The surveyor has indicated a deed restriction will be recorded (should be on file at city hall) that would require updating the system if either of the tracts are sold. The system is working and a compliance inspection is on file (2008). There is sufficient area on each lot for an alternative site. Soils in this area are adequate for septic systems.

All lot corners have been monumented, the survey has been prepared by a licensed surveyor. Legal descriptions for the tracts have been prepared.

Topographic information has been provided on the survey.

Teri read her staff report above into the record for the commission.

Cindy Hidde of Stonemark (land surveyor representing Naomi Farr) said that the owner is acceptable to the common septic system. There were no other comments or concerns from the commission or the audience.

MOTION BY LEE MARTIN TO APPROVE THE LOT SPLIT (SURVEY DATED 4/16/10) REQUEST FROM NAOMI FARR AT 7465 UPPER ROY LAKE ROAD AS IT IS IN SUBSTANTIAL COMPLIANCE WITH THE LAKE SHORE SUBDIVISION ORDINANCE. MARK NELSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Mark Hallan had nothing to report.

Chairman – Earl North had nothing to report.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings said that next month there would be an ordinance amendment to the CIC plat portion stemming from the Hunting plat being recorded without city approval. Teri said there will be another amendment similar to this to prevent metes and bounds lot splits from being recorded without city approval.

PUBLIC FORUM – Dave Baldwin said (FYI) that Sauk Rapids put a moratorium on wind turbines. Teri met recently with the area planners and Loren Wickham from Nisswa said there is a map showing where there is enough wind generated in an area to make it feasible to construct a wind turbine; therefore, Nisswa is not pursuing it any further. Crosslake does have an ordinance in place restricting wind turbines.

MOTION BY LEE MARTIN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF MAY 10, 2010 @ 7:25 PM. MARK NELSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk